

CITY OF WEST TORRENS



Notice of Panel Meeting

Notice is Hereby Given that a Meeting of the
COUNCIL ASSESSMENT PANEL

will be held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 10 SEPTEMBER 2019
at 5.00pm**

**Donna Ferretti
Assessment Manager**

City of West Torrens Disclaimer

Council Assessment Panel

Please note that the contents of this Council Assessment Panel Agenda have yet to be considered and deliberated by the Council Assessment Panel therefore the recommendations may be adjusted or changed by the Council Assessment Panel in the process of making the formal Council Assessment Panel decision.

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1 MEETING OPENED**1.1 Evacuation Procedures****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 13 August 2019 be confirmed as a true and correct record.

5 DISCLOSURE STATEMENTS

In accordance with section 7 of the *Assessment Panel Members – Code of Conduct* the following information should be considered by Council Assessment Panel members prior to a meeting:

A member of a Council Assessment Panel who has a direct or indirect personal or pecuniary interest in a matter before the Council Assessment Panel (other than an indirect interest that exists in common with a substantial class of persons) –

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
- b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

If an interest has been declared by any member of the panel, the Assessment Manager will record the nature of the interest in the minutes of meeting.

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 93-101 South Road, THEBARTON

Application No 211/86/2019

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Internal alterations and the change of use from showroom to showroom, offices and consulting rooms (non-complying)
APPLICANT	M Demourtzidis
LODGEMENT DATE	29/01/2019
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Non-complying
PUBLIC NOTIFICATION	Category 3
REFERRALS	Internal <ul style="list-style-type: none"> • City Assets External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except where the relevant development application proposes a change of use to office in a Commercial Zone.
RECOMMENDATION	Support with conditions
AUTHOR	Jordan Leverington

BACKGROUND

The business currently operating at the site sells kitchen, bathroom and laundry products, however a downturn in the market has necessitated a reduction in operations. This, in turn, has made parts of the premises surplus to requirements. This application has been lodged in order to achieve a better utilisation of the property.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 1 in Deposited Plan 91174 in the area named Thebarton, Hundred of Adelaide, Volume 6125 Folio 308, more commonly known as 93-101 South Road, Thebarton. The subject site is irregular in shape with a 55 metre (m) wide primary frontage to South Road, a secondary frontage to Walter Street of 42m and a site area of 2572 square metres (m²).

It is noted that there are no easements, encumbrances or Land Management Agreements on the Certificate of Title. The site is relatively flat and there are no regulated trees on the subject site or on adjoining land that would be affected by the development.

The site currently contains a large commercial building and car park. The building is tucked into the south-eastern corner of the allotment with the car park located in front of it. There is currently grassed areas around the periphery of the car park.

The locality is mixed use in nature comprised of commercial, recreational and residential land uses. Thebarton Oval is located opposite the subject site on the western side of South Road. There is a bomb shelter, which is listed as a State heritage place, located west of the subject site, but it is not considered to be impacted upon by the proposal.

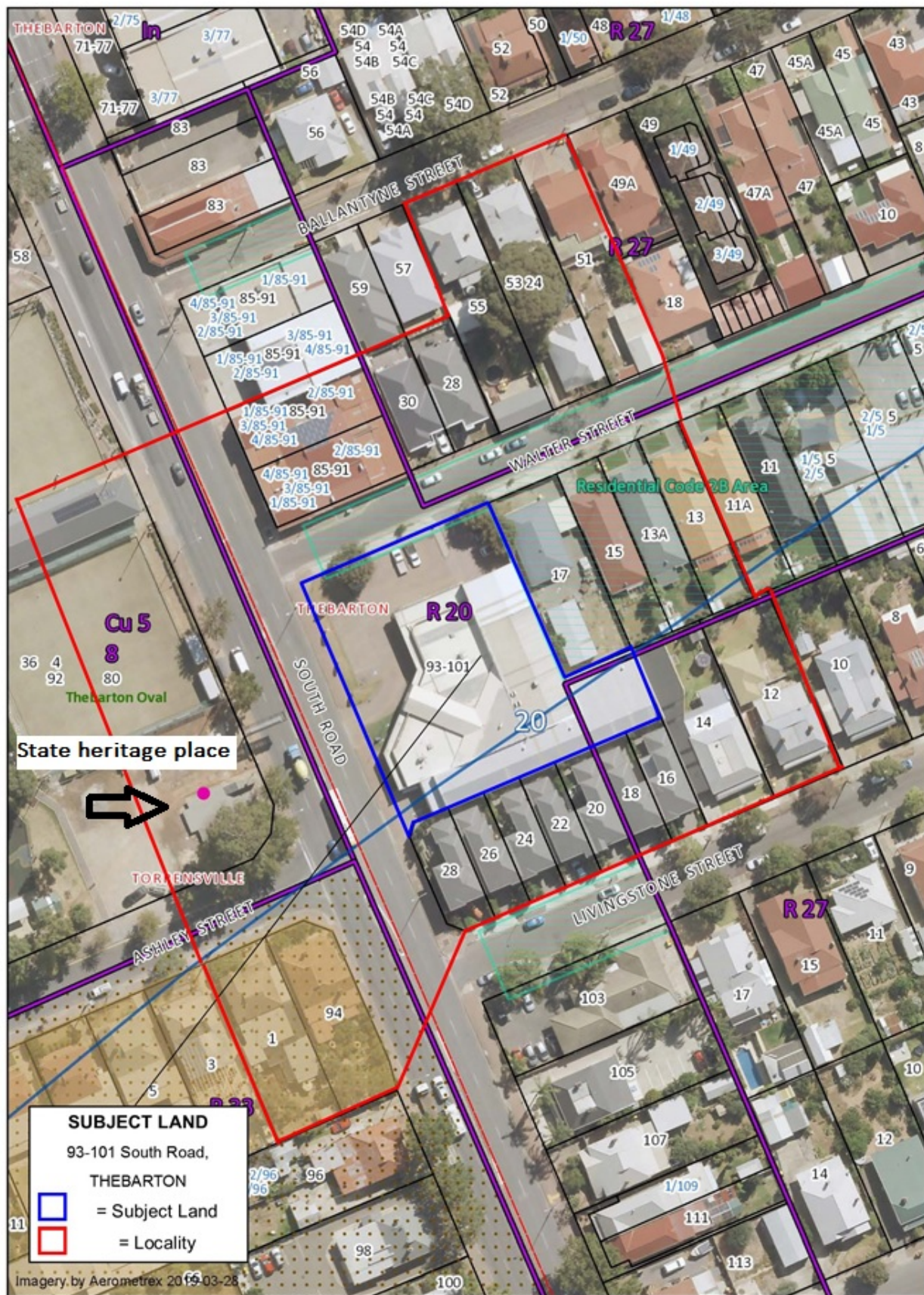
Residential land uses are located north-east, east, south-east, south and south-west of the subject site. These dwellings are predominantly detached with direct street frontage and fall into three different residential policy areas as follows:

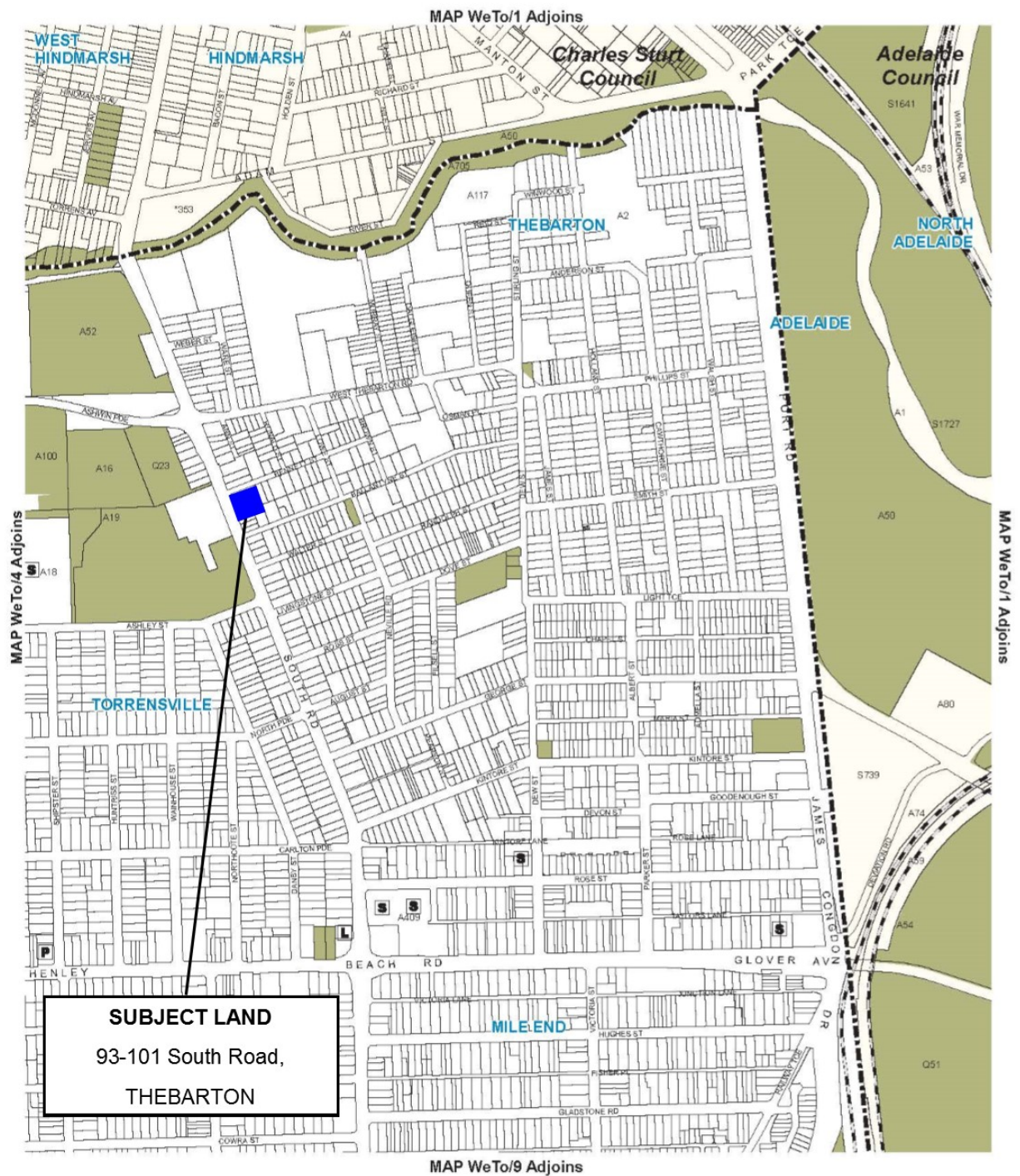
- Low Density Policy Area 20;
- Thebarton Character Policy Area 27
- Torrensville East Conservation Area 33

Commercial land uses in the locality are located predominantly along the eastern side South Road, north of the subject site. These commercial activities are comprised of shops, showrooms and offices.

The locality has a medium level of amenity which is impacted upon by commercial land uses and noise, traffic and odour impacts from South Road.

The site and locality are shown on the aerial imagery and maps below.





Location Map WeTo/5

WEST TORRENS COUNCIL
Consolidated - 12 July 2018

PROPOSAL

The proposed development seeks to undertake internal alterations and change the land use from retail showroom and warehouse to retail showroom, warehouse and consulting rooms.

The internal alterations involve the reduction of showroom area, creation of three new tenancies and a common reception area.

Four additional car parks will be created beneath the existing canopy on the north-eastern side of the existing building.

The relevant plans and documents are contained in **Attachment 2**.

NATURE OF DEVELOPMENT

The application is a non-complying form of development as consulting rooms are listed as a non-complying form of development in the procedural matters section of the Residential Zone.

The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008* (refer **Attachment 2**). This document highlights a number of positive social, economic and environmental impacts associated with the proposed development as follows:

- Creation of subtenancies will stimulate business and create new employment opportunities;
- The provision of consulting rooms will provide the area with accessible health services.

The applicant has indicated that due to the nature of the development there are no negative impacts likely to arise from the proposal.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is required. Alternatively, should the CAP refuse the application, no appeal rights are afforded to the applicant. As the administration resolved, under delegation, to proceed with an assessment of the proposal, the application is now presented to the Panel for a decision.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Schedule 9 of the *Development Regulations 2008*.

Properties notified	41 properties were notified during the public notification process.
Representations	No representations were received.

INTERNAL REFERRALS

1. Department	2. Comments
3. City Assets	<ul style="list-style-type: none"> • The proposal is deficient in parking, but due to the proposed land uses, shared parking is viable and as such the total number provided can be supported. • The car parks located beneath the loading bay canopy should be sign posted as staff parking only. • Tenancy 3 should have a maximum of one consulting room and Tenancy 4 should have a maximum of two.

A copy of the relevant referral response is contained in **Attachment 3**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Low Density Policy Area 20 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objective	3
Principles of Development Control	1, 2, 3 & 5

Low Density Policy Area 20 - Desired Character	
<p><i>Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwellings types such as semi-detached and group dwellings. There will be a denser allotment pattern close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battle-axe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
Objective	1
Principles of Development Control	1 & 2

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
CAR PARKING SPACES <i>Transportation and Access</i> PDC 34 <i>Table WeTo/2</i>	Consulting room = 10 per 100m ² Service trade premises = 4 per 100m ² Warehouse = 2 per 100m ² Office component = 3.3 per 100m ²	Council's traffic engineer has endorsed parking provision Satisfies
LANDSCAPING <i>Landscaping Fences and Walls</i> PDC 4	10% of the site (min.)	9% (229m ²) Does not satisfy

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Land Use and Desired Character

The Residential Zone supports small scale non-residential land uses and provides a list of such envisaged uses. Included in this list is health and welfare services with the proposed consulting rooms fitting within this description. The existing showroom, warehouse and ancillary office are existing land uses and do not need to be reconsidered.

The proposed consulting rooms are considered to be small scale not only because of their relatively small floor area, but also as their impact on the site and locality generally will be minimised as they will be located within an existing commercial building, utilising an existing car park.

Interface between Land Uses

As the built form will remain and the floor area will not increase, the potential impact from the proposed development will be minimal. While the proposed uses are expected to generate an increase in traffic, this will have little impact on the amenity of the locality as these uses will have different peak periods.

The proposed tenancies will operate during the following times:

Showroom:

- 8:30am to 5:00pm - Monday to Friday;
- 9:00am to 2:00pm-Saturday;
- Closed Sunday.

Warehouse / Delivery area:

- 7:00am to 5:00pm - Monday to Friday;
- 9:00am to 2:00pm-Saturday;
- Closed Sunday.

Tenancy 4 consulting room (Australian Clinic of Biological Medicine):

- 10:00am to 5:00pm -Tuesday to Saturday;
- Closed Sunday and Monday.

Tenancies 2 and 3:

- 8:30am to 5:30pm Monday to Friday
- Closed Sunday.

Experience has shown that the busiest time for the showroom is likely to be on Saturday morning, which is when Tenancies 2 and 3 will not be operating. There will be some crossover between the operating hours of Tenancy 4 and the showroom, but the additional on-site parking to be provided is expected to cater for the demand.

The proposed land uses will not cause dust, noise, odour or other issues that are of most concern when located adjacent residential land uses. For this reason, the proposal is considered to satisfy Principles of Development Control (PDCs) 1 and 2 of the Interface between Land Uses section of the Development Plan.

Parking and Access

Administration initially raised concerns about the deficiency of on-site parking available as the proposed land uses have a significantly higher parking demand than the existing land use. In response to these concerns, the applicant provided a traffic report prepared by Phil Weaver and Associates which included a parking survey of the site and surrounding streets. This report found that there would be sufficient parking for the proposed development.

Council's Traffic engineers held concerns with the approach taken in producing the report but nevertheless agreed with the determination on the following basis:

- The proposed land uses operate with different peak periods which spreads the demand over different parts of the day and week; and
- South Road is well serviced by public transport.

The vehicular access arrangements will remain unchanged, however the car park will undergo new line marking which will create an additional four parking spaces. Three of these car parks will be located beneath the canopy at the north-eastern corner of the allotment. Due to their proximity to the warehouse door and potential manoeuvring issue, these car parks will be designated for staff only.

The traffic report has demonstrated that the largest vehicle expected on site, a Medium Rigid Vehicle (MRV), can enter and exit the site in a forward direction. MRVs will be used for waste collection as well as deliveries for the showroom.

Landscaping

During assessment, the lack of meaningful landscaping was raised by administration. In response, the applicant provided a detailed landscaping plan demonstrating how the existing grassed area would be revegetated.

The proposed landscaping includes the following species:

- Pink Crowea (Australian native);
- Dwarf Abelia (Australian native);
- French lavender;
- Mexican orange Blossom;
- Dwarf purple NZ Flax;
- Lax Lilydianella Tasminica (Australian native);
- Mauve Liriope;

- Star Jasmine;
- Rottnest Emu Bush (Australian native);
- Compact Green Gem; and
- Ornamental Pear.

The use of drought tolerant and native plants is consistent with PDC 2 of the Landscaping, Fences and Walls section of the Development Plan.

Although the minimum 10% of the site has not been provided for as landscaping, it should be recognised that this is an improvement over the current situation and, as such, will have a positive impact on the amenity of the locality.

Waste Management

Waste bins and recycling bins will continue to be collected by Council with the bins stored inside the building during the week and then placed on the kerb on collection days.

State Heritage Place

The State Heritage place located west of the subject site (92 South Road) is a former WWII Civil Defence Sub-control station. The vast majority of the building is located below ground and is now used by the Australian Society of Magicians Offices.

For the reasons previously given, the proposal is not expected to have any impact on this heritage listed place and therefore no referral to the Minister for Environment and Water is necessary.



SUMMARY

The proposal for the change in land use at the subject site is good example of adaptive reuse despite its non-complying status. The impact derived from the proposed consulting rooms is not considered to have any greater impact than that of the existing commercial land use. This is reflected by no representations being submitted during the public notification process.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan consolidated 12 July 2018 and warrants Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/86/2019 by M Demourtzidis to undertake Internal alterations and a change of use from showroom to showroom, offices and consulting rooms at 93-101 South Road, Thebarton (CT 6125/308) subject to the concurrence of the State Commission Assessment Panel and the following conditions of consent:

Development Plan Consent Conditions

1. The development shall be undertaken, completed and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.

Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.

2. The hours of operation of the development approved herein shall be limited to the following periods:

Showroom:

- 8:30am to 5:00pm - Monday to Friday;
- 9:00am to 2:00pm-Saturday.

Warehouse / Delivery area:

- 7:00am to 5:00pm - Monday to Friday;
- 9:00am to 2:00pm-Saturday.

Tenancy 4 consulting room (Australian Clinic of Biological Medicine):

- 10:00am to 5:00pm -Tuesday to Saturday.

Tenancies 2 and 3

8:30am to 5:30pm Monday to Friday

Reason: To ensure that the development does not unreasonably diminish the amenity of residents of adjoining properties.

3. Prior to the occupation or use of the development, all car parking spaces shall be line marked in accordance with the approved plans and maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.

4. The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

Reason: To provide amenity for the occupants of the development and those of adjacent properties.

5. A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

Reason: To enhance the amenity of the site and locality and mitigate against heat loading.

6. The maximum size of service vehicles accessing the site, including the refuse collection vehicle, shall be limited to a Medium Rigid Vehicle (MRV).

Reason: To ensure the ongoing use and safety of vehicle parking and manoeuvring areas.

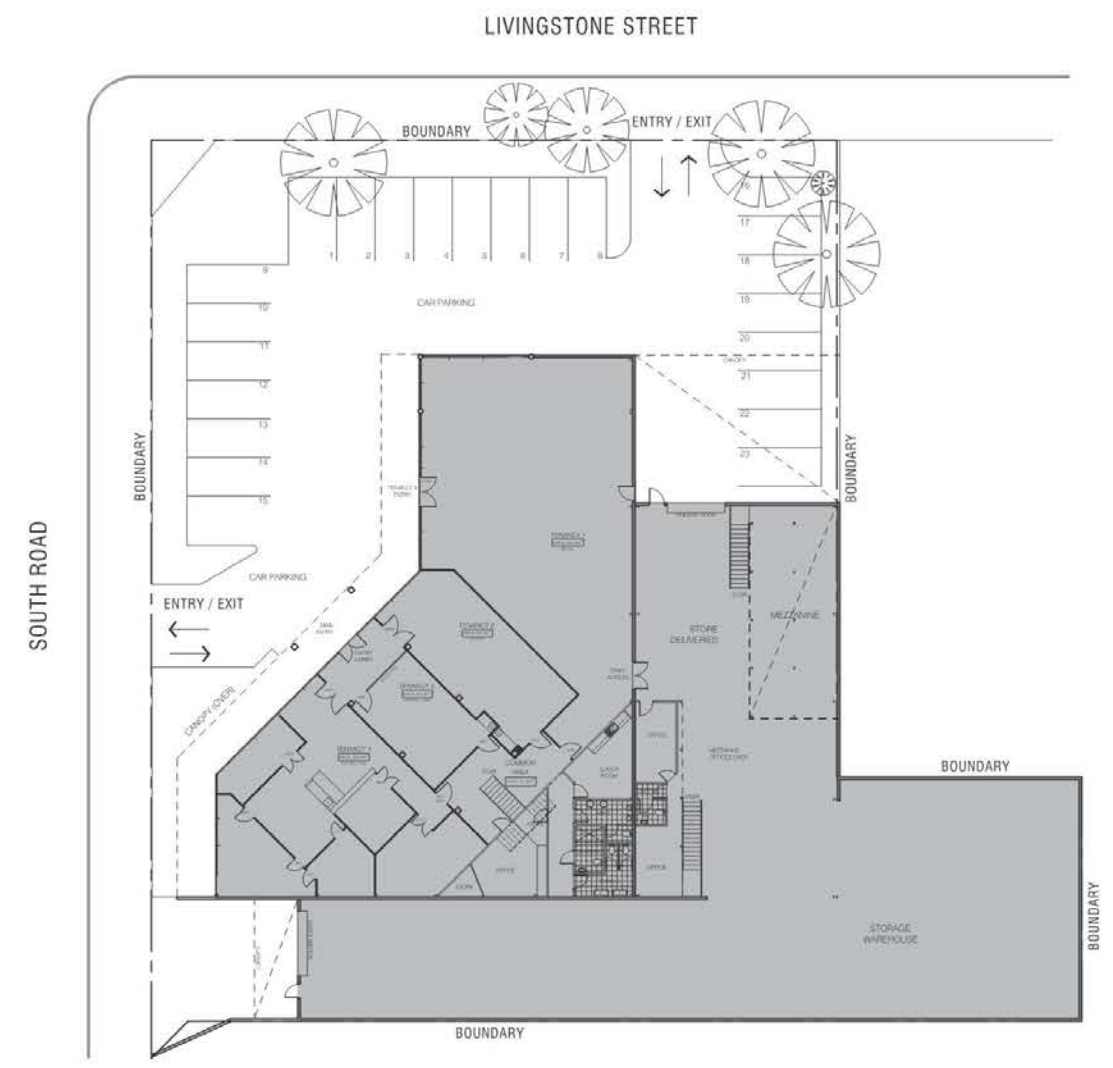
7. The loading and unloading of goods and merchandise shall be carried out on the subject land and is not permitted to be carried out in the street.

Reason: To maintain the flow of traffic and ensure the ongoing safety of the street for travellers.

Attachments

- 1. Principles of Development Control**
- 2. Plans, Traffic Report and Statement of Effect**
- 3. City Assets Referral**

<u>General Section</u>		
<i>Interface between Land Uses</i>	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 5, 6, 7, 8 & 9
<i>Landscaping, Fences and Walls</i>	<i>Objective</i>	1
	<i>Principles of Development Control</i>	1, 2, 3 & 4
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 3, 5 & 7
<i>Transportation and Access</i>	<i>Objective</i>	2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 5, 6, 8, 9, 12, 13, 14, 17, 20, 21, 22, 23, 24, 27, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 & 43
<i>Waste</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 7 & 8



SITE PLAN
SCALE 1:200

LEGEND
EXISTING BUILDING
RETAIL/OFFICE/WAREHOUSE

BOUNDARIES SHOWN
INDICATIVELY

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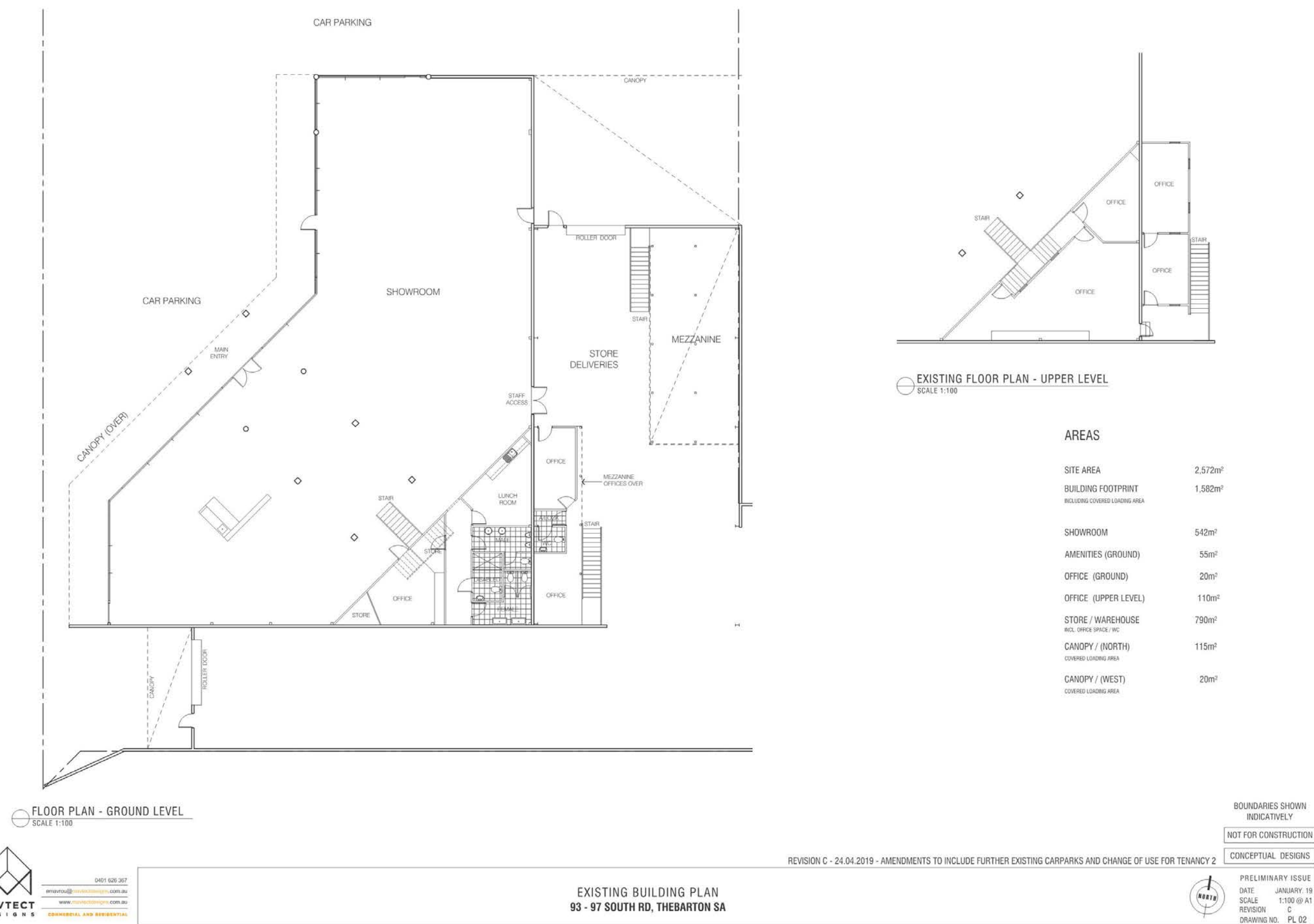
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REVISION C
DRAWING NO. PL 01

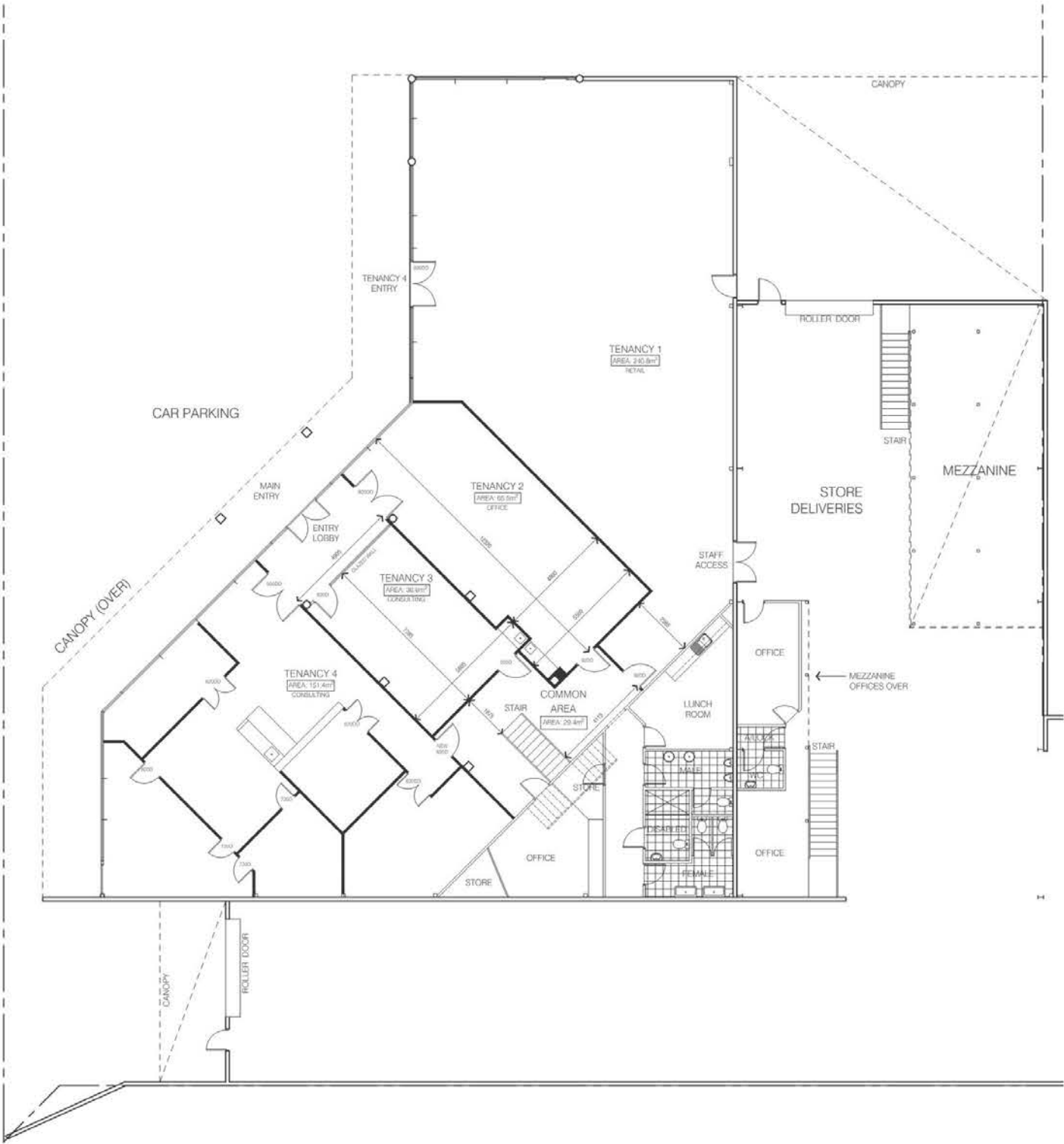
REVISION C - 24.04.2019 - AMENDMENTS TO INCLUDE FURTHER EXISTING CARPARKS AND CHANGE OF USE FOR TENANCY 2

SITE PLAN
93 - 97 SOUTH RD, THEBARTON SA

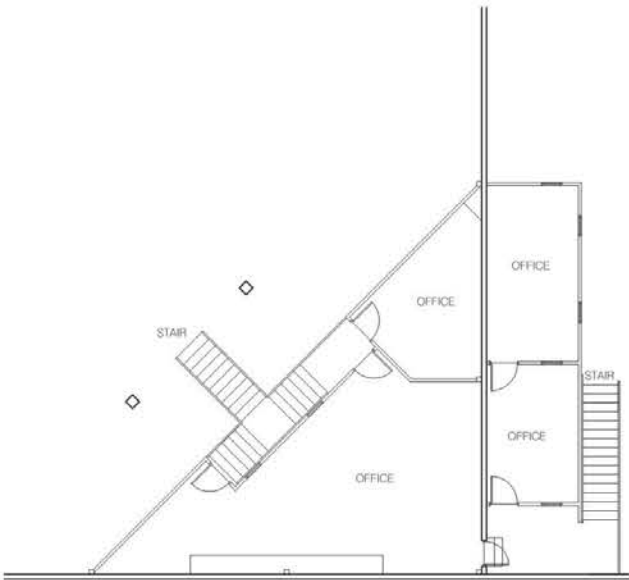


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PROPOSED FLOOR PLAN - GROUND LEVEL
SCALE 1:100



EXISTING FLOOR PLAN - UPPER LEVEL
SCALE 1:100

AREAS

SITE AREA	2,572m²
BUILDING FOOTPRINT INCLUDING COVERED LOADING AREA	1,582m²
ENTRY LOBBY	13.8m²
TENANCY 1	240.8m²
TENANCY 2	65.5m²
TENANCY 3	36.6m²
TENANCY 4	151.4m²
COMMON AREA	29.4m²
AMENITIES (GROUND)	55m²
OFFICE (GROUND)	20m²
OFFICE (UPPER LEVEL)	110m²
STORE / WAREHOUSE INCL. OFFICE SPACE / WC	790m²
CANOPY / (NORTH) COVERED LOADING AREA	115m²
CANOPY / (WEST) COVERED LOADING AREA	20m²

LEGEND

- NEW WORKS
- BOUNDARIES SHOWN INDICATIVELY
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- CONCEPTUAL DESIGNS



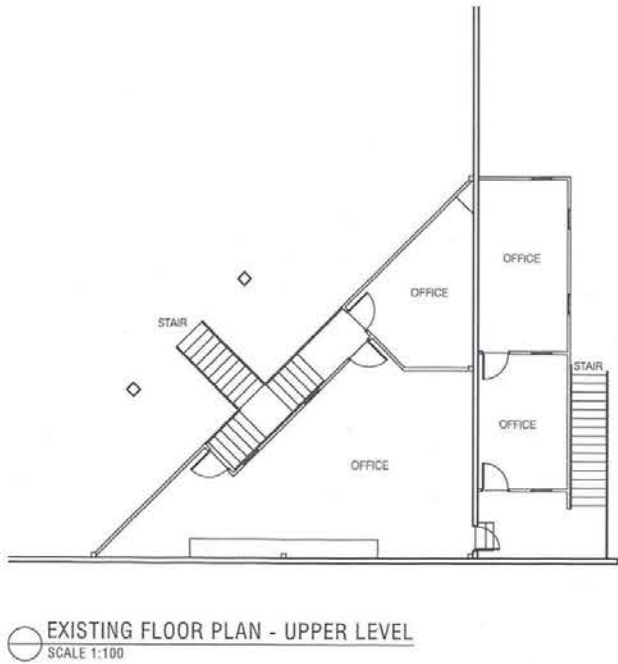
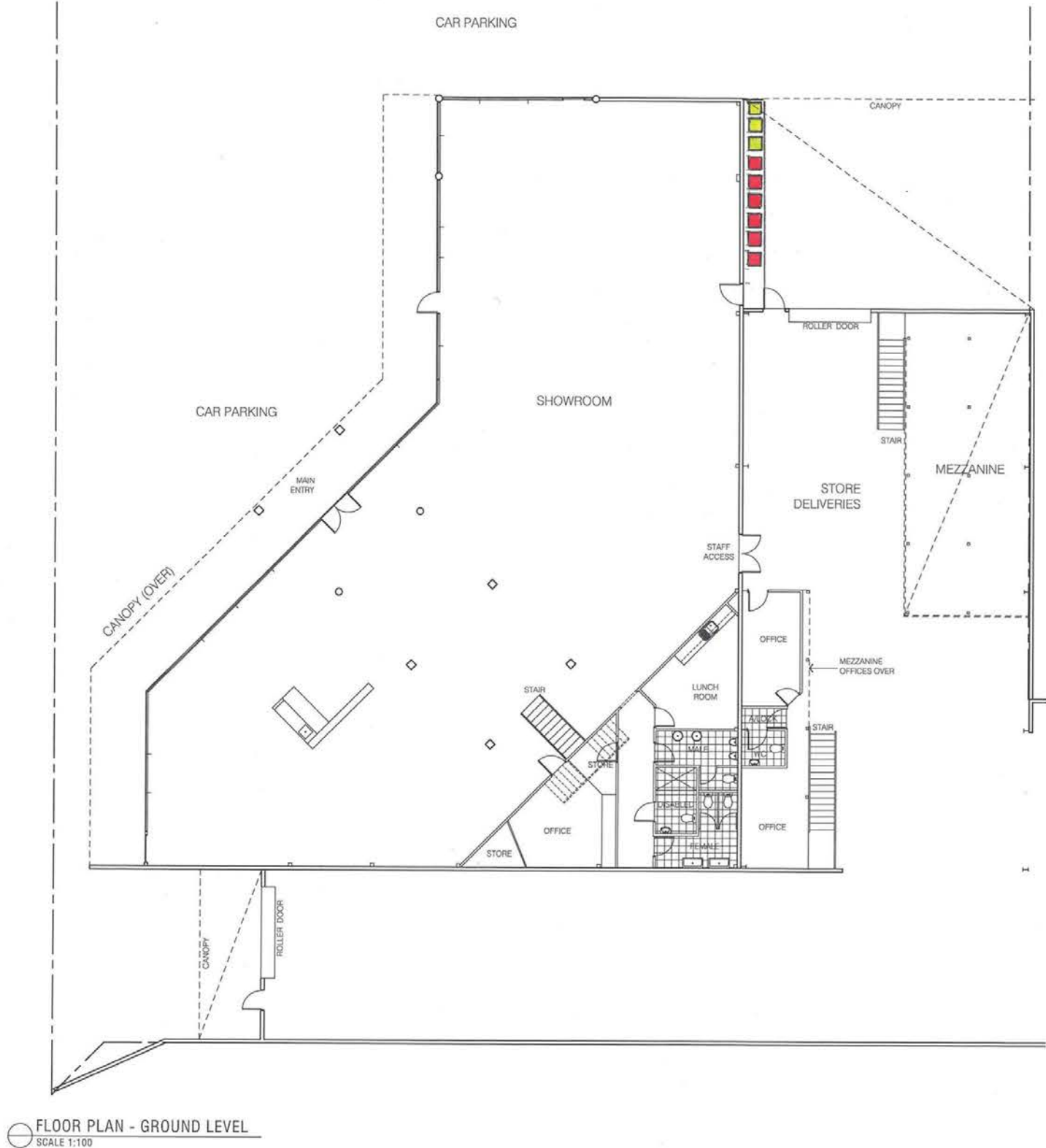
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PROPOSED BUILDING PLAN
93 - 97 SOUTH RD, THEBARTON SA

REVISION C - 24.04.2019 - AMENDMENTS TO INCLUDE FURTHER EXISTING CARPARKS AND CHANGE OF USE FOR TENANCY 2



PRELIMINARY ISSUE
DATE: JANUARY, 19
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DRAWING NO.: PL 03



AREAS	
SITE AREA	2,572m²
BUILDING FOOTPRINT INCLUDING COVERED LOADING AREA	1,582m²
SHOWROOM	542m²
AMENITIES (GROUND)	55m²
OFFICE (GROUND)	20m²
OFFICE (UPPER LEVEL)	110m²
STORE / WAREHOUSE INCL. OFFICE SPACE / WC	790m²
CANOPY / (NORTH) COVERED LOADING AREA	115m²
CANOPY / (WEST) COVERED LOADING AREA	20m²



EXISTING BUILDING PLAN
93 - 97 SOUTH RD, THEBARTON SA

REVISION C - 24.04.2019 - AMENDMENTS TO INCLUDE FURTHER EXISTING CARPARKS AND CHANGE OF USE FOR TENANCY 2

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PRELIMINARY ISSUE
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REVISION C
DRAWING NO. PL 02



SITE PLAN
SCALE 1:200

INDICATIVE LANDSCAPING SCHEDULE		
	COMMON NAMES	HEIGHT
	PINK CROWEA	1 - 3M
	DWARF ABELIA	
	FRENCH LAVENDER	
	MEXICAN ORANGE BLOSSOM	
	DWARF PURPLE NZ FLAZ	< 1M
	FLAX LILY OR ANELLA TABARANCA	
	MAUVE LIRIOPE	
	STAR JASMINE	
	HOTTENST B&U BUSH	
	COMPACT GREEN GEM	2.5 - 4M
	ORNAMENTAL PEAR	

LEGEND

EXISTING BUILDING
 RETAIL/OFFICE/WAREHOUSE

BOUNDARIES SHOWN
INDICATIVELY

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SITE PLAN
93 - 97 SOUTH RD, THEBARTON SA



PHIL WEAVER & ASSOCIATES

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File: 19-122

28 June 2019

Mr Chris Vounasis
Managing Director
Future Urban Pty Ltd
GPO Box 2403
ADELAIDE SA 5001

Dear Chris,

PROPOSED PARTIAL CHANGE OF USE – 93-97 SOUTH ROAD, THEBARTON (DA 211/86/2019) – TRAFFIC AND PARKING ASSESSMENT

I refer to our recent discussions with respect to the proposed partial change of use of the existing building on the above site.

I understand that the subject development relates to proposed internal alterations to the subject building (which currently has an approved use as a retail showroom) to provide a mixed-use development accommodating a smaller retail showroom development, office and medical / allied health consulting rooms.

EXISTING SITUATION

The subject site is located on the south-eastern corner of the intersection of Walter Street with South Road, Thebarton.

The subject site is currently developed as a retail showroom facility (Demor) supplying kitchen, bathroom and laundry products. The site has a frontage to South Road of approximately 57.5m and a frontage of approximately 42.5m to Walter Street.

The existing approved development includes ground floor areas accommodating showroom and display facilities, amenity, storage and delivery areas, and offices together with additional office floor space on a partial first floor area.

The existing retail showroom business previously employed a total of 17 staff (including two full-time delivery drivers). However, there are currently only seven staff employed within this business which reflects a recent consolidation of the showroom into a smaller area (140.8m²). I note that a consulting facility (Australian Clinic of Biological Medicine) is currently operating on-site within a portion of the ground floor of the building, previously provided as part of the showroom area.

The trading hours of the existing retail showroom and associated warehouse / delivery area development are:

Showroom:

- 9:00am to 5:00pm - Monday to Friday; and
- Closed Saturday and Sunday.

Warehouse / Delivery area

- 7:00am to 4:00pm - Monday to Friday; and
- Closed Saturday and Sunday.

The Australian Clinic of Biological Medicine has the following trading hours:

- 10:00am to 5:00pm - Tuesday to Saturday; and
- Closed Sunday and Monday.

A total of 23 car parking spaces are provided on-site in the north-western corner of the subject land with vehicle access provided to and from both South Road and Walter Street. The Walter Street access point is located approximately 7 metres to the west of the eastern boundary of the site. This access point services both the car park and the delivery area located on the northern side of the building.

Delivery vehicles access the warehouse area via the Walter Street access point. It has been identified from a review on-site, and my discussions with the applicant, that deliveries are currently undertaken by trucks of approximately 6m in length, i.e. slightly smaller than a Small Rigid Vehicle (SRV) which has a length of approximately 6.4m.

The South Road access point associated with the car park is located approximately 28 metres to the south of the Walter Street property boundary.

An additional access point services a storage area fronting South Road. This access point is located adjacent to the southern boundary of the subject site.

South Road adjacent to the subject site is a divided arterial roadway with northbound and southbound traffic flows separated by a central median. The design of this median includes an opening within the intersection of South Road with Walter Street. Consequently, right turn and left turn entry and exit movements are fully accommodated between Walter Street and South Road.

Clearways operate along both the eastern and western sides of South Road adjacent to and opposite the subject site between 7:00am and 11:00am, and 3:00pm and 7:00pm Monday to Friday. Outside of these periods parking is otherwise unrestricted along this section of roadway.

Walter Street, adjacent to the subject site, has a kerb to kerb width of approximately 6.0m to the immediate east of the intersection with South Road but widens to 7.5m at a point approximately 23m to the east of South Road.

Parking is prohibited along the southern side of Walter Street between South Road and Neville Road, including the area directly adjacent to the subject land.

However, parking is permitted on the northern side of Walter Street along the wider section of this roadway. This parking area includes 4 unrestricted parking spaces opposite the subject development and approximately 9 parking spaces further to the east, which are restricted to two-hour parking between 8:00am and 5:30pm Monday to Friday and between 8:00am and 12:00pm on Saturdays.

PROPOSED DEVELOPMENT

The proposed development is identified on a series of plans prepared by Mavtect Designs, including:

- A **Site Plan** (Drawing No. PL01 Revision C dated 24.04.2019);
- A **Proposed Building** (Drawing No. PL02 Revision C dated 24.04.2019); and
- An **Existing Building Plan** (Drawing No. PL03 Revision C dated 24.04.2019).

I note that the development consists primarily of changes to the ground floor retail showroom, which has an area of 542m², to provide four separate tenancies comprising:

- **Tenancy 1** which will provide a reduced area of retail showroom of 140.8m²;
- **Tenancy 2** which will provide an office with an area of 65.5m²;
- **Tenancy 3** which will provide a consulting room of 36.6m²; and
- **Tenancy 4** which has been established within the building and provides a consulting room of 151.4m².

There will be no changes to the existing layout and capacity of the on-site car parking area, the delivery and service arrangements, nor the vehicular access points associated with the subject development.

The current operating hours of the retail showroom component will be maintained, although deliveries of stock will be outsourced to a courier company. Staffing levels will remain at a total of 7 staff.

Subject to planning consent, Tenancy 4 will continue to operate with the current trading hours and will remain closed on Sundays and Mondays.

It is anticipated that the two other proposed tenancies (Tenancies 2 and 3) will be open from 8:30am to 5:30pm Monday to Friday, with these two tenancies closed at weekends.

PARKING SURVEYS

A survey of existing car parking demand on-site and within the locality was recently conducted in order to quantify current levels of car parking demand. This survey was conducted both on-site and within Walter Street between 8:30am and 5:00pm on Tuesday 25th June 2019. A copy of the survey results are included as an appendix to this report.

The results of this survey identified that there was a maximum car parking demand on the subject site equivalent to 13 car parking spaces. Consequently, there were at least 10 vacant car parking spaces available on-site throughout the entire survey period.

There was significant parking demand associated with the four unrestricted parking spaces on the northern side of Walter Street throughout the entire survey period. However, there were at least 3 car parking spaces available within the time-restricted parking areas to the east of these four unrestricted spaces.

PARKING ASSESSMENT

Table WeTo/2 - Off Street Vehicle Parking Requirements of the West Torrens Council Development Plan identifies car parking provisions relevant to the proposed development as follows:

Form of development	Number of Required Car Parking Spaces		
Consulting room	10 per 100 square metres of total floor area		
Industry and Warehouse	Office component	3.3 per 100 square metres of total floor area	
	PLUS		
	Non-office component	up to 200 square metres	2 per 100 square metres of total floor area
		plus 200 - 2000 square metres	1.33 per 100 square metres of total floor area
		plus greater than 2000 square metres	0.67 per 100 square metres of total floor area
	OR		
	For labour intensive industries (inclusive of office component)	0.75 per employee	
Office	4 per 100 square metres of total floor area		
Bulky Goods Outlet, Hardware Stores and Service Trade Premises	4 per 100 square metres of total floor area		

While **Table WeTo/2** does not specifically refer to a car parking rate for a retail showroom development, the rate of 4 spaces per 100m² for bulky goods outlets and service trade premises is considered relevant to the existing showroom component.

The areas of the building (Tenancies 2 and 3) to be used as an office (65.5m²) and medical / Allied health consulting facility (36.6m²) would theoretically generate a requirement of seven spaces (rounded up) based upon the following calculations:

- Tenancy 2: Office - 65 m² @ 4 spaces per 100m² = 2.6 spaces; and
- Tenancy 3: Consulting area - 36.6 m² @ 10 spaces per 100m² = 3.7 spaces.

Hence, I calculate that the proposed additional and consolidated existing land uses would generate a total car parking demand equivalent to 20 spaces (13 existing spaces plus 7 additional spaces). This would be met by the existing capacity of the car park (23 spaces).

TRAFFIC ASSESSMENT

While I note that Council staff have requested evidence *"that the largest vehicle expected onsite can enter and exit in a forward direction"*, no changes to the car parking area nor the design and location of the vehicular access points are proposed by the subject development. The existing access points will all remain unaltered and the largest vehicles to access the site will remain infrequent delivery movements by small trucks accessing the warehouse / storage area of the existing retail showroom development. Hence, there should be no changes to the manner in which deliveries to / from the site from that currently occurring.

Notwithstanding the above, we have undertaken an assessment of the ability to accommodate the largest vehicles which will continue to access the subject site (SRV's), using turning path software within AutoCAD software as shown in *Figure 1* below.

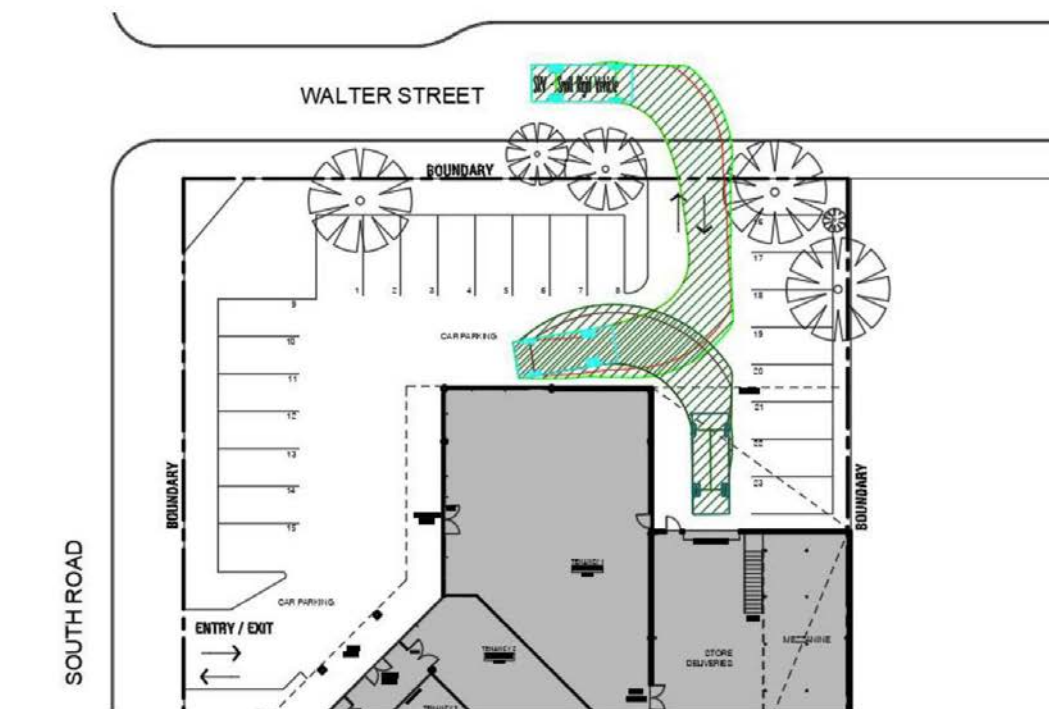


Figure 1: SRV site and delivery area entry movement

Figure 1 identifies that these vehicles would enter in a forward direction via the existing access point on Walter Street and turn on-site to then reverse into the deliveries area. These vehicles then drive forward out of the site, exiting via the same Walter Street access point.

Given the nature of the proposed additional land uses, there will be minimal deliveries made to either the office or consulting facilities. It is anticipated that such deliveries would almost entirely be made by vans or cars with those vehicles able to park within the on-site car park.

It is understood that waste and recyclables will continue to be collected by Council's waste contractor given that the proposed partial change of land use will not generate any significant change to the generated volumes of such materials. Waste and recycling bins will continue to be stored within the verge area directly in front of the subject site.

SUMMARY AND CONCLUSIONS

The above assessment clearly identifies that there is only a low level of car parking demand associated with the existing development on the subject site with parking surveys during a typical weekday period identifying that there was a maximum on-site parking demand for 13 spaces.

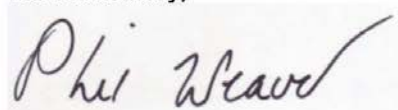
Consequently, there is surplus capacity within the existing car park which would readily accommodate the additional car parking requirements (a total of 7 spaces) of the proposed commercial office space and the proposed additional consulting room based upon the anticipated car parking demands associated with such land uses. On this basis it is identified that there should not be adverse car parking demand issues associated with the proposed partial change of land use.

As previously identified, there will be no change to existing vehicular access arrangements, nor the maximum size of vehicles currently servicing the existing showroom development.

There is also anticipated to be a consistent level of waste and recycling generated by both the proposed and existing land use components. Hence, it is understood that waste and recycling will continue to be collected by Council's waste contractor and serviced from the road verge on collection.

I therefore consider that the proposed partial change of land use within the existing buildings on the site will not result in any adverse traffic, parking or vehicular access matters.

Yours sincerely,



Phil Weaver
Phil Weaver and Associates Pty Ltd

Appendix: Parking demand on-site and in Walter Street – Tuesday 25th June 2019

Location	On-site	Walter Street – north side (Unrestricted spaces)	Walter Street – north side (Timed spaces)	Total
<i>Capacity</i>	<i>23 spaces</i>	<i>4 spaces</i>	<i>9 spaces</i>	<i>36 spaces</i>
8:30 am	2	2	0	4
8:45 am	2	2	0	4
9:00 am	3	4	0	7
9:15 am	5	4	1	10
9:30 am	4	4	2	10
9:45 am	6	4	3	13
10:00 am	7	4	3	14
10:15 am	5	4	6	15
10:30 am	6	4	5	15
10:45 am	8	4	4	16
11:00 am	9	4	5	18
11:15 am	12	4	5	21
11:30 am	13	4	5	22
11:45 am	12	4	5	21
12:00 pm	10	4	5	19
12:15 pm	10	4	4	18
12:30 pm	12	4	5	21
12:45 pm	11	4	5	20
1:00 pm	11	4	5	20
1:15 pm	13	4	4	21
1:30 pm	12	4	4	20
1:45 pm	11	4	4	19
2:00 pm	10	4	5	19
2:15 pm	8	4	5	17
2:30 pm	8	4	5	17
2:45 pm	7	4	7	18
3:00 pm	6	4	5	15
3:15 pm	9	4	5	18
3:30 pm	10	4	4	18
3:45 pm	9	4	5	18
4:00 pm	6	3	6	15
4:15 pm	7	3	6	16
4:30 pm	8	3	6	17
4:45 pm	7	3	4	14
5:00 pm	6	3	3	12

Preliminary Traffic, Flooding & Stormwater Assessment

Development Application No: 211/86/2019

Assessing Officer: Jordan Leverington
Site Address: 93-101 South Road, THEBARTON SA 5031
Certificate of Title: CT-6125/308
Description of Development: Internal alterations and the change of use from showroom to showroom, offices and consulting rooms (non-complying)

1.0 TO THE TECHNICAL OFFICER - CITY ASSETS

Please provide your comments in relation to:

- ☐ Site drainage and stormwater disposal
- ☐ Required FFL
- ☐ On-site vehicle parking and manoeuvrability
- ☐ New Crossover
- ☐ Your advice is also sought on other aspects of the proposal as follows:

.....
.....

PLANNING OFFICER - Jordan Leverington **DATE** 1 July, 2019

City of **West Torrens**

Between the City and the Sea

Memo

To Jordan Leverington
From Richard Tan
Date 01-Jul-2019
Subject 211/86/2019, 93-101 South Road, THEBARTON SA 5031

Jordan Leverington,

The following City Assets Department comments are provided with regards to the assessment of the above development application:

1.0 FFL Consideration – Finished Floor Level (FFL) Requirement

1.1 Change of land use application. Building to be remained.

2.0 Verge Interaction

2.1 No changes to verge.

3.0 Traffic Requirements

3.1 Traffic report has been provided. I noted that the report has indicated a total of 23 car park spaces on site. However, only 19 car park spaces has been approved in previous development application. This has been further supported by a site visit.

The traffic report has also provided on-site car parking survey. The car parking survey has suggested that maximum 13 car park space will be used. As the car parking survey is held only for a day, in my opinion, the number of maximum car park space (13 space) is unlikely suitable to represent the car parking demand of the site. Nevertheless, as commented earlier in assessment dated 20/06/2019, with the additional 4 new car park space, the on-site car park issue is unlikely be worsened. I have reattached previous comments in the following for information:

I noted that the provided 'Statement of Effect' (Future Urban Group, Ref: 93-101 South Road Thebarton, dated 26/04/2019) has indicated that there is 23 existing car parking space in total. However, based on previous approved DA 211/282/2010, only 19 car park spaces have been approved.

The new proposed development occurs in the existing 'Showroom' area only. As the applicant has proposed to increase the car park space to



City of **West Torrens**

Between the City and the Sea

23 lot, comparing both the proposed development and existing 'Showroom' car parking requirement, the car parking issue is unlikely to be worsened.

Due to the car park rate is calculated based on the number of consulting room in each tenant, it is recommended that any approval associated with this development included a condition of similar wording to the following:

- **Maximum one consulting room is allowed at one time for Tenancy 3.**
- **Maximum two consulting room is allowed at one time for Tenancy 4**

3.2 No further assessment provided. Item still considered outstanding.

Four new car park spaces (Lot 20 to 23) have been proposed. I noted that these car park space is located under the canopy of the loading area. It is likely that these new car park spaces are likely to be blocked by delivery trucks.

It is recommended that car park space 20 to 23 should be marked staff car park for the retail shop and storage warehouse.

4.0 Other

4.1 I noted that the medical consulting room has been operating on-site, which may not meet previous development approval regarding land/building usage. I leave this to the planner's consideration/action regarding further actions that needs to be follow up.

Regards
Richard Tan
Civil Engineer

6.2 195-197 Sir Donald Bradman Drive, COWANDILLA

Application No 211/1243/2018

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Change of use from residential to consulting rooms and internal alterations
APPLICANT	Federation Homes
LODGEMENT DATE	23 November 2018
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 20
APPLICATION TYPE	Non-complying
PUBLIC NOTIFICATION	Category 3
REFERRALS	Internal <ul style="list-style-type: none"> • City Assets External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a non-complying form of development and the application is to be determined after a full merit assessment against the Development Plan, except where the relevant development application proposes a change of use to office in a Commercial Zone.
RECOMMENDATION	Support with conditions
AUTHOR	Jordan Leverington

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotments 91 and 92 in Filed Plan 216359 in the area named Cowandilla, Hundred of Adelaide, Volume 6208 Folio 81, more commonly known as 195-197 Sir Donald Bradman Drive. The subject site is irregular in shape with a 17 metre (m) wide frontage to Sir Donald Bradman Drive, a secondary frontage to Winifred Street of 40m and a site area of 670 square metres (m²).

It is noted that there are no encumbrances or Land Management Agreements on the Certificate of Title and there are no regulated trees on the subject site or on adjoining land that would be affected by the development.

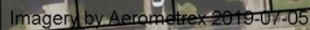
The site is relatively flat and currently contains two semi-detached single storey dwellings and ancillary domestic outbuildings.

The locality is mixed use in nature comprised predominantly of residential and commercial land uses. This is a common occurrence along arterial roads such as Sir Donald Bradman Drive. Commercial uses include consulting rooms, shops, and a property used by a place of worship directly across the road from the subject site. A Neighbourhood Centre Zone accommodating a variety of shops, Council offices and library are located east of the subject site.

Land uses set back from Sir Donald Bradman Drive are exclusively residential in nature. The properties adjoining the subject site to the east, south and west are all being used for residential purposes.

The amenity of the locality is considered to be medium as it is detrimentally impacted upon by traffic, noise and air emissions arising from traffic along Sir Donald Bradman Drive as well as being beneath the flight path of Adelaide airport.

The site and locality are shown on the aerial imagery and maps below.





WEST TORRENS COUNCIL
Consolidated - 12 July 2018

PROPOSAL

The proposal seeks to change the use of, and undertake alterations to, the existing semi-detached dwellings at 195-197 Sir Donald Bradman Drive. The land use is proposed to change from residential to consulting rooms undertaking chiropractic, massage and rehabilitation services (a Wellness clinic).

The alterations to the existing dwellings will include removing walls to create a single building, removing superfluous laundries and kitchen and creating Australian Design Rules (ADR) compliant bathrooms.

The car park, to be located behind the building, will accommodate 9 car parks, two of which are stacked and dedicated for staff. A considerable amount of landscaping will be established, including around the peripheries of the car park.

A double sided freestanding sign will be located adjacent Sir Donald Bradman Drive which will have a total height of 1.5m and a width of 1m. It will not be illuminated and only contain the business name, phone number and operating hours.

The Wellness clinic will operate Monday through to Saturday between the hours of 10am and 6pm.

The relevant plans and documents are contained in **Attachment 2**.

NATURE OF DEVELOPMENT

The application is a non-complying form of development because a consulting room is listed as a non-complying development in the Procedural Matters section of the Residential Zone. There are some exceptions to this, but as the proposal exceeds 100m² and is fronting an arterial road, it is not exempt.

The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008* (refer **Attachment 2**). This document highlights a number of positive social, economic and environmental impacts associated with the proposed development as follows:

- It will provide the local community with health and wellbeing services;
- The business will attract employment to the area; and
- The additional landscaping will improve the natural environment of the area.

The applicant has not indicated any negative impacts likely to arise from the proposed development which might include additional traffic volumes, potential on-street parking demand, private waste collection and ultimately the erosion of residential amenity in the locality.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is required. Alternatively, should the CAP refuse the application, no appeal rights are afforded to the applicant. As the administration resolved, under delegation, to proceed with an assessment of the proposal, the application is now presented to the Panel for a decision.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Schedule 9 of the *Development Regulations 2008*.

Properties notified	28 properties were notified during the public notification process.
Representations	No representations were received.

INTERNAL REFERRALS

Department	Comments
City Assets	<ul style="list-style-type: none"> Initially raised concerns with the car park layout and widening of the crossover. This has now been resolved by a redesign of the car park. The redesign has reduced the total number of parking spaces available to 9. Council's Traffic Engineer has considered and endorsed the proposal despite the shortfall of 3 car parks.

A copy of the relevant referral response is contained in **Attachment 3**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Low Density Policy Area 20 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objective	4
Principles of Development Control	1, 2 & 3

Low Density Policy Area 20 - Desired Character	
<p>Allotments in the policy area will be at low density, accommodating predominantly detached dwellings and some other dwelling types such as semi-detached and group dwellings. There will be a denser allotment pattern closer to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments development with buildings that have a direct street frontage.</p> <p>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings.</p> <p>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</p>	
Objective	1
Principles of Development Control	1 & 2

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
CAR PARKING SPACES <i>Transportation and Access</i> PDC 34	4 per consulting room Demand = 12	9 spaces provided Does Not Satisfy
LANDSCAPING <i>Landscaping, Fences and Walls</i> PDC 4	10% of site area (min.)	10% (131m ²) Satisfies

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Land Use and Desired Character

The Residential Zone primarily encourages residential development, however some small scale non-residential development such as offices, shops, educational establishments and consulting rooms can also be supported depending on their location. The proposed consulting rooms are a type of land use supported by the desired character, but consideration as to its scale and location is also necessary.

Administration are of the opinion that this proposal is small scale for the following reasons:

- It will only comprise three consulting rooms;
- It will utilise the existing built form and the floor area will not be increased;
- The on-site car park is considered to be sufficient to cater for the anticipated demand;
- The proposal will not prevent adjoining allotments from being used for residential purposes;
- There will be a maximum of four staff on site at any one time; and
- Operating hours will be between 10am and 6pm Monday to Saturday;

The Desired Character Statement states that these small scale non-residential land uses are appropriate in *certain locations*. This is interesting as the only guidance provided by the Development Plan is in the non-complying development list which states that when such uses are located adjacent an arterial road, it will be non-complying development. This gives the impression that such uses are not envisaged along arterial roads, however this appears counter-intuitive as such businesses need the exposure to attract customers and convenient access provided by arterial roads. It is considered that the same land use would have more of a detrimental impact if located on a side street surrounded by residential development than it would if located on an arterial road.

For these reasons it is considered that the proposal is more appropriately located adjacent Sir Donald Bradman Drive than deeper into the existing residential area, despite the proposal being classified as non-complying.

Amenity

There are numerous issues that can arise when locating non-residential land uses within a residential area. These issues normally relate to noise, odour, dust, traffic congestion, erosion of character, light spill and vibration. Any one, or all of these issues, will detrimentally impact on the amenity of the area. Due to the nature of the proposed land use, most of these issues are of minor concern aside from the potential erosion of residential character, traffic congestion and noise. Principles of Development Control (PDCs) 5 and 6 of the Interface between Land Use section of the Development Plan seek to minimise these issues in order to avoid detrimentally impacting the amenity of the locality.

Erosion of character

In order to determine whether there will be an erosion of character it is first important to understand the existing character. As previously described, the locality is mixed use in nature comprised of residential, commercial and place of worship activities, despite being located within a residential zone. The non-residential activities are clustered along Sir Donald Bradman Drive, with residential land uses generally located back from this road.

The proposal is not considered to erode the residential character for the following reasons:

- it will utilise the existing built form which was built as dwellings and will continue to have a similar external appearance;
- it is not the first intrusion of a non-residential land use in the locality; and
- the car park will be screened from view by landscaping and a fence.

Traffic congestion / on-street parking

The proposed use will undoubtedly generate additional traffic and parking demand than that of the existing use, however this is not considered to be unreasonable due to:

- the availability of off-street and on-street parking;
- proximity to high frequency public transport; and
- the hours of operation.

Although the rear car park provides nine parking spaces, three less than the standard shown in WeTo/2 - Off Street Vehicle Parking Requirements, Council's traffic engineers support the proposal and the amount of parking provided. This in part is due to the availability of on street parking immediately adjacent the site on Winifred Street where a 25m long space is capable of accommodating four additional vehicles without impacting neighbouring properties.

Additional traffic is not considered to be of concern as the vast majority of people will arrive and leave the site via Sir Donald Bradman Drive without accessing residential streets in the locality.

Noise

The only noise expected to be generated from the proposal will be from vehicles in the car park and, more specifically, from people closing car doors. While this has the possibility to cause a nuisance, the proposed operating hours of the facility, its proximity to an arterial road and being located beneath the Adelaide Airport flight path indicates that this noise is unlikely to be detrimental to the locality.

Landscaping

The proposal includes a detailed landscaping plan that demonstrates landscaping will be dispersed across the site, but concentrated along the boundaries.

The following species will be planted:

- Pittosporum 'Silver sheen';
- Magnolia Grandi Flora 'Little Gem';
- Buxus Faulkner 'Box hedge';
- Dwarf weeping cherry 'Snow fountains'; and
- Blue Flax 'Lily dianella'.

There is a total of 131m² of landscaping proposed which meets the minimum 10% of the site area described by PDC 4 of the Landscaping, Fences and Walls section of the Development Plan.

The proposed landscaping will be an improvement over the current situation which is comprised purely of grass and weeds.

Parking and Access

As is currently the case, car parking will continue to be accommodated at the rear of the site albeit in a more intensive way. The current double-width crossover shared by both dwellings will continue to be used by the proposed use and will provide access to the car park.

Waste Management

The scale of the proposal means that waste can continue to be collected by Council's waste collection program.

SUMMARY

The proposed application to undertake a change in land use from residential to consulting rooms with associated car park and landscaping is considered to be suitable despite its non-complying status. The adaptive reuse of the existing building allows the consulting rooms to operate without creating a significant visual impact to the adjoining residential properties.

The location of a non-residential land use along an arterial road is common and in the context of this locality is not considered to cause any detrimental impact. This has been reflected in the fact that no representations were received during the public notification process.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan consolidated 12 July 2018 and warrants Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/1243/2018 by Federation Homes to change the use from residential to consulting rooms and internal alterations at 195-197 Sir Donald Bradman Drive (CT 6208/81) subject to the concurrence of the State Commission Assessment Panel and the following conditions of consent:

Development Plan Consent Conditions

1. The development shall be undertaken, completed and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.

Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.

2. All landscaping shown on the plans forming part of this application shall be established prior to the occupation or use of the development and shall be maintained in good health at all times to the reasonable satisfaction of Council. Any plants that become diseased or die shall be replaced with a suitable species.

Reason: To enhance the amenity of the site and locality and mitigate against heat loading.

3. A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

Reason: To enhance the amenity of the site and locality and mitigate against heat loading.

4. Prior to the occupation or use of the development, all driveways, parking and vehicle manoeuvring areas shall be constructed and surfaced with concrete, bitumen or paving, and shall be drained and maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.

5. Prior to the occupation or use of the development, all car parking spaces shall be line marked in accordance with the approved plans and maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.

6. The hours of operation of the development approved herein shall be limited to 10am to 6pm - Monday to Saturday;

Reason: To ensure that the development does not unreasonably diminish the amenity of residents of adjoining properties.

7. The sign approved herein shall be maintained in good repair with all words and symbols being clearly visible at all times to the satisfaction of Council.

Reason: To ensure the proposal is established in accordance with the plans and documents lodged with Council.

8. The sign approved herein shall not move, flash, blink or rotate in any manner, and shall not be internally or externally illuminated at any time without the prior approval of Council.

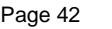
Reason: To ensure the proposed signage does not cause undue disturbance, annoyance or inconvenience to the general public, adjoining landowners or motorists.

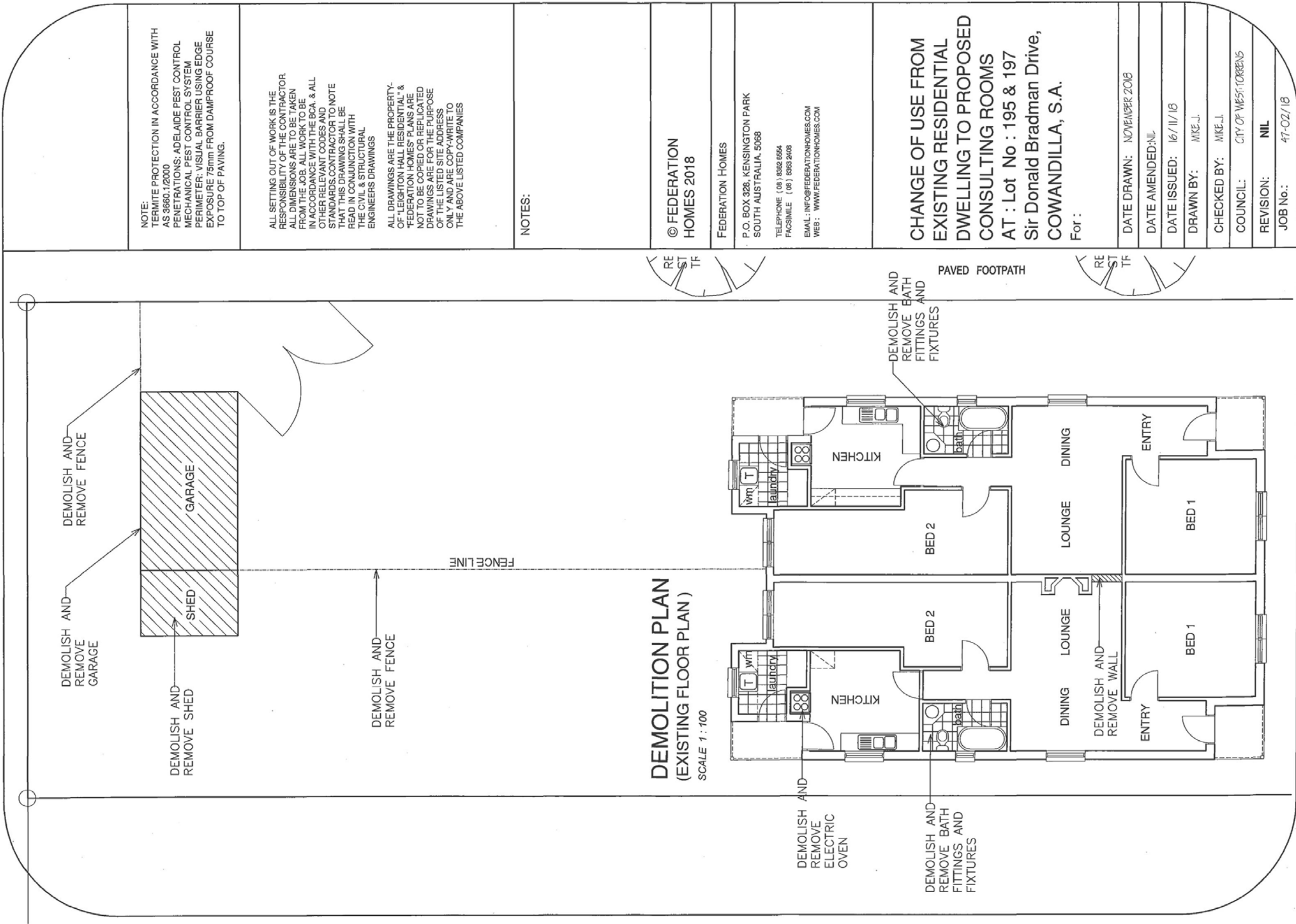
Attachments

1. **Objectives and Principles of Development Control**
2. **Plans and Statement of Effect**
3. **Internal Referrals**

<i>General Section</i>		
<i>Advertisements</i>	<i>Objectives</i>	1, 2, 3, 4
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,
<i>Centres and Retail development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6 & 7
<i>Crime Prevention</i>	<i>Objective</i>	1
	<i>Principles of Development Control</i>	1, 2, 3, 7 & 10
<i>Community Facilities</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2 & 3
<i>Design and Appearance</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21
<i>Energy Efficiency</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, & 3
<i>Hazards</i>	<i>Objectives</i>	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15
<i>Heritage Places</i>	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
<i>Historic Conservation Area</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
<i>Interface between Land Uses</i>	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
<i>Land Division</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 5, 6, 7, 8, 12 & 16
<i>Landscaping, Fences and Walls</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4 & 6
<i>Medium and High Rise Development (3 or more storeys)</i>	<i>Objectives</i>	1, 2, 3, 4, 5, 6 & 7
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 & 24
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3, 5 & 7
<i>Regulated Development</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2 & 3
<i>Residential Development</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30 & 31

<i>Significant Trees</i>	<i>Objectives</i>	<i>1 & 2</i>
	<i>Principles of Development Control</i>	<i>1, 2, 3, 4 & 5</i>
<i>Sloping Land</i>	<i>Objective</i>	<i>1</i>
	<i>Principles of Development Control</i>	
<i>Transportation and Access</i>	<i>Objective</i>	<i>1, 2, 3, 4 & 5</i>
	<i>Principles of Development Control</i>	<i>1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 & 45</i>
<i>Waste</i>	<i>Objectives</i>	<i>1 & 2</i>
	<i>Principles of Development Control</i>	<i>1, 2, 3, 4, 5, 7 & 8</i>





NOTE:
TERMITE PROTECTION IN ACCORDANCE WITH
AS 3660.1/2000
PENETRATIONS: ADELAIDE PEST CONTROL
MECHANICAL PEST CONTROL SYSTEM
PERIMETER: VISUAL BARRIER USING EDGE
EXPOSURE 75mm FROM DAMPROOF COURSE
TO TOP OF PAVING.

ALL SETTING OUT OF WORK IS THE
RESPONSIBILITY OF THE CONTRACTOR.
ALL DIMENSIONS ARE TO BE TAKEN
FROM THE JOB. ALL WORK TO BE
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NOTES:

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CHANGE OF USE FROM
EXISTING RESIDENTIAL
DWELLING TO PROPOSED
CONSULTING ROOMS
AT : Lot No : 195 & 197
Sir Donald Bradman Drive,
COWANDILLA, S.A.
For :

DATE DRAWN: NOVEMBER 2018

DATE AMENDED: NIL

DATE ISSUED: 16/11/18

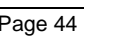
DRAWN BY: MKE.J

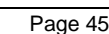
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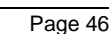
COUNCIL: CITY OF WEST TORRENS

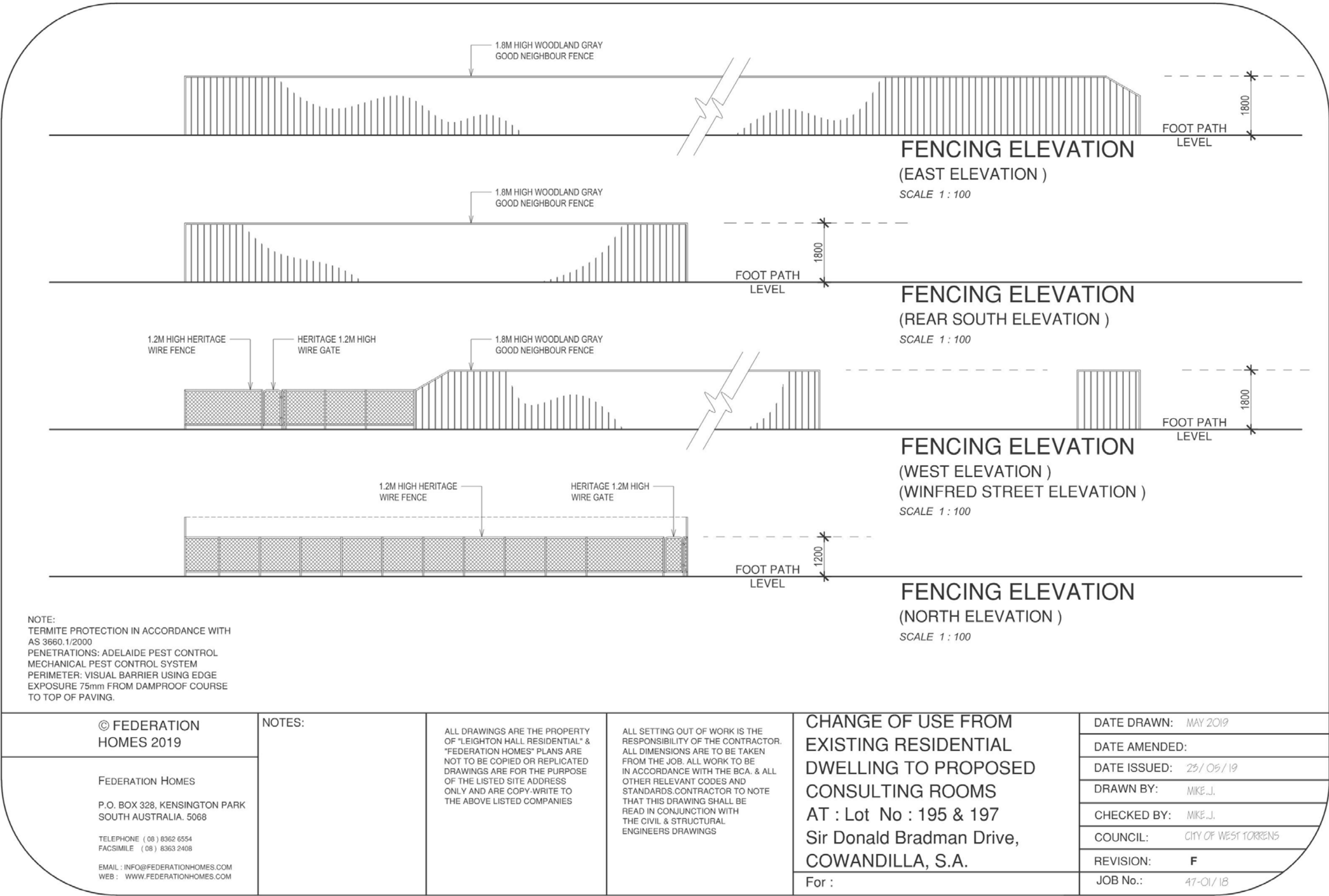
REVISION: NIL

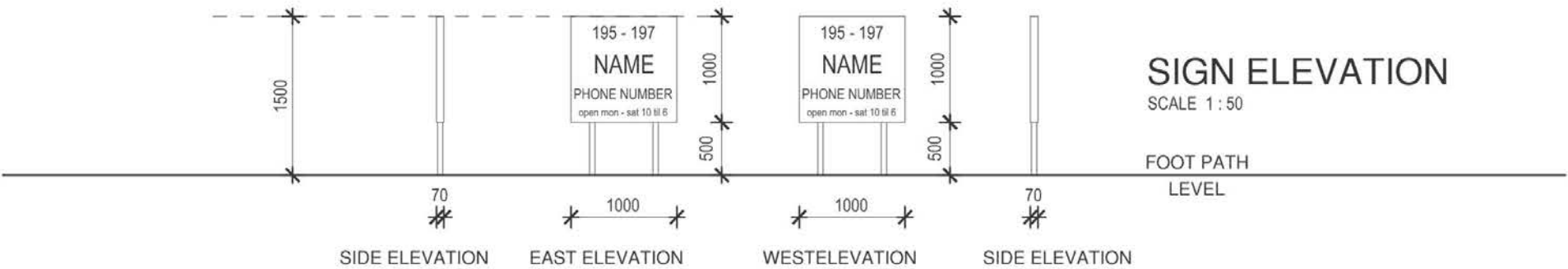
JOB No.: 47-02/18











NOTE:
TERMITE PROTECTION IN ACCORDANCE WITH
AS 3660.1/2000
PENETRATIONS: ADELAIDE PEST CONTROL
MECHANICAL PEST CONTROL SYSTEM
PERIMETER: VISUAL BARRIER USING EDGE
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© FEDERATION HOMES 2019	NOTES:	ALL DRAWINGS ARE THE PROPERTY OF "LEIGHTON HALL RESIDENTIAL" & "FEDERATION HOMES" PLANS ARE NOT TO BE COPIED OR REPLICATED DRAWINGS ARE FOR THE PURPOSE OF THE LISTED SITE ADDRESS ONLY AND ARE COPY-WRITE TO THE ABOVE LISTED COMPANIES	ALL SETTING OUT OF WORK IS THE RESPONSIBILITY OF THE CONTRACTOR. ALL DIMENSIONS ARE TO BE TAKEN FROM THE JOB. ALL WORK TO BE IN ACCORDANCE WITH THE BCA. & ALL OTHER RELEVANT CODES AND STANDARDS.CONTRACTOR TO NOTE THAT THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE CIVIL & STRUCTURAL ENGINEERS DRAWINGS	CHANGE OF USE FROM EXISTING RESIDENTIAL DWELLING TO PROPOSED CONSULTING ROOMS AT : Lot No : 195 & 197 Sir Donald Bradman Drive, COWANDILLA, S.A.	DATE DRAWN: MAY 2019
					DATE AMENDED:
FEDERATION HOMES P.O. BOX 328, KENSINGTON PARK SOUTH AUSTRALIA. 5068 TELEPHONE (08) 8362 6554 FACSIMILE (08) 8363 2408 EMAIL : INFO@FEDERATIONHOMES.COM WEB : WWW.FEDERATIONHOMES.COM					DATE ISSUED: 23/05/19
					DRAWN BY: MIKE.J.
					CHECKED BY: MIKE.J.
					COUNCIL: CITY OF WEST TORRENS
For :					REVISION: F
					JOB No.: 47-01/18

18-067 – DA 211/1243/2018

STATEMENT OF EFFECT

11 July 2019

**195-197 Sir Donald Bradman
Drive, Cowandilla**



PLANNING
CHAMBERS
TOWN PLANNING

CONTACT LIST

PROJECT TEAM:

Client: Federation Homes
C/- Planning Chambers Pty Ltd



Project Planner: Mr. Damian Dawson

Planning Chambers Pty Ltd
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Halifax Street SA 5000

T 08 8211 9776
E damian@planningchambers.com.au

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Appendix 1

Certificate of Title
Volume 6208 Folio 81

Appendix 2

Architectural Plans
Prepared by Federation Homes

1

DETAILS OF THE APPLICATION

1.1

SITE DETAILS

Property Description	Allotment 91 in Filed Plan 216359
Certificate of Title	Volume 6208 Folio 81
Address	195-197 Sir Donald Bradman Drive
Area	Cowandilla
Owner	Dark Morph Pty Ltd
Existing Use	Semi-detached dwellings
Local Government Authority	City of West Torrens
Development Plan Zoning and Policy Area Designation	Residential Zone, Low Density Policy Area 20

1.2

APPLICATION DETAILS

Development Type	Non-Complying
Category of Assessment	Category 3
Applicant	Federation Homes
Applicant's Representative	Planning Chambers Pty Ltd Po Box 6196 Halifax Street, SA 5000 P: (08) 8211 9776 E: damian@planningchambers.com.au



2 BACKGROUND

2.1 OVERVIEW

This Statement of Effect has been prepared in response to the confirmation from Council to proceed with a full assessment of the application and addresses the requirements of Regulation 17(5) of the Development Regulations, 2008.

The proposal is for a change of use from dwellings to consulting rooms with internal alterations and associated car parking at 195-197 Sir Donald Bradman Drive, Cowandilla.

The proposal is a non-complying form of development within the Residential Zone as it seeks to develop a consulting room fronting an arterial road with a total floor area in excess of 100m².

3

SUBJECT LAND & LOCALITY

3.1 SUBJECT LAND

The subject land is described in Certificate of Title Volume 6208 Folio 81 as being Allotment 91 in Filed Plan 216359. The site is not subject to any easements.

The subject land has a frontage of approximately 16.5 metres to Sir Donald Bradman Drive along the length of the northern boundary and approximately 40.5 metres to Winifred Street along the length of the western boundary. The subject land has an approximate area of 665m². Two (2) semi-detached dwellings are currently developed upon the subject land as shown within Figure 1. Vehicle access to the dwellings is via Winifred Street at the rear of the subject land.



Figure 1: Subject land

Subject Land

3.2 LOCALITY

The locality consists of a mixture of residential and commercial development. Development along Sir Donald Bradman Drive is predominately commercial east of the subject land. A number of health-related services are located within the locality including podiatry, physiotherapy, pilates, massage and a doctor's surgery; all of which are located within the Residential Zone.

Other non-residential development within the locality includes the St Mary & Anba Bishoy Coptic Orthodox Church and offices located on the corner of Brooker Terrace and Sir Donald Bradman Drive.

Residential dwellings located within the locality include semi-detached dwellings to the east, two storey dwelling to the south and four residential units on the opposite side of Winifred Street to the west. Single storey dwellings and a multi-storey retirement village are located on the opposite side of Sir Donald Bradman Drive.



Figure 2: Subject land and locality

Subject Land



4 PROPOSAL

The proposal seeks a change of use from semi-detached dwellings to consulting rooms as outlined within the attached plans. The consulting rooms will be used as a wellbeing clinic incorporating chiropractic, massage and rehabilitation services.

Since the lodgement of the application the applicant has submitted additional plans which include an amended floor plan/site plan, landscaping/planting plan, signage elevation plan and fencing elevation plan. The updated set of plans for assessment are listed below:

- Demolition Plan (**Rev Nil**)
- Existing Floor Plan/ Site Plan (**Rev Nil**)
- Proposed Floor Plan/ Site Plan (**Rev D**)
- Landscape/ Planting Plan (**Rev F**)
- Sign Elevation Plan (**Rev F**)
- Fencing Elevation Plan (**Rev F**)

No structural changes are proposed to the external façades of the existing building with only minor internal changes to occur. The existing fencing and outbuildings at the rear will be removed. The external façades of the building will be repaired, repainted and rejuvenated where required.

The layout of the building will remain relatively unchanged as the existing floor plan will be adapted for the proposed use. The proposal will consist of the following:

- Three (3) consulting rooms
- Staff Room
- Waiting Room
- Reception Area
- Locker room
- Kitchen
- Maintenance and General Storage
- Car Parking

A portion of the existing partition wall will be removed to create a central reception/waiting room. The front door of the western dwelling will be used as the main entrance with the front door of the eastern dwelling utilised as an emergency exit.

The proposed consulting rooms will operate between 10:00am and 6:00pm Monday to Saturday. No more than 4 staff (3 consulting, 1 receptionist) will be onsite at one time to assist clients. It is anticipated that at any time during peak periods there will be no more than 6 clients visiting the site.

Car parking & Access

The proposed carpark layout as show in the *Proposed Floor/Site Plan (Revision D)* has been amended from the original plan submitted to Council. A total of 9 carpark are proposed; 2 designated staff car parks and 7 general carpark (including 1 disabled park). The layout has been reconfigured to retain the existing crossover to allow for a greater area for onsite manoeuvring and to provide landscaping along the eastern and southern boundaries.

Landscaping

Landscaping is proposed along the Winifred Street and Sir Donald Bradman Drive frontages and throughout the carpark as per the landscaping plan attached.

A mixture of '*Buxus faulkner*' (Figure 3) and '*Blue flax lily dianella*' (Figure 4) will be located along the Sir Donald Bradman Drive frontage with two '*Dwarf weeping cherry snow fountains prunus*' (Figure 5) to be located within the lawn area adjacent the front of the building. Landscaping along Winifred Street will comprise of a mixture of '*Magnolia dwarf grandiflora*' (Figure 6) and '*Buxus faulkner*' with a mixture '*Pittosporum silver sheen*' (Figure 7) and '*Magnolia dwarf grandiflora*' to be used throughout the car park.



Figure 3: *Buxus faulkner*



Figure 4: *Blue flax lily dianella*



Figure 5: *Dwarf weeping cherry snow fountains prunus*



Figure 6: *Magnolia dwarf grandiflora*



Figure 7: *Pittosporum silver sheen*

Signage

A signage board is proposed adjacent Sir Donald Bradman Drive. The sign will be oriented east/west and will have a total height of 1.5 metres; 0.5 metre general clearance and 1 metre high display. The total width of the sign will be 1 metre. The sign will display the address, business name, phone number and operating hours of the wellbeing clinic.

Fencing

All existing fencing on site will be replaced. *'Heritage wire fencing'*, 1.2 metres in height, will be placed along the Sir Donald Drive frontage and along the northern portion of the Winifred Street frontage. *'Woodland Grey' Colorbond fencing*, 1.8 metres in height, will be placed along the eastern and southern boundaries and the southern portion of the Winifred Street frontage.

Waste

A bin storage area 1.5 metres x 2.2 metres is proposed on the western side of the site. The area will cater for 3 standard Council bins. Timber screening will be placed around the area as too vegetative screening as part of the landscaping along the Winifred Street frontage.

5

DEVELOPMENT ASSESMENT

5.1 DEVELOPMENT PLAN PROVISIONS

I have undertaken an assessment of the proposal against the relevant provisions of the West Torrens Council Development Plan, consolidated 12 July 2018.

Zone Map WeTo/8 shows the subject land located within the Residential Zone with Policy Area Map WeTo/8 showing the land within Low Density Policy Area 20.

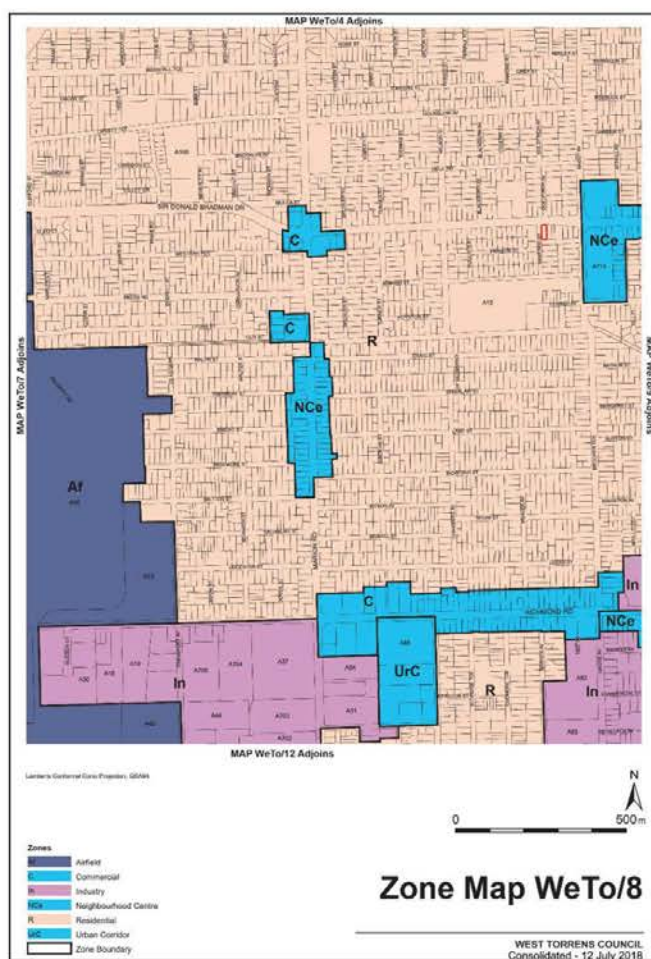


Figure 8: Zone map WeTo/8

— Site

I have undertaken an assessment of the proposal against the relevant provisions of the Development Plan. The provisions of the Development Plan of most relevance to an assessment of the proposal are as follows:

Zone Provisions

Residential Zone

Objective: 4

Principles of Development Control: 1-3, 5, 18

Low Density Policy Area 20

Objective: 1

Principle of Development Control: 1

Council Wide Provisions

Design and Appearance

Objective: 1

Principles of Development Control: 1, 13-15

Interface between Land Uses

Objective: 1

Principle of Development Control: 1

Landscaping, Fences and Walls

Objective: 1

Principles of Development Control: 1, 2, 4, 6

Transportation and Access

Objective: 2

Principles of Development Control: 2, 8, 11, 17, 21, 23, 24, 26, 34, 35, 36, 37, 38, 40, 41, 43

Waste

Objective: 1

Principles of Development Control: 1, 5, 6

5.2 ASSESSMENT

Zone Provisions

Residential Zone

Objective: 4

Principles of Development Control: 1-3, 5, 18

The desired character and provisions of the zone are generally focussed around residential development however small-scale non-residential activities such as offices, shops and consulting rooms are envisaged within the zone.

The non-complying table within the Procedural Matters section of the Development Plan states that consulting rooms are non-complying except where the total floor area is 100m² or less and the site does not front an arterial road.

Whilst it is acknowledged that the proposal does not fall within the non-complying exemptions for consulting rooms, it is considered to be acceptable in this instance given the nature and scale of the development and its location in close proximity to a number of other non-residential land uses within the zone and adjacent Sir Donald Bradman Drive.

Principle of Development Control (PDC) 1 identifies that small scale non-residential activities such as health and welfare services are envisaged within the zone. PDC 3 further clarifies that non-residential uses be of a nature and scale that 'a) *serves the local community*; b) *is consistent with the character of the locality*; c) *does not detrimentally impact on the amenity of nearby residents*.'

The proposal is consistent with the nature and scale of non-residential development identified PDC 3 for the following reasons:

a) serves the local community

Whilst not specifically targeted to nearby residents, the wellbeing centre is a use that residents in the surrounding area and broader community can benefit from. Given the accessibility and proximity to a residential areas, local residents can access to the site on foot, via bicycle or vehicle.

b) is consistent with the character of the locality

The retention and re-use of the existing building will ensure that the proposal will remain consistent with the character of the locality given that the residential appearance of the built form will not be changed. The applicant proposes to improve and repair the appearance of the external façades with the addition of landscaping throughout the subject land. This will improve the appearance of the site so as to lift the character and amenity of the surrounding area.

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

The proposed hours of operation from 10am and 6pm Monday to Saturday are compatible with the nature of surrounding commercial development within the locality and are unlikely to result in any unreasonable impacts upon the amenity of adjoining and nearby residential properties. It is noted that Sir Donald Bradman Drive carries a significant number of vehicles during the proposed hours of operation; as such any impacts generated from the operation of the proposed wellbeing centre are unlikely to be noticeable over and above the existing level of noise and movements within the locality. The level of traffic movements generated from the proposed facility is unlikely to be noticeable along either Sir Donald Bradman Drive or Winifred Street, particularly during the proposed hours of operation.

The proposal is consistent with the Objectives and Desired Character Statement of the Residential Zone as it will allow for a small-scale non-residential development that will be complementary to surrounding and nearby dwellings. The proposal will provide landscaping that will further enhance the appearance of the building providing an appropriate transition between the public and private realm as sought within the desired character of the zone.

Low Density Policy Area 20

Objective: 1

Principle of Development Control: 1

The desired character statement seeks that development have a focus on landscaping so as to enhance the appearance of buildings from the street.

The proposal has added landscaping throughout the entirety of the site utilising a mix of species to enhance the appearance of the building from the street, highlight the entry points in and out the site and soften the appearance of the car park.

PDC 1 identifies non-residential land uses such as consulting rooms, health and wellbeing service as being an envisaged land use within the policy area. The proposal is therefore consistent with the desired character and provisions of the policy area.

Design and Appearance

Objective: 1

Principles of Development Control: 1, 13-15

The Design and Appearance section of the Development Plan seeks that development reflect and enhance the character of the area. The importance of creating a relationship to the street and public realm through the coordination of landscaping, paving and signage is identified. Visible access points into the site from the street and parking areas is also recognised.

The proposal seeks to retain the existing building upon the site. As such the residential appearance of the built form upon the site will not be changed and therefore will continue to reflect the desired character the area.

The proposed landscaping/pavers will be coordinated throughout the site so as to complement the design of the existing building. The pavers will create a pedestrian walkway to the entry door which can be accessed from the entrance gate and car park area.

The signage will be integrated amongst the landscaping adjacent Sir Donald Bradman Drive and will be of a height that will neither detract from the building nor the locality.

Interface between Land Uses

Objective: 1

Principle of Development Control: 1

The provisions of the Interface between Land Uses section note that development be designed so as to minimise adverse impacts on the amenity of adjacent land uses.

The proposed land use is of a scale and intensity that is compatible with the adjoining arterial road and surrounding residential and commercial land uses. The likely level of noise generated, hours of operation and traffic impacts are such that they are unlikely to affect the amenity of the locality.

Landscaping, Fences and Walls

Objective: 1

Principles of Development Control: 1, 2, 4, 6

The Landscaping, Fences and Walls section outlines the importance of providing landscaping that enhances the appearance of development while also providing screening to various service and storage areas. Fencing is to be compatible with the development and within the locality and should provide a degree of visibility and surveillance from the building.

A mix of landscaping is proposed throughout the entirety of the site. Landscaping will be enhanced in the front yard, with a mixture of planters and garden beds planted along the Sir Donald Drive and Winifred Street frontages, most of which can be seen through the open wire heritage fencing. Landscaping along the western boundary will provide adequate screening of the bin storage area with landscaping along the eastern and southern boundaries to soften the appearance of the car park as viewed from the street. Approximately 19% (130m²) of the site has been landscaped which complies with the 10% minimum stated within PDC 4.

Transportation and Access

Objective: 2

Principles of Development Control: 2, 8, 11, 17, 21, 23, 24, 26, 34, 35, 36, 37, 38, 40, 41, 43

The Transport and Access section identifies the need for efficient movement, access, off street parking, and bicycle parking.

The proposal seeks to utilise the existing crossover/access from Winifred Street so as to avoid impacting upon the flow of traffic along Sir Donald Bradman Drive. The access point is well removed from the intersection of Sir Donald Bradman Drive (approximately 30 metres) and provides for safe and convenient access to the rear car parking area.

The proposal is able to accommodate the type and level of traffic likely to be generated by the development with sufficient area provided for onsite manoeuvring and loading/unloading. As such the proposal is anticipated to have minimal impacts on the adjoining road network.

The proposed car park will provide parking for 9 vehicles. The car parking rate for consulting rooms is 10 spaces per 100m² (14 spaces on site) as indicated in Table WeTo/2 of the Development Plan. The provision of 9 spaces is considered to be sufficient in this instance as there will be a maximum of 4 staff and 6 clientele on site at any one time. Any overflow of car parking can be accommodated given the number of car parking spaces available along Winifred Street. In addition, four bike parks have also been provided on site which can be accessed from Winifred Street via Sir Donald Bradman Drive which is part of Adelaide's bike direct network identified in Transport Map WeTo/8.

Waste

Objective: 1

Principles of Development Control: 1, 5, 6

The Waste section notes that waste be disposed of in an environmentally sound manner. Waste storage facilities should be designated on site, appropriately sized, screened and separated from adjoining areas.

The proposed bin storage area on site has sufficient capacity to cater for the proposal. There is to be no specialist waste disposal on site. The bin area will be screened via a timber frame and the landscaping planted along the western boundary. It will be located on the side of the building, away from the entry door and car parking area at the rear.

6

REGULATION 17 OF THE DEVELOPMENT REGULATIONS 2008

6.1 SOCIAL, ENVIRONMENTAL AND ECONOMIC EFFECTS

Regulation 17, 5d) of the *Development Regulations 2008* requires an assessment of the expected social, economic and environmental effects of the development on its locality.

The development is likely to have a positive impact on the locality in terms of the social, environmental and economic effects. The health and wellbeing service will provide nearby medical support for local residents and the broader community. The business will attract employment to the area which can lead to positive economic effects on nearby businesses and schools. The development will add additional landscaping to the locality which will improve upon the natural environment of the area.

6.2 OTHER INFORMATION SPECIFIED BY THE RELEVANT AUTHORITY

Regulation 17, 5e) of the *Development Regulations 2008* states that Council may request additional information in order to facilitate assessment of the application.

Council previously requested addition information which was sought prior to proceeding with the assessment of the application including:

1. Signage details
2. Fencing details
3. Medical bin storage and collection
4. Car park crossover location
5. Car park widths
6. Car park landscaping

These concerns have been discussed with Council in detail and have been addressed in the revised plans.



7

CONCLUSION

7.1 SUMMARY

The proposal seeks to repurpose the existing residential building as a small scale health and wellbeing facility. Small scale non-residential land uses, including health and welfare services, are an envisaged form of development within both the Residential Zone and Low Density Policy Area 20. The limited floor area of 138m² and restricted hours of operation are considered to fulfil the desire for non-residential development to be small scale and of low intensity and impact.

The proposed wellbeing centre will operate within an existing dwelling and will not extend or change the structure of the building. The proposal will instead renovate the building to better reflect the Desired Character of the area. The proposed use will not detract from the amenity of the locality nor will it impact upon surrounding residents as it will operate within day time hours, have a low number of vehicles movements and will generate little to no noise. The proposal is able to provide safe and convenient access to and from the site from a minor street with a sufficient level of car parking and manoeuvring area.

Given the small scale of the proposed use and retention of the existing built form, the proposed development is considered to be consistent with or have the capacity to result in consistency with the following provisions of the Development Plan:

Zone Provisions

Residential Zone

Objective: 4

Principles of Development Control: 1-3, 5, 18

Low Density Policy Area 20

Objective: 1

Principles of Development Control: 1

Council Wide Provisions

Design and Appearance

Objective: 1

Principles of Development Control: 1, 13-15

Interface between Land Uses

Objective: 1

Principles of Development Control: 1

Landscaping, Fences and Walls

Objective: 1

Principles of Development Control: 1, 2, 4, 6

Transportation and Access

Objective: 2

Principles of Development Control: 2, 8, 11, 17, 21, 23, 24, 26, 34, 35, 36, 37, 38, 40, 41, 43

Waste

Objective: 1

Principles of Development Control: 1, 5, 6

7.2 RECOMMENDATION

In summary, I am satisfied the proposed development is not seriously at variance with the requirements of the West Torrens Council Development Plan (Consolidated 12 July 2018).

The proposal demonstrates a significant degree of merit without offending the relevant provisions of the Development Plan and so warrants the grant of consent by Council and concurrence from the State Commission Assessment Panel (SCAP).

Yours sincerely,



Damian Dawson
Associate

APPENDIX 1

CERTIFICATE OF TITLE Volume 6208 Folio 81



Product	Register Search Plus (CT 6208/81)
Date/Time	25/01/2019 03:18PM
Customer Reference	18-067
Order ID	20190125007839
Cost	\$34.50

REAL PROPERTY ACT, 1986



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



Certificate of Title - Volume 6208 Folio 81

Parent Title(s) CT 5610/597

Creating Dealing(s) TR:N 12921148

Title Issued 29/05/2018 **Edition** 2 **Edition Issued** 17/07/2018

Estate Type

FEE SIMPLE

Registered Proprietor

DARK MORPH PTY. LTD. (ACN: 124 413 878)
OF 12 SEVERN STREET GILBERTON SA 5081

Description of Land

ALLOTMENTS 91 AND 92 FILED PLAN 216359
IN THE AREA NAMED COWANDILLA
HUNDRED OF ADELAIDE

ALLOTMENT 92 IS NAMED ROAD A IN D2598

Easements

NIL

Schedule of Dealings

NIL

Notations

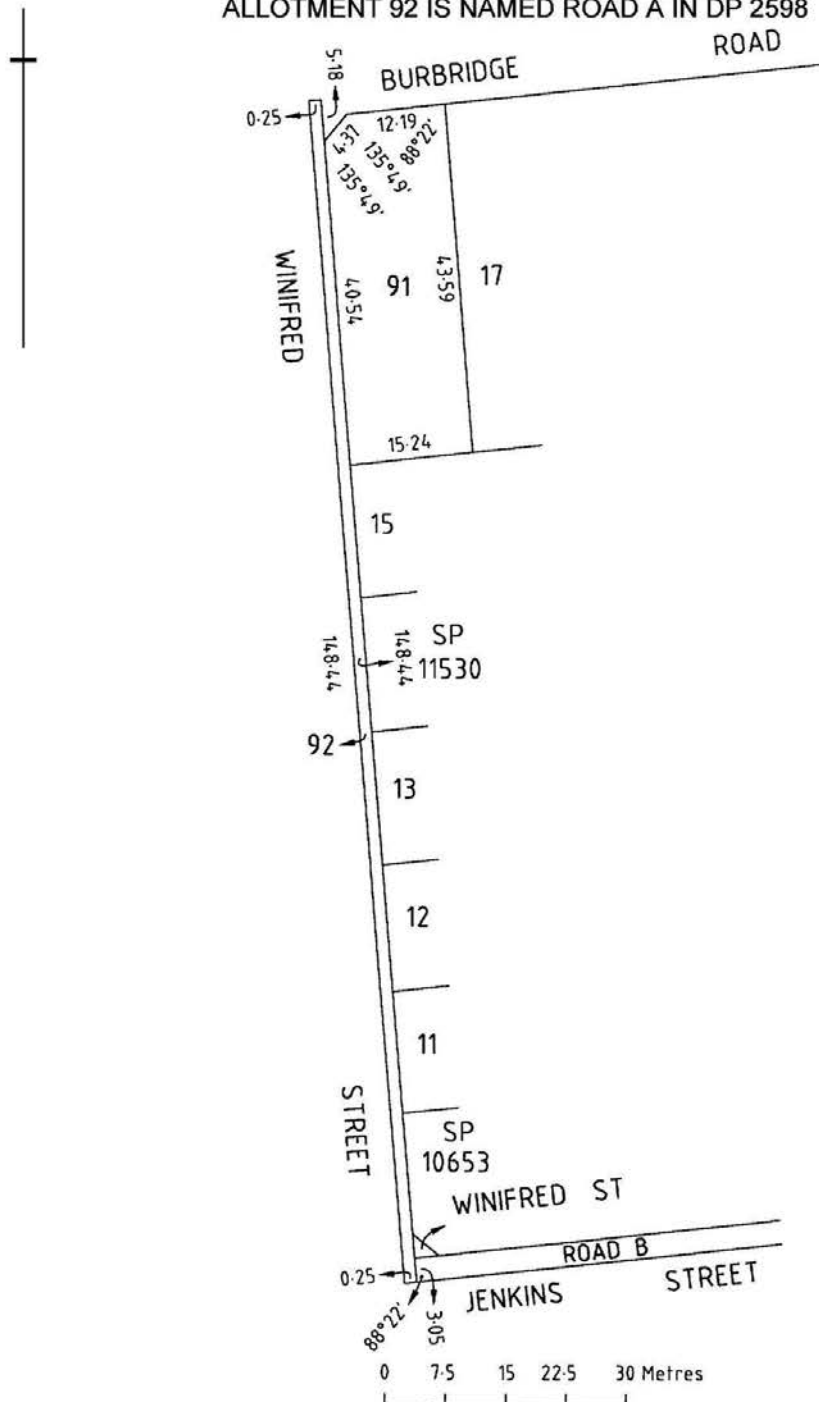
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product	Register Search Plus (CT 6208/81)
Date/Time	25/01/2019 03:18PM
Customer Reference	18-067
Order ID	20190125007839
Cost	\$34.50

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 4021/240 LAST PLAN REF: DP 2598

ALLOTMENT 92 IS NAMED ROAD A IN DP 2598



NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

Land Services

Page 2 of 2

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From: [Richard Tan](#)
To: [Jordan Leverington](#)
Subject: RE: 211/1243/2018 Cowandilla car parking amendments
Date: Tuesday, 14 May 2019 3:54:49 PM
Attachments: [image001.jpg](#)

Hi Jordan

The amended plan has provided a better layout in terms of car parking manoeuvrability. In terms of the proposed number of car park, consider in the fact that the site is located 200m within public bus stop (also within go zones), on-site bicycle bike rail has been provided and more importantly there is a number of on-street car parking available around the site, the number of carparking space proposed (9 in total) is therefore considered acceptable.

With the new provided plan, it is considered that existing crossover has been remained and therefore the remaining outstanding issue has been resolved.

Regards

Richard Tan
Development Engineer
City of West Torrens
Phone: 0884166296
Email: rtan@wtcc.sa.gov.au

From: Jordan Leverington
Sent: Wednesday, 8 May 2019 11:25 AM
To: Richard Tan
Subject: 211/1243/2018 Cowandilla car parking amendments

Hi Richard,

The applicant has amended their proposal. Would you accept 9 car parks as shown?

Kind regards

Jordan Leverington
Senior Development Officer - Planning
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033
Phone: 08 8416 6209
Email: jleverington@wtcc.sa.gov.au

*Any preliminary advice provided shall not be relied upon or be otherwise interpreted as a guarantee that the Council will approve any subsequent development application.
Please note that all development applications will be assessed against the provisions of the West Torrens Council Development Plan at the time of lodgement.*

From: Damian Dawson [<mailto:damian@planningchambers.com.au>]
Sent: Tuesday, 7 May 2019 12:09 PM
To: Jordan Leverington <jleverington@wtcc.sa.gov.au>
Subject: FW: 18-067 Cowandilla car parking amendments

Hello Jordan, I hope you had a good Easter.

Please find attached revised site plan/parking layout and landscaping plan for the proposed consulting rooms in Cowandilla.

There are a few refinements still to be made to the landscaping and signage location to be added but I thought I would send through to you to get your thoughts on the parking arrangement now being proposed.

You will note we have had to drop down to 9 (under the 12 desired) but I feel that this is still acceptable given the maximum number of staff on site at any one time is going to be 4 (3 consultants and one reception) and the maximum number of patients is going to be 6 (3 in being

treated and 3 waiting) giving a total of 10. In reality there is likely to only be 2 consultants at a time. Given the limited hours of operation proposed (no night time or Sunday use) and the availability of on street parking along the side street adjacent the site I don't think any offsite parking would impact residents or be noticeable over and above current levels.

We might be able to get 10 parks in at a squeeze but I feel that this layout works well and allows for a suitable level of landscaping.

See what you think I will give you a call shortly to discuss.

Cheers, Damian

Damian Dawson | Associate



Planning Chambers Pty Ltd

219 Sturt Street, Adelaide SA 5000

P: (08) 8211 9776 | **M:** 0408 227 493

E: damian@planningchambers.com.au



Please consider the environment before printing this email

Preliminary Traffic, Flooding & Stormwater Assessment

Development Application No: 211/1243/2018

Assessing Officer: Jordan Leverington
Site Address: 197 Sir Donald Bradman Drive, COWANDILLA SA 5033, 195-197 Sir Donald Bradman Drive, COWANDILLA SA 5033, 195 Sir Donald Bradman Drive, COWANDILLA SA 5033
Certificate of Title: CT-6208/81, CT-6208/81, CT-6208/81
Description of Development: Change of use from residential to consulting rooms and internal alterations

TO THE TECHNICAL OFFICER - CITY ASSETS

Please provide your comments in relation to:

- ☐ Site drainage and stormwater disposal
- ☐ Required FFL
- ☐ On-site vehicle parking and manoeuvrability
- ☐ New Crossover
- ☐ Your advice is also sought on other aspects of the proposal as follows:

.....
.....

PLANNING OFFICER - Jordan Leverington **DATE** 20 March, 2019



Memo

To Jordan Leverington
From Richard Tan
Date 20-Mar-2019
Subject 211/1243/2018, 197 Sir Donald Bradman Drive, COWANDILLA SA 5033,
195-197 Sir Donald Bradman Drive, COWANDILLA SA 5033, 195 Sir Donald
Bradman Drive, COWANDILLA SA 5033

Jordan Leverington,

The following City Assets Department comments are provided with regards to the assessment of the above development application:

1.0 FFL Consideration – Finished Floor Level (FFL) Requirement

- 1.1 No FFLs has been provided. There is no additional and alteration building construction activities proposed apart from internal alterations. Hence existing FFLs shall be remained.

2.0 Verge Interaction

- 2.1 There is contradiction in between the provided plan and statement of support. The plan stated that existing crossover will be retain while the statement of support indicated that existing crossover will be widened. This should be clarify by the applicant and plans should be amended accordingly.

It is recommended that the applicant clarify the status of existing crossover and amend the plan as required.

- 2.2 The crossover on provided plan is 9m wide and offset the boundary by 0.8m. This contradicts to on-site measurement of existing crossover at approximately 7.8m starting from the boundary and should be clarified. It is also recommended that the crossover to be modified/relocate to provide a better access to the carpark. A 6m wide crossover with 0.3m wide flaring on both sides within the 9m aisle width will be supported.

It is recommended that the applicant amend the plan to the above mentioned requirements.



- 2.3** It is noted that the portion of existing crossover will be made redundant based on the comments in dot point 2.2. This redundant portion of crossover should be reinstated to vertical kerb prior to the completion of any building works at the applicant's expense. It should also be indicated on revised plans that any redundant crossovers will be reinstated.

It is recommended that revised plans showing the reinstatement of redundant crossovers be provided to Council.

- 2.4** With the amendment to crossover in dot point 2.2, it is expected that the crossover will clash with existing Telstra pillar. Evidence must be provided to Council indicating that the appropriate authority (Telstra) has agreed to the removal of the pillar and that any relevant expenses are borne by the applicant. Until such evidence is provided to Council, a crossover servicing the proposed development cannot be accommodated in the proposed area. A condition and the annotation on the resubmission of plans should be included that the existing Telstra pillar be relocated at the expense of the applicant.

The applicant should provide correspondence from the appropriate authority indicating that the existing Telstra pillar can be removed and should confirm that any relevant expenses would be borne by the applicant.

3.0 Traffic Requirements

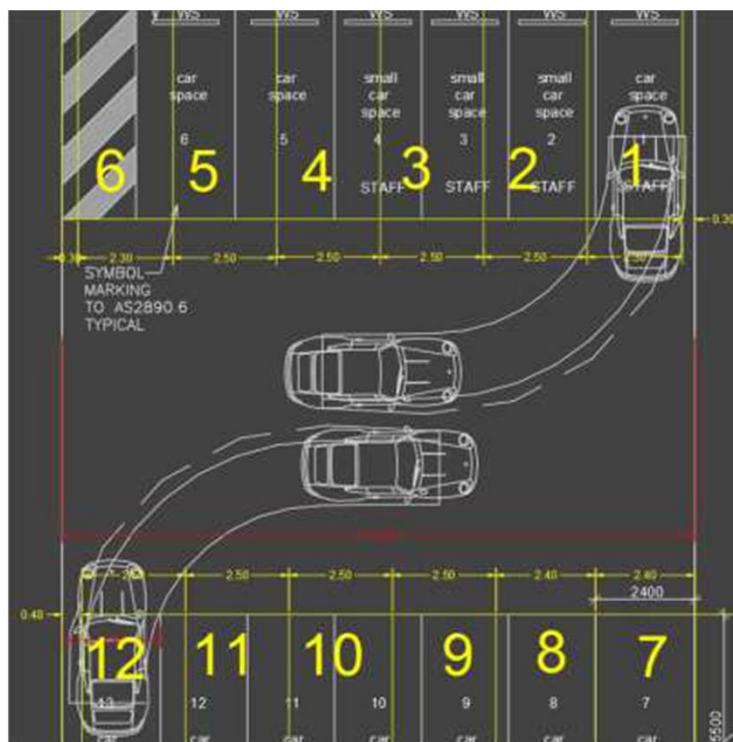
- 3.1** It is a general practise to adopt the rate of 4 carpark per consulting room for a small scale development. Hence the number of carpark required for this development is 12. The applicant has provided a carpark layout plan with 13 number of carpark. However, majority of the carpark width is not to relevant parking standards.

It is recommended that carpark layout to be amended to satisfy relevant parking standards.

- 3.2** The carpark width has been designed for User Class 1/1A. As a medical consult centre, the carpark should be designed based on User Class 3, which has minimum width of 2.5m. The following recommendation has been proposed for the carpark to meet relevant parking standards:
- Car space 1, & 6 to be reserved as staff carpark with 2.3m wide; A minimum 0.3m wide aisle width has been allowed for car park next to boundary;



- Car space 8 to be made accessible carpark with car space 7 as dedicated space for the accessible car park. Bollard should also be installed at car space 7 as per relevant parking standards;
- Car space 2 - 5 and 9 - 12 to be standard 2.5m wide carpark each



With this carpark configuration, 11 carpark will be provided. It is recommended that bicycle rail to be installed to cover the shortfall of carpark required.

The principle of the above mentioned car parking requirements has been discussed with Council's Traffic Consultant Mr Frank Siow.

Should the applicant decide not to adopt the above recommendation, then a new carpark layout design to User Class 3 should be provided.

It is recommended that applicant update the carpark layout design according to relevant parking standards and install bicycle rail to cover the shortfall of carpark required.

4.0 Waste Management



- 4.1** Based on the details of the proposed development and in the absence of any commentary on information on waste management, it would be considered reasonable that the scale and nature of waste generated by this development would not exceed that which can easily be accommodated by the Council conventional three bin collection system. There is also sufficient public kerb space for the presentation of bins.

I leave it to your consideration in relation to the requirements for medical waste bin and confidential bin that generally required by a medical centre.

5.0 Stormwater Requirements

- 5.1** No stormwater detention is required for this development.

Regards
Richard Tan
Civil Engineer

6.3 28 Montana Drive, NOVAR GARDENS

Application No 211/1239/2018

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Construction of a carport
APPLICANT	Budget Built Home Additions
LODGEMENT DATE	21 November 2018
ZONE	Residential Zone
POLICY AREA	Novar Gardens Character Policy Area 26
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a merit form of development and, in the opinion of the delegate, should be refused, except where the application is to be refused for a failure to provide information pursuant to section 39 of the Act or where a referral agency direct that the application is refused pursuant to section 37 of the Act.
RECOMMENDATION	Refuse
AUTHOR	Ebony Cetinich

BACKGROUND

The following table provides background information concerning the assessment of this application.

Date	Action
19 December 2018	The applicant was advised in writing that Council staff are not in support of the proposal for reasons outlined in the recommendation. The option to withdraw the application was presented to the applicant. A response was never received.
31 July 2019	A reminder email was sent to the applicant requesting that they confirm how they wish to proceed with the application by 16 August 2019. A response was never received and, as such, Council must proceed to assess the proposal in its current form.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 165 in Filed Plan 6539 in the area named Novar Gardens, Hundred of Adelaide, Volume 5495 Folio 331, more commonly known as 28 Montana Drive, Novar Gardens. The subject site is square in shape with a 25 metre (m) wide frontage to Montana Drive and a site area of 597 square metres (m²).

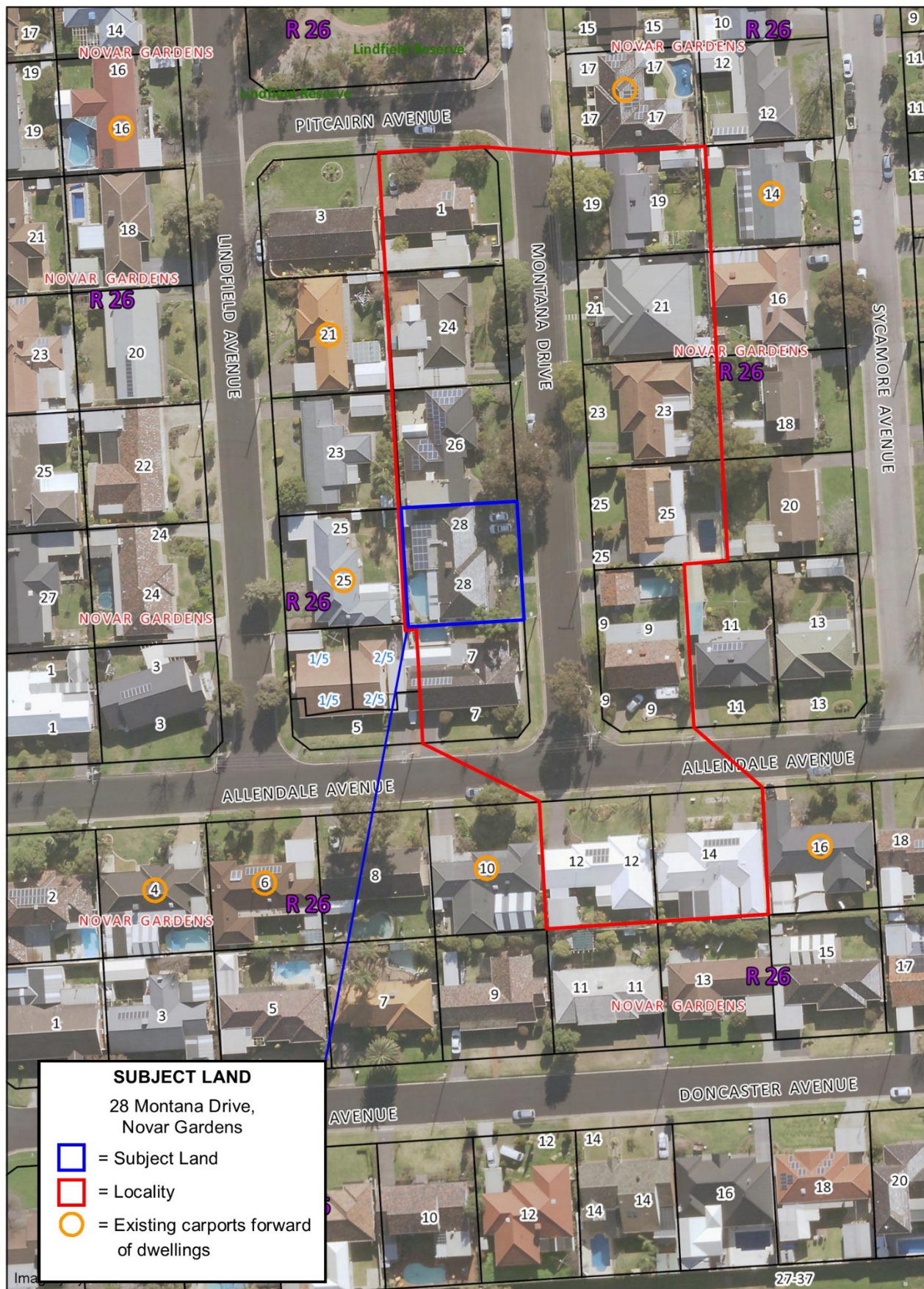
It is noted that there are no easements or Land Management Agreements on the Certificate of Title. The encumbrance listed on the Certificate of Title expired in 1996.

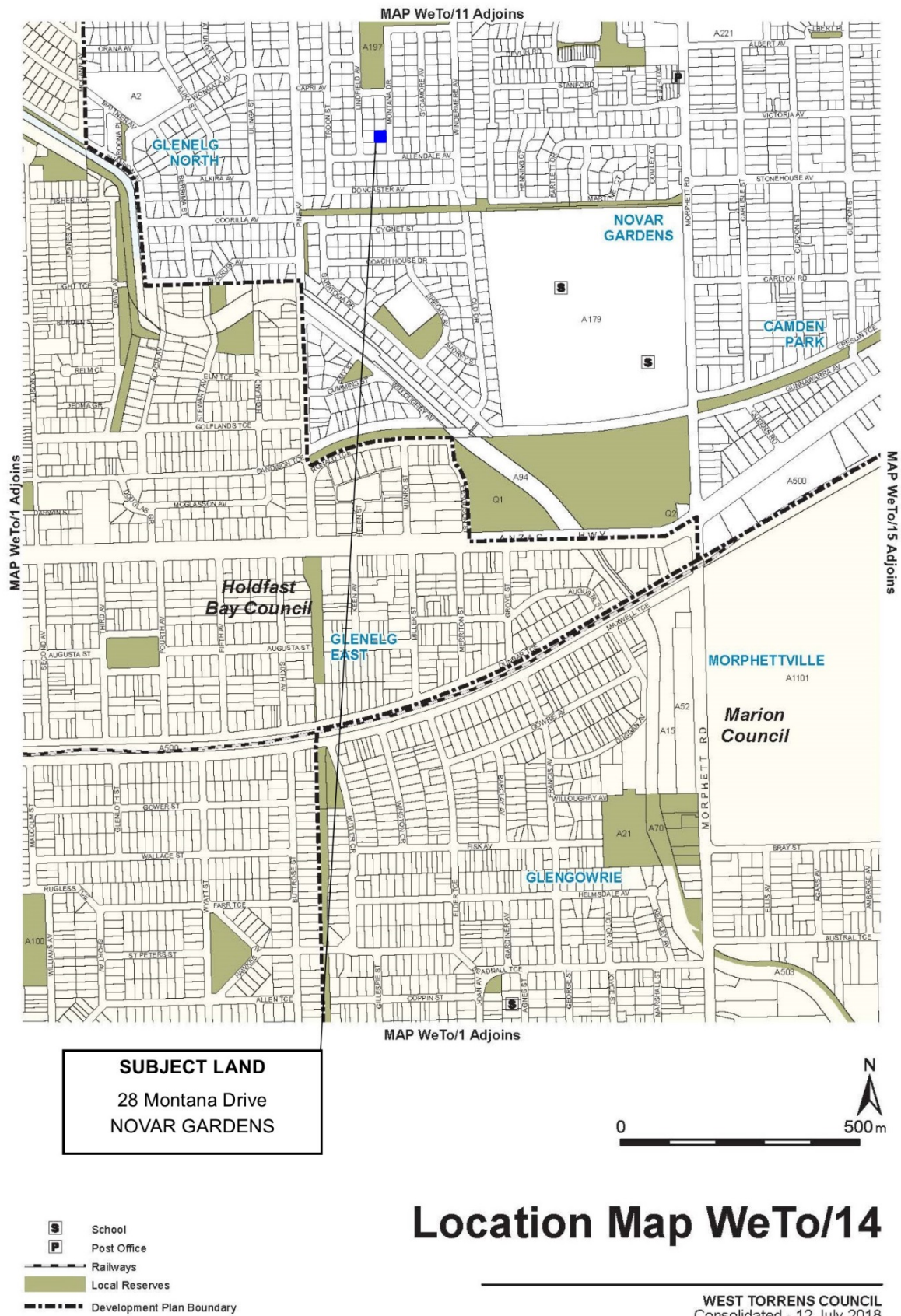
The site currently contains a single storey detached dwelling with a double garage and ancillary structures including a swimming pool and verandas. The site is relatively flat and there are no regulated trees on the subject site or on adjoining land that would be affected by the development.

The locality consists predominantly of residential development in the form of single storey detached dwellings on square-shaped allotments. The dwellings are consistent in form and are typically wide and shallow. The allotment pattern and front setback of dwellings is also consistent. There are no carports located forward of dwellings in the immediate locality although there are some carports located forward of dwellings in the wider locality. These are highlighted on the locality plan below and are discussed in the assessment section of the report.

The amenity of the locality is considered to be relatively high taking into account the consistent built form and allotment pattern and open streetscape.

The subject land and locality are shown on the aerial imagery and maps below.





RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/36/2006	Construction of a Carport to front of existing Garage	Withdrawn	22 February 2006

The assessing officer raised concerns with the proposal in terms of the positioning of the carport forward of the dwelling and the associated streetscape and amenity impacts. The applicant was advised that the proposal could not be supported and subsequently, the application was withdrawn.

PROPOSAL

The proposal seeks to construct a flat roof carport forward of the dwelling, 3m from the front property boundary. The carport will be constructed over an existing driveway and an existing vehicular access point will be utilised. The carport will accommodate two vehicles with a width of 6m, a depth of 5.1m and a post height of 2.6m. The height of the carport is consistent with the eaves of the associated dwelling. The carport will have a colorbond® roof, gutter and posts to match the existing dwelling.

The relevant plans and documents are contained in **Attachment 2**.

PUBLIC NOTIFICATION

Carports are listed as a Category 1 form of development pursuant to Schedule 9, Part 1 (2)(d) of the *Development Regulations 2008*. As such, public notification was not required.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone (herein referred to as the Zone) and, more specifically, the Novar Gardens Character Policy Area 26 (herein referred to as the Policy Area) as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone

This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

*Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a **Historic Conservation Area**.*

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Objectives	4
Principles of Development Control	1, 5, 8

Novar Gardens Character Policy Area 26

The policy area will contain detached dwellings (or buildings that looks like detached dwellings).

Allotments will be very low density and will be relatively square, with comparatively wide frontages. The consistency of this allotment pattern is a significant positive feature of the policy area, which subdivision will reinforce.

There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the predominant low and wide single storey detached dwellings on wide, generously landscaped allotments. This means that new development will preserve the consistency of front and side boundary setbacks, and any two storey elements will be discretely integrated.

Carports and garages will be in line with or behind the building facade. Alterations and additions will be primarily located at the rear of existing dwellings so that they have minimal impact on the streetscape and do not disrupt the consistent front set back.

There will be no formal footpaths on the Council owned verge and there will be no front fences or side fences forward of the building line to preserve the appearance of continuous, generously landscaped front yards extending to the street.

Objectives	1
Principles of Development Control	1, 2

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

QUANTITATIVE STANDARDS

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
FLOOR AREA <i>Residential Development</i> PDC 16	60m ² (max.)	30.6m ² Satisfies
BUILDING HEIGHT <i>Residential Development</i> PDC 16	5m (max.)	2.6m Satisfies

PRIMARY STREET SETBACK <i>Residential Development</i> PDC 16	No closer to primary road frontage than any part of the associated dwelling	3.5m in front of dwelling (approx.) Does Not Satisfy
WIDTH <i>Residential Development</i> PDC 16	6m	6m Satisfies
CAR PARKING SPACES <i>Transportation and Access</i> PDC 34	2 (1 of which is covered)	4 covered spaces Satisfies

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings:

Desired Character

The Policy Area is recognised for its consistent allotment pattern and built form. The Desired Character statement seeks to protect this, particularly the unity of built form as viewed from the street. In order to achieve this, the Desired Character statement stipulates that new development should preserve the consistency of front and side boundary setbacks. The proposal does not achieve this as the front setback of 3m is notably forward of existing dwellings fronting Montana Drive.

The Desired Character statement makes specific reference to carports, asserting that they be located in line with or behind the building façade (of the dwelling). Again, the proposal does not achieve this as the carport is located forward of the associated dwelling.

Taking into consideration the above, the proposed carport is not consistent with the Desired Character of the Policy Area and does not accord with Principle of Development Control (PDC) 5 of the Zone and Objective 1 and PDC 2 of the Policy Area.

Siting and Pattern of Development

PDC 16 of the Residential Development module reinforces that a carport located forward of the associated dwelling is not an appropriate form of development. PDC 16 states that carports should not dominate the streetscape and be located no closer to the road frontage than any part of the associated dwelling. Inherently, carports located forward of the dwelling are more visually prominent and have a negative impact on the streetscape.

In this case, the proposed carport will be located 3m from the front property boundary, while the associated dwelling is located approximately 7.3m from the front property boundary (at the closest point). Other dwellings within the locality sharing the same primary road frontage have an average front setback of 7m (approximately) and predominantly range from 7m to 8m. This demonstrates that the proposed carport will be a dominant feature in the streetscape as it is sited at least 4m in front of a majority of existing dwellings fronting Montana Drive. The proposed carport is also likely to disrupt the established pattern of development as viewed from the street which the Policy Area specifically seeks to protect.

It is acknowledged that there are some examples of existing carports sited forward of associated dwellings in the wider locality. These examples are explored in the table. It should be noted that all of the existing carports listed were approved prior to the Policy Area being established. Given the distance and visibility from the subject site, the existing examples are not considered to contribute or have an impact on the streetscape character of the immediate locality.

Address	Approval
17 Montana Drive	1984
16 Lindfield Avenue	1993
21 Lindfield Avenue	1988
25 Lindfield Avenue	2004
4 Allendale Avenue	1980
6 Allendale Avenue	1998
10 Allendale Avenue	1986
16 Allendale Avenue	2004
14 Sycamore Avenue	Originally constructed between 2004 and 2006 without approval. Demolition of the existing carport and construction of a replacement carport was approved in 2013.

Parking and Access

In accordance with PDC 34 of the Transportation and Access module and Table WeTo/2 of the Development Plan, a dwelling should have a minimum of two off-street car parking spaces, one of which is covered. It is acknowledged that the Development Plan does not specify a maximum number of off-street car parking spaces.

Notwithstanding the above, it is worth pointing out the existing dwelling currently has four off-street car parking spaces (two covered), which exceeds the requirements of the Development Plan.

SUMMARY

The proposed carport is not considered to be a desired, orderly and appropriate form of development within the context of the Policy Area. The siting of the carport does not sufficiently accord with the Desired Character and is not compatible with the established pattern of development and built form characteristics of the locality.

As the carport will be located forward of the associated dwelling, it is considered to have a detrimental impact on the streetscape character and established pattern of development in the locality. It is acknowledged that there are some examples of carports located forward of the associated dwelling within the wider locality. However, these examples were established prior to changes in Development Plan policy and are not considered to have altered the prevailing pattern of development within the immediate locality.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 12 July 2018 and does not warrant Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Plan Consent for Application No. 211/1239/2018 by Budget Built Home Additions to undertake the construction of a carport at 28 Montana Drive, Novar Gardens (CT 5495/331).

The proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

- General Section, Design and Appearance Objective 1
Reason: The proposal is not of a high design standard and does not respond to or reinforce the positive aspects of built form in the locality.
- General Section, Design and Appearance Principles of Development Control 20 and 21
Reason: The proposal is not setback so as to contribute positively to the desired character of the locality and does not comply with the average setback of adjacent buildings.
- General Section, Residential Development Principle of Development Control 16
Reason: The proposal is sited closer to the primary road frontage than its associated dwelling and dominates the streetscape.
- Residential Zone Principle of Development Control 8
Reason: The proposal is not setback the average of adjacent buildings.
- Residential Zone Principle of Development Control 5
Reason: The proposal is not consistent with the desired character of the zone and policy area.
- Novar Gardens Character Policy Area 26 Objective 1 and Principle of Development Control 2
Reason: The proposal is at odds with the Desired Character of the policy area.

Attachments

1. Relevant Development Plan Provisions
2. Application Plans

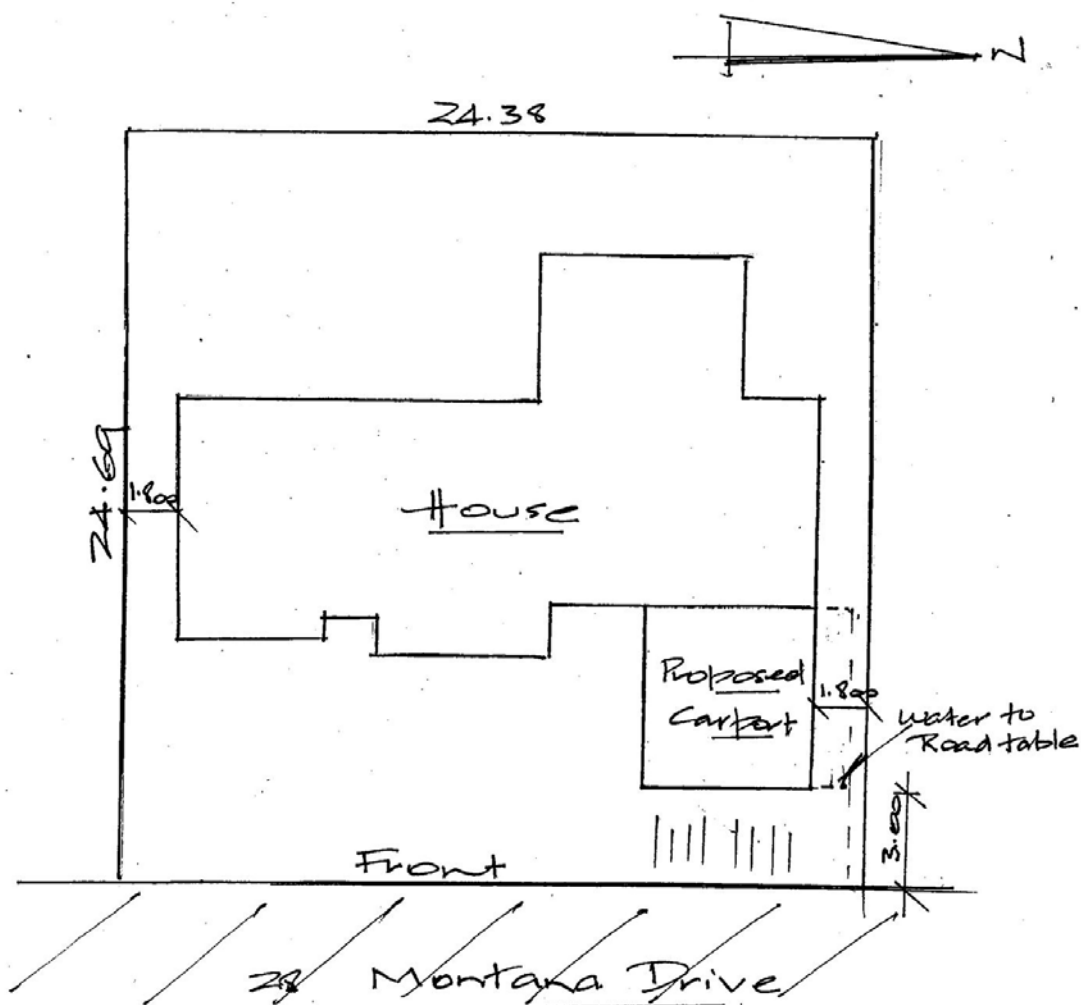
Relevant Development Plan Provisions

General Section		
Design and Appearance	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1, 2, 13, 15, 20, 21, 22
Residential Development	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	4, 14, 16
Transportation and Access	<i>Objectives</i>	2
	<i>Principles of Development Control</i>	23, 34

DEVELOPMENT APPLICATION

APPLICNO: 1296
JOBNO: 1679
Date of Applo.: 15-Nov-18

Name: Mr. Fort
Address: 28 Montana Dve
Novar Gardens SA 5040
Proposed: Carport

**Budget Built Home Additions**

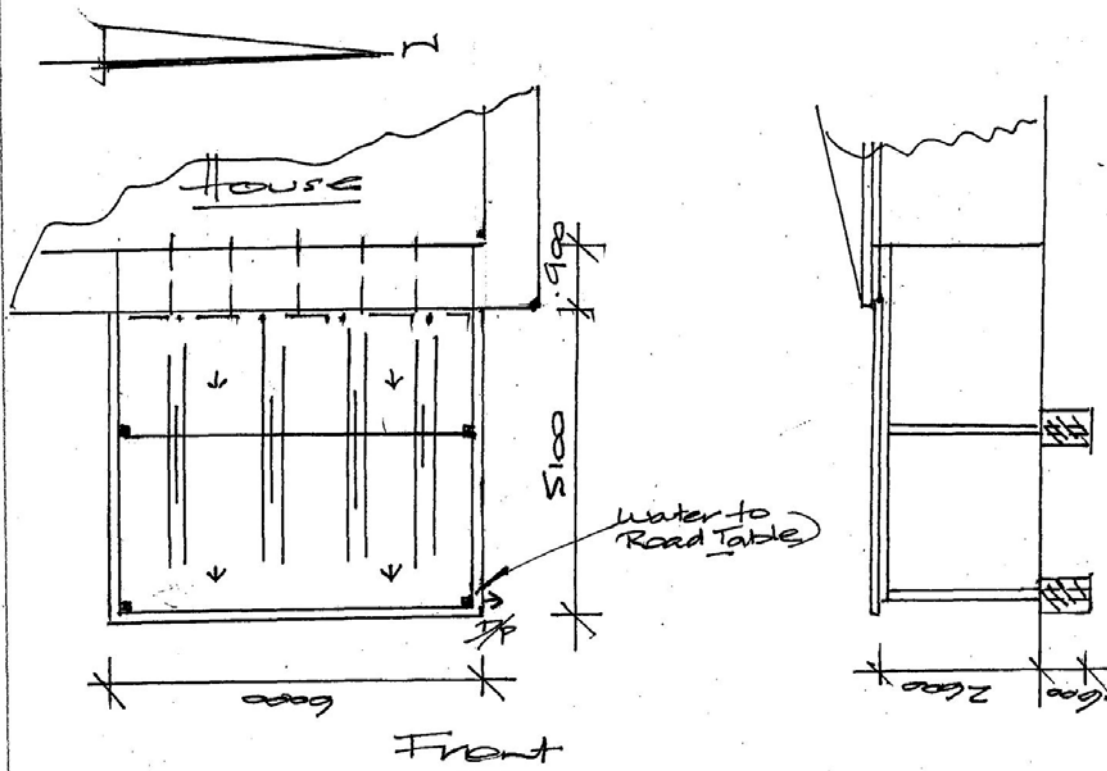
66 Telford Street Ovingham 5082
PO Box 799 North Adelaide 5006

Ph: 6295 4347
Fax: 6342 4397

CUSTNO:	2884
JOBNO:	1679

Fort

Proposed Attached Carport



Material Specifications

Refer to Strata Outback specifications
using 150mm Beams.

All G/Brd system to match house trim

budget built

Budget Built Home Additions

16 Telford Street Ovingham 5082
PO Box 798 North Adelaide SA 5006
Ph: 8295 4347 Fax: 8342 4397
ACN 007 806 877 LicNo.G6129
ABN 34 856 409 641

STRATCO
OUTBACK
VERANDAHS • PATIOS • CARPORTS • SUNROOF

A

White = Order Copy
Yellow = Clients Copy

Delivery Date

Customer Order No.

Specification Sheet

Authorised Outback Dealer Budget Built Home Addit.

Builders Name Paul Henderson Phone 8295 4347

Builder's Address P.O. Box 798 North Adelaide 5006

Lic. No. G 6129 Phone As Above Rep. Signature

Clients Name A. Fort Client Signature

Site Address 28 Montana Drive, Novar Gardens

Phone Number Home Business 0438 920 842

Address As Above

Council Phone

COLOUR LEGEND

AL - Alpine
SE - Sand Dune
DR - Desert
TD - Thunder
RF - Rainforest
DP - Deep Space

COLUMN SIZES

OUTBACK
☒ 68 x 68 Standard
☐ 68 x 68 Reinforced
Length

SHS
☐ 65 x 65 x 2.5
☒ 75 x 75 x 2.5
☐ 75 x 75 x 3.0
☐ 100 x 100 x 3.0

SHS CONNECTION DETAIL
(Refer Span Table Pg. 20-21)

☐ Detail F7
☐ Detail F8
☐ Detail F9
☐ Detail F10
☐ Detail F11

EXISTING STRUCTURE DETAILS

RAFTER/TRUSS
☒ Steel
☐ Timber

FASCIA
☒ Steel
☐ Timber

FASCIA ANGLE
☒ Flat
☐ Angle

EAVE O/HANG
☐ 450mm
☐ 600mm
☒ Other 900

ROOF PITCH
☒ 22°
☐ 30°
☐ Other

GUST WIND SPEED

☒ N1 (W28)
☐ N2 (W33)
☐ W36N
☐ N3 (W41)
☐ N4 (W50)
☐ C1 (W41)
☐ C2 (W50)
☐ W55C
☐ C3 (W60)

STRUCTURAL DETAILS

☐ 1A
☐ 1F
☐ 2A
☐ 2F
☒ 3A
☐ 3F
☐ 4A
☐ 4F

FOOTING DETAILS

☒ In Concrete
☐ 300 x 300 x 500mm
☒ 300 x 300 x 600mm
☐ On Concrete
☐ Footing Plate
☐ Internal Footing Bkt
☐ 300 x 350 x 650mm
☐ 350 x 350 x 750mm
☐ 450 x 450 x 750mm

No. of Premix Bag size (kg)

REINFORCING REQUIREMENTS FOR EXISTING STRUCTURE

Fascia Reinforcing Bkt

Extended Fascia Bkt

75 x 25 RHS (Flat)

Rafter Strengthening Bkt ☐ Fixed
☒ Adjustable

Riser Bkt ☐ Type A ☐ Type B

Reinforcing Channel

75 x 50 RHS (Gable)

Outback Verandah/Patio

FIXING OF BACK CHANNEL

☒ To Eaves
☐ To Wall

BEAMS

☐ 120 Beam
☒ 150 Beam

BACK CHANNEL DETAILS

☒ Standard
☐ Clickform Cover Channel
☐ Angle Back Channel

ANGLED COMPONENTS

☐ Angled Gutter Mitres
☒ Angled Beam Components

POLYCARB ROOFLITE

☐ No. of Polycarb Rooflite NH

DOWNPIPE TYPE

☐ PVC dia.
☒ 65 x 55 Outback
☐ 100 x 50
☐ Other

☐ S/W Adapter dia.

OUTBACK COLOUR CHART

	AL	SE	DR	TD	RF	DP
Deck	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
External Beams	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internal Beams	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Columns	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Downpipes	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gutters (Std. Colours)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gutter (Low Gloss Colour)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Downpipe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Outback Gables (Clearspan/Multispan/Curved)

OUTBACK GABLES

☐ Clearspan ☐ Multispan ☐ Curved

☐ Standard ☐ Gazebo ☐ Hip

☐ Ultimate ☐ 22° ☐ 30°

☐ Attachment Beam ☐ 120 ☐ 150

Gable Opening (Inside Valley Beams)

Existing Gutter Width

FLASHING DETAILS

Ridge Cap Type ☐ Steel ☐ Polycarb

Ridge Cap Colour

Hip Cap Type ☐ Steel ☐ Polycarb

Hip Cap Colour

Barge Cap Colour ☐ Std.

Box Gutter Colour ☐ Std.

Soaker (in Lieu of Z Flashing) ☐

Soaker Flashing Colour

Header Flashing Colour

Panel Strip Colour

ROOF DETAILS

☐ Outback Deck
☐ CGI C/Bond
☐ CGI Curving Quality
☐ CGI Polycarb
☐ Greca Polycarb
☐ Outback Rooflite*

EXTRAS

No. of Finial

POLYCARB COLOUR DETAILS

STANDARD	LASERLITE 2000	APOLLO	XPT
<input type="radio"/> Grey	<input type="radio"/> Classic Cream	<input type="radio"/> Metallic Bronze	<input type="radio"/> Satin Cream
<input type="radio"/> Bronze	<input type="radio"/> Ocean Blue	<input type="radio"/> Gun Metal	<input type="radio"/> Satin Sage
<input type="radio"/> Opal	<input type="radio"/> Gumleaf	<input type="radio"/> Olive Mica	<input type="radio"/> Ivory
<input type="radio"/> Clear	<input type="radio"/> Stone	<input type="radio"/> Arctic Ice	
		<input type="radio"/> Platinum	
		<input type="radio"/> Steel	

INFILL FRAMES

☐ One End
☒ Two Ends
☐ Intermediate
☐ Front
☐ Rear
☐ None

INFILL PANELS

☐ Fibre Cement
☐ Square Lattice
☐ Diamond Lattice
☐ Stucco
☐ Plastic Lattice
☐ Classic
☐ Privacy
☐ Twin Wall Polycarb
☐ Perforated
Colour

OUTBACK COLOUR CHART

	AL	SE	DR	TD	RF	DP
Rafters	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Purlins	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Valley Beam	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ridge Beam	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Curved Beam	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ROOF COLOUR DETAILS

Colour

☐ T/Side
☐ U/Side
☐ D/Side
Ridge/Hip/Barge
☐ T/Side
☐ U/Side

Outback Accessories

☐ Ventrage: Colour Qty

Length (max. 3m)

☐ Downlights: Qty

☐ Fans: Qty

☐ Heater: Qty

6.4 181 Morphett Road, NORTH PLYMPTON

Application No 211/1360/2018

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Removal of Regulated Eucalyptus Camaldulensis (River Red Gum)
APPLICANT	Duncan McGregor
LODGEMENT DATE	21 December 2018
ZONE	Industry Zone
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 2
REFERRALS	Internal <ul style="list-style-type: none"> City Operations City Property External <ul style="list-style-type: none"> Nil
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
DELEGATION	<ul style="list-style-type: none"> The relevant application proposes a merit form of development and, in the opinion of the delegate, should be refused, except where the application is to be refused for a failure to provide information pursuant to section 39 of the Act or where a referral agency direct that the application is refused pursuant to section 37 of the Act.
RECOMMENDATION	Refuse
AUTHOR	Ebony Cetinich

BACKGROUND

The application has been lodged by Duncan McGregor (Consulting Arborist) on behalf of the tenants of the site (VISY). Pursuant to Regulation 18 of the *Development Regulations 2008*, the owner of that land (City of West Torrens) was notified of the application. Both Council's City Operations (Arboriculture) and City Property departments have reviewed the information provided by the applicant and do not support the removal of the tree. Additional tests were requested by City Operations, however, the applicant did not wish to undertake any additional testing. Given that the land owner does not consent to the application, the proposal is presented to CAP for refusal on the basis that the application is hypothetical.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 1 in Deposited Plan 80717 in the area named North Plympton, Hundred of Adelaide, Volume 6126 Folio 765, more commonly known as 181 Morphett Road, North Plympton. The subject site is square in shape with a 203 metre (m) wide frontage to Morphett Road and a site area of 41,167 square metres (m²).

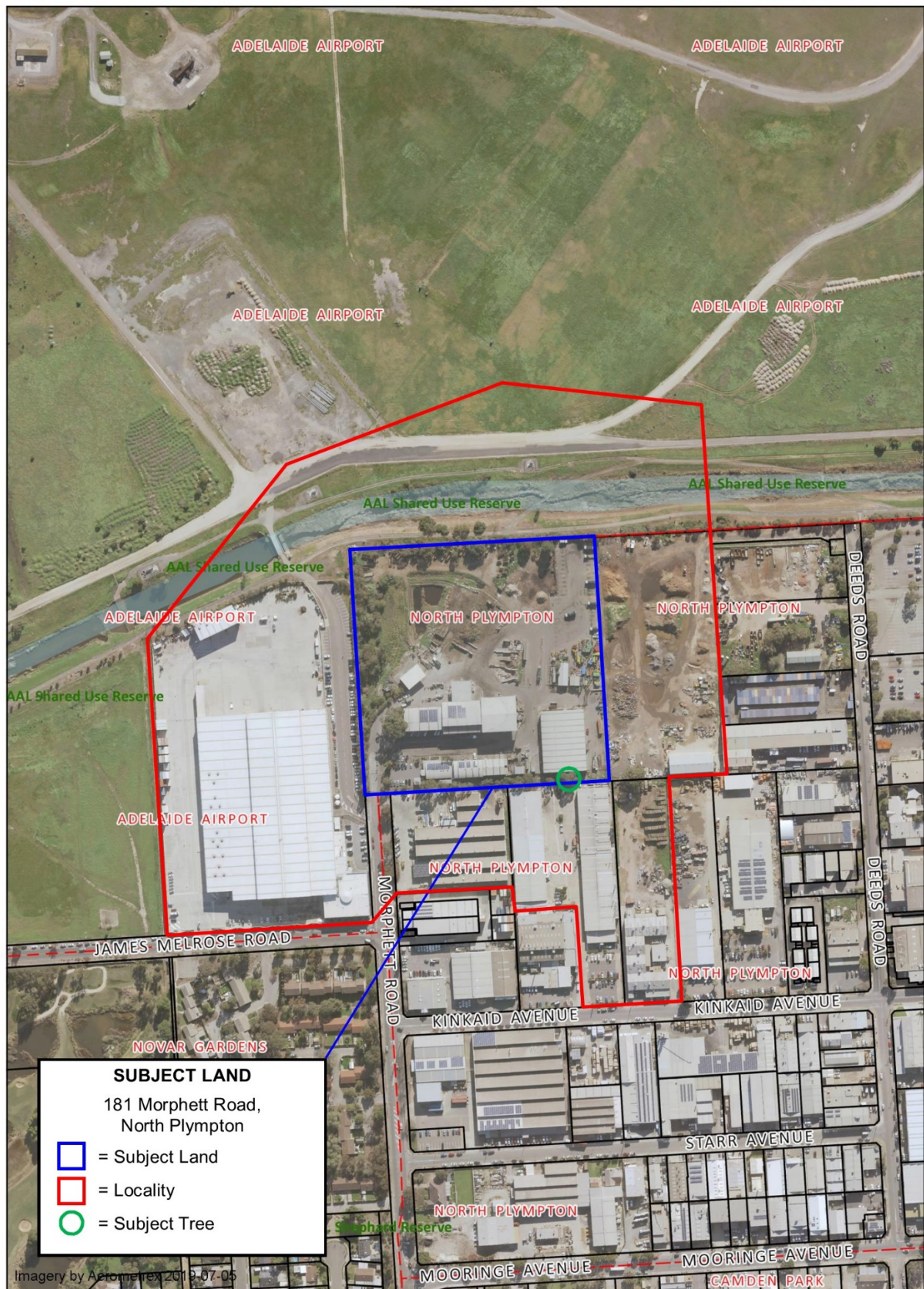
The site currently contains various buildings belonging to the Adelaide Waste and Recycling Centre. There are a number of service easements over the subject site which will not be affected by the proposed development.

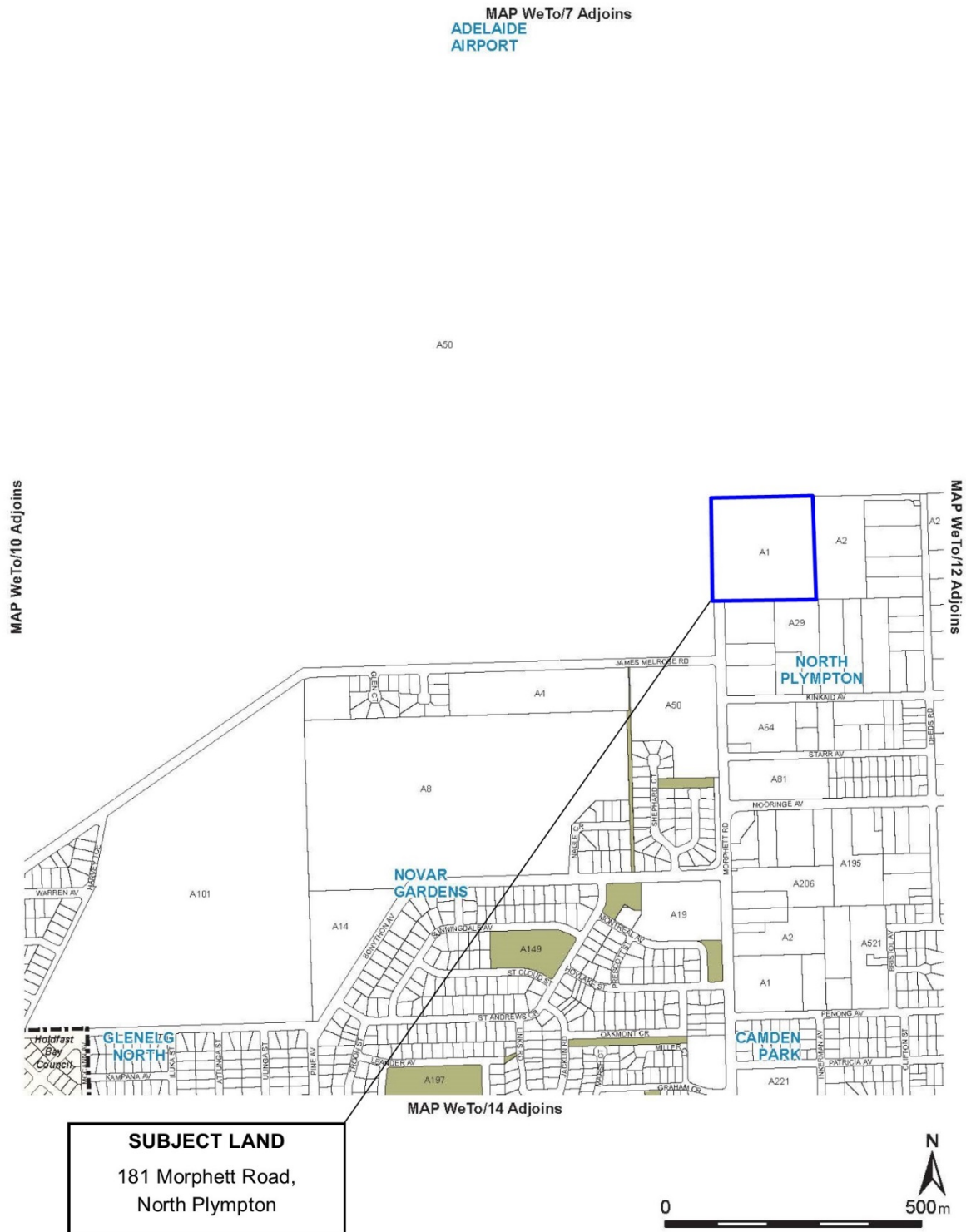
There are a number of large (potentially regulated) trees situated on the site. The tree proposed to be removed is located along the southern boundary of the site towards the south-eastern corner of the allotment. The tree has a trunk circumference of 2.05m when measured at 1m above natural ground level and is therefore considered to be a Regulated Tree pursuant to Regulation 6A(1)(2) of the *Development Regulations 2008*.

The locality consists of a mixture of commercial and industrial land uses. The Adelaide Airport is situated to the north of the subject site and the City of West Torrens Council Depot is situated to the west of the site.

The amenity of the locality is considered to be relatively low taking into account the nature of existing land uses within the locality.

The subject land and locality are shown on the aerial imagery and maps below.





Location Map WeTo/11

- Local Reserves
- Development Plan Boundary

WEST TORRENS COUNCIL
Consolidated - 12 July 2018

PROPOSAL

The applicant is seeking Development Plan Consent and Development Approval for the removal of a Regulated *Eucalyptus Camaldulensis* (River Red Gum). One of the VISY employees has contracted the pulmonary fungal disease *Cryptococcus gattii*, which has been associated with River Red Gums. The tenants claim that the fungal pathogen has come from the tree proposed to be removed. No tests have been undertaken to confirm the presence of *Cryptococcus gattii* within the subject tree.

A copy of the supporting information submitted by the applicant is contained in **Attachment 1**.

PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Schedule 9, Part 2, 25 of the *Development Regulations 2008*. Category 2 public notification was undertaken.

Properties notified:	Five properties were notified during the public notification process.
Representations:	No representations were received.

INTERNAL REFERRALS

Department	Comments
City Operations (Arboriculture)	<ul style="list-style-type: none"> A test for the presence of <i>Cryptococcus gattii</i> was requested. The applicant has options other than removal which they can implement. City Operations will not support the proposal.
City Property	<ul style="list-style-type: none"> In matters of this nature City Property is guided by the advice provided by Council's internal arborist. Given the recommendations and advice provided by Council's arborist, it is difficult to at this time support the applicant's request.

A copy of the relevant referral responses are contained in **Attachment 2**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Industry Zone. There is no specific Policy Area or relevant Desired Character statement.

An assessment against the relevant provisions of the Development Plan need not be undertaken as the application is hypothetical. This is discussed in the planning considerations section below.

PLANNING CONSIDERATIONS

Case Law

In *A & J Sheppard v Kangaroo Island Council* [2002] SAERDC 76, Judge Trenorden considered the effect of the decision in *Hackney Hotel Pty Ltd v St Peters TC* (1983). Her Honour stated (at [12]):

"...the judgment contemplates that an applicant who is neither an owner nor acting with the owner's consent can have an application for development consent considered by the relevant authority, and on appeal, by the appeal body....According to the authority of *Hackney Hotel* (above), the crux is whether, should consent be granted, the proposed development has a reasonable prospect of being implemented."

This case is of relevance as it sheds light on how a relevant authority should process a development application where the applicant is not the owner of the land and the owner of the land has not given their consent. Should the CAP be minded to support the proposal, there is no prospect of the tree removal being implemented as the owner has not given their consent.

On this basis refusal of the application is warranted as the proposal is considered to be hypothetical. The merits of the tree removal do not need to be considered any further.

SUMMARY

The applicant does not have the lawful right to implement the proposed development on the subject site. As such, the application is considered to be hypothetical and should be refused.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Plan Consent and Development Approval for Application No. 211/1360/2018 by Duncan McGregor to remove a Regulated Eucalyptus Camaldulensis (River Red Gum) at 181 Morphett Road, North Plympton (CT 6126/765) for the following reason:

1. The application is hypothetical as the owner of the tree does not consent to its removal.

Attachments

1. **Application Documents and Plans**
2. **Referral Responses**

Author: Duncan McGregor
Phone: 0416929717
Address: 9 Armiger Court Holden Hill SA 5088
Email: consultant@treevision.com.au



Arboricultural Assessment



Prepared for: Knight FM – John Angelini
Issue Location: Visy, 181 Morphett Road, North Plympton SA 5037
Council Area: City of West Torrens.

Tuesday, 27 November 2018

Author: Duncan McGregor
Phone: 0416929717
Address: 9 Armiger Court Holden Hill SA 5088
Email: consultant@treevision.com.au



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Tuesday, 27 November 2018

Author: Duncan McGregor
Phone: 0416929717
Address: 9 Armiger Court Holden Hill SA 5088
Email: consultant@treevision.com.au



Summary & Recommendations:

This report describes and provides qualified arboricultural recommendations following a visual arboricultural inspection of one 'Regulated' tree located on the southern boundary of the Visy site at 181 Morphett Road, North Plympton. Mr John Angelini of Knight FM on behalf of Visy requested a visual arboricultural inspection be carried out and professional recommendations be made in the interests of best managing the tree in question.

The tree in question has been identified as a *Eucalyptus camaldulensis*, and further an average representative of the species. This document and the information contained within this report does not support the retention of tree and recommendations are made for its removal.

The following deductions and recommendations are made following the above-mentioned assessment of the tree in question:

- i. The *Eucalyptus camaldulensis* in this instance is in reasonable health in terms of vigour, given its age and growing medium. The tree forms a contributing asset to the biodiversity and the landscape generally at the property.
- ii. At the time of inspection the tree displayed no visual symptoms of disease or decay. The general structure of the tree appeared sound.
- iii. The northern section of the crown has been rubbing on adjacent building and some of the tips of the branches have been lost of over time.
- iv. At approximately 1.5m above ground level there is union with the north west stem that is rubbing on the adjacent building. There is a pruning wound immediately below the union.
- v. A tight union is present at 2m above ground level, where the tree forks into the two main upright stems.
- vi. There is evidence of historic pruning of the tree to the south. This is where it has been pruned back from overhanging the adjacent property.
- vii. Visy are currently going through a work cover claim that one of their employees has developed the pulmonary fungal disease *Cryptococcus gattii*. The claim is based around the understanding that the fungal pathogen has come from and has an association with the tree subject of this assessment (reference - Ellis DH, Pfeiffer TJ. Natural habitat of *Cryptococcus neoformans* var *gattii*, 1990).
- viii. The principle hindrance in this instance is the risks posed by the tree to the people from the potential infection of *Cryptococcus gattii*. To prevent the potential for Visy employees to become infected they wish for the tree to be removed.
- ix. It is recommended the tree be removed and that an effective replacement strategy be implemented in the interests of procuring sustainable green infrastructure for The City of West Torrens and Greater Metropolitan Adelaide.

Finally, while I do not normally recommend the removal of mature trees, I believe that in this circumstance, removal and implementation of a systematic replacement strategy for the Visy, 181 Morphett Road, North Plympton is the only means by which to eliminate all of the associated concerns with the *Eucalyptus camaldulensis* subject to this inspection. Although immediate removal under the terms of Section 54/A of the SA Development Act 1993 may not be essential, it is recommended that every effort is made to expedite any application put forward for the tree's removal.

Tuesday, 27 November 2018

Author: Duncan McGregor
 Phone: 0416929717
 Address: 9 Armiger Court Holden Hill SA 5088
 Email: consultant@treevision.com.au



Caveat:

This report makes recommendations based on information provided and recommendations made are limited to the day (21 November 2018) on which the inspection was carried out.

When trees are subject to inspection it is important to note that all arboricultural species are living organisms and can therefore be highly unpredictable by nature. Thus an attempt is made in all circumstances to minimise the risk associated with all trees to a manageable or "acceptable" level, which is highly variable depending on the scenario.

Issue Location:

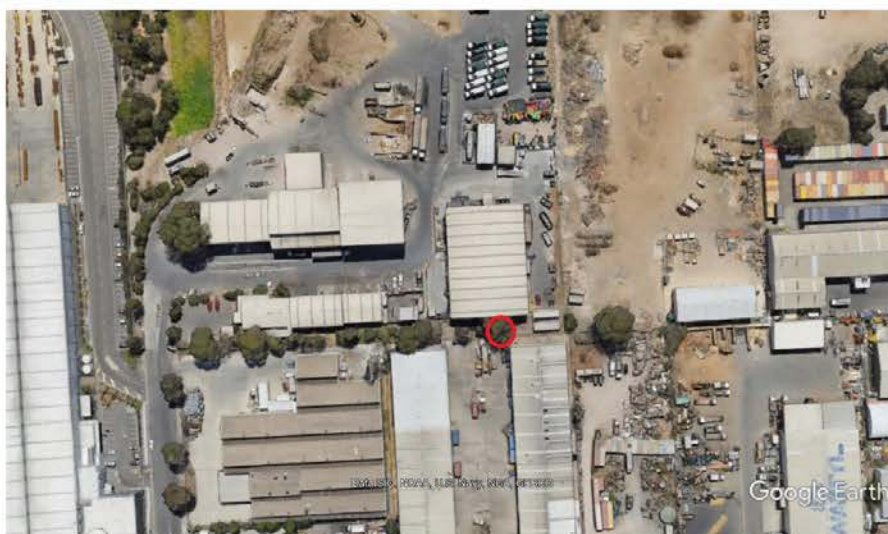


Figure 1 – Showing geographical location of the *Eucalyptus camaldulensis* at Visy, 181 Morphett Road, North Plympton in relation to buildings and surrounding vegetation.

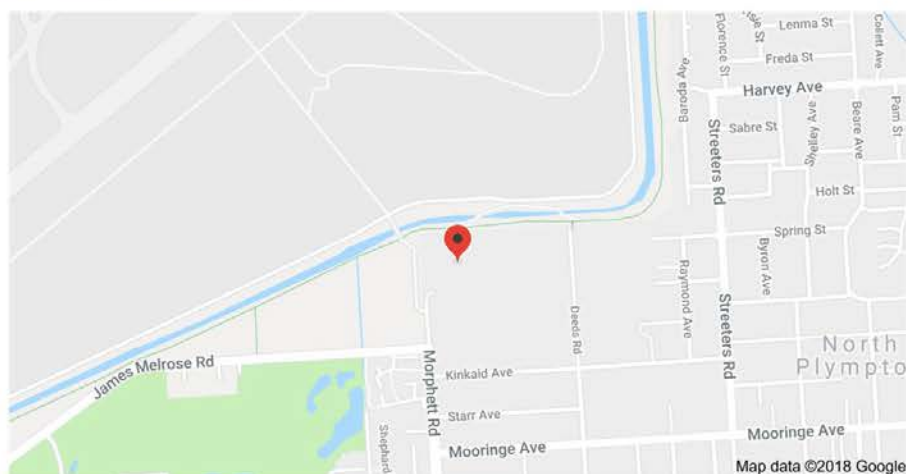


Figure 2 – showing site location in relation to major arterial, residential roads.

Tuesday, 27 November 2018

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Tree Inspection: *Eucalyptus camaldulensis*

The subject tree has been identified as a *Eucalyptus camaldulensis*. It is a single stemmed specimen with a stem circumference of 2.05 metres at 1m above natural ground level making it a 'Regulated Tree' under terms and definitions set by SA Development Act 1993. It has an estimated height of 14m and with crown spread at the widest point of 14m.



The image above shows the tree in its location on the site to the south of the Visy compound.



The image above further shows the tree looking east. The close proximity of the northern branch tips to the adjacent can be seen to the left of the image.

Tuesday, 27 November 2018

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The image above shows the lower main stem of the tree and the main unions identified at 1.5m and 2m. The union at 1.5m, with the tips of the northern limb touching the adjacent building, has an historic pruning wound on the eastern side.



The image above shows the extent of the pruning completed back from over the southern boundary of the property. The yellow arrow indicates the location of a large pruning wound.

Tuesday, 27 November 2018

Author: Duncan McGregor
Phone: 0416929717
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Email: consultant@treevision.com.au



Final Recommendations:

Given the nature and overall condition of tree in question, it is recommended that it be removed and replaced with several species to be planted on site.

In the interests of maintaining the health and biodiversity of the local landscape, it is recommended that suitable replacements be monitored to ensure they are properly established in their individual growing mediums.

Given the space on the site it is proposed to replace the tree with several trees and shrubs to provide continued screening. It is recommended that low-water use, and ideally species native to the local area, be investigated for their holistic contribution to the ecology of the urban environment.

Although I do not normally recommend the removal of mature trees, I believe that in this circumstance, removal and replacement are the only means by which to eliminate all of the associated concerns with the *Eucalyptus camaldulensis* subject to inspection.

Finally, I believe that the nature of the site lends itself well to the preservation and on-going management of the surrounding vegetation. When combined with several replacement species, this will limit any short-term loss in visual amenity as a result of the tree's removal. It is therefore recommended that the remaining vegetation be factored into a replacement strategy by the application of acceptable arboricultural management strategies where appropriate, and the protection of viable non-significant or regulated trees located on site until such time that the replacement vegetation is fully established.

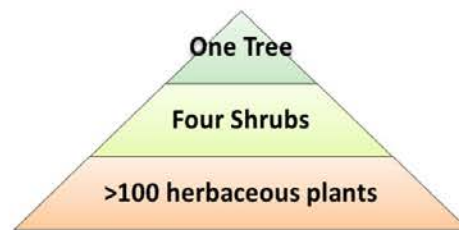


Figure 1- Ecological guide for vegetation replacement. Source: (Barossa City Council, 2010)

Thank you very much for the opportunity of preparing this assessment, and I hope it meets your requirements. Please feel free to contact me with any questions you may have or issues you need clarified.

Sincerely,

A handwritten signature in blue ink, appearing to read "Duncan McGregor".

Duncan McGregor
Chartered Arboriculturalist
BScFor, AATech Cert, MICFor

Tuesday, 27 November 2018

Author: Duncan McGregor
Phone: 0416929717
Address: 9 Armiger Court Holden Hill SA 5088
Email: consultant@treevision.com.au



Principles of Development Control: *Significant & Regulated Trees*

City of West Torrens Development Plan Consolidated - 12th July 2018

The *Eucalyptus camaldulensis* (River Red Gum) in question has a total stem circumference >2.0m making it 'Regulated' under the SA Development Act 1993. The tree is located >10m from a 'dwelling' and it is not listed as a species individually exempt from legislative protection, and therefore the tree still qualifies for protection under all recent amendments to the Regulated and Significant tree legislation.

Response to Legislative Objectives: *Eucalyptus camaldulensis*

1. The conservation of regulated trees that provide important aesthetic and/or environmental benefit.
2. Development in balance with preserving significant trees that demonstrate one or more of the following attributes:
 - a) Significantly contributes to the character or visual amenity of the locality;

The tree in question does contribute to the visual amenity of the locality.

- b) Indigenous to the locality;

Yes, it is locally indigenous.

- c) A rare or endangered species;

No, the tree is not a rare or endangered species. The tree is very commonly cultivated, naturally occurring and found in numerous locations throughout Greater Metropolitan Adelaide.

- d) An important habitat for native fauna.

No, but the tree does have some limited potential to provide suitable habitat for local indigenous fauna but due to the risks posed to people and property it should be removed.

Tuesday, 27 November 2018

Author: Duncan McGregor
Phone: 0416929717
Address: 9 Armiger Court Holden Hill SA 5088
Email: consultant@treevision.com.au



Response to Principles of Development Control: *Eucalyptus camaldulensis*

1. Development should have minimum adverse effects on regulated trees.
2. A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
 - a) The tree is diseased and its life expectancy is short;

The tree in question does not appear diseased and does not exhibit any signs of having a short life expectancy.

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

Yes, the tree represents a real material threat to public and private safety given the current work cover claim being pursued by of the employee. The claim is for human ill health as a direct result of fungal pathogen thought to have originated from the assessed tree. The tree represents a risk to public health.

- c) the tree is causing damage to a building;

During the inspection minor damage to adjacent building has occurred and it is likely that further damage will occur in the future should the tree not be removed.

- d) development that is reasonable and expected would not otherwise be possible;

The tree in this instance does not appear to be precluding development that is reasonable and expected.

- e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

The recommended works in this instance are for the complete removal of the tree as remedial arboricultural action is likely to be restricted and generally ineffective given the nature of the health risks posed to public and private safety.

3. Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.

The recommended works in this instance are for the complete removal of the tree in question, and it is further recommended that a suitable replacement strategy be implemented.

Tuesday, 27 November 2018

From: [Enio Trombetta](#)
To: [Cathryn Jones](#)
Cc: [Rick Johnston](#)
Subject: FW: Regulated Tree Removal Application - Visy, 181 Morphet Road, North Plympton
Date: Friday, 21 December 2018 9:00:02 AM
Attachments: [image001.jpg](#)

Hello Cathryn,

I do not have any further communication from Visy or Duncan McGregor of Tree Vision Arboricultural Consultants informing us they wish not to proceed.

They do not have any additional information/proof and the application is hypothetical at best. As with any risk matrix if they feel there may be at risk then they will need to implement control measures.

The hazard controls in the Hierarchy of Control are,

- [Elimination](#)
- [Substitution](#)
- [Engineering controls](#)
- [Administrative controls](#)
- [Personal protective equipment](#)

They have options other than removal which they can implement. City Operations will not support the proposal.

Kind regards,

Enio Trombetta
Technical Officer Arboriculture
 City of West Torrens
 165 Sir Donald Bradman Drive
 Hilton SA 5033

From: Duncan McGregor
Sent: Tuesday, 4 December 2018 2:06 PM
To: Enio Trombetta
Subject: RE: Regulated Tree Removal Application - Visy, 181 Morphet Road, North Plympton
 Hello Enio

I have had the following from Visy in respect of this application and this tree: -

We have not had the tree tested for Cryptococcus Gattii, we have only been advised that it can be present in this type of tree, hence we want to remove any possibility of it forming into the future.

I believe this the basis from which they would like the application to proceed.

Thanks

[Duncan McGregor | Consulting Arboriculturalist](#)

From: Enio Trombetta
Sent: Monday, December 03, 2018 10:18 AM
To: Duncan McGregor
Subject: FW: Regulated Tree Removal Application - Visy, 181 Morphet Road, North Plympton
Importance: High

Hello Duncan,

Could we please have the test results confirming the presence of "Cryptococcus gattii", on the

tree in question (Eucalyptus camaldulensis) at this location?

Kind regards,

Enio Trombetta

Technical Officer Arboriculture

City of West Torrens

165 Sir Donald Bradman Drive

Hilton SA 5033

From: [Steve Watson](#)
To: [Ebony Cetinich](#)
Cc: [Teresa Desteno](#); [Dean Ottanelli](#)
Subject: FW: DA211/1360/2018 - Request for property comment on development application - 181 Morphet Road, North Plympton
Date: Wednesday, 13 February 2019 11:33:49 AM
Attachments: [D - 1360 - 2018 - - Advice to Owner of receipt of a Sig Tree App - 21-Dec-2018 - CITY OF WEST TORRENS \(A2248344\).pdf](#)
[211_1360_2018 - Removal of regulated tree.obr](#)

Hi Ebony

Further to your request I wish to advise as follows:

In matters of this nature City Property is guided by the advice provided by Council's internal (and/or external consultant) arborist. (I believe a copy of this advice has also been provided to you.)

Given the recommendations, and advice, provided by Council's arborist it is difficult to at this time support the applicant's request.

I trust this meets your requirements.

(Sorry for not replying earlier - this has been in my drafts folder - thought had sent)

Regards,

Steve Watson

Senior Property Assets Advisor

City of West Torrens

165 Sir Donald Bradman Drive

Hilton SA 5033

6.5 2 Miranda Avenue, LOCKLEYS

Application No 211/658/2019

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Removal of a significant tree - Eucalyptus Camaldulensis (River Red Gum)
APPLICANT	J Tempest
LODGEMENT DATE	10 July 2019
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> • City Operations • Arboriculture Advisor External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2019
DELEGATION	<ul style="list-style-type: none"> • The relevant application proposes a merit form of development and, in the opinion of the delegate, should be refused, except where the application is to be refused for a failure to provide information pursuant to section 39 of the Act or where a referral agency direct that the application is refused pursuant to section 37 of the Act.
RECOMMENDATION	Refuse
AUTHOR	Amelia De Ruvo

BACKGROUND

The applicant has provided an arborist report by Dylan Tempest of Tertiary Tree Consulting Pty Ltd in support of the proposed removal. His recommendation to remove the subject tree is primarily based upon the associated safety risks to both people and the existing residential dwelling on site.

Council's Consulting Arborist was of a different opinion and has argued that the removal of the subject tree is unjustified. While acknowledging the large torn stub from the subject tree, he has determined that little to no pruning work has been undertaken and that good quality pruning practices, such as tip reduction and crown thinning, would drastically reduce the likelihood of limb failure in the future.

Due to these opposing opinions, a third opinion was sought from Council's Senior Arboriculture Officer. As part of the referral he was provided with the two arborist reports and supporting documentation relating to the subject tree. He reiterated the position of Council's Consulting Arborist in that the removal of the subject tree is considered to be unjustified. It was recognised that pruning of the subject tree in accordance with AS 4373 - 07 '*Pruning of Amenity Trees*' will minimise the risks associated with the subject tree.

This option was discussed with the applicant and the applicant was requested to amend their proposal to the pruning of the subject tree. However, the applicant has decided to proceed with the application in its current form.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 84 in Deposited Plan 4676 in the area named Lockleys, Hundred of Adelaide, Volume 5676 Folio 251, or more commonly known as 2 Miranda Avenue, Lockleys. The subject land is rectangular in shape with an 18.5 metre (m) wide frontage to Miranda Avenue, a depth of 45.72m and an overall site area of 845.82 square metres (m²).

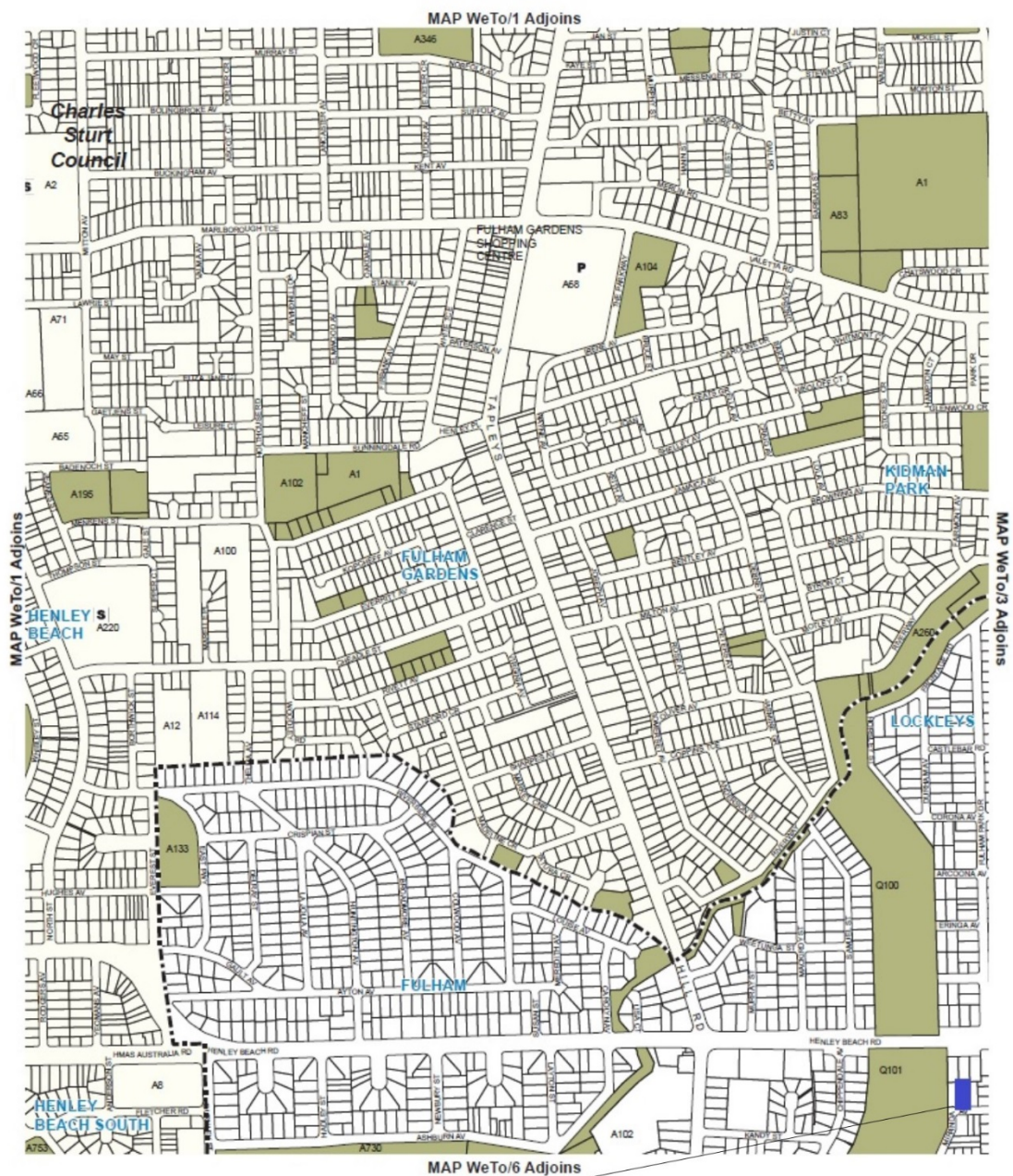
It is noted that there are no easements, encumbrances or Land Management Agreements listed on the Certificate of Title.

The subject land is an existing residential site located on the northern side of Miranda Avenue. The site contains a single storey detached dwelling with an attached verandah and detached outbuilding. The significant tree, proposed to be removed as part of this application, is located within close proximity to the front property boundary. The tree is approximately 20m in height with a crown radius of approximately 23m. The trunk circumference is 5.1m when measured one metre above natural ground level.

The locality is residential in nature comprised of single and double storey detached dwellings. The allotment pattern within the locality is fairly consistent in that it maintains rectangular shaped allotments. To the west of the subject site is the Karrawirra Parri River (more commonly known as the River Torrens). Other notable vegetation can be observed along Karrawirra River and surrounding dwellings, in particular at 3 and 5 Miranda Avenue, Lockleys.

The subject land and locality are shown on the aerial imagery and maps below.





PROPOSAL

The applicant is seeking Development Approval for the removal of one (1) significant tree - *Eucalyptus Camaldulensis* (River Red Gum) from the southern portion of the subject land.

Limb failure during the past two to three years and damage to the driveway and porch has prompted the development application.

A copy of the plans and supporting documentation provided by the applicant are contained in **Attachment 2**.

INTERNAL REFERRALS

Department	Comments
Arboriculture Advisor	<ul style="list-style-type: none"> • Subject tree is an excellent representative of its species due to its visual amenity, good overall health and long life expectancy; • It is a mature indigenous tree which is important for biological reasons as it provides habitat conditions suitable for a wide range of animals, plants and invertebrates; • No visible signs of fungal fruiting bodies or major active pests and diseases noted; • Presence of Longicorn Beetles (borers) is confirmed by the accumulation of small oval shaped exit holes on the main stem, typical of a mature Eucalypt species. This does not compromise health or structural integrity of subject tree; and • Had management of the subject tree (pruning) been undertaken in the past, the limb failures associated with the tree would be been reduced.
City Operations	<ul style="list-style-type: none"> • The subject tree is in a state of low activity, with no change to the tree's appearance for 40 - 50 years; • Tree is a large well-formed specimen that exhibits very good health and good structural behavioural characteristics common with Eucalypts; • Tree vigour is excellent, evident by foliage colour and density throughout the canopy; • The branching structure is widespread, supporting a generally symmetrical form, the crown is in good condition with minimal dieback (<5%); • No major identifiable defects within its branching structure to increase potential risk; • Evidence of one failure from the canopy and minimal minor failures have been documented. The failure is associated to the fact that no or very minimal maintenance has occurred to the tree; and • Many pruning options are available and removal is unjustified.

A copy of the relevant referral responses is contained in **Attachment 3**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, the Low Density Policy Area 21, as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone

This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.

Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.

*Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a **Historic Conservation Area**.*

Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.

Objectives	4
Principles of Development Control	5

Low Density Policy Area 21

This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).

There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.

Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.

Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Objective	1
Principles of Development Control	2

Additional provisions of the Development Plan which relate to the proposed development are contained in **Attachment 1**.

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings.

Tree Species

The subject tree, a *Eucalyptus Camaldulensis*, is a species that is indigenous to South Australia and the local area. Accordingly, removal of the tree does not satisfy Objective 2(b) of the Regulated Trees module. However, the species is not listed as rare or endangered under the *National Parks and Wildlife Act 1972*, so removal of the tree could be supported by Principle of Development Control (PDC) 1(b) of the Significant Trees and Objective 2(c) of the Regulated Trees modules.

Visual Amenity

The subject tree is highly visible within the locality as demonstrated by Figures 1 and 2 below. There are also two other significant trees located within the front yards of 3 and 5 Miranda Avenue, which together form a conspicuous visual element in the locality.

Council's consulting Arborist and Senior Technical Officer - Arboriculture, have both indicated that the subject tree is likely to be part of the original remnant vegetation of the Adelaide Plains. While the specific history of the tree is unknown, Council aerial imagery has shown the subject tree existed back in 1935. The siting and location of the subject tree has been confirmed by cross referencing known landmarks and the distances from them (please refer to **Attachment 4**). These landmarks include three dwellings marked as A, B and C in Attachment 4. While the original form of some of these dwellings has altered over the years, they have been useful in providing a reference point against which the subject tree can be measured. The older aerial images show that there were originally three trees, however the eastern-most tree (located on 2A Miranda Avenue) was removed in 1999.

Given its high visibility, form, health and maturity, the subject tree is considered to provide important aesthetic benefits and make an important contribution to the character of the area. Its importance is increased as the locality is largely void of other tall and mature indigenous tree species. For these reasons, tree removal cannot be supported in accordance with Objective 1 and PDCs 1(a) and 1(f) of the Significant Trees module and Objectives 1 and 2(a) of the Regulated Trees module.



Figure 1: Subject tree when viewed from the corner of Rutland Avenue and Miranda Avenue



Figure 2: Subject tree when viewed from the corner of Rutland Avenue and Netley Avenue

Environmental Benefit

Mature Eucalypt trees, such as the subject tree, are important for biological reasons. A Eucalypt tree provides conditions that are suitable for a wide range of animals, plants and invertebrates, many of which require the unique environment provided by an older tree. The subject tree is considered to provide important environmental benefits and an important habitat for native fauna whilst maintaining biodiversity in the local area. Due to the age of the subject tree it enhances the viability of ecosystems and species survival as well as reducing rising water tables which impacts upon the spread of soil salinity.

The proposed removal of the tree is therefore inconsistent with Objectives 1 and 2(d) of the Regulated Trees module and Objective 1 and PDCs 1(c) and 1(e) of the Significant Trees module.

Tree Health

When Council's consulting arborist performed a site inspection of the subject tree, it was found to be an excellent representative of its species due to its overall good health, structure and long life expectancy. There were no visible signs of fungal fruiting bodies, major active pests or diseases noted. It was confirmed that there was the presence of Longicorn Beetles (borers) by the accumulation of small oval shaped exit holes on the main stem. However, this is typical of mature Eucalypt species within South Australia and does not compromise the health or structural integrity of the subject tree. The useful life expectancy of the tree is estimated to be in excess of 50 years. These findings are reinforced by Council's Technical Officer - Arboriculture, who notes that the subject tree vigour is excellent, evident by the foliage colour and density throughout the canopy. The branch structure is wide spreading supporting a generally symmetrical form and the crown is in good condition with minimal dieback.

Taking into consideration the expert advice in relation to the health of the subject tree, its removal cannot be supported in accordance with PDC 2(a) of the Regulated Trees module and PDC 3(a)(i) of the Significant Trees module.

Tree Structure and Risk to Safety

Council's consulting arborist is of the opinion that the risks currently posed by the subject tree can be remediated by maintenance pruning. The consulting arborist has acknowledged that there are some slightly over-extended limbs where foliage is located mostly at branch extremities, however this is typical of a healthy and vigorous Eucalyptus Camaldulensis. Council's Senior Technical Officer - Arboriculture adds that subject tree is not exhibiting any identifiable major defects within its branch structure to suggest that it has an increased risk of branch failure. While there are small overhanging dead branches and evidence of one previous failure from the canopy, it is considered that these failures are a result of no or very little maintenance of the tree. Pruning in accordance with AS 4373 - 07 '*Pruning of Amenity Trees*' can rectify this issue.

Taking into consideration the above, the subject tree does not currently present an unacceptable or material risk to public or private safety as suitable remedial measures are available to manage the risks associated with the tree in the future (see below). Accordingly, removal cannot be supported by PDCs 3(a)(ii) and 3(e)(ii) of the Significant Trees module and PDC 2(b) of the Regulated Trees module.

It is important to note that both arborists are of the opinion that ongoing maintenance of the tree is required in order to maintain the low risk to safety posed by the tree. It is also important to recognise that it is Council's role to assess the health, structure and risk associated with the tree during the development application process. It is then the owner's responsibility to ensure that regular inspections are undertaken by a suitably qualified arborist to monitor the health of the tree and to identify when appropriate tree maintenance is required to mitigate risk and prevent future branch failures from occurring. As such, Council cannot accept any responsibility or liability for any future risk or failures associated with the subject tree.

Damage to a Building / Structure

When undertaking a site inspection, damage to a building or a substantial structure of value was not visibly evident. The applicant has not provided any evidence demonstrating that the tree is causing damage to a building as they have not engaged a structural engineer. It is acknowledged that damage to the driveway and a crack in the porch slab has occurred, detailed within the supporting documents (see **Attachment 2**). However it is unclear as to whether the subject tree is the cause of this damage. The Significant Tree provisions call for the removal to be justified on the basis that it is causing substantial damage to a substantial building or structure of value. Accordingly, removal of the subject tree cannot be supported by PDC 2(c) of the Regulated Trees module and PDCs 3(b) and 3(e)(iii) of the Significant Trees module

Appropriate Development

No development other than tree removal is proposed. As such, removal of the subject tree cannot be supported by Objective 2 of the Significant Trees module and PDC 2(d) of the Regulated Trees module.

Alternative Remediation Treatments

Both Council's consulting arborist and Senior Technical Officer - Arboriculture have determined that remediation techniques such as deadwood removal, tip pruning, crown thinning and weight reduction can be implemented to further reduce the already low level of risk posed by the tree. Both experts have determined that long term management of the tree is achievable and regular preventative maintenance is crucial and should be implemented.

Given that alternative remediation treatments are available, tree removal cannot be supported by PDCs 3(c), 3(d), and 3(e)(v) of the Significant Trees module.

SUMMARY

The subject tree is highly visible and forms a notable component in the landscape. It provides important aesthetic and environmental benefit to the local area given its age and indigenous status.

The subject tree is considered to be in good health and to be structurally sound. While a previous branch failure has occurred, had regular maintenance been undertaken this could have been avoided. Both Council's Consulting Arborist and Senior Technical Officer - Arboriculture have stated that remedial work, including tip pruning, crown thinning and weight reduction can be implemented to minimise any associated risks with the tree. In this instance the removal of the Significant Eucalyptus Camaldulensis is unjustified.

It should be noted that an application for the pruning of the subject tree, in accordance with AS 4373-07 *Pruning of Amenity Trees*, would be supported by Council. It was requested of the applicant to amend their application numerous times, however this was not followed.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 12 July 2018 and does not warrant Development Plan Consent or Development Approval.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Plan Consent and Development Approval for Application No. 211/658/2019 by J Tempest to remove a significant tree - *Eucalyptus Camaldulensis* (River Red Gum) at 2 Miranda Avenue, Lockleys (CT 5676/251) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

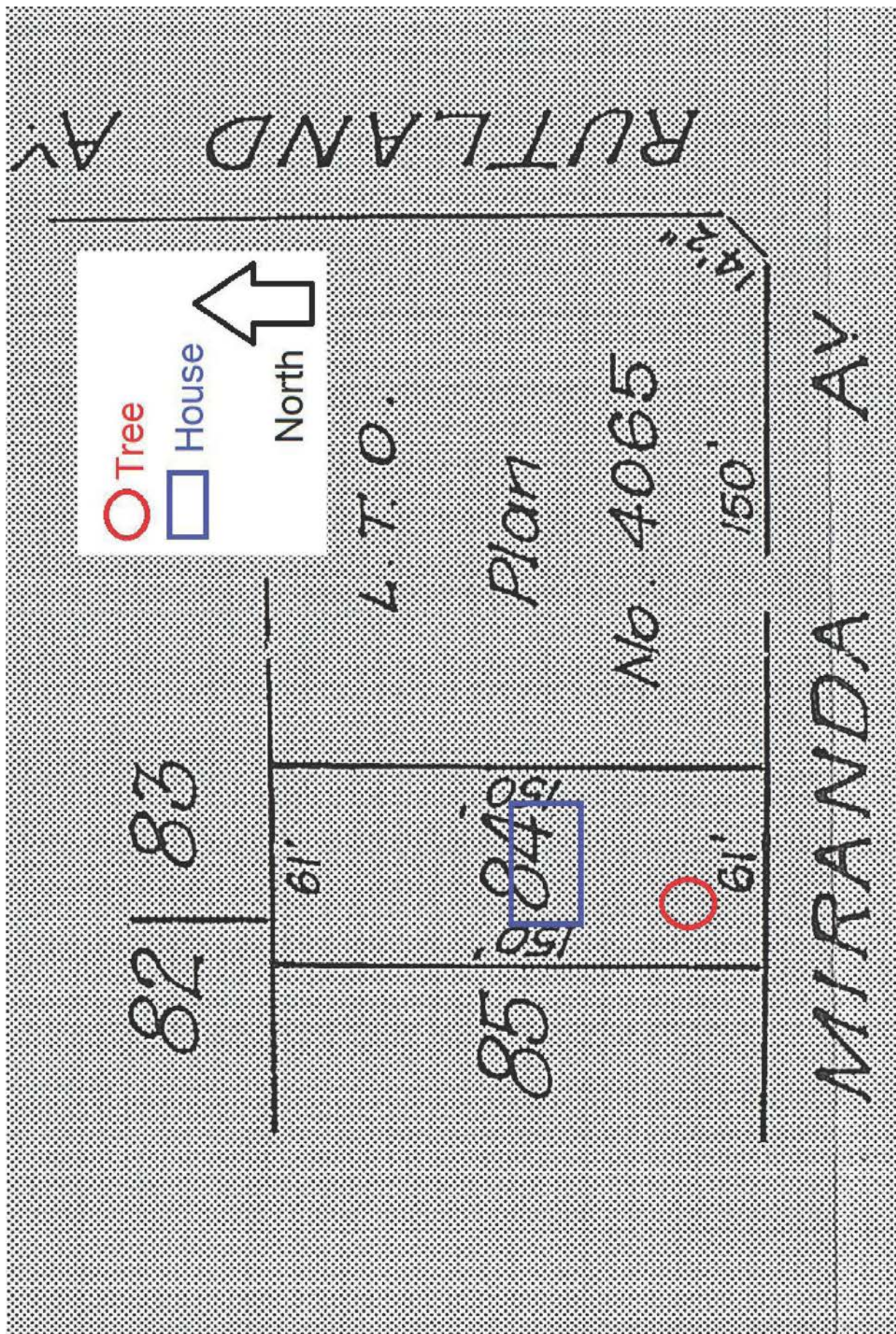
- **General Section, Regulated Trees, Objective 1**
Reason: *The tree provides important aesthetic and environmental benefit.*
- **General Section, Regulated Trees, Objectives 2(a) & (d)**
Reason: *The tree contributes significantly to the character and visual amenity of the locality and provides an important habitat for native fauna.*
- **General Section, Regulated Trees, Principle of Development Control 2(a)(b)(c)(d)**
Reason: *The tree is not diseased and its life expectancy is not short, does not represent a material risk to public or private safety and is not currently causing damage to a building.*
- **General Section, Significant Trees, Objective 1**
Reason: *The tree provides important aesthetic and environmental benefits.*
- **General Section, Significant Trees, Objective 2**
Reason: *The tree is not preventing appropriate development on the site.*
- **General Section, Significant Trees, PDC 1(a)(c)(e)(f)**
Reason: *The tree makes an important contribution to the character and amenity of the local area, provides an important habitat for native fauna, is important to the maintenance of biodiversity in the local environment and forms a notable visual element to the landscape of the local area.*
- **General Section, Significant Trees, PDC 3(a)(b)(c)(d)(e)**
Reason: *The tree is not diseased, its life expectancy is not short, it does not represent an unacceptable risk to public or private safety, is not currently causing or threatening to cause substantial damage to a substantial building or structure of value and reasonable alternative remediation options are available.*

Attachments

1. Relevant Development Plan Provisions
2. Plan set and supporting documentation
3. Referral reports
4. History of subject tree

Relevant Development Plan Provisions

General Section		
Regulated Trees	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2 & 3
Significant Trees	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4 & 5



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QTRA Quantified Tree Risk Assessor User No. 5637

5 Million Professional Indemnity Insurance

20 Million Public Liability Insurance

Date 27 JUNE 2019**Arboricultural Report****CLIENTS**

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CLIENT BRIEF:

The client brief is to provide an assessment and report for the condition of the *Eucalyptus camaldulensis* located within the property of 2 Miranda Avenue Lockleys SA 5032. This assessment will consider the health and structure of the tree as well as any risk this tree may pose to people and property. This report is to include management recommendations for the subject tree.

TREE PROFILE:

Family: Myrtaceae

Scientific Name: *Eucalyptus camaldulensis*

Common Name: River Red Gum

LOCATION:

This *Eucalyptus camaldulensis* is located on the property of 2 Miranda Avenue Lockleys SA 5032 and is positioned in the front yard to the east of the driveway. The tree is the only *Eucalyptus camaldulensis* within the front yard and is indicated on the figure below by the red circle.



Figure 1: Overhead site map showing the subject tree.

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TREE DIMENSIONS AND LEGAL STATUS:

<i>Eucalyptus camaldulensis</i>	
Approximate Tree Height	20 m
Approximate Crown Spread Diameter	23 m east/west
Tree Age	Mature
Circumference at 1m above ground level (South Australian Development Act 1993 / Development Regulations 2008)	5100 mm
Legal Status (South Australian Development Act 1993/Development Regulations 2008)	Significant tree
DBH at 1.4 m above ground level or as altered by AS4970-2009 due to stem positions and or deformities	1470 mm
Root Collar Diameter	1470 mm
TPZ radius (AS4970-2009)	15 m
SRZ radius (AS4970-2009)	3.9 m rounded up

METHODS LEVEL 2 BASIC VISUAL TREE ASSESSMENT (VTA):

This ground-based level 2 VTA was conducted with a sounding mallet, diameter tape, trowel and smart phone on the 17th of June 2019 at 3:15pm. The height of the tree was estimated and the spread of the tree canopy was paced out.

This assessment found the main union is high aspect ratio co-dominant. In the crown there are high aspect ratio co-dominant 1st 2nd and 3rd order stems all with a high ground to crown clearance. Many of these high aspect ratio co-dominant 1st 2nd and 3rd order stems have bark included unions.

This assessment found the tree has a history of failure with many similar branches present.

This assessment found the wind speed building code for 2 Miranda Avenue Lockleys SA 5032 is N2 33 metres per second being 64 knots or 119 km/h

All these matters are addressed and scientifically referenced throughout this Arboricultural Report.

QTRA VERSION 5.2 USER NUMBER 5637 LEVEL 2 BASIC TREE RISK ASSESSMENT (VTA):

The level of risk this *Eucalyptus camaldulensis* poses has been calculated using the Quantified Tree Risk Assessment Method (QTRA user number 5637) on the 17th of June 2019 at 3:15pm.

The methods and outcomes of this risk assessment are outlined below.

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Main Union**Risk to people**

- Target Range (2) 2.4 hours – 15 minutes per day
- Size of Part (1) >450mm diameter
- Probability of Failure (3)
- Level of Risk (Risk of Harm) RoH = 1:4,000

Risk to property (dwelling x 2)

- Target Range (2) Property Value \$360,000 -> \$36,000
- Probability of Failure (3)
- Level of Risk (Risk of Harm) RoH = 1:3000

1st order high aspect ratio co-dominant union(s)**Risk to people**

- Target Range (2) 2.4 hours – 15 minutes per day
- Size of Part (2) 450mm – 260 mm diameter
- Probability of Failure (3)
- Level of Risk (Risk of Harm) RoH = 1:10,000

Risk to property (dwelling)

- Target Range (2) Property Value \$360,000 -> \$36,000
- Probability of Failure (3)
- Level of Risk (Risk of Harm) RoH = 1:3,000

The risk to people and property is at a level deemed unacceptable to enforce on a 3rd party without the written consent of the 3rd party.

TREE CONDITION:**Roots:**

The dwelling is 6.5 metres to the north of this tree. The Tree Protection Zone (TPZ) is a 15 metre radius from the centre of the trunk at ground level (AS4970-2009). The dwelling has been cracking and is well inside the TPZ. Considerable manmade structures are easily damaged by tree roots including dwellings as tree roots have a turgor pressure exceeding 1 MPa. This pressure is approximately 5 times the pressure in a car tyre and 10 times atmospheric pressure. This gives constrained tree roots great destructive power as 1

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MPa applied over 1m² is equivalent to a weight of 1 tonne. (Plants in Action <http://plantsinaction.science.uq.edu.au> chapter 3, Choat *et al.*, 2018).

Trunk:

Branches and stems act as cantilever beams and so the highest mechanical loadings occur within the branch and stem unions. The effect of this means these areas are biomechanically vulnerable if formed defectively (Hirons and Thomas 2018).

The main union in the trunk is a high aspect ratio co-dominant bifurcation. High aspect ratio unions are not as strong as low aspect ratio unions (Gilman 2012; Gilman 2003). Unions formed with a high aspect ratio of 70% or higher can be half as strong as unions with a clear subsidiary branch (Slater and Ennos 2015). This is because low aspect ratio unions have xylem tissue of the smaller branch imbedded in the larger branch however it has been found that high aspect ratio unions have little and at times no embedded tissue (Slater and Ennos 2015). These unions are considered a higher risk of failure (Dunster *et al.*, 2017; Slater and Ennos 2015; Hayes 2014; Slater and Ennos 2013; Lonsdale 2013; Mattheck and Breloer 1994).

The risk to targets is elevated by the size of the wood coupled with the height a failure from this point would come down from being approximately 1.8-20 m above ground level (Dunster *et al.*, 2017). Height will increase the force with which the tree strikes the ground and targets. This is because the force of fall is proportional to tree height to the fifth power (height⁵) (Coder 2000).

Crown:

Branches and stems act as cantilever beams and so the highest mechanical loadings occur within the branch and stem unions. The effect of this means these areas are biomechanically vulnerable if formed defectively (Hirons and Thomas 2018).

The tree is producing many high aspect ratio co-dominant included bark 1st 2nd and 3rd order unions. High aspect ratio co-dominant unions are structurally weak as aforementioned. The addition of included bark is a further defect within tree unions (Hayes 2014; Lilly 2010; Mattheck and Breloer 1994). This is concerning as the xylem tissue in the apex of a union where the inclusions are located is incredibly important for union strength. The included bark separates the xylem tissue within the union acting like a wedge driving unions apart. Bifurcations with defects in these areas have been found to have up to only 32% of the strength of unions without such defects (Slater and Ennos 2013). These unions are considered a higher risk of failure (Dunster *et al.*, 2017; Slater and Ennos 2015; Hayes 2014; Slater and Ennos 2013; Lonsdale 2013; Lilly 2010; Mattheck and Breloer 1994).

Sudden limb failure is a trait in this tree species often occurring in sound timber under normal conditions. This species also has an increased likelihood of failure with age (Nicolle 2016; Nicolle 2013). The subject tree has sustained a 1st order failure of this nature on the southern side of the crown. This failure has a diameter > 450 mm. The tree has many similar branches present.

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The material risk to people and property is elevated by the high ground to crown clearance (Dunster 2017). Height will increase the force with which the tree strikes the ground and targets. This is because the force of fall is proportional to tree height to the fifth power (height⁵) (Coder 2000).

Useful Life Expectancy (ULE):

Using the Barrell 1993 Safe Useful Life Expectancy (SULE) table the tree has a Remove SULE being a tree with a high level of risk that would need removing within 5 years (Roberts *et al.*, 2018)

(c) **Dangerous trees through instability.** (The subject tree has an unstable structure due to the defective unions coupled with the sudden limb failure trait of this species at this age).

(d) **Dangerous trees through structural defects including cavities, decay, including bark wounds or poor form.** (The subject tree has structurally defective unions amounting to poor form).

And so is not worthy of retention (Roberts *et al.*, 2018).

WIND:

The wind speed building code for 2 Miranda Avenue Lockleys SA 5032 is N2 33 metres per second being 64 knots or 119 km/h (<http://maps.sa.gov.au/PLB/>). On the Beaufort Scale trees are broken and uprooted at these wind speeds (Cullen 2002). Considering the stress concentrations in the structure of the tree, it would be unlikely a tree structure with these stress concentrations could remain structural intact with the expected wind speeds for the area (Cullen 2002). Furthermore, the defects and stress concentrations in this tree are expected to fail during normal weather conditions (Dunster *et al.*, 2017; Lonsdale 2013) as are the branches due to the species profile and age (Nicolle 2016; Nicolle 2013).

RISK REDUCTION:

The installation of a permanent exclusion zone within the target area of the tree can reduce and or eliminate material risk to people and property. This option is not viable as the tree is in a residential site extending over 2 dwellings and 2 private yards including front yard access areas.

Material risk to people and property could be reduced by constructing a sufficiently engineered protective structure under the tree crown. Any structure would need to span over 2 properties. To not damage the tree, this structure would be required to adhere to tree sensitive design requirements. It would need to remain water permeable, allow for nutrient cycling, and be installed with tree protections demonstrated via an Arboricultural Impact Assessment Report as per SA Development Act requirements.

The load bearing requirement of such a structure is expected to be cost prohibitive and therefor unreasonable considering the size of the tree and so required size and loadbearing capabilities of such a structure. The engineering and cost of such a structure is outside the scope of this report as it would require design, economic and engineering advice. It is estimated this structure would be in the order of 20 m by 20 m being 400 m² as this is the approximate height of the tree and so the area the tree could fail within.

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Further risk mitigating strategies such as Pruning in accordance with AS4373-2007 Pruning of Amenity Trees would not assist in reducing associated risk to tree failure or prevent further structural damage. Bracing bifurcations would not assist as it causes weakness in the tree structure. Over 3 growing seasons braced unions can be 29.5% weaker than normally formed bifurcations and so is not considered a viable option (Slater and Ennos 2016).

LEGISLATION (SECTIONS RELEVANT TO THIS TREE):**West Torrens Council****Consolidated – 12 July 2018****OBJECTIVES**

1 The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

2 The conservation of significant trees in balance with achieving appropriate development.

PRINCIPLES OF DEVELOPMENT CONTROL

3 Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:

(a) in the case of tree removal:**(i) the tree is diseased and its life expectancy is short; or**

Yes, this report has assessed and demonstrated the tree has a remove Safe Useful Life Expectancy (SULE).

(ii) the tree represents an unacceptable risk to public or private safety

Yes, this report has assessed and demonstrated the tree represents an unacceptable risk to public and private safety.

(b) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value

Yes, this report has assessed and demonstrated the tree is threatening to cause substantial damage to a substantial building or structure of value.

(c) all other reasonable remedial treatments and measures have been determined to be ineffective; and

Yes, this report has assessed and demonstrated that reasonable remedial treatments and measures are deemed to be ineffective.

(d) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

Yes, this report has assessed and demonstrated that alternative development options and design solutions as required are not reasonable or viable solutions in this case.

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SUMMARY FINDINGS AND RECOMMENDATIONS:

This *Eucalyptus camaldulensis* will be considered a high value tree when assessed from a biodiversity, landscape and amenity perspective. However, these attributes do not allow or afford the ability to ignore the level of material risk the tree poses to people and property.

The three options presented below may provide the opportunity to reduce to an acceptable level, the material risk the tree poses to people and property.

Option 1: Significant Land Use Modification

The installation of a permanent exclusion zone within the target area of the tree can reduce and or eliminate material risk to people and property. This option is not viable as the tree is in a residential site extending over 2 private yards including front yard access areas.

Option 2: Construction of an Under Crown Protective Structure

It may be possible to reduce the material risk the tree poses to people and property by the design and construction of a sufficiently engineered under crown protective structure. This structure would need to span over 2 properties.

To not damage the tree, this structure would be required to adhere to tree sensitive design requirements remaining water permeable, allowing nutrient cycling, and be installed with acceptably demonstrated tree protections measures set out within an Arboricultural Impact Assessment Report as per SA Development Act requirements. This would require council approval as the tree is a significant tree as defined by the South Australian Development Act 1993.

The load bearing requirement of such a structure is expected to be cost prohibitive and therefore unreasonable considering the size of the tree and so required size and loadbearing capabilities of such a structure. The engineering and cost of such a structure is outside the scope of this report as it would require design, economic and engineering advice. It is estimated this structure would be in the order of 20 m x 20 m being 400 m². This is the approximate height of the tree and so the area the tree could fail within.

It is expected the construction of this kind of structure would require council approval.

Option 3: Tree Removal

Complete removal of the tree will eliminate the high level of material risk the tree poses to people and property. This would require council approval as the tree is a significant tree as defined by the South Australian Development Act 1993.

NOTE: Approval must be granted by your local council prior to proceeding with any recommended works herein this arboricultural report.

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Regards



Dylan Tempest

AQF Level 8 Grad Cert Arb 1st class honors The University of Melbourne

AQF Level 3 Cert 3 Arb

Gold Australian Arborist Industry License No: AL2360

QTRA Quantified Tree Risk Assessor User No. 5637

Tertiary Tree Consulting

Ph: 0400 259 505

dylan@ttconsulting.net.au

Disclaimer: This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection, unless clearly specified timescales are detailed within the report.

The author cannot guarantee trees contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree being made safe.

Unless specifically mentioned this report will only be concerned with above ground inspections that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection therefore the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

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South Australian Development Act 1993. Development (Regulated Trees) Amendment Act 2011.

South Australian Development Act 1993. Development (Regulated Trees) Amendment Act 2009.

South Australian Development Regulations 2008.

South Australian Development Act 1993. Development (Regulated Trees)

Standards Australia 2009, *Protection of trees on development sites*, Standards Australia, Sydney.

Standards Australia 2007, *Pruning of amenity trees*, Standards Australia, Sydney.

APPENDICES:

Appendix 1 Tree and Site Photos:



Figure 2: Subject tree.

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Figure 3: High aspect ratio co-dominant main union.

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Figure 4: High aspect ratio co-dominant main and 1st order unions.

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Figure 5: High aspect ratio co-dominant bark included 1st order union.

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Figure 6: High aspect ratio co-dominant bark included 1st order union.

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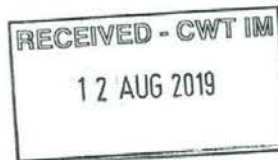


Figure 7: High aspect ratio co-dominant bark included 1st order unions.

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Figure 8: History of 1st order failure.



12 August 2019

Ms Amelia DeRuvo

City Development, City of West Torrens, 165 Sir Donald Bradman Drive, Hilton, SA 5033



Dear Ms DeRuvo,

Herewith my comments in relation to Development Application 211/658/2019; removal of a significant tree – *Eucalyptus camaldulensis* at 2 Miranda Avenue, Lockleys SA 5032

This tree has been part of my experience since the age of 9 when my family moved into the house my parents had built in 1953 after emigrating from the UK. I have witnessed its transition from a juvenile adornment and amenity to a mature giant which not only threatens the physical safety of people going in and out of the property/premises and damage to vehicles, but which is causing actual visible damage to the driveway and porch of the house itself. It has grown from a small tree which had no sense of physical proximity to the dwelling to one where the northern aspect of the canopy overhangs half the width of the original house (its length is west to east). It also overhangs the (front) south east corner of the neighbour's house to the west by several metres.

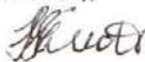
To support the comments above I have attached 7 photos taken in the last two to three years. The first 3 photos show the most dangerous bough drops in that time and the last 4 show damage to the driveway and front porch of the house. Photo 1 is the most dramatic and dangerous drop of the three, depicting the bottom half of a huge bough which came down in the early hours of 28 December 2016 (night time) during very strong winds and blocked Miranda Avenue road traffic. SA SES attended, lopped and removed 2 substantial secondary boughs and their associated branches/foliage, and dragged the section pictured onto the front lawn of the property. This 5.8 metres long section had an average circumference of 1.3 metres and weighed 2 tonnes; with the likely weight of the full bough as it hit the ground being around 3 tonnes. The bough drops shown in Photos 2 and 3 were not associated with an extreme weather event. The bough in Photo 2 is shown where it landed, after separating at a point a metre above where the bough in Photo 1 had earlier separated. The bough drops shown in Photo 3 fell across the slate pathway to the front door and in close proximity to it. Fortunately nobody was exiting or approaching the front door when these boughs dropped. The fact that the bough drops in Photos 2 and 3 were unrelated to any adverse weather event is consistent with a widely accepted finding that *Eucalyptus camaldulensis* is a species

especially prone to random drops. This characteristic, along with the proximity of this huge tree to the house structure (6 metres) and therefore to the goings and comings of the tenants, has always been of particular concern to me. Now I am even more concerned about the hazard to which the tenants are exposed, having read in the arborist's assessment of the tree that they should be asked to sign a statement accepting the extreme degree of risk to which they are exposed by having to walk and drive vehicles in such close proximity to this dangerous and hazardous tree.

Photos 4 – 7 show visible root damage to the slate front porch and bitumen driveway. Front (Photo 4) and back (Photo 5) perspectives demonstrate root expansion pushing up and cracking the cement foundation bordering the randomly shaped slate surface of the front porch. The elevation of the foundation at this point resulting from a continuously expanding root is currently 40 mm above the original horizontal as referenced by foundation sections west and east of this high point. The adjoining slate surface of the porch, being thin relative to the depth of the foundation, has yet to be impacted by the root in the same way; with damage due to upward pressure from the root largely restricted to loose and missing cement inlays between pieces of slate. It doesn't sound like a noteworthy effect of the tree, but it is very easy to trip on this elevated point of the porch's foundation since it is directly south of the front door and exactly at the point where the path (spaced slate pieces) from the pedestrian gap in the front fence ends. Photos 6 and 7 show some of many gradually widening fissure lines caused by continuing root expansion across the length and breadth of the asphalt driveway from west of the tree trunk to the carport roller door, a distance of 16 metres.

In summary, from my perspective of a long association with this particular tree, I have come to regard it as having moved from the status of an amenity on the property to the status of an ever present danger to persons driving into the property and walking to and from the front door of the house - along with posing an ever present threat to the integrity of the house itself, having already caused significant irreparable damage to the driveway and porch.

Yours faithfully,



(Mrs) F G Elliott

23 Fletcher Road, Henley Beach South, South Australia 5022

cc Mr Daniel Huggett, Councillor, Lockleys Ward, City of West Torrens

cc Mr Kym McKay, Councillor, Lockleys Ward, City of West Torrens

1

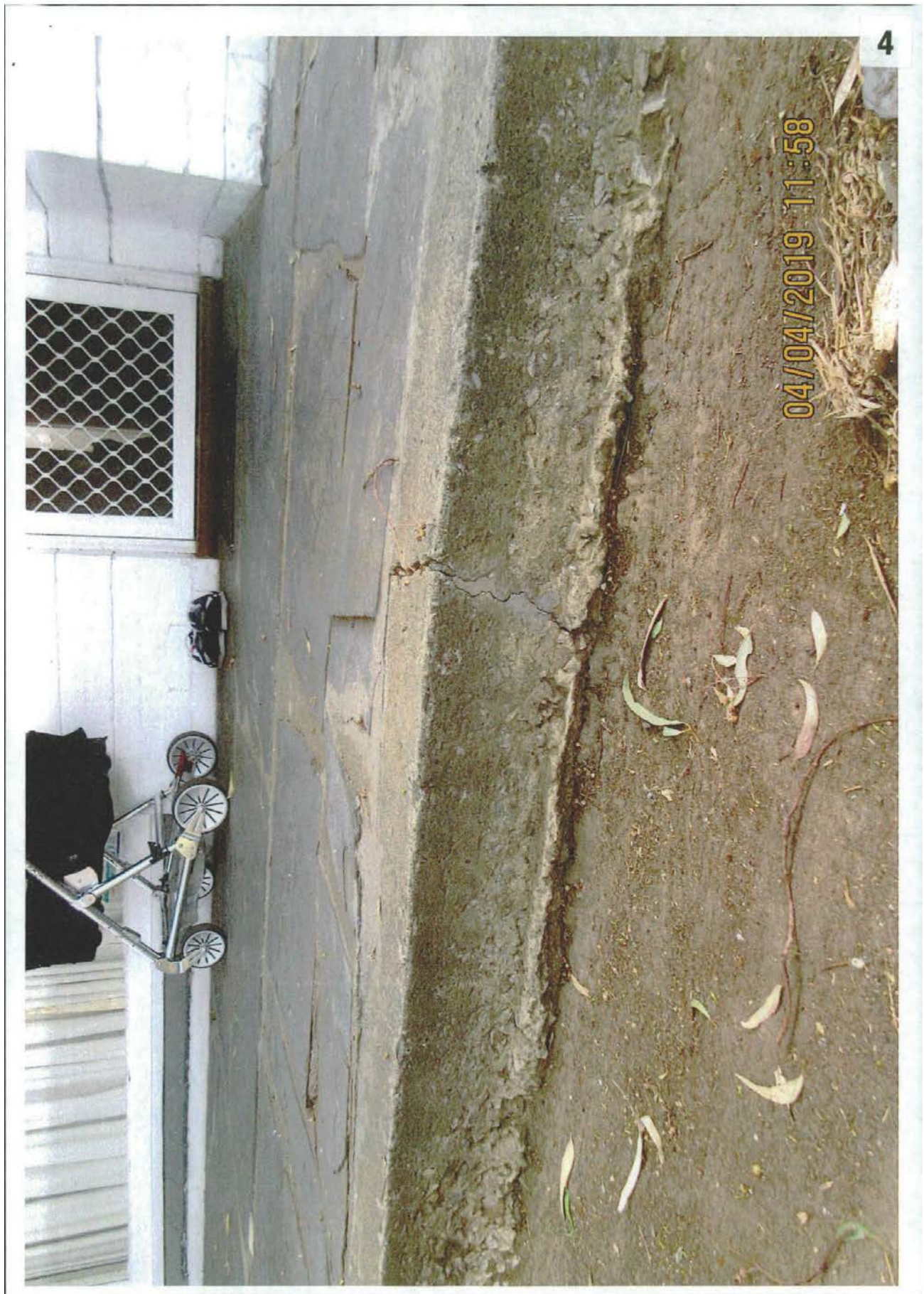


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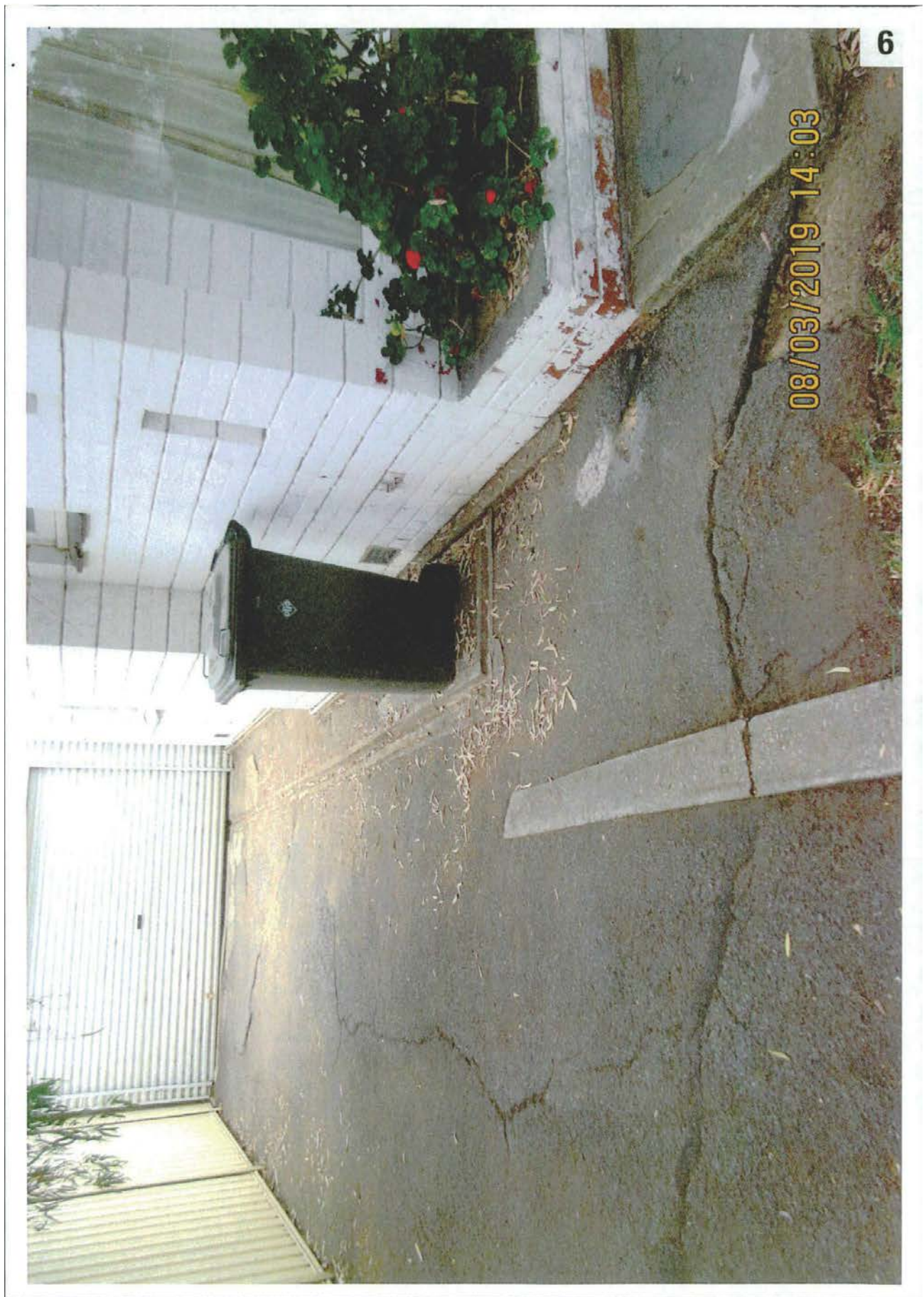


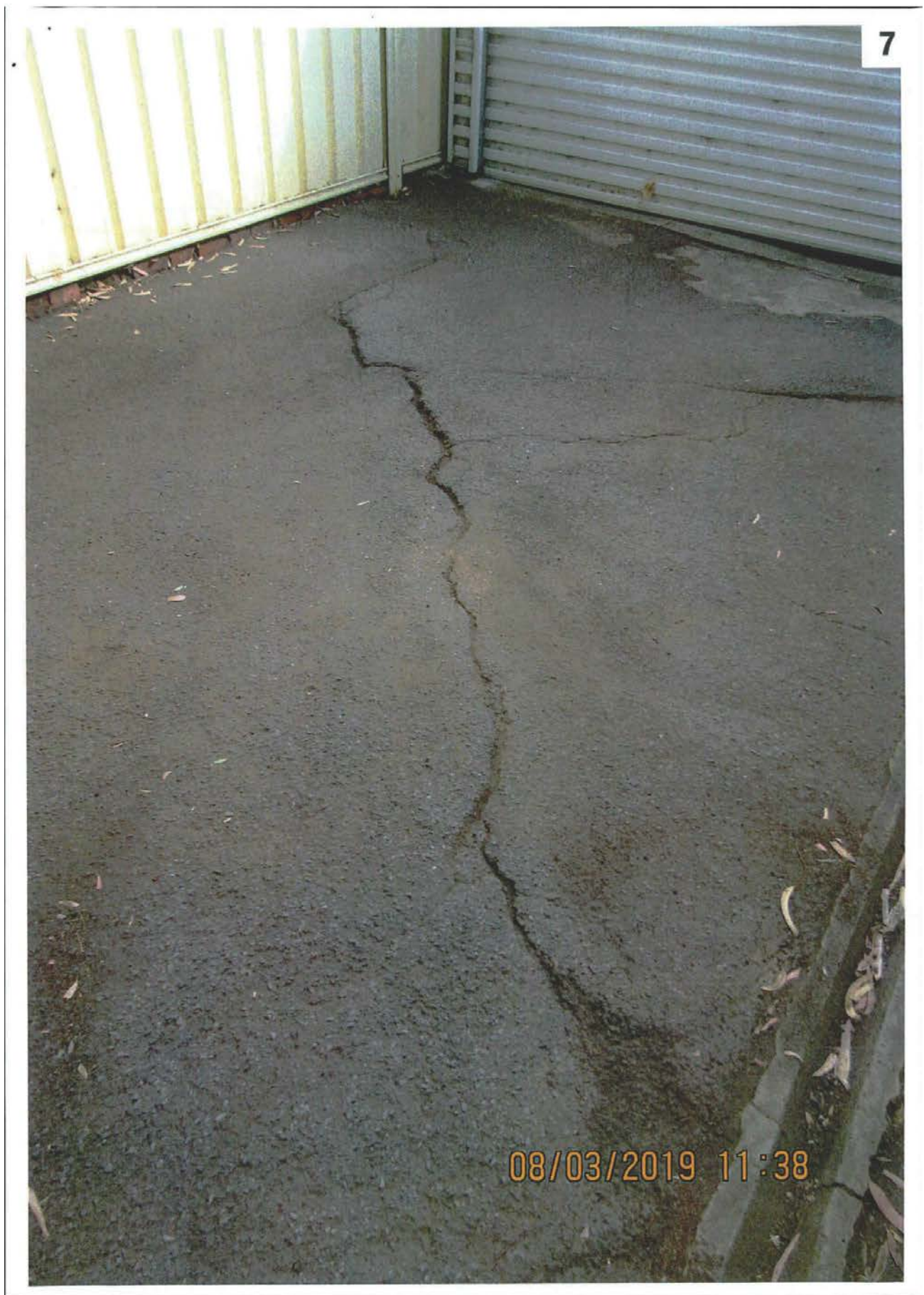
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Arboricultural Assessment of Non-Council Owned Significant Tree/s

Development Application No: **211/658/2019**

Referral Due Date: **29 July 2019**

Assessing Officer: **Amelia DeRuvo**
 Site Address: **2 Miranda Avenue, LOCKLEYS SA 5032**
 Certificate of Title: **CT-CT-5676/251**
 Description of Development **Removal of a significant tree - Eucalyptus camaldulensis (River Red Gum)**

Please contact the assessing officer on 84166246 or email aderuvo@wtcc.sa.gov.au if any further information is required and to send completed referral responses.

To be completed by: **TECHNICAL OFFICER ARBORICULTURE – CITY WORKS**

SPECIES & COMMON NAME: *Eucalyptus camaldulensis* (River Red Gum)

TOTAL CIRCUMFERENCE: 5100mm

MULTI-TRUNK: No

The following comments are provided with regards to the relevant Objectives and Principles of Development Control of the General Section, Significant Tree Section of the West Torrens Council Development Plan:

OBJECTIVE 1

The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

OBJECTIVE 2:

The conservation of significant trees in balance with achieving appropriate development.

PDC 1:

Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:

- | | |
|---|------------|
| (a) Makes an important contribution to the character or amenity of the local area; or | Yes |
| (b) Is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species | No |
| (c) Represents an important habitat for native fauna | Yes |
| (d) Is part of a wildlife corridor or a remnant area of native vegetation | Yes |
| (e) Is important to the maintenance of biodiversity in the local environment | Yes |
| (f) Forms a notable visual element to the landscape of the local area | Yes |

PDC 2:

Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.

PDC 3:

Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:

- (a) In the case of tree removal, where at least one of the following apply:
 - (i) The tree is diseased and its life expectancy is short **No**
 - (ii) The tree represents an unacceptable risk to public or private safety **No**
 - (iii) The tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area **No**
- (b) The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value **Yes**
- (c) All other reasonable remedial treatments and measures have been determined to be ineffective **No**
- (d) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring. **No**
- (e) In any other case, and of the following circumstances apply:
 - (i) The work is required for the removal of dead wood, treatment of disease, or is in the general interest of the health of the tree **No**
 - (ii) The work is required due to unacceptable risk to public or private safety **No**
 - (iii) The tree is shown to be causing or threatening to cause damage to a substantial building or structure of value **No**
 - (iv) The aesthetic appearance and structural integrity of the tree is maintained **No**
 - (v) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring **No**

PDC 4:

Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.

PDC 5

Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.

ADDITIONAL COMMENTS:

As requested, a site inspection was carried out to assess a significant *Eucalyptus camaldulensis* located in the front yard of 2 Miranda Avenue, Lockleys.

This tree is an excellent representative of its species due to its visual amenity, good overall health, structure and long safe life expectancy. Mature indigenous species such as this are especially important for biological reasons as they provide conditions suitable for a wide range of animals, plants and invertebrates, many of which require the unique environment provided by an older tree.

Due to the immense size of this specimen it is likely part of the original remnant (pre-settlement) vegetation of the Adelaide Plains, therefore having an even greater environmental benefit. These positive attributes include retaining the character of the local landscape, enhancing ecosystem viability and species survival, and reducing rising water tables hence the impact and spread of soil salinity.

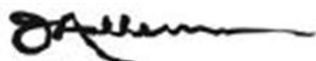
The subject tree shows little to no evidence of pruning work. Therefore, a moderate amount of deadwood is located throughout the canopy. All major branch junctions throughout the trees appear sound and well structured. Due to their robust, broad-spreading nature, the *Eucalyptus camaldulensis* contains some slightly over extended limbs where foliage is located mostly at branch extremities. This is a typical characteristic of a healthy, vigorous *E. camaldulensis* and pruning in accordance with AS 4373- 07 'Pruning of Amenity Trees' can rectify this problem.

Upon inspection a large torn stub with a diameter of approx. 400mm is located above the driveway, indicating a major limb failure. The timing of this failure is unknown but due to the trees existing growth structure, it appears to be consistent with end-weighted, poorly tapered growth, which likely failed in adverse weather conditions. Good quality pruning practices such as tip reduction and crown thinning will drastically reduce the likelihood of further limb failure.

There were no visible signs of fungal fruiting bodies or major active pests and diseases noted, however, the presence of Longicorn Beetles (borers) is confirmed by the accumulation of small oval shaped exit holes on the main stem. This is typical in almost all mature Eucalypt species throughout the state and does not compromise the health or structural integrity of a healthy tree. Foliage colour is good and foliage density is typical of this species. If site conditions remain conducive to tree health, its useful life expectancy is estimated to be in excess of 50 years.

Limb failure previously associated with this tree may have been prevented if regular tree maintenance was carried out by qualified arborists. A staged pruning program should be initiated to gradually suppressing over- extended growth where required. This will ensure the level of risk posed by this tree will remain at an acceptable level.

Having given consideration to the plans provided, and observations made of the tree, I conclude that the desired outcome of 'tree removal' is unjustified, as the applicant has not provided sufficient evidence that can be considered as satisfying the criteria required. I believe medium to long- term management is sustainable and therefore, retention is warranted and recommended.

RECOMMENDATION:**RETAIN**

Jarrad Allen
Calypso Tree Co

DATE: 29/07/19

PHOTOS ATTACHED:

From: [Enio Trombetta](#)
To: [Amelia De Ruvo](#)
Subject: RE: DA211/658/2019 - 2 Miranda Avenue, Lockleys
Date: Friday, 16 August 2019 11:10:28 AM
Attachments: [image003.jpg](#)
[ExportFromWestMaps.jpg](#)
[ExportFromWestMaps.jpg](#)
[ExportFromWestMaps.jpg](#)
[image004.jpg](#)

Dear Amelia,

I was able to visit and inspect 2 Miranda Avenue, Lockleys on Thursday 15 of August 2019. I undertook a ground based visual assessment of the *Eucalyptus camaldulensis* within the front yard of the private property.

The *Eucalyptus camaldulensis* (River Red Gum) has been identified with a stem circumference of approximately 5100mm when measured at 1 metre above ground level, therefore fulfilling the criteria contained within section 6A(2) of the Development Regulations 2008, to deem it to be a "significant tree".

The tree has a height of approximately 20.m and a canopy spread of approximately 20.0m, with the neighbouring dwelling to the west (4 Miranda Ave) located approximately 8.5m from the trunk of the tree.

A very large tree it has made good use of the environment in which it is located and is currently in a state of low activity, with no change in the trees appearance for some 40 -50 years. The tree has developed good basal flare with a large diameter buttress roots emanating from the trunk. It is a very large specimen that divides into 4-5 main leaders at approximately 1.0m above ground level which forms the structural canopy of the tree. The tree is a large well-formed specimen that exhibits very good health and good structural behavioural characteristics common with *Eucalypts*. Please note these normal characteristics should not be interpreted as defects of vulnerable faults.

Tree vigour is excellent, evident by the foliage colour and density throughout the canopy. The branching structure is wide spreading, supporting a generally symmetrical form, the crown is in good condition with minimal dieback (<5%).

The tree is exhibiting no major identifiable defects within its branching structure that would suggest that it had an increased potential of risk. There are small dead branches that overhang target areas, these sections were estimated to be between 50mm and 70mm in diameter. There was evidence of one failure from the canopy as has been documented and minimal minor failures (< 100mm) were also noted. What may have compounded the failure issue is the fact that no or very minimal maintenance has occurred to the tree, which includes pruning and I would enquire has an Arborist ever inspected the tree prior to this current application? There is minor pruning of small lower branches and they have good cambium reactive wood evident confirming the tree is performed exceptionally well.

Pruning options are many and available in the form of deadwood removal, tip pruning, crown thinning and weight reduction which could be implemented to further reduce the already low level of risk posed by the tree. Which emphasises the uniqueness of this tree within the urban environment. Very little has ever occurred to alter or modify this tree.

Discussion has arisen around the risk and the structural integrity of the tree. The claim that, "The risk to people and property is at a level deemed unacceptable to enforce on a 3rd party without the written consent of the 3rd party." is quite unusual and difficult to justify. Unfortunately I am at a loss to support such a claim and find the calculations of risk grossly overestimated. The tree has been like this for some 60 years. There is no evidence of reaction wood to suggest any

bulging bark around the affected areas adjacent main limbs hence I struggled to justify bark inclusions, biomechanically vulnerable defects and such a high risk rating. The likelihood of failure partial or other is minimal.

The use of references are commendable however they should be specific with detailed explanations not just quoted names repeated over. The environment around the tree has not changed in many years and it has exploited its environment to its full potential over a long period of time.

From Council records there is evidence to suggest the tree was in place prior to 1935 when there were no dwellings at Miranda Ave. By 1959 dwellings were being constructed and the home at 2 Miranda Ave can clearly be seen with the tree canopy already reaching the home. Any construction and development on the site must have considered the tree at the time of construction as it was already of substantial size.

The Eucalyptus species is known for its high tolerance to root disturbance and there is no evidence to suggest any problematic issues with the tree. It is concluded that the tree clearly fulfils the criteria deem to be a significant tree with attributes worthy of its retention. It is a prominent feature within the local landscape creating relief from the adjacent built form and as such is considered to make an important contribution to the character and amenity of the local area.

The tree is a specimen that is native to South Australia and will provide habitat for native fauna in the form of feeding and roosting opportunities and will undoubtedly make a significant contribution to the maintenance of biodiversity in the area. Although the history of the tree is not known, from evidence it can be concluded that the Eucalyptus did exist prior to 1935 and is most likely a remnant seedling of the local area, worthy of protection.

This may not be the appropriate forum or time however, if ever there was a tree worthy of preservation then this tree should be considered by Council as a location/property worthy of purchasing, to maintain our local heritage and canopy cover which is so important for The City of West Torrens.

The removal and pruning of significant trees is covered by the Principles of Development Control contained within the West Torrens [City] Development Plan.

Tree removal in this situation **cannot** be supported as it does not accord with the principles of development control regarding removal of significant trees.

Kind regards,

I Enio Sign



Enio Trombetta
Senior Technical Officer Arboriculture
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033
Telephone: 8416 6332
Email: etrombetta@wtcc.sa.gov.au

Image 2: Council aerial view 1949

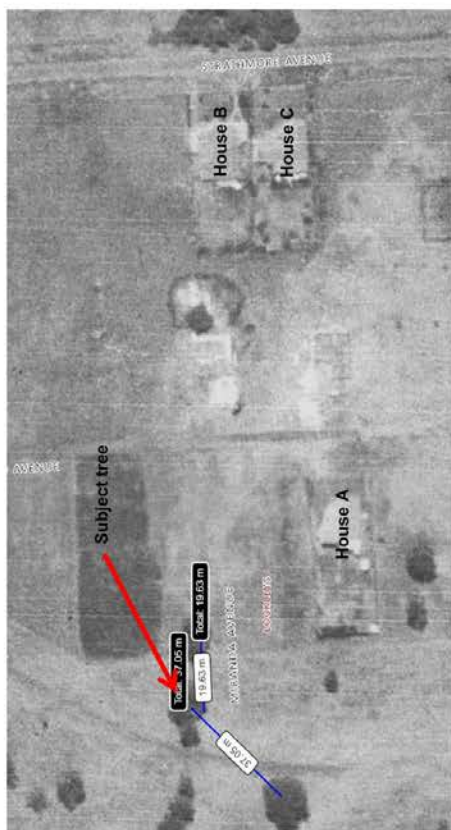


Image 4: Council aerial view 2019



Image 1: Council aerial view 1935

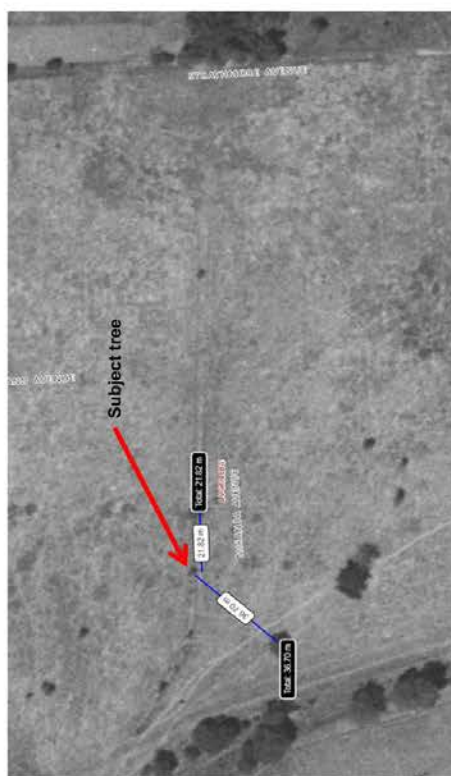
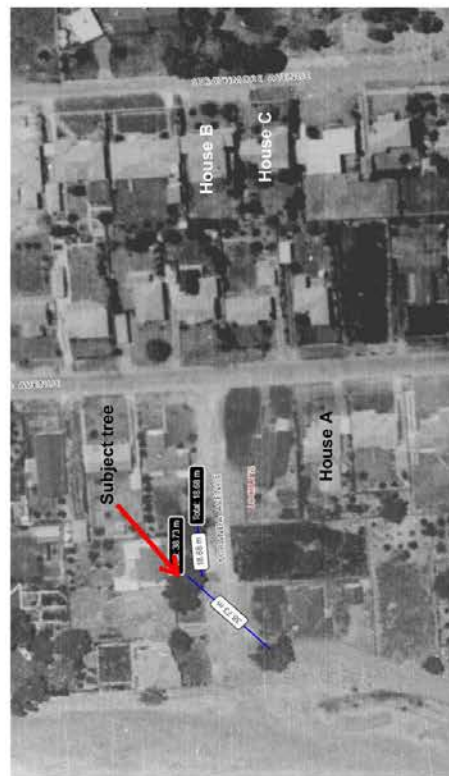


Image 3: Council aerial view 1959



6.6 14 Rowells Road, LOCKLEYS

Application No 211/799/2019

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Removal of a significant tree - Eucalyptus camaldulensis (River red gum)
APPLICANT	Dominic Poignand
APPLICATION NUMBER	211/799/2019
LODGEMENT DATE	19 August 2019
ZONE	Residential Zone
POLICY AREA	Low Density Policy Area 21
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> Arboriculture Advisor
DEVELOPMENT PLAN VERSION	Consolidated 12 July 2018
DELEGATION	<ul style="list-style-type: none"> The relevant application proposes a merit form of development and, in the opinion of the delegate, should be refused, except where the application is to be refused for a failure to provide information pursuant to section 39 of the Act or where a referral agency direct that the application is refused pursuant to section 37 of the Act. The relevant application is a merit application and is a variation to, or similar in nature to a development application which was refused by the CAP or former DAP within the past 5 years.
RECOMMENDATION	Refuse
AUTHOR	Sonia Gallarello

BACKGROUND

The subject tree has a lengthy development assessment history.

The subject land once formed part of a kindergarten. In 2011, planning consent was granted for the pruning of eleven (11) river red gums, including the subject tree, on the kindergarten site. In May 2016, land division was granted for three (3) additional allotments and removal of three (3) regulated and four (4) significant trees. Allotment 100 was created from this land division with the intended land use as residential. The subject tree was required to be retained. In May 2018, planning consent was refused for the removal of one regulated and one significant tree. The subject tree was included in this application.

A development application was lodged earlier this year by a former owner of the land. This land was sold and the new owners have now lodged this development application.

City Operations have also kept a watchful eye over the tree and notified the previous owner that the tree may need watering after they noticed the tree appeared to be in decline (letter from Council dated 16 April 2019). The images below show this decline (with the canopy of the subject tree circled in green).



Figure 1: Aerial imagery of the subject tree 14-1-2019



Figure 2: Aerial imagery of the subject tree 28-3-2019



Figure 3: Aerial imagery of the subject tree 5-7-2019

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 300 in Deposited Plan 114779 in the area named Lockleys, Hundred of Adelaide, Volume 6187 Folio 859. It is more commonly known as 14 Rowells Road, Lockleys. The subject site is rectangular in shape with a 12 metre (m) wide frontage to Rowells Road and an area of 497 square metres (m²).

It is noted that there are no encumbrances or Land Management Agreements on the Certificate of Title.

The site is relatively flat and is currently vacant.

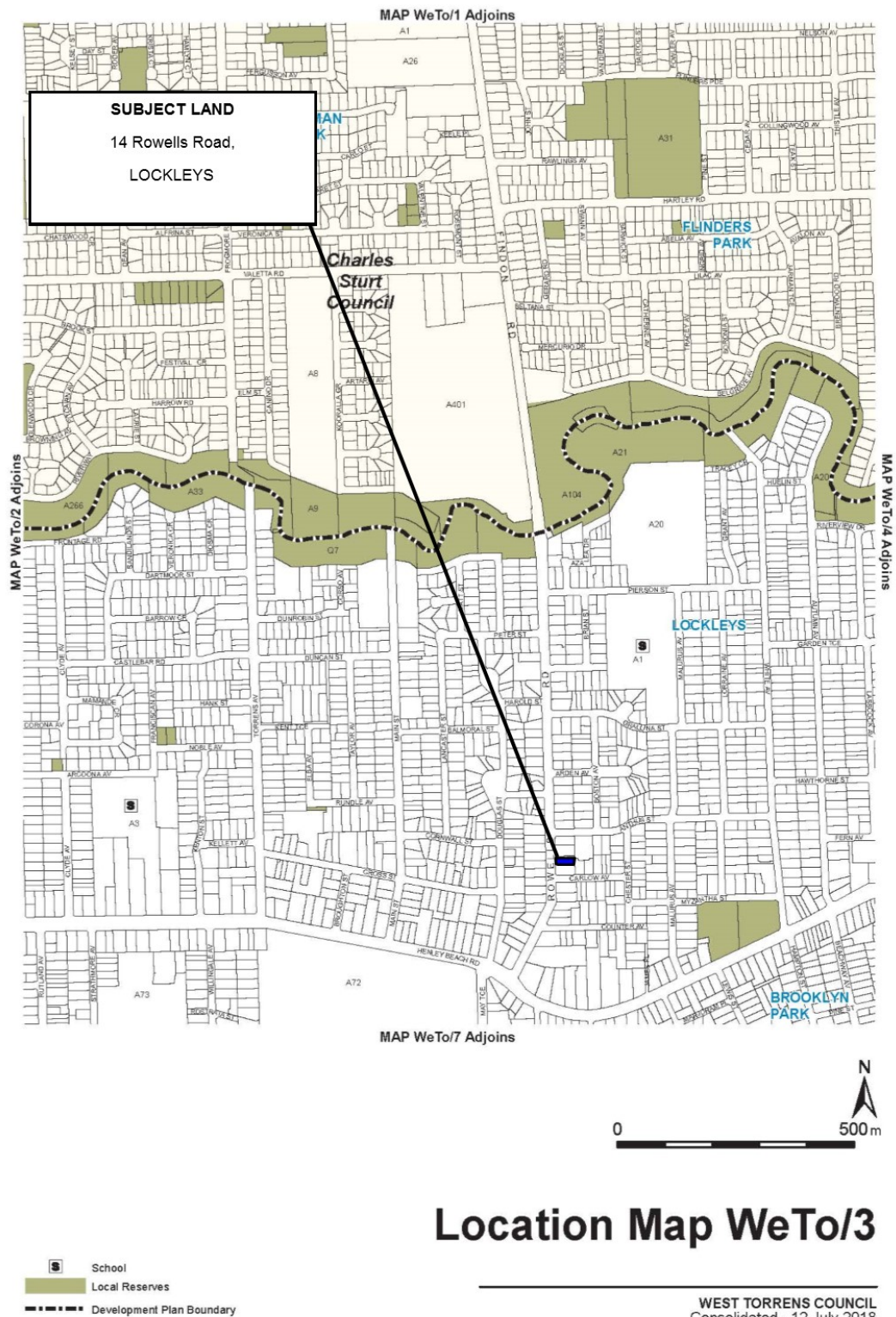
The locality largely consists of single storey detached dwellings on low density sized allotments. There are a number of larger trees in this locality that contribute to a positive amenity including along Rowells Road and near Anthus Street.

The subject tree, *Eucalyptus camaldulensis* (River red gum) is located close to the front boundary and approximately 6m from the northern property boundary. The tree has a trunk circumference of 4.4m when measured at 1m above natural ground level and is therefore considered to be a Significant Tree pursuant to Regulation 6A(2) of the *Development Regulations 2008*.

The subject tree is visible from the street, adjoining properties and within the immediate locality.

The subject site and locality are shown on the following aerial imagery and location map.





RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/461/2019	Removal of a significant tree	Withdrawn	20 August 2019
211/514/2017	Removal of one regulated and one significant tree	Refused by CAP	8 May 2018
211/1527/2015	Land division creating 3 additional allotments and removal of 3 regulated and 4 significant trees	Approved	31 May 2016
211/283/2011	Section 49 - pruning of 11 significant trees	Approved	3 May 2011

The subject tree was designated as 'highly worthy of retention' in Dean Nicolle's report within DA 211/514/2017. The removal of the tree was subsequently refused at the CAP meeting dated May 2018.

PROPOSAL

The applicant is seeking Development Approval for the removal of one (1) significant tree - *Eucalyptus Camaldulensis* (River Red Gum).

A change in colour to the leaves has prompted this development application.

A copy of the application form, site plan and supporting documentation (including a summary from Dean Nicolle) provided by the applicant is contained in **Attachment 1**.

REFERRALS

Internal

Two Calypso reports were received in respect to this development application with key points as follows.

Calypso (Council's Consultant Arborist) Report 1:

- The tree makes an important contribution to the character or amenity of the local area.
- The tree represents an important habitat for native fauna.
- The tree is part of a wildlife corridor of remnant area of vegetation.
- The tree is important to the maintenance of biodiversity in the local environment.
- The tree forms a notable visual element to the landscape of the local area.
- The tree is diseased and its life expectancy is short.
- The tree represents an unacceptable risk to public or private safety.
- There are concerns about the proximity to the high voltage power lines and private property to north.
- The tree is in rapid decline and unable to recover to the point where it was deemed to be almost completely perished.
- The vascular and cambial systems have ceased to function, dessication is advancing and bark has begun to crack.
- Only one live epicormic shoot is present on the main trunk.
- Longicorn beetles (borers) appear present.
- No evidence of poisoning existed.
- Recommendation for removal.

City Operations were not convinced that the above report was sufficiently thorough and requested a second report.

Calypso (Council's Consultant Arborist) Report 2:

- The same Yes/No responses to the relevant Development Plan provisions apply.
- Heavy rains in 'mid June' have resulted in green pigment returning to part of the canopy.
- Contractors were engaged to remove two healthier looking large limbs of the tree prior to this report.
- Cause for decline is a combination of soil compaction (due to heavy machinery use causing root damage) and reduced watering.
- Re-considering the tree, the history and environmental significance, the recommendation was changed to retention of the tree. The tree could be retained with medium to long term management of the tree through nutrient boosters, additional watering and mulch.

City Operations (Arboriculture)

A formal report has not been received from City Operations in terms of the merits of retaining the subject tree.

A full copy of the relevant referral reports are contained in **Attachment 2**. An extract relevant from the assessment by Dean Nicolle dated 17 March 2017 regarding the subject tree (Tree 6) is contained in **Attachment 3**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Low Density Policy Area 21 as described in the West Torrens Council Development Plan.

The relevant Desired Character statements are as follows:

Residential Zone - Desired Character	
<i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i>	
<i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i>	
<i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a Historic Conservation Area.</i>	
<i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i>	
Objectives	4
Principles of Development Control	5

Low Density Policy Area 21 - Desired Character	
<p><i>This policy area will have a low density character. In order to preserve this, development will predominantly involve the replacement of detached dwellings with the same (or buildings in the form of detached dwellings).</i></p> <p><i>There will be a denser allotment pattern and some alternative dwelling types, such as semi-detached and row dwellings, close to centre zones where it is desirable for more residents to live and take advantage of the variety of facilities focused on centre zones. Battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage. In the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park, where the consistent allotment pattern is a significant positive feature of the locality, subdivision will reinforce the existing allotment pattern.</i></p> <p><i>Buildings will be up to 2 storeys in height. Garages and carports will be located behind the front façade of buildings. Buildings in the area bounded by Henley Beach Road, Torrens Avenue and the Linear Park will be complementary to existing dwellings through the incorporation of design features such as pitched roofs, eaves and variation in the texture of building materials.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	
<i>Objectives</i>	<i>1</i>
<i>Principles of Development Control</i>	<i>2</i>

Additional provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
<i>Significant Trees</i>	<i>Objectives</i>	<i>1 & 2</i>
	<i>Principles of Development Control</i>	<i>1, 2, 3, 4 & 5</i>

ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development is discussed under the following sub headings, which reflect the key Development Plan provisions related to Regulated Trees.

Character and Visual Amenity

In *Prestige Wholesale v City of Burnside*, the Environment, Resources and Development (ERD) Court held that the initial question to ask in respect to a significant tree is whether the tree makes an important contribution to the local character or amenity of the local area, or whether it forms a notable visual element to the landscape of the local area. In that decision, the ERD Court held that if these issues are determined in the negative, it is not necessary to go further with the assessment and removal may be warranted.

The subject tree is one of a stand of four large river red gums trees that line Rowells Road, including the subject land, extending south toward Carlow Street. This tree is a significant tree with a large and solid trunk and associated branches. Despite the sparse canopy and yellow/brown appearance of the majority of the leaves, the tree is considered to have a strong presence in the locality, particularly from the north. Below are some pictures that highlight the visual presence of the tree along Rowells Road and from Carlow Street.



Figure 4: view of the subject tree toward south-east



Figure 5: view of the subject tree with the subject land behind and toward east



Figure 6: view of the subject tree from 1C Carlow Street and toward the northwest

The tree is sited some 6m from the northern boundary of 14 Rowells Road. The trees to the south are more visually prominent in terms of canopy cover and appearance (height and canopy volume and spread). Notwithstanding this, the subject tree has a height of approximately 20m and a canopy diameter of approximately 13m.

It is considered that the tree meets Objective 1 of the Significant Tree module as it provides an important aesthetic benefit. It is also considered that the tree makes an important contribution to the local area as per Principle of Development Control (PDC) 1(a) of the module. The tree has a strong presence along Rowells Road and in the locality more generally. If the tree continues to decline in health, it is likely that its appearance will also become of reduced importance to the locality. This can be assessed at a future time.

Tree Species

The subject tree is a species that is indigenous to South Australia and the local area. However the species is not listed as rare or endangered, so removal of the tree could be supported by PDC 1(b) of the Significant Tree module.

Environment Benefit

It is considered that the subject tree provides important environmental benefits and an important habitat for native fauna whilst maintaining biodiversity of the local area. This is based on the indigenous status of the tree, its mature size and its location close to a number of other trees of the same species. While there are no hollows that appear to be occupied by native fauna, the tree forms part of row of mature trees that is deemed to be part of a wildlife corridor.

The proposed removal of the tree is therefore inconsistent with Objective 1 and PDCs 1(c) and 1(e) of the Significant Trees module.

Tree Health

It is interesting to note the decline of the tree's health in the past 12 months. Dean Nicolle's report in 2017 deemed this tree to have an actual life expectancy of over 50 years and a useful life expectancy of over 20 years.

Since this time and particularly in the last 6 months, the tree canopy has discoloured and there has been evidence of borers (Calypso's report dated 30 May 2019). Boring insects have been implicated in the decline of a number of river red gums within the Council area in recent times. A number of branches have also been removed (without approval) by the previous owner.

The tree is not yet deemed to be dead, but there has been a decline in its health. Staff initially thought that the tree could have been poisoned, but there is insufficient evidence of this and it is unlikely given the extent of vegetation around the base of tree.

More recently and during a site inspection dated 22 August, 2019, it was evident that there are some signs of growth and perhaps rejuvenation of the tree (see images below).



Figures 7 & 8: new leaf growth & new shoots in the lower canopy

Despite the rapid decline in the tree's health, it now appears to be recovering. The latest Calypso report and Dean Nicolle's recommendation is for the tree to be monitored over the next 12 months in order to assess whether the tree will make a recovery. Accordingly, the removal of the subject tree cannot be supported at this time in accordance with PDC 3(a)(i) of the Significant Trees module.

Council's arborist recommends long term management of the tree through nutrient boosters, additional watering and mulch. Whilst recommended, Council is unable to enforce it.

Tree Structure and Risk to Safety

The main trunk of the tree is located approximately 6m from the northern boundary of the subject land and the nearest dwelling (attached carport) is around 11m from the trunk:



Figure 9: closest dwelling at 16 Rowells Road.

The tree has overhanging branches but these are not positioned directly over the adjacent dwelling. While the branches extend over the footpath and a portion of the road, Council's arborist has not raised concerns about the safety of the tree as the main unions appear sound.

As described above, Council's arborist recommends nourishment of the tree and this should ensure the tree's sound structure and minimise its risk to safety. Council cannot accept any responsibility or liability for any future risk or failures associated with the subject tree.

As the tree has not been deemed to have poor structure or pose an unacceptable risk to public or private safety, its removal cannot be supported via PDC 3(a) (ii) of the Significant Tree module.

Appropriate Development

No development other than tree removal is proposed in this application. As such, removal of the subject tree cannot be supported by Objective 2 of the Significant Trees module. The applicant has discussed preliminary concepts of a detached dwelling, but this has not been formalised. Given the positioning of the tree and the depth of the allotment (42m), there is sufficient space for a dwelling to be developed with a sufficiently large Tree Protection Zone (TPZ) to allow for the tree to be retained. Accordingly, the proposed removal does not meet PDC 3(d) of the Significant Tree module.

Alternative Remediation Treatments

Neither Council's consulting arborist nor Dean Nicolle have recommended immediate removal of the subject tree. Dean Nicolle recommended waiting 12 months (to review the health of the tree). Council's consulting arborist recommends providing the tree with appropriate nourishment, water and mulch which may see tree return to good health.

Given that alternative remediation treatments are available, tree removal at this time cannot be supported by PDCs 3(c), 3(d), and 3(e)(v) of the Significant Tree module.

SUMMARY

Although currently appearing in poor health, the subject tree forms a notable element in the landscape. It provides important aesthetic and environmental benefit to the local area given its maturity, indigenous status and capacity for habitat provision. At the time of writing there are signs of new growth and therefore recovery of the tree's health. The main trunk and unions of the upper branches appear stable and free from defects. The current risk to safety is considered to be low. It is acknowledged that ongoing maintenance of the tree and nourishment is imperative to ensure its longevity and low risk to safety. Should the tree's health continue to decline, a new application and assessment of the tree should be undertaken.

Having considered all the relevant provisions of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance it is considered that the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens (City) Development Plan consolidated 12 July 2018 and does not warrant Development Plan Consent or Development Approval.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Plan Consent and Development Approval for Application No. 211/799/2019 by Dominic Poignand to Removal of a significant tree - *Eucalyptus camaldulensis* (River red gum) at 14 Rowells Road, Lockleys (CT 6187/859) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

General Section, Significant Trees, Objective 1

Reason: The tree provides important aesthetic and environmental benefits.

General Section, Significant Trees, Objective 2

Reason: The tree is not preventing appropriate development on the site.

General Section, Significant Trees, PDC 1(a)(c)(e)(f)

Reason: The tree makes an important contribution to the character and amenity of the local area, provides an important habitat for native fauna, is important to the maintenance of biodiversity in the local environment and forms a notable visual element to the landscape of the local area.

General Section, Significant Trees, PDC 3(a)(b)(c)(d)(e)

Reason: The tree is not diseased, its life expectancy is not short, it does not represent an unacceptable risk to public or private safety, is not currently causing or threatening to cause substantial damage to a substantial building or structure of value and reasonable alternative remediation options are available.

Attachments

1. Development application, site plan and summary from Dean Nicolle
2. Calypso's arborist reports dated 30 May 2019 and 24 June 2019
3. Extract from Dean Nicolle's report provided for DA 211/514/2017

Development Application form

Civic Centre: 165 Sir Donald Bradman Drive, Hilton SA 5033. Office hours: Mon - Fri 8.30am - 5pm.
Phone: (08) 8416 6333. Email: development@wtcc.sa.gov.au. Web: westtorrens.sa.gov.au.



Section 1 - correspondence method

By selecting 'I ACCEPT' below, you agree (as the applicant, the owner and/or the authorised agent) to be legally bound by the 'Terms and conditions' of this service and you consent that all correspondence relevant to this application, or which is otherwise required to be provided to you under the *Development Act 1993* - including Decision Notification forms, stamped plans and relevant documents, be provided to you in **electronic format** only. Please tick **ONLY** one of the following boxes.

☒ I ACCEPT

or, if you do not wish to correspond electronically, three complete sets of hardcopy documents will be required

☐ I choose only to receive general assessment correspondence via email. All stamped plans and Decision Notification forms must be sent by hardcopy mail.

Email address: Dominicpoignand1@gmail.com

Section 2 - consent sought

Select **one** type of consent you wish to apply for:

☐ Development Plan consent
(Planning only)

☐ Building Rules consent
(Building only)

☒ Development Approval
(Planning and Building)

If unsure what type of consent is needed, contact Council on 8416 6333.

Section 3 - location of proposed development

House number 300 OR Lot number DP CT volume Folio

Street name Rowells Road Suburb Lockleys.

State SA Post code 5033

Section 4 - applicant details

Please note that all correspondence will be sent to the applicant (this section must be completed).

Given name Dominic Surname Poignand. Phone 0411 704 679

Postal address 49 Kingborn Avenue Suburb Seaton

State SA Post code 5023 Email Dominicpoignand1@gmail.com

Section 5 - owner's details of the subject land

If same as applicant details, please leave blank and go to section 6.

Given name Surname Phone

Postal address Suburb

State Post code Email

Section 6 - contact for further information

Please note - this section is to be completed if the contact person is not the applicant.

<input type="text"/>	<input type="text"/>
Given name	Surname
<input type="text"/>	<input type="text"/>
Email	Phone

Section 7 - builder's details

This section must be completed by the applicant for Building and Development approval.

☐ Owner builder OR ☐ Builder

<input type="text"/>	<input type="text"/>
Name of builder (company)	Licence number
<input type="text"/>	<input type="text"/>
Postal address	Mobile/Contact number
<input type="text"/>	<input type="text"/>
State	Post code
<input type="text"/>	Email

Section 8 - description of development and associated details

Please describe the development (e.g. single storey detached dwelling, domestic garage, warehouse with office, tree removal).

Tree Removal.

Existing site use:

Does the proposal affect a regulated or significant tree? ☒ Yes ☐ No

Note: a regulated or significant tree may be on the adjoining land that may be affected (including damage to tree roots) by the proposed development. If unsure what a regulated or significant tree is, visit Council's website for more information.

Is there a brush fence within three metres of the proposed building work? ☐ Yes ☒ NoAre there any easements on the land? ☐ Yes ☒ No**Section 9 - costing and floor area**

Council may require written justification to verify costs (this section must be completed).

\$ <u>2000.00</u>	<input type="text"/> m ²
Estimated total cost of works (excluding fitout)	Estimated floor area of work

Section 10 - building classification

If unsure, contact Council on 8416 6333 or visit the Council office during business hours.

<input type="text"/>	<input type="text"/>
Current classification	Classification sought

If Class 5, 6, 7, 8, or 9, state number of employees: Male Female


Section 11 - declarationCouncil is required by the *Development Act 1993* to make Category 2 and 3 Developments available for public inspection and the public may obtain copies of this material for a fee. If you have concerns over the confidentiality or security content of such documents, you should discuss these with a member of Council's planning staff before lodging.**I declare that the information I have provided on this application form is correct to the best of my knowledge and give permission to make this information available for public inspection.**Signature:  Date: 13.8.19☒ Applicant ☒ Owner ☐ Authorised agent

Powerline Clearance Declaration form

Development Regulations 2008

Civic Centre: 165 Sir Donald Bradman Drive, Hilton SA 5033. **Office hours:** Mon - Fri 8.30am - 5pm.
Phone: (08) 8416 6333. **Email:** development@wtcc.sa.gov.au. **Web:** westtorrens.sa.gov.au



Date of Application: 13 / 8 / 2019			
Applicant:	Given Name: Dominic		Family Name: Poignand
	Lot No: 300	House No:	Street: Rowells Road
Address:	Suburb: Lockleys		P/Code: 5032
	Volume:	Folio:	
Nature of proposed development:			
Tree removal of river red gum.			
<p>I <u>Dominic Poignand</u> being the applicant / a person acting on behalf of the applicant (delete the inapplicable statement) for the development described above declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>. I make this declaration under clause 2A(1) of Schedule 5 of the <i>Development Regulations 2008</i>.</p>			
Date: 13 / 8 / 2019			
Signature: 			

Last updated 24 May 2019

Regulated and Significant Tree proposal form

Civic Centre: 165 Sir Donald Bradman Drive, Hilton SA 5033. Office hours: Mon - Fri 8.30am - 5pm. Phone: (08) 8416 6333. Email: development@wtcc.sa.gov.au. Web: westtorrens.sa.gov.au.



Property No:		Street: LOT 300, ROWEWS RD, LOCKLEY SA 5032	
Title: MR	Given name: DOMINIC	Family name: POIGNAND	
Company name:			
Address: 49 KINGBORN AVE SEATON SA			
			P/Code: 5023
Telephone	Mobile	Email address	
	041704679	dominicpoignand@gmail.com	

1. Details of tree

Circumference of trunk 1m above natural ground level: 4.3m

Height of tree: ~20m

Spread of tree: ~10m

Species or type of tree: RIVER RED GUM

2. Site plan

Please attach site plan scale not less than 1:200.

3. Photograph(s)

Yes ☒ If yes provide details No ☐

4. Details of the proposed activity you want to undertake affecting the Regulated/Significant Tree (e.g. pruning, removal etc.).

REMOVAL

5. Is the tree, or does the tree appear to be diseased?

Yes ☒ If yes provide details No ☐

REFER WTC LETTER DATED 16.4.2019 - ATTACHED
ALSO REFER TO ALBION'S REPORT DATED NICOLE 2.7.2017
ATTACHED

6. Does the tree represent an unacceptable risk to public or private safety?

Yes ☒ If yes provide details No ☐

POWERLINES, FALLING LIMBS AND DEBRIS.

7. If you answer yes to - 6, 7 or 8, have all other remedial steps been determined ineffective by a suitably qualified professional?

Yes ☒ If yes, provide details No ☐

SEE ATTACHED ARBOURIST'S REPORT ATTACHED

8. Is the tree causing or threatening to cause substantial damage to a building or structure of value?

Yes ☐ If yes, provide details No ☐

POSSIBLY

9. Has specialist advice been obtained (from a qualified arboriculturalist, botanist or horticulturalist)?

Yes ☒ If yes, please attach info No ☐

PREVIOUSLY ON MANY OCCASIONS

10. If your application involves the division of land, is it likely that the application will result in substantial "tree-damaging" activity to a Regulated/Significant Tree?

Yes ☐ If yes, provide details No ☐

N/A

11. Should Council approve the pruning or removal of a Regulated/Significant Tree, it is a legislative requirement that 2 - 3 replacement trees to be planted on the subject site.

In the instance that replacement trees cannot appropriately be planted on the site, are you willing to make payment of an amount specified in the *Development Regulations 2008* to the Urban Tree Fund in lieu of planting replacement trees?

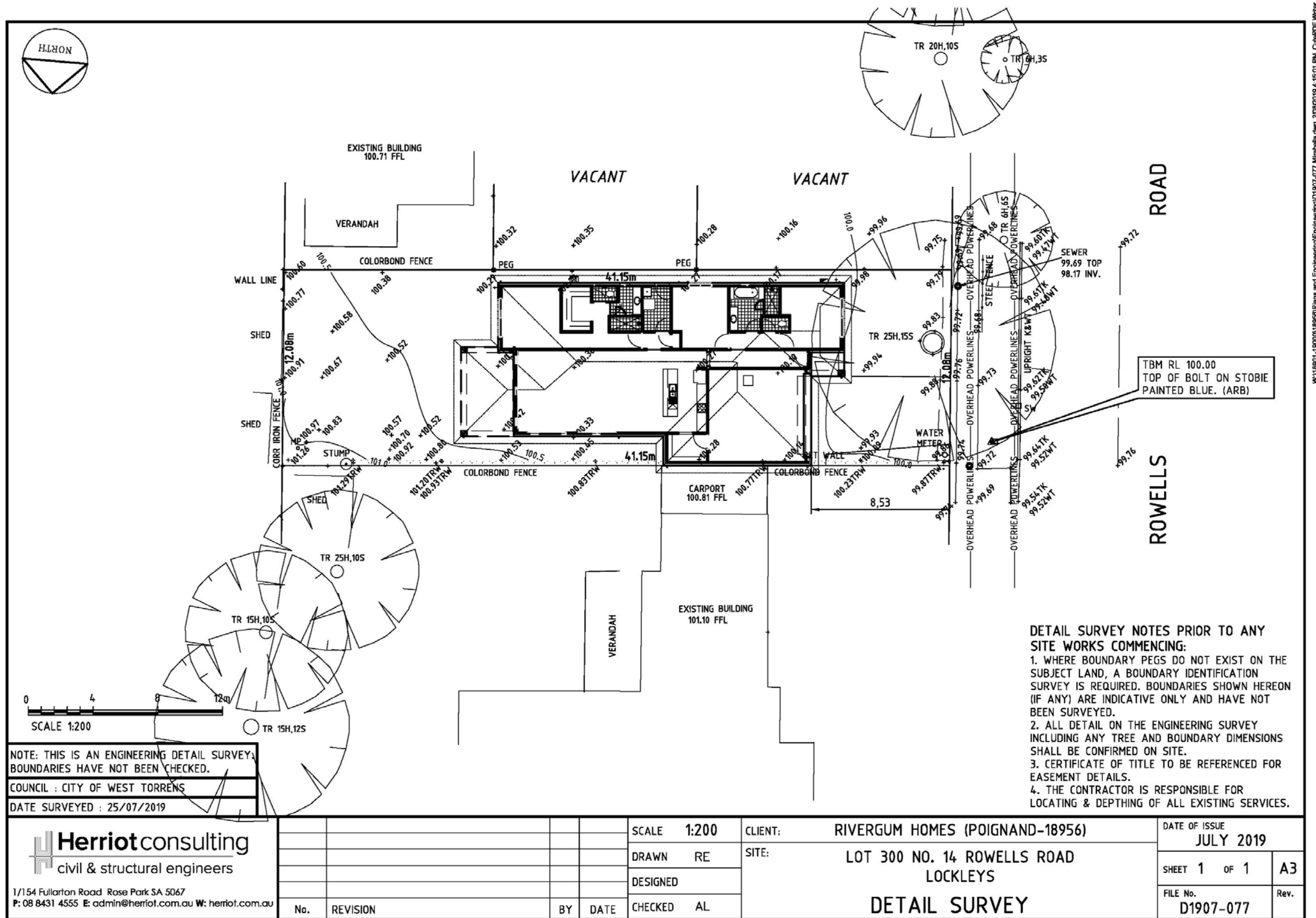
Yes ☒ No ☐

WILLING TO CONTRIBUTE COST OF ADDITIONAL TREES IF REQUIRED

Signed:



Date: 13 / 8 / 2019



From: Dean Nicolle
Sent: Wednesday, 7 August 2019 2:13 PM
To: David Poignand
Cc: Dominic
Subject: Re: Invoice - Tree assessment 14 Lot 300 Rowells Rd Lockleys

Hi David,

As discussed on site on the 2nd July 2019, here are a summary of my findings regarding the subject tree:

Species: *Eucalyptus camaldulensis* subsp. *camaldulensis* (river red gum)

Legal status: Significant as defined by the *Development Act* (1993). Development approval is require to remove, prune (other than maintenance pruning) or otherwise damage the tree.

Health: The tree is currently alive, but has significantly deteriorated in health over the last year or two. The symptoms of its reduced health are consistent with the accidental or intentional chemical poisoning of the tree, although there is no physical evidence of how or exactly when the tree was poisoned. Early-stage new growth is evident throughout the canopy of the tree.

Structure: The primary structure of the tree has not been compromised by its accidental or intentional chemical poisoning. However, increased volumes of leaf litter and small dead material will fall from the tree due to its deteriorated health.

Recommendation: I recommend that the tree be monitored over the next 12 months to determine if the tree will continue to deteriorate in health or recover to sound health.

Regards,
Dean.

Dean Nicolle

Currency Creek Arboretum
Arboriculture - Botany - Ecology - Eucalypt Research

PO Box 808
Melrose Park SA 5039 AUSTRALIA

T: +61 413 214 303
E: dn@dn.com.au
W: www.dn.com.au

Arboricultural Assessment of Non-Council Owned Significant Tree/s

Development Application No: **211/461/2019**

Referral Due Date: 4 June 2019

Assessing Officer: **Default System User**
 Site Address: **14 Rowells Road, LOCKLEYS SA 5032**
 Certificate of Title: **CT-CT-6187/859**
 Description of Development **Removal of significant tree - Eucalyptus camaldulensis (River Red gum)**

Please contact the assessing officer on 8416 6288 or email sgallarello@wtcc.sa.gov.au if any further information is required and to send completed referral responses.

To be completed by: **TECHNICAL OFFICER ARORICULTURE – CITY WORKS**

SPECIES & COMMON NAME: *Eucalyptus camaldulensis* (River Red gum)

TOTAL CIRCUMFERENCE: 4400mm

MULTI-TRUNK: No

The following comments are provided with regards to the relevant Objectives and Principles of Development Control of the General Section, Significant Tree Section of the West Torrens Council Development Plan:

OBJECTIVE 1

The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

OBJECTIVE 2:

The conservation of significant trees in balance with achieving appropriate development.

PDC 1:

Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:

- | | | |
|---|----|------------|
| (a) Makes an important contribution to the character or amenity of the local area; or | it | Yes |
| (b) Is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species | | No |
| (c) Represents an important habitat for native fauna | | Yes |
| (d) Is part of a wildlife corridor or a remnant area of native vegetation | | Yes |
| (e) Is important to the maintenance of biodiversity in the local environment | | Yes |
| (f) Forms a notable visual element to the landscape of the local area | | Yes |

PDC 2:

Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.

PDC 3:

Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:

- (a) In the case of tree removal, where at least one of the following apply:
 - (i) The tree is diseased and its life expectancy is short **Yes**
 - (ii) The tree represents an unacceptable risk to public or private safety **Yes**
 - (iii) The tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area **No**
- (b) The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value **Yes**
- (c) All other reasonable remedial treatments and measures have been determined to be ineffective **Yes**
- (d) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring. **No**
- (e) In any other case, and of the following circumstances apply:
 - (i) The work is required for the removal of dead wood, treatment of disease, or is in the general interest of the health of the tree **No**
 - (ii) The work is required due to unacceptable risk to public or private safety **Yes**
 - (iii) The tree is shown to be causing or threatening to cause damage to a substantial building or structure of value **Yes**
 - (iv) The aesthetic appearance and structural integrity of the tree is maintained **No**
 - (v) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring **No**

PDC 4:

Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.

PDC 5

Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.

ADDITIONAL COMMENTS:

I have examined the plans as requested and provide comments as follow:

It is apparent that there are serious issues associated with this tree, particularly in regard to its location and the close proximity of surrounding structures such as high voltage utility lines to the west and a private property to the north.

Based on previous inspections, the subject tree appeared to rapidly decline approximately 12 months ago and has been unable to recover. Upon the most recent inspection it was clear that the tree has almost completely perished. The vascular and cambial systems have ceased to function, desiccation is advancing and bark has begun to crack and shed. Only one live epicormic shoot is present on the main trunk.

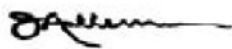
The presence of Longicorn Beetles (borers) is confirmed by the accumulation of small oval shaped exit holes on the main stems. When trees are stressed they emit higher levels of nitrogen, which attracts boring insects. Pests often capitalize on a tree's low vigour, which further accelerates its decline.

Symptoms exhibited are indicative of a rapid decline due to poor growing conditions (e.g. drought), soil compaction, root disturbances, poisoning or a termite infestation. Following a thorough inspection of the trunk and surrounding area, no evidence of intentional poisoning was found. I believe the most likely cause for decline is a combination of soil compaction caused by heavy machinery during recent site work, resulting in root damage and a possible termite infestation.

Having given consideration to the issues associated with this tree, unfortunately complete removal of the *Eucalyptus camaldulensis* is the only viable option to mitigate the unacceptable level of risk associated with this tree.

RECOMMENDATION:

REMOVE



Jarrad Allen

Calypso Tree Co.

Date: 30/05/19

PHOTO's ATTACHED:



Arboricultural Assessment of Non-Council Owned Significant Tree/s

Development Application No: **211/461/2019**

Referral Due Date: 4 June 2019

Assessing Officer: **Default System User**
 Site Address: **14 Rowells Road, LOCKLEYS SA 5032**
 Certificate of Title: **CT-CT-6187/859**
 Description of Development **Removal of significant tree - Eucalyptus camaldulensis (River Red gum)**

Please contact the assessing officer on 8416 6288 or email sgallarello@wtcc.sa.gov.au if any further information is required and to send completed referral responses.

To be completed by: **TECHNICAL OFFICER ARORICULTURE – CITY WORKS**

SPECIES & COMMON NAME: *Eucalyptus camaldulensis* (River Red gum)

TOTAL CIRCUMFERENCE: 4400mm

MULTI-TRUNK: No

The following comments are provided with regards to the relevant Objectives and Principles of Development Control of the General Section, Significant Tree Section of the West Torrens Council Development Plan:

OBJECTIVE 1

The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

OBJECTIVE 2:

The conservation of significant trees in balance with achieving appropriate development.

PDC 1:

Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:

- | | | |
|---|----|------------|
| (a) Makes an important contribution to the character or amenity of the local area; or | it | Yes |
| (b) Is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species | | No |
| (c) Represents an important habitat for native fauna | | Yes |
| (d) Is part of a wildlife corridor or a remnant area of native vegetation | | Yes |
| (e) Is important to the maintenance of biodiversity in the local environment | | Yes |
| (f) Forms a notable visual element to the landscape of the local area | | Yes |

PDC 2:

Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.

PDC 3:

Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:

- (a) In the case of tree removal, where at least one of the following apply:
 - (i) The tree is diseased and its life expectancy is short **Yes**
 - (ii) The tree represents an unacceptable risk to public or private safety **Yes**
 - (iii) The tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area **No**
- (b) The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value **Yes**
- (c) All other reasonable remedial treatments and measures have been determined to be ineffective **Yes**
- (d) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring. **No**
- (e) In any other case, and of the following circumstances apply:
 - (i) The work is required for the removal of dead wood, treatment of disease, or is in the general interest of the health of the tree **No**
 - (ii) The work is required due to unacceptable risk to public or private safety **Yes**
 - (iii) The tree is shown to be causing or threatening to cause damage to a substantial building or structure of value **Yes**
 - (iv) The aesthetic appearance and structural integrity of the tree is maintained **No**
 - (v) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring **No**

PDC 4:

Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.

PDC 5

Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.

ADDITIONAL COMMENTS:

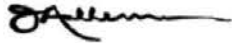
I have examined the plans as requested and provide comments as follow:

Based on previous inspections, the subject tree appeared to rapidly decline approximately 12 months ago and has been unable to fully recover. One epicormic shoot present on the main trunk is the only healthy-looking branch on the tree, however, following heavy rains in mid June green pigment has returned to some parts of the canopy showing that the tree has not deceased.

Symptoms exhibited are indicative of a rapid decline due to poor growing conditions (e.g. drought), soil compaction, root disturbances, poisoning or a termite infestation. Following a thorough inspection of the trunk and surrounding area, no evidence of intentional poisoning was found, however, within the last two months, contractors were engaged to remove two healthy large limbs from within the canopy to make the tree look healthier.

I believe the most likely cause for decline is a combination of soil compaction caused by heavy machinery during recent site work, resulting in root damage. Despite the trees current unhealthy appearance, the large diameter timber still appears green and healthy, so I do not believe the likelihood of major limb failure has increased at this stage.

Having given consideration to the plans provided, and observations made of the trees, I conclude that the desired outcome of 'tree removal' is unjustified, as the applicant has not provided sufficient evidence that can be considered as satisfying the criteria required. Due to the historical and environmental significance of this tree, its retention is recommended and warranted. I believe medium to long-term management through use of nutrient boosters, additional watering and mulch will be extremely beneficial for the tree.

RECOMMENDATION:**RETAIN**

Jarrad Allen

Calypso Tree Co.

Date: 24/06/19

TREE ASSESSMENT - Tree 6



Figure 3. Tree 6. Looking approximately west-north-west towards Rowells Road.

Species: *Eucalyptus camaldulensis* subsp. *camaldulensis* (river red gum).

Key references: Nicolle (2016). *Taller Eucalypts for Planting in Australia - Their Selection, Cultivation and Management*. Pp. 56–59.

Nicolle (2013). *Native Eucalypts of South Australia*. Pp. 44–45.

Legal status: A **significant** tree as defined by the *Development Act*.

- *Species:* *Eucalyptus camaldulensis*
- *Trunk circ. at one metre:* 4.40 metres
- *Distance to dwelling/pool:* >10 metres from nearest dwelling/pool
- *Bushfire Risk:* Excluded area
- *Living/dead status:* Alive
- *Exemptions:* No generic exemptions

Species origin: Indigenous to the locality.

Tree origin: Probably semi-remnant, having been self-seeded from older, remnant trees of the species following European settlement in the area.

D.Nicolle, Lots 300 & 301 Rowells Rd Lockleys SA, 17th Mar 2017, Euca.cama(4)

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Estimated age: 60 – 120 years.
Actual life expectancy: Another 50+ years.
Useful life expectancy: Another 20+ years.

Biodiversity value: High (a reproductively mature specimen of a locally indigenous species; no bird-habitable hollows are evident).

Landscape value: Very high. The tree is a large specimen and is conspicuous in the Rowells Road streetscape.

Retention worthiness:

The tree was assessed as 'Highly worthy of retention' in my September 2015 assessment of the trees in the site.

Tree Protection Zone (TPZ):

A TPZ of 12.6 metres radius from the centre of the tree is recommended. This TPZ is based on the species having a high tolerance to soil disturbances and the tree being a mature specimen of the species (50 to 180 years old) = multiplying factor of nine. Thus: 1.401 (trunk diameter at breast height) x 9 = 12.6 metres.

High Use Setback (HUS):

A HUS of 10.0 metres radius from the centre of the tree to the east hemisphere (towards the available building envelope on the site), *in conjunction with canopy-reduction pruning to the eastern canopy, to remove 10% of the total tree crown*, is recommended.

Note that in the absence of any canopy-reduction pruning to the eastern canopy, a larger HUS to the east hemisphere would be required.

Impact of the proposed development on the tree:

The proposed development at 300 & 301 Rowells Road breaches the recommended Tree Protection Zone (TPZ), with far greater than 10% area encroachment into the TPZ (see Figure 4). This means that the development is likely to significantly impact on the health and longevity of the tree, unless tree-sensitive design and construction is used where within the TPZ.

The proposed development at 300 & 301 Rowells Road breaches the recommended High Use Setback, with the proposed dwelling at 300 Rowells Road and high-use private open space at 301 Rowells Road occurring within the HUS of the tree (see Figure 4). This means that the development is likely to result in the tree representing an unacceptable risk to property and safety.

D.Nicolle, Lots 300 & 301 Rowells Rd Lockleys SA, 17th Mar 2017, Euca.cama(4)

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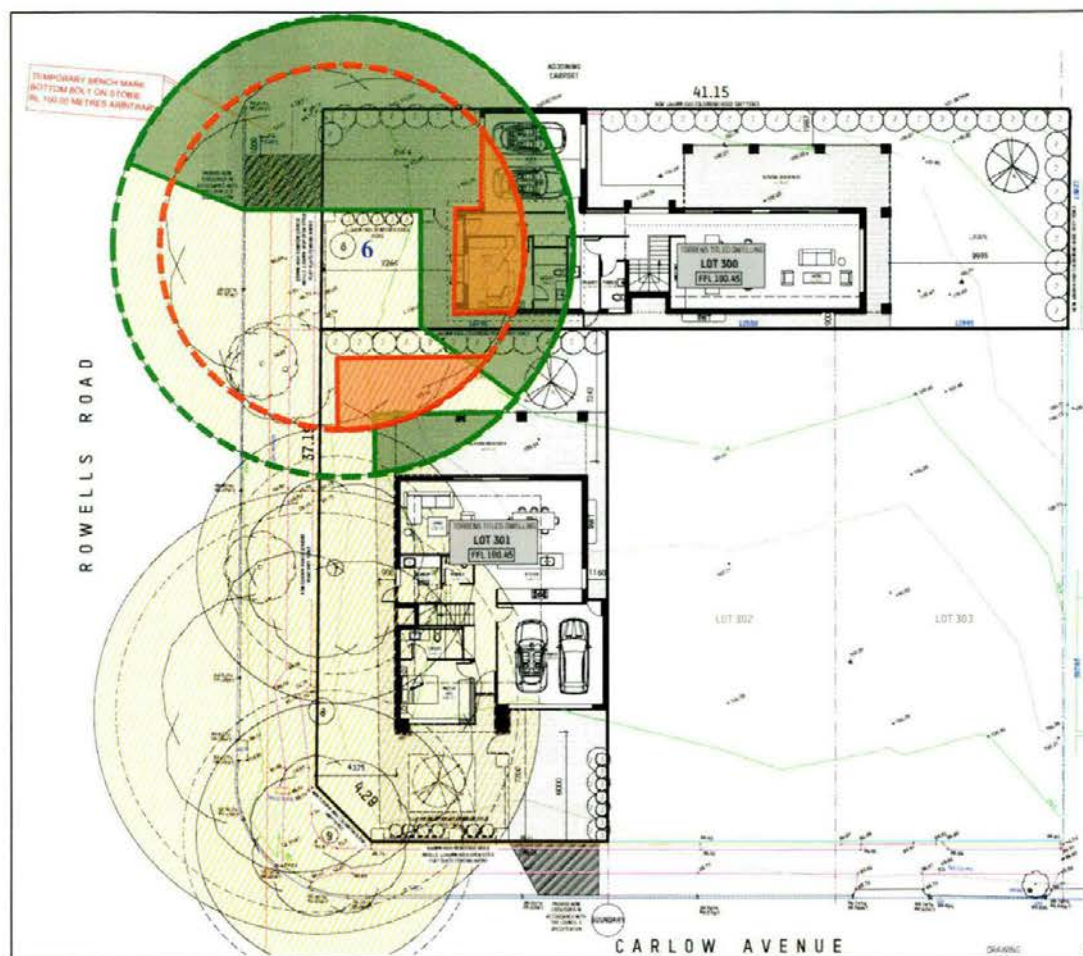


Figure 4. Impact of the proposed development on Tree 6. Extract from the site plan, indicating proposed structures, the location of Tree 6, the calculated Tree Protection Zone (TPZ, superimposed green ring), the recommended High Use Setback (HUS, superimposed red ring), and proposed encroachments into these two zones. There is far greater than 10% area encroachment into the TPZ, meaning that the development is likely to significantly impact on the health and longevity of the tree, unless tree-sensitive design and construction is used where within the TPZ. There is also significant encroachment into the HUS, meaning that the development is likely to result in the tree representing an unacceptable risk to property and safety.

7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 5 Wainhouse Street, TORRENSVILLE

Application No. 211/1349/2018

Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, which permits the meeting to be closed to the public for business relating to the following:

- (vii) matters that must be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice.

as this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, City Development staff in attendance at the meeting, and meeting secretariat staff, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager on the basis that this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. At the completion of the confidential session the meeting be re-opened to the public.

8 SUMMARY OF COURT APPEALS

8.1 Summary of ERD Court matters, items determined by SCAP/Minister/Governor and deferred CAP items - September 2019

Brief

This report presents information in relation to:

1. any planning appeals before the Environment, Resources and Development (ERD) Court;
2. any matters being determined by the State Commission Assessment Panel (SCAP);
3. any matters determined by the Minister of Planning (Section 49);
4. any matters determined by the Governor of South Australia (Section 46); and
5. any deferred items previously considered by the Council Assessment Panel.

Development Application appeals before the ERD Court

Nil

Matters pending determination by SCAP

Reason for referral	DA number	Address	Description of development
Schedule 10	211/M030/18	192 ANZAC Highway, GLANDORE	Eight-storey RFB, 40 dwellings & removal of regulated tree
Schedule 10	211/M015/19	1 Glenburnie Terrace, PLYMPTON	Six-storey RFB, 32 dwellings & associated car parking

Matters pending determination by the Minister of Planning

Reason for referral	DA number	Address	Description of development
Section 49	211/V007/12 V3	Lot 2 in FP 1000, West Beach Road WEST BEACH	Variation - removal of east-west internal road

Matters pending determination by the Governor of South Australia

Nil

Deferred CAP Items

Nil

Conclusion

This report is current as at 2 September 2019.

RECOMMENDATION

The Council Assessment Panel receive and note the information.

Attachments

Nil

9 OTHER BUSINESS

Nil

10 MEETING CLOSE