

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, 13 APRIL 2021
at 5.00pm

Hannah Bateman
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.

Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.

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1 MEETING OPENED**1.1 Acknowledgement of Country****1.2 Evacuation Procedures****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 9 March 2021 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 TRANSITIONAL APPLICATIONS

6.1.1 Tenancy 12A - 140-150 Railway Terrace, MILE END

Application No 211/969/2020

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Change of use from bulky goods outlet to shop (Tenancy 12A) and advertising signage - Non-Complying
APPLICANT	Mr Andrew O'Loughlin
APPLICATION NUMBER	211/969/2020
LODGEMENT DATE	15 October 2020
ZONE	Bulky Goods Zone
POLICY AREA	N/A
APPLICATION TYPE	Non-Complying
PUBLIC NOTIFICATION	Category 3
REFERRALS	Internal <ul style="list-style-type: none"> • Nil External <ul style="list-style-type: none"> • Nil
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
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	Refuse
REPOR AUTHOR	Brendan Fewster

BACKGROUND

The application was lodged prior to 19 March 2021 therefore subject to the transitional provisions in the *Planning, Development and Infrastructure Act 2016* (PDI Act) and to be assessed against the Development Plan in accordance with Regulation 11(2) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*.

SUBJECT LAND AND LOCALITY

The subject land comprises the Mile End Homemaker Centre that is situated at 140-150 Railway Terrace, Mile End. The land has frontage to Railway Terrace to the east and James Congdon Drive to the west and is approximately seven (7) hectares in total area.

The subject site (tenancy) is located on the south-eastern part of the site.

The site currently contains three main buildings; two on the northern side and one long building to the south. These buildings are used for bulky goods retailing. There are three smaller buildings located more centrally that are used for bulky goods retailing and café/restaurant purposes.

The locality consists predominantly of large-scale commercial and industrial activities, including a Bunnings to the north, a bus depot and service trade premises to the east, industry and service trade premises to the south and small-scale industries on the western side of James Congdon Drive. The locality has a commercial character with buildings of varying size and appearance and is of moderate amenity.

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



Photo 1: The front of the subject tenancy viewed from the car park

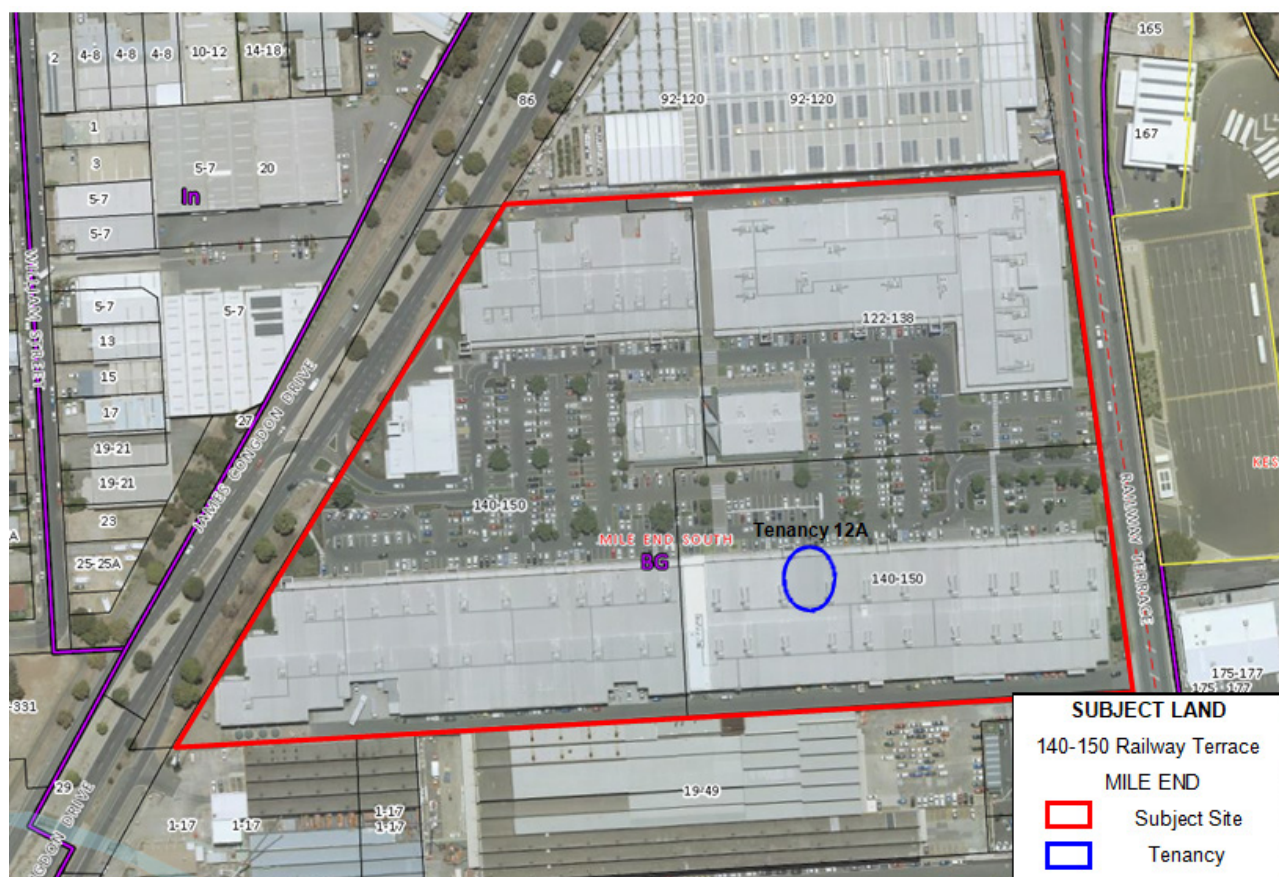


Photo 2: Site and Locality Map

RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
211/901/2020	Installation of signage	Approved	30 October 2020

PROPOSAL

The application is for a change of land use from a bulky goods outlet to a retail shop with associated advertising signage.

The proposed shop has a gross leasable floor area of 501.4m² and will be tenanted by Skechers, which is a shoe retailer.

There will be no external building work or alterations to internal load-bearing walls (internal fit out only).

New advertising displays are to be installed on the shop front, including a fascia sign on the parapet and a small illuminated sign above the entrance.

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

NON-COMPLYING

The application is a non-complying form of development as a *shop* is listed as a non-complying development in the Procedural Matters section of the Bulky Goods Zone and the proposal does not satisfy any of the following exceptions:

- (a) *the shop is a bulky goods outlet with a gross leasable area of 500 square metres or more*
- (b) *the shop is a restaurant (including café) and:*
 - (i) *measures 150 square metres or less in gross leasable area*
 - (ii) *is part of a bulky goods tenancy which measures 2000 square metres or more in gross leasable area*
 - (iii) *the aggregate total gross leasable area of such premises within the zone does not exceed 600 square metres*
- (c) *the shop is primarily used for the sale of foodstuffs, and/or is a restaurants and/or café and:*
 - (i) *measures 150 square metres or less in gross leasable area*
 - (ii) *the aggregate total gross leasable area of such premises within the zone does not exceed 600 square metres.*

The applicant has provided a Statement of Effect pursuant to Regulation 17 of the *Development Regulations 2008* (refer **Attachment 3**). This document highlights the following social, economic and environmental impacts associated with the proposed development:

- The proposed tenant will provide a range of goods including footwear and workwear for the commercial and industrial sector which is diverse from the products already offered within the centre. This will benefit nearby businesses which will potentially lead to a positive economic effect on the centre and the surrounding area; and
- Given the limited scope of the development, it is considered that the proposal will have no negative impact on the environment.

Should the CAP resolve to approve the application, the concurrence of the State Commission Assessment Panel is not required. This is a result of recent legislative changes to the *Development Act 1993* that were administered in early May 2020 to assist in streamlining the processing of Development Applications during the Covid-19 pandemic. 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 Section 38 of the *Development Act 1993*.

Properties notified:	175 properties were notified (including occupiers) during the public notification process.
Representations:	No representations were received.
Persons wishing to be heard:	Nil
Summary of representations:	N/A
Applicant's response to representations	N/A

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Bulky Goods Zone as described in the West Torrens Council Development Plan.

The relevant Desired Character statement is as follows:

Bulky Goods Zone - Desired Character:

This zone will accommodate a range of bulky good tenancies. Development will occur in a co-ordinated, integrated and holistic manner. Development will be on amalgamated sites or with significant integrated features, in order to achieve an efficient layout, minimise access points and the length of driveways and to maximise pedestrian accessibility. The zone will also provide convenience retail activity at a local centre level in order to satisfy the needs of staff and visitors.

The major bulky goods tenancies will be at least 5000 square metres in floor area. At least half the total floor space in the zone will be taken up by major tenants. It is expected that the development of the bulky goods zone will occur in stages. Adequate parking and access points will be provided for each stage.

Due to the size of the bulky goods tenancies, the size of the buildings is likely to be large with relatively low building heights. The provision of interesting, articulated and varied facades, through the use of texture, pattern, graphics and colour to the buildings, is important in order to make the scale of the development more human. Buildings facing Railway Terrace, Sir Donald Bradman Drive, Scotland Road, London Road and James Congdon Drive will present an attractive façade.

Buildings will be constructed of durable, attractive materials that weather well and have strong colour schemes that are complementary to other bulky goods buildings in the zone. Buildings will incorporate glazing to all public frontages to increase the void to solid ratio of external surfaces.

High quality, structured landscaping will also be required to mitigate large scale building facades, provide visual amenity and shade. Landscaping will be provided at vehicular entry points to the zone, along the Sir Donald Bradman Drive frontage, James Congdon Drive frontage and other road verges, in the vehicle parking areas, and in the zone.

Decorative lighting will be incorporated to enhance the night time experience of building facades or landscaping along Railway Terrace, Sir Donald Bradman Drive and James Congdon Drive.

A clear hierarchy of streets, vehicular and pedestrian movement patterns, and car parks will be established across the site. Individual premises will be accessed via internal service roads. Vehicle parking, access and service areas will be shared to achieve efficiency in land use. Generously dimensioned designated pedestrian routes will be developed between car parks and buildings to provide safe, convenient and pleasant pedestrian movement. They will be clearly defined by landscaping, pavement treatment, lighting and street furniture. At least one north-south and east-west major outdoor sheltered pedestrian route will be established linking the various tenancies. Service bays and loading docks will be located away from public areas.

The development of the former Perry Engineering site will accommodate the potential for an internal vehicular link to the western side of the existing Bunnings site.

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:

Land Use

The subject land is situated within the Bulky Goods Zone of Council's Development Plan. Objective 1 and PDC 1 of the Zone envisage bulky goods retailing and service trade premises.

The subject tenancy forms part of the Mile End Homemaker Centre, which is a large commercial development comprising a series of bulky goods outlets. There is only limited convenience shopping facilities within the centre, located centrally, as the Desired Character seeks to ensure that any convenience shopping is provided at a local level to serve the needs of staff and visitors of the centre.

The proposal is seeking to change an existing bulky goods tenancy to a shop for the display and sale of personal effects (i.e. shoes and clothing). While large commercial orders may take place from the premises, the applicant has confirmed that no bulky goods will be offered for sale.

Schedule 1 of the Development Regulations defines a bulky goods outlet and a shop as follows:

bulky goods outlet or retail showroom means premises used primarily for the sale, rental, display or offer by retail of goods, other than foodstuffs, clothing, footwear or personal effects goods, unless the sale, rental, display or offer by retail of the foodstuffs, clothing, footwear or personal effects goods is incidental to the sale, rental, display or offer by retail of other goods;

* underlining for emphasis

shop means

- (a) premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or
 - (b) a restaurant; or
 - (c) a bulky goods outlet or a retail showroom; or
 - (d) a personal service establishment,
- but does not include—
- (e) a hotel; or
 - (f) a motor repair station; or
 - (g) a petrol filling station; or
 - (h) a plant nursery where there is no sale by retail; or
 - (i) a timber yard; or
 - (j) service trade premises; or
 - (k) service industry;

While a bulky goods outlet falls under the definition of a shop, there is considered to be a change in use of the land in this instance as the Development Plan identifies a bulky goods outlet and a shop to be land uses in their own right. As the tenancy will be used primarily for the display and sale of shoes and clothing, which are personal effects, the proposed use constitutes a shop. It is noted that while some tenancies within the centre currently offer personal effects, such as clothing and footwear, these businesses are used primarily for the display and sale of bulky goods with personal effects being incidental in nature.

PDC 7 of the Bulky Goods Zone seeks to limit the retailing of personal effects so as to "not exceed an aggregate total leasable area of such premises within the zone of 600 square metres or more with no single tenancy being greater than 150 square metres in total leasable area". The intent of this limitation is to ensure the centre is maintained exclusively for bulky goods retailing and service trade activities and not compete with nearby shopping and centre zones that are focussed on convenience shopping. As the existing shop uses on the land, which include Subway and a large café, would have a collective leasable floor area of around 600m² and the floor area of the proposed shop would be significantly greater than 150m², the proposal is at variance to PDC 7 of the Zone.

Furthermore, the proposed shop with a floor area of approximately 500m² would be one of the first intrusions of its kind within the centre, and while the change of use of any other tenancies within the centre would need to be assessed on their individual merits, the approval of a shop in this instance may set a precedent for similar proposals and further undermine the Objectives of the Zone.

Although somewhat finely balanced, the proposed use of the land would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones. On balance, the proposal is an undesirable and inappropriate development from a land use perspective and is sufficiently at variance to Objective 1 and 2 and PDC 1 and 5 of the Bulky Goods Zone.

Built Form

As the proposal does not include any external building work, apart from signage, the form and appearance of the existing building will not change. The internal fit out of the building will involve only new partitioning and cabinetry, with no alterations to load bearing walls.

Car Parking

There is common car parking within the centre for approximately 710 vehicles.

As the building is to be used as a shop, *Table WeTo/2 - Off Street Vehicle Parking Requirements* prescribes a car parking rate of seven spaces per 100m² of gross leasable floor area. This car parking rate is greater than that of a bulky goods outlet, which is four spaces per 100m² of gross leasable floor area. As the tenancy has a gross floor area of approximately 500m², the proposal would result in additional car parking demand in the order of 15 spaces based on PDC 34 of the General Section (Transportation and Access).

This additional car parking demand is not considered to be minor in nature, and in the absence of a detailed car parking analysis, the applicant has not sufficiently demonstrated that there would be adequate car parking to meet the anticipated demand as a result of the proposed development.

Accordingly, the proposal may intensify the use of the land and result in additional car parking demands which cannot be met on-site, contrary to PDC 34 of the General Section (Transportation and Access).

Advertising

The proposal includes two new advertising displays to be installed on the shop front. There will be one fascia sign on the parapet and a small illuminated sign above the entrance. Both signs will display the business name and branding.

The proposed advertising displays are coordinated and complementary to the existing building in terms of their size, scale and appearance.

PDC 1, 2, 4, 8 and 14 of the General Section (Advertisements) have been satisfied.

SUMMARY

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.

The proposed shop is not an envisaged land use within the Bulky Goods Zone as would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones. The proposal is therefore undesirable and inappropriate development from a land use perspective.

The proposal will result in additional car parking demand and it has not been sufficiently demonstrated that there would be adequate on-site car parking to meet the anticipated car parking demand.

On balance the proposed development does not sufficiently accord with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and does not warrant Development Plan Consent.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land, resolves to REFUSE Development Plan Consent for Application No. 211/969/2020 by Mr Andrew O'Loughlin for change of use from bulky goods outlet to shop (Tenancy 12A) and advertising signage - Non-Complying at Tenancy 12A - 140-150 Railway Terrace, MILE END (CT 6153/843 & 6154/506) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 21 May 2020:

- Bulky Goods Zone Objective 1 and 2

Reason: The proposed shop is not an envisaged land use within the Bulky Goods Zone as it would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.

- Bulky Goods Zone Principles of Development Control 1, 2, 7 and 11

Reason: The proposed shop is not an envisaged land use within the Bulky Goods Zone as it would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.

- General Section (Orderly and Sustainable Development) Objectives 4 and 5

Reason: The proposed use of the land would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.

- General Section (Orderly and Sustainable Development) Principles of Development Control 1

Reason: The proposed use of the land would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.

- General Section (Transportation and Access) Objectives 2

Reason: The proposal would intensify the use of the land and result in additional car parking demands which cannot be met on-site.

- General Section (Transportation and Access) Principles of Development Control 34

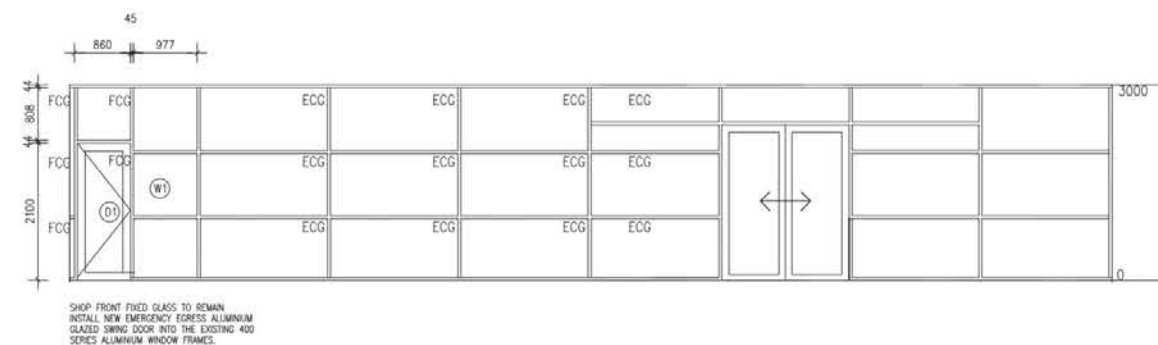
Reason: The proposal would intensify the use of the land and result in additional car parking demands which cannot be met on-site.

Attachments

1. Relevant Development Plan Provisions
2. Proposal Plans and Documents
3. Statement of Effect

General Section		
Advertisements	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14
Interface between Land Uses	<i>Objectives</i>	1, 2 & 3
	<i>Principles of Development Control</i>	1, 2, 3 & 5
Orderly and Sustainable Development	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3, 5, 6, 7 & 8
Transportation and Access	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 8, 12, 13, 14, 23, 24, 30, 32, 33, 34, 35, 36, 37

Architectural site plan of the proposed shop 12A front. The plan shows the building footprint, parking areas, and surrounding roads: James Congdon Road, Scotland Road, and Railway Terrace. Key features include a 'Rear Access' point, a 'Car Park' area, and a 'location of proposed shop 12A front' indicated by a line. A scale bar (1:2500) and a north arrow are provided.



SHOP 12A SHOPFRONT ELEVATION
1:100

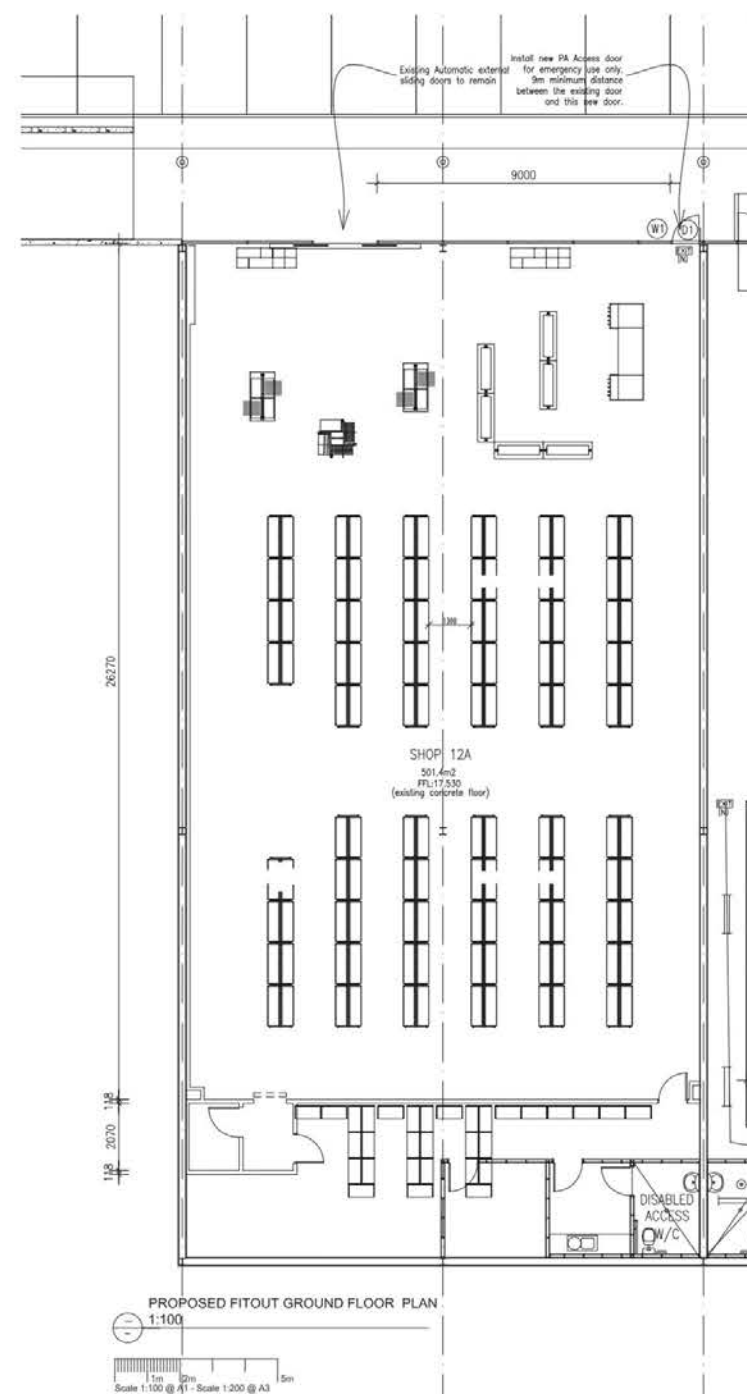


WINDOW & DOOR SCHEDULE NOTES

1. ALL DOORS TO BE ALUMINUM FRAMED DOORS TO MATCH THE EXISTING BUILDING. CLEAR ANODIZED.
2. CONTRACTOR TO PROVIDE ALUMINUM SHOP DRAWINGS FOR REVIEW PRIOR TO FABRICATION.
3. GLAZING SHALL BE IN ACCORDANCE WITH A5128B AND THE MANUFACTURING CALCULATIONS. GLAZING TO MATCH EXISTING.
4. ALUMINUM WORK SHALL BE NATURAL ANODIZED FINISH (unco) 2000 min.
5. DOOR HARDWARE SHALL BE SATIN FINISH.
6. DOOR HARDWARE TO MATCH THE EXISTING KEYING SYSTEM.
7. DOOR SINGS AS PER FLOOR PLANS.
8. UNLESS NOTED OTHERWISE ALL WINDOWS & DOORS ARE VIEWED FROM THE OUTSIDE.

WINDOW & DOOR LEGEND

FCC = FIXED CLEAR GLAZING
ECG = EXISTING CLEAR GLAZING



MOB: 0432 941 202

NOTES:

NOTES:
ALL DIMENSIONS IN MILLIMETRES
UNLESS OTHERWISE NOTED
DO NOT SCALE DRAWINGS.
CONTRACTOR SHALL VERIFY ALL
LEVELS AND DIMENSIONS,
ON SITE PRIOR TO COMMENCEMENT
OF ANY WORK
OR SHOP DRAWINGS.
ANY DISCREPANCIES TO BE
REFERRED TO ARCHITECT FOR
CLARIFICATION BEFORE
PROCEEDING WITH FURTHER WORK.

AMENDMENTS:

ISSUE	DATE	DETAILS
A	09.10.20	PLANNING APPROVAL



CERTIFICATION

CLIENT:
AVENTUS PROPERTY.

PROJECT:
MILE END
HOMEMAKER CENTRE
SHOP 12 FITOUT FOR
'SKETCHERS'

DRAWING TITLE:

COVER SHEET,
LOCATION,
PROPOSED FLOOR
FIRE & REFLECTED
CEILING PLAN.

DRAWN: A O'L	CHECKED AB
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Project No.:	20-258
Date:	09-10-2020

Date: 09-10-2020
Drawing No.: WD 01

Scale: as shown
Revision: A

©Copyright Andrew O'Loughlin Architect

SKETCHERS

SHOP 12A MILE END HOME, 121-152 RAILWAY TERRACE, MILE END, SA 5031

REVISION P2

17/09/2020 4:15:15 PM

<p>FINISHES LEGEND</p> <p>FL1 EXISTING CONCRETE FLOOR</p> <p>FL2 STOCKROOM CARPET: SHAW CONTRACT GROUP - NAINA POLYCOM - CARPET TILES - COB. 4150W 5810K</p> <p>L1 LAMINATE WALL BASE: WILSONART BLACK 1595-58 WHITE</p> <p>P1 PAINT: BOLD BLACK 5645P - Sherwin-Williams's match to "Venetian SW 4950"</p> <p>P2 PAINT: BOLD ALASKA CEILING 5415P - Sherwin-Williams's match to "Venetian SW 4950"</p> <p>P3 PAINT: BOLD NATURAL WHITE 159P - Sherwin-Williams's match to "Venetian SW 7803"</p> <p>PC1 POWDER COATING: BUDER ELECTROPO BLACK METAL 994011P</p> <p>PC2 POWDER COATING: BUDER DEEP OCEAN 2725155 SATIN 994011P</p> <p>WP1 WALL PAPER: HIGH RESOLUTION TANTEN PAPERING WALL PAPER MUTTON & KING KEM517W</p>	<p>L1</p> <p>FL1</p> <p>WP1</p> <p>CONCRETE: POLISHED CONCRETE QUEST- MARK</p> <p>MILTON KING CEMENT PANELING WALLPAPER</p> <p>SHERWIN-WILLIAMS TOONE WHITE SW-7003</p> <p>SHERWIN-WILLIAMS IVORY LACE SW-7013</p> <p>SHERWIN-WILLIAMS CAVIAR SW-6990</p> <p>SHERWIN-WILLIAMS COMMODORE BLUE SW-4524</p>	<p>P1</p> <p>P2</p> <p>P3</p> <p>P4</p> <p>WP1</p> <p>CONCRETE: POLISHED CONCRETE QUEST- MARK</p> <p>MILTON KING CEMENT PANELING WALLPAPER</p> <p>SHERWIN-WILLIAMS TOONE WHITE SW-7003</p> <p>SHERWIN-WILLIAMS IVORY LACE SW-7013</p> <p>SHERWIN-WILLIAMS CAVIAR SW-6990</p> <p>SHERWIN-WILLIAMS COMMODORE BLUE SW-4524</p> <p>OVERALL LAMINATE (BIDCAPS IMPROVED): 3695-58 FORMICA RATTAN CANE</p> <p>WORK FIXTURES: 7481-58 FORMICA NATURAL BIRCH</p> <p>FIXTURES: 91-60 WILSONART SLATE GREY</p> <p>FIXTURES: AG081-P PIONEER SUGAR PIE</p> <p>FIXTURES: 91B-58 FORMICA NEUTRAL WHITE</p> <p>FIXTURES: FELDHOUSE BLACK</p> <p>CASH WRAP: 229-58 FORMICA EBONY OXIDE</p> <p>CASH WRAP/BENCH: D92-60 WILSONART ATLANTIS BLUE</p>	<p>REGISTERED BUILDING PRACTITIONER NO 111 0067</p> <p>aqc®</p> <p>1064-1010 Glenhwy Rd, Glen Hwylly VIC 3163 P +61 3 9577 9800 F +61 3 9572 8999</p> <p>REGISTERED BUILDING PRACTITIONER NO 111 0067</p> <p>PRALITHORPE</p> <p>1064-1010 Glenhwy Rd, Glen Hwylly VIC 3163 P +61 3 9577 9800 F +61 3 9572 8999</p> <p>CLIENT: ACENT GROUP PROJECT: 6007 121 MILES DRIVE, 121-152 RAILWAY TERRACE, MELB, VIC, 3163</p> <p>DRAWING TITLE: FINISHES SCHEDULE</p> <p>DRAWING No: A0-04</p> <p>REVISION: P2</p> <p>SCALE AT AS: 1:1</p> <p>CHECKED: DATE: 17/09/2020 4:15:15 PM</p> <p>DRAWN: JF</p> <p>CONCEPT ISSUE NOT FOR CONSTRUCTION</p>
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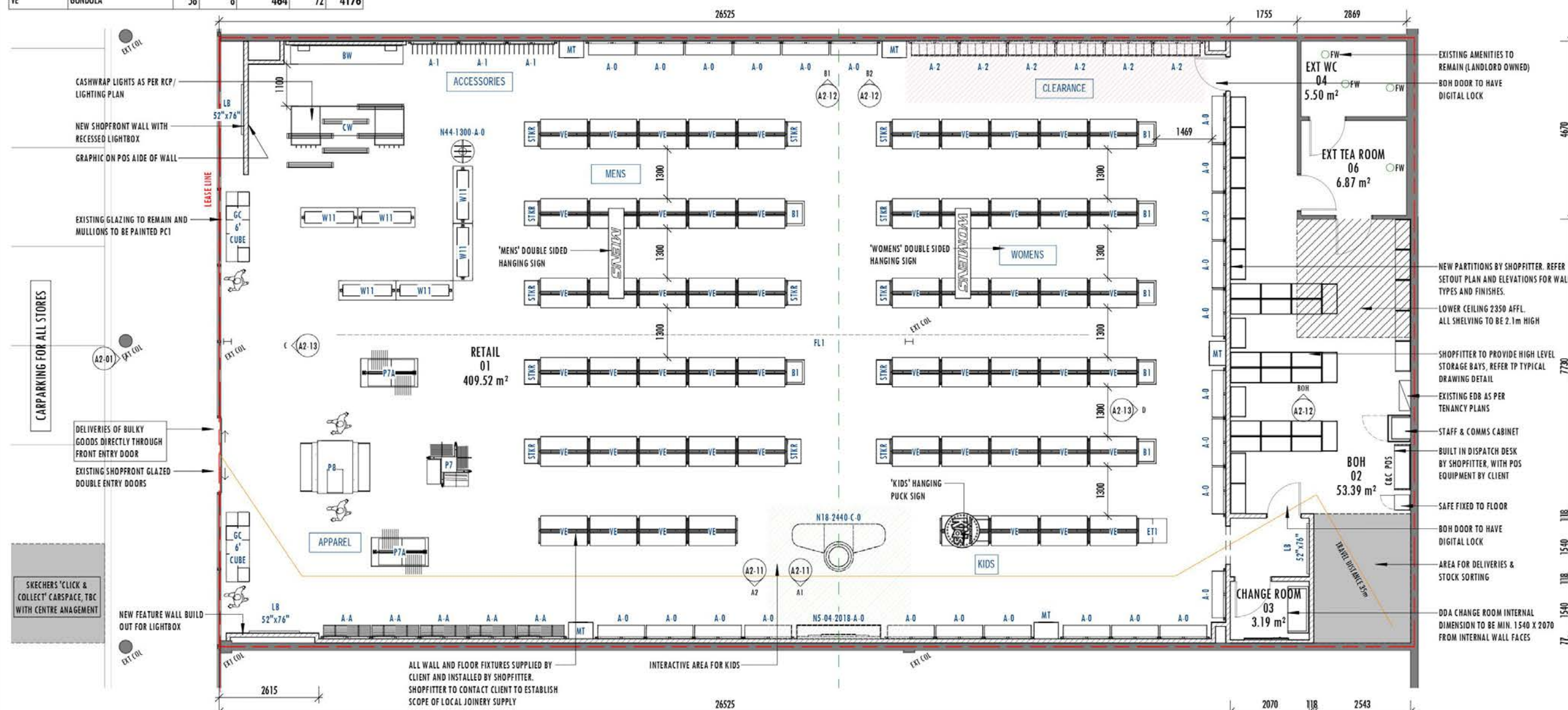
FIXTURE SCHEDULE						
CODE	DESCRIPTION	QTY	SKU	TOTAL DISPLAY SKU	STOCK	TOTAL STOCK
4. SHOPFRONT						
GC 6" CUBE	WINDOW GRID CUBE SET 6"	2	53	106		0
5. DISPLAY						
GR 52" X 76"	52" X 76" GRAPHIC HOLDER SUPPLIED BY FIXTURE VENDOR	1		0		0
LB 52"x76"	LIGHTBOX 52"x76"	3		0		0
6. STOCKROOM						
O/H STORAGE	STORAGE ABOVE STATIC BAY	36		0	20	720
STATIC BAY	STATIC BAY 800W X 400D	36		0		2328
TOTAL				885		974

APPAREL DISPLAY SKU COUNT			
CODE	DESCRIPTION	QTY	APP SKU
2. FLOOR FIXTURES			
P7	APPAREL RACK	1	30
P7A	APPAREL RACK	2	30
P8	NESTING TABLE SET	1	
3. WALL FIXTURES			
A-A	APPAREL 10'	5	16
TOTAL			

NOTES FOR STORE CLASSIFIED AS BULKY STORE:

- DELIVERIES OF BULKY GOODS DIRECTLY THROUGH FRONT ENTRY DOOR
- HIGH ROOF HEIGHT TO RETAIL & BOH AREAS TO ACCOMMODATE HIGH LEVEL STOCKING
- SKECHERS 'CLICK & COLLECT' CARSPACE, TBC WITH CENTRE ANAGEMENT
- STOCK CLEARANCE ZONE INDICATED ON LAYOUT PLAN
- INTERNAL & EXTERNAL SIGNAGE TBC

REFER TO EXTERNAL LAYOUT FOR BOH STORAGE CONFIGURATION



IMPORTANT NOTE:

A full site measure is to be carried out prior to any construction commencing on site. All site measurements are to be checked against drawings. All measures are in millimeters. Any changes are to be made by designer to drawings prior to commencement on site. All dimensions are to be checked on site before commencement of work or manufacturing of any items. These drawings are the property of ACRD Pty. Ltd. and must not be reproduced or copied wholly or in part without the permission of ACRD Pty. Ltd. Use figure dimensions in reference to scale. Do not scale off the drawings.



REGISTERED BUILDING
PRACTITIONER DP-ID 18057
1068-1070 Glenhuntly Rd, Glen Huntly VIC 3163
P +61 3 9572 9800 F +61 3 9572 9899



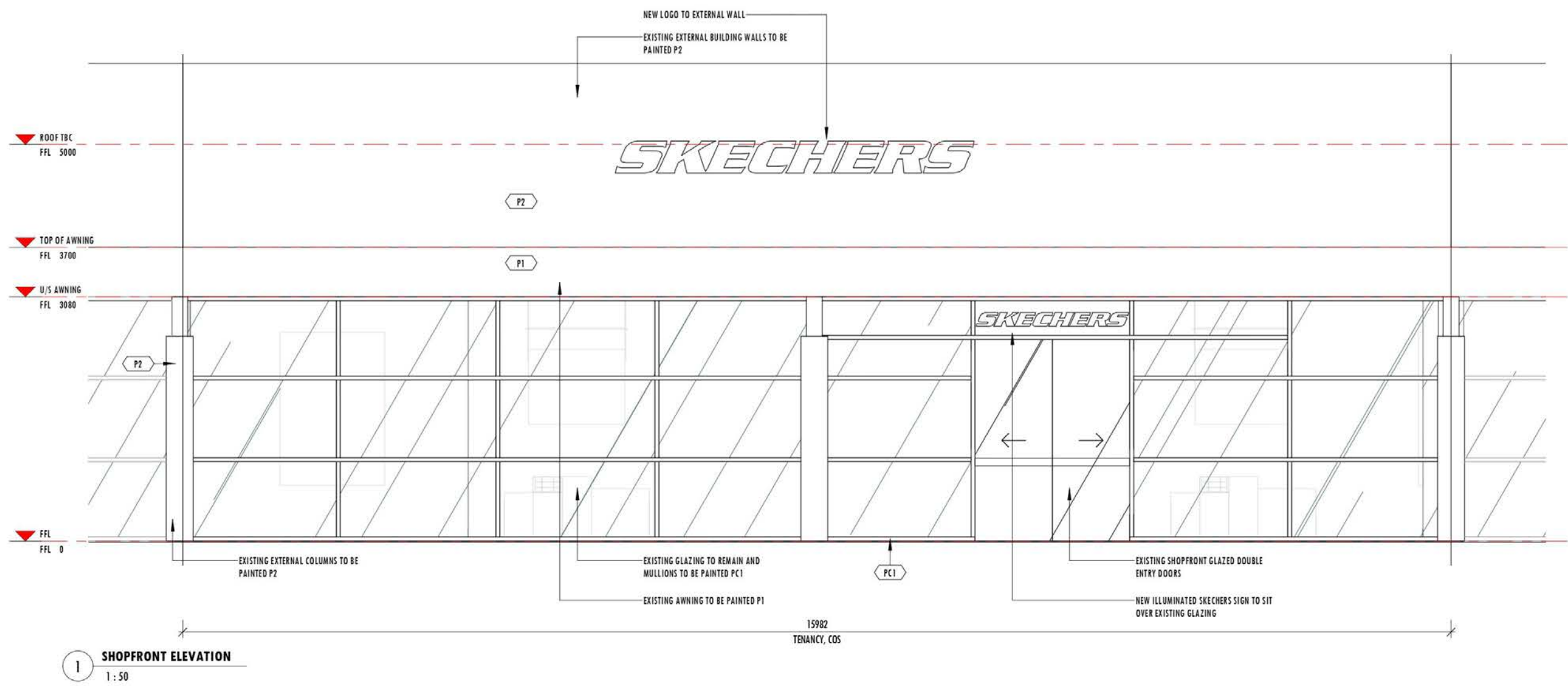
CLIENT:	ACCENT GROUP
PROJECT:	SKECHERS DFO MILE END SHOP 12A MILE END HOME, 121-152 RAILWAY TERRACE MILE END SA 5031

DRAWING TITLE: LAYOUT PLAN

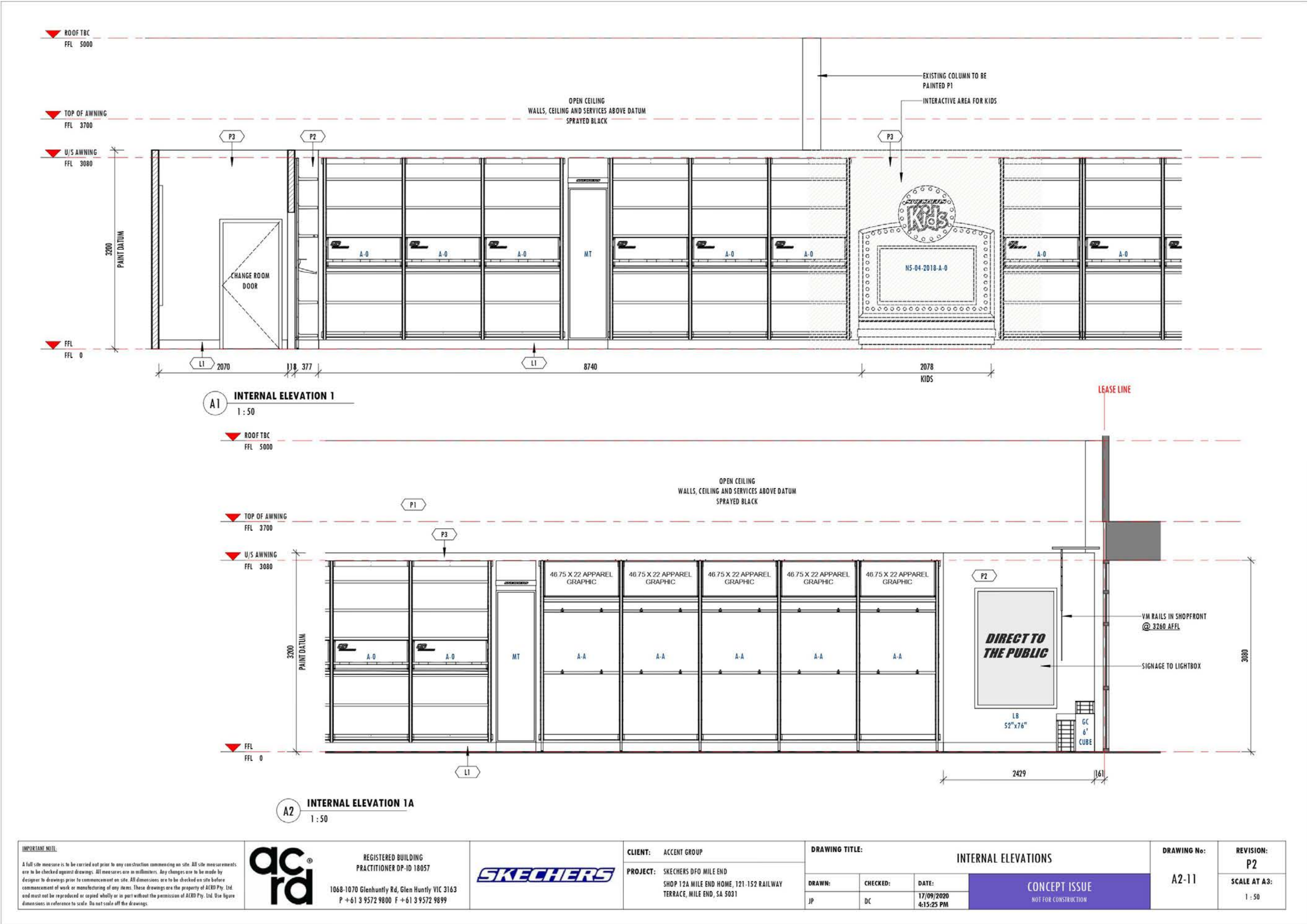
DRAWN:	CHECKED:	DATE:
JP	DC	17/09/2015

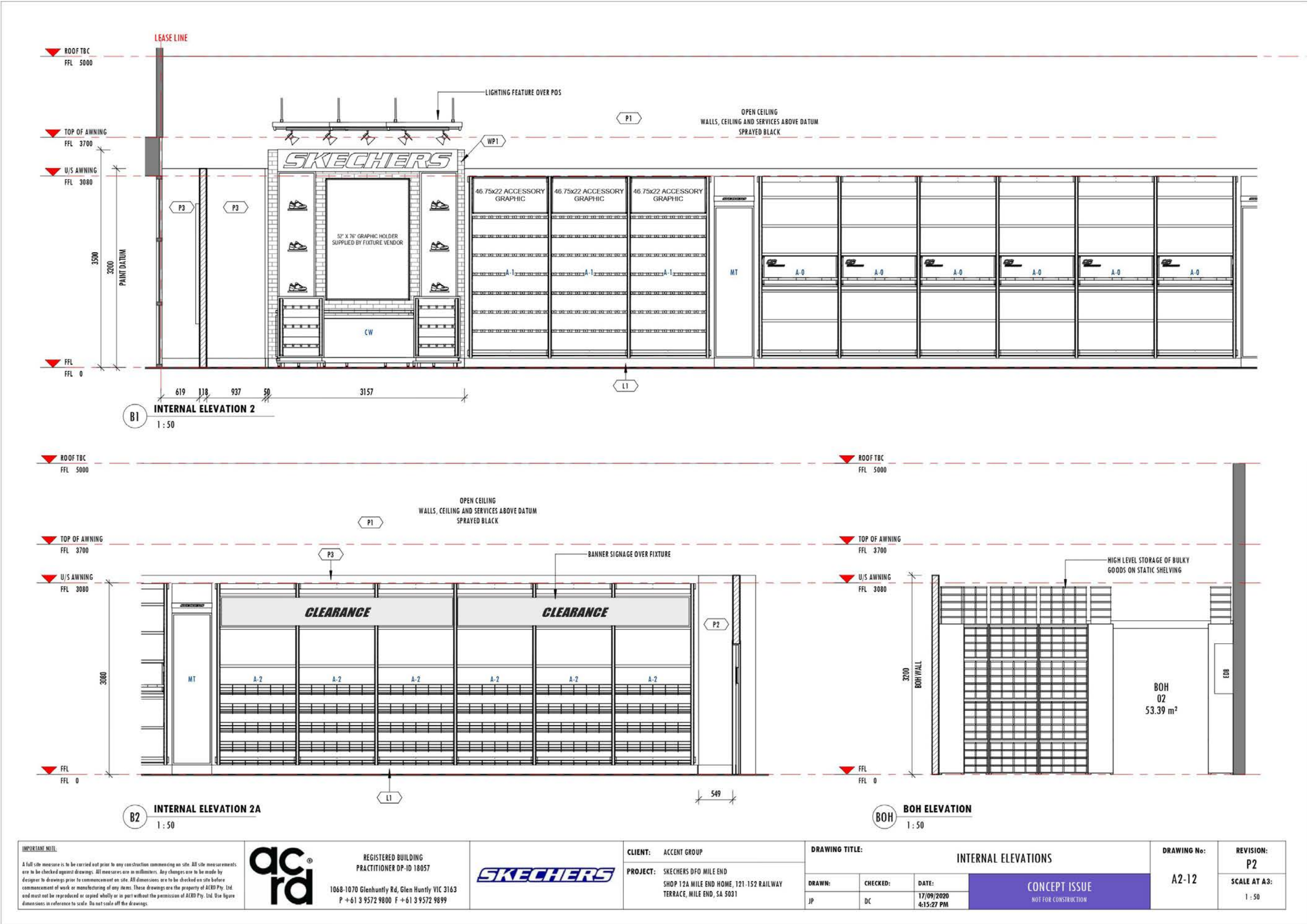
CONCEPT ISSUE
NOT FOR CONSTRUCTION

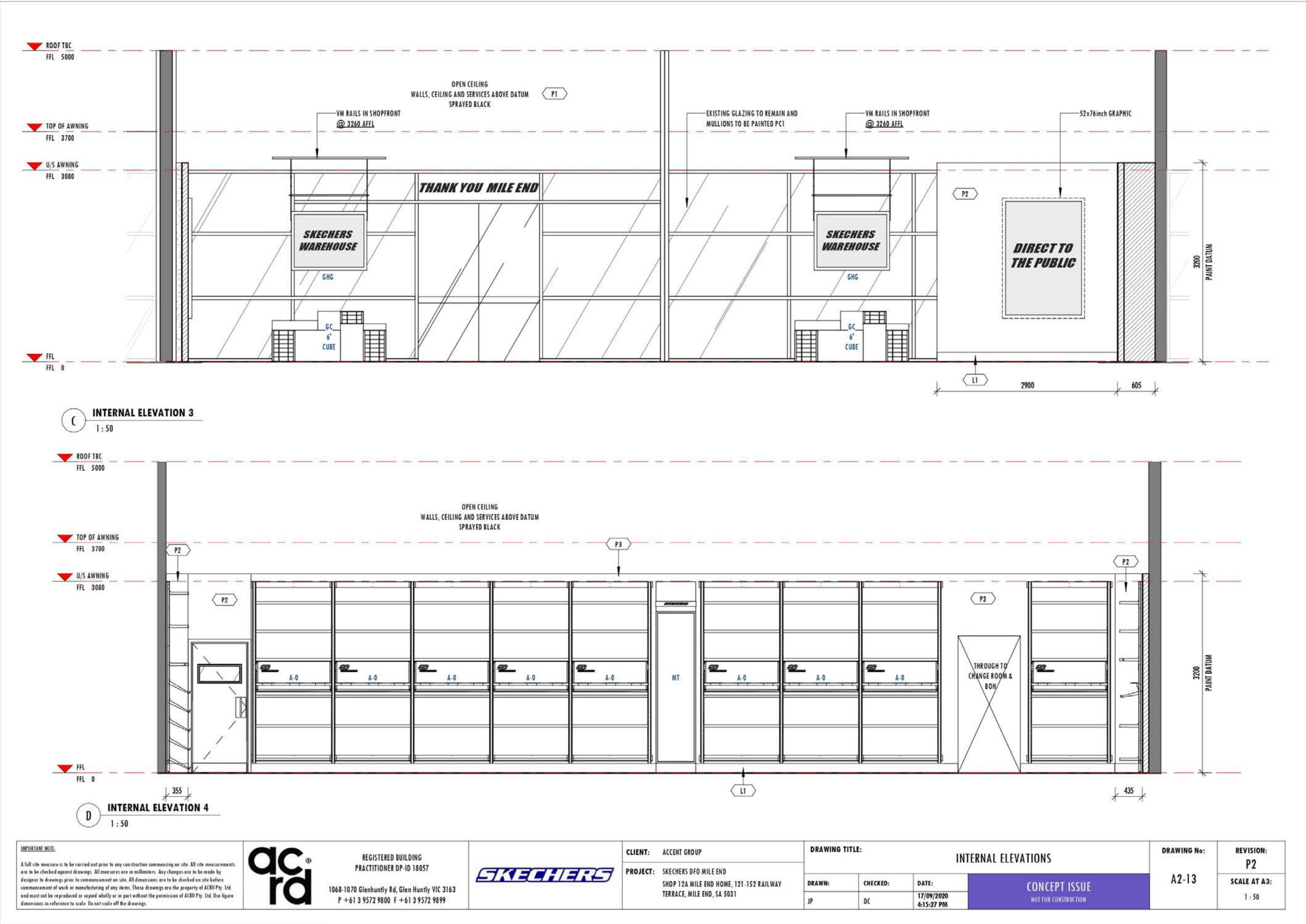
DRAWING No: A1-11	REVISION: P2
	SCALE AT A: 1 : 100



IMPORTANT NOTE: A full site measure is to be carried out prior to any construction commencing on site. All site measurements are to be checked against drawings. All measures are in millimeters. Any changes are to be made by designer to drawings prior to commencement on site. All dimensions are to be checked on site before commencement of work or manufacturing of any items. These drawings are the property of ACRO Pty. Ltd. and must not be reproduced or copied wholly or in part without the permission of ACRO Pty. Ltd. Use figure dimensions in reference to scale. Do not scale off the drawings.	 REGISTERED BUILDING PRACTITIONER DP-ID 18057 1068-1070 Glenhuntly Rd, Glen Huntly VIC 3163 P +61 3 9572 9800 F +61 3 9572 9899		CLIENT: ACCENT GROUP		DRAWING TITLE: SHOPFRONT DETAILS			DRAWING No: A2-01	REVISION: P2 SCALE AT A3: 1:50
			PROJECT: SKECHERS DFO MILE END SHOP 12A MILE END HOME, 121-152 RAILWAY TERRACE, MILE END, SA 5031		DRAWN:	CHECKED:	DATE:		
					JP	DC	17/09/2020 4:15:24 PM		









**Planning Chambers Pty Ltd**

219 Sturt Street Adelaide SA 5000

Office 08 8211 9776**Email** admin@planningchambers.com.au**Website** www.planningchambers.com

ABN 92 642 898 075

27 November 2020

20-054_SIS

Mr. B Fewster
Development Officer – Planning
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear Brendan,

RE: DA 211/969/2020 Tenancy 12A – 140-150 Railway Terrace, Mile End

I write on behalf of our client the Aventus Group in relation to a proposed change in use from bulky goods outlet to shop with associated signage at the abovementioned address (Allotment 202 in Deposited Plan 57845).

Council have considered the proposal to be a non-complying form of development within the Bulk Goods Zone as it seeks to develop a shop that does not achieve one the following:

'(a) the shop is a bulky goods outlet with a gross leasable area of 500 square metres or more

(b) the shop is a restaurant (including café) and:

(i) measures 150 square metres or less in gross leasable area

(ii) is part of a bulky goods tenancy which measures 2000 square metres or more in gross leasable area

(iii) the aggregate total gross leasable area of such premises within the zone does not exceed 600 square metres

(c) the shop is primarily used for the sale of foodstuffs, and/or is a restaurant and/or café and:

(i) measures 150 square metres or less in gross leasable area

(ii) the aggregate total gross leasable area of such premises within the zone does not exceed 600 square metres.'

As noted below the applicant seeks to utilise the tenancy predominately for the sale of footwear with a range of uniforms and industrial wear also available. As such the proposed use is considered to fall under the definition of a shop and is excluded from the definition of a bulky goods outlet.

The following statement in support is provided to assist Council in making a determination to proceed with the assessment of the application.



Subject Land and Locality

The subject land is described in Certificate of Title Volume 6153 Folio 843 as being Allotment 202 in Deposited Plan 57845. The site is subject to number of easements including rights way over the shared carpark and the service lane at the rear.

The subject tenancy is located at Shop 12A within the western portion of the building located upon the allotment as seen in **Figure 1** below. The tenancy has a frontage to the shared carpark of 16 metres and an approximate floor area of 416m². The tenancy is accessed from the footpath which runs along the front of the tenancy.

The tenancy was previously occupied by *The House of Golf* who sold a mixture of golf products including clubs, clothes, shoes and equipment.

The locality comprises of a mixture of commercial and retail uses within the Mile End Homemaker Centre. A mixture of commercial, industrial, warehousing and service trade premises are located to the south and east as well as several large transport depots and large industrial sheds as seen in **Figure 2** below.

The immediate locality consists of Minimax to the east, Freedom to the west and the shared carpark to the north.



Figure 1: The subject tenancy (white building) as viewed from the shared carpark looking south



Figure 2: Subject Land and Subject Tenancy

Proposal

The proposal is for a change in use from a bulky goods outlet to shop with associated signage.

The proposal will not alter the built form with only external signage and internal fit out to occur. The internal works will be limited to partition walls, shop fittings, shelving and a change room. The existing toilet and staff room at the rear of the tenancy will be retained. The storage/back of house room will be approximately 54m² with a significant number of floor to ceiling storage bays.

The proposed external signage will include a 4.5m x 0.4m branding logo above the canopy of the front façade, approximately 5 metres above the finished floor level. An illuminated branding sign, 1.95m x 0.42m will be erected above the existing double entry doors.

The proposed tenant will be Skechers, an international footwear retailer. Whilst Skechers sell a wide range of shoes the concept for this store however will focus on the supply of footwear, and a limited range of workwear, for a range of commercial and industrial sectors, including but not limited to the construction industry (high-vis vests and boots) and the hospitality industry (chef and food staff footwear and clothing). The tenancy will also act as a factory outlet providing clearance footwear for children and adults.

The retail model to be applied at this site, which differs from the existing Skechers stores in Rundle Mall and Westfield Marion and Tea Tree Plaza, relies on having a large volume of stock onsite and to fill larger commercial orders for safety wear. This model does not fit into a standard shopping centre or main street retail store as it requires large areas of storage and display as well as direct truck access for the delivery of goods and pick up of large bulk orders.



The subject land and the Mile End Homemaker Centre is able to accommodate the large storage and display requirements within the subject tenancy and offers easy access for deliveries and pick up direct to the store. The proposed retail model is based upon several Sketchers outlets which are located within bulky good centres interstate.

Assessment

I have undertaken an assessment of the proposal against the relevant provisions of the West Torrens Council Development Plan consolidated 21 May 2020. Zone Map WeTo/9 shows the subject land is located within the Bulky Goods Zone.

A full assessment of the proposal against the relevant provisions of the Development Plan will be undertaken within the Statement of Effect should Council agree to proceed with the assessment of the proposal. Consideration has however been given to the broad intent of the Bulky Goods Zone and Development Plan as a whole.

Bulky Goods Zone

The zone is intended to accommodate a range of bulky good outlets in a coordinated and integrated manner. Limited guidance is provided in relation to the appropriateness or otherwise of shops within the zone other than shops in the form of cafes and restaurants that are associated or ancillary to bulky goods outlets.

It is acknowledged that the intent of the zone is for the development of large format bulk goods outlets. The Mile End Homemaker centre is an example of the scale and form of development sought within the zone with a strong focus on bulky goods. There are 32 tenancies located within the centre, a limited number of which are food and beverage retailers. The other tenancies are bulky goods outlets which differ in the range of goods offered with some stores offering sporting apparel and outdoor clothing and shoes alongside bulky goods products.

The nature of the proposed land use is such that it requires a larger format store with easy delivery and pick up access. The instore storage capacity is critical to the retail model sought to be implemented in the subject tenancy and is difficult to replicate in a standard retail mall or main street. Essentially the proposed use appears to sit between a standard retail offering and a bulky goods outlet in the way that it operates. As such it appears to be better placed within a bulky goods centre such as the Mile End Homemaker centre even though the products offered for sale sit outside of the traditional range of bulky goods as included within the land use definitions within the Development Regulations.

Given the number of bulky goods outlets currently operating in the centre, it is considered that the proposal will not detract from or place any imposition on the operation of the subject land as a bulky goods centre or restrict adjacent or nearby tenancies from continuing to operate in accordance with the zone. In my view the use of a single tenancy for a shop will not result in a watering down of either the intent of the zone or the bulky goods offering of the Homemaker Centre.

Principle of Development Control (PDC) 22 states that '*Advertisements attached to buildings should:*

- (a) not cover more than 15 per cent of a single wall face*
- (b) in the case where the building contains more than one tenancy, not consist of more than one wall mounted advertisement per tenancy.'*



The proposed advertising sign located above the canopy will occupy 1.8m², which is approximately 4.5% of the total wall area and will be the only wall mounted sign on the building so as to comply with PDC 22.

Council Wide

Advertisements

The Advertising Section of the Development Plan states that advertisements should be developed to take the following into account:

'3 Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.

4 The content of advertisements should be limited to information relating to the legitimate use of the associated land.

11 Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.'

The proposal will locate the external wall sign above the canopy of the front façade which will match other tenancies within the locality and therefore comply with PDC 3. The signage above the canopy and entry door will display the brand name with the appropriate brand colours to comply with PDC 4 and PDC 11.

The integration, scale and design of the proposed signage will not detract from, or have a negative impact upon, the building or the centre.

Car Parking

A bulky goods outlet has a car parking requirement of 4 car parks per 100m² based on the car parking rate within *Table WeTo/2 - Off Street Vehicle Parking Requirements*. This equates to 20 car parks for the former tenant.

A shop located within a centre does not have a car parking requirement within *Table WeTo/2*. Given the Mile End Homemaker Centre has 710 car parks, we can conclude that the proposed change in use will not place any imposition on the availability of car parking in the centre.

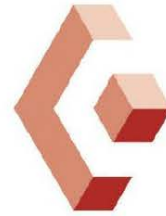
Public Notification

Given the non-complying nature of the proposal the application would normally default to Category 3. In this instance it is my view that Council can assess the proposal as a Category 1 development under Schedule 9, Part 1, 3) of the Development Regulations 2008 as the proposed alterations are of a minor nature.

Conclusion

The proposal seeks to change the use of an existing tenancy within the Mile End Homemaker Centre from bulky goods outlet to a shop with associated signage.

The subject tenancy is located at the western end of the building located upon Allotment 202 in Deposited Plan 57845, on the southern side of the Mile End Homemaker Centre. A shop is a non-complying use within the Zone as it does not meet the non-complying exemptions.



Whilst the proposed development is non-complying within the zone, it is acceptable in this instance as the proposal:

- will not detract from the intent of the zone or overall use of the Mile End Homemaker Centre as a bulky goods outlet;
- is considered to be an appropriate use within a bulky goods centre given the operational and storage requirements outlined above;
- seeks to undertake only minor internal changes/fit out to the existing tenancy;
- includes advertising which is appropriate within the zone and the Homemaker Centre; and;
- is adequately served by the existing car parking within the centre.

As such, it is recommended that Council determine to proceed with the formal assessment of the application.

Should you require any further details or clarification please feel free to contact me on (08) 8211 9776.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Troncone', with a long horizontal stroke extending to the right.

Mark Troncone
Consultant Planner



Planning Chambers Pty Ltd

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DA 211/969/2020

**TENANCY 12A – 140-150 RAILWAY
TERRACE, MILE END**

STATEMENT OF EFFECT

17 December 2020



**PLANNING
CHAMBERS**
TOWN PLANNING

CONTACT LIST

PROJECT TEAM:

Client: Aventus Group
C/- Planning Chambers Pty Ltd



Project Planner: Mark Troncone

Planning Chambers Pty Ltd
PO Box 6196
Halifax Street SA 5000

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E damian@planningchambers.com.au

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1

DETAILS OF THE APPLICATION

1.1

SITE DETAILS

Property Description	Allotment 202 in Deposited Plan 57845
Certificate of Title	Volume 6153 Folio 843
Address	Tenancy 12A – 140-150 Railway Terrace, Mile End
Owner	Aventus Custodian Pty. Ltd. c/- L33 Governor Macquarie Tower 1 Farrer
Local Government Authority	West Torrens Council
Development Plan Zoning and Policy Area Designation	Bulky Goods Zone

1.2

APPLICATION DETAILS

Applicant	Aventus Group
Applicant's Representative	Planning Chambers Pty Ltd Po Box 6196 Halifax Street, SA 5000 P: (08) 8212 9776 E: damian@planningchambers.com.au
Relevant Plan(s)	N/A

2

BACKGROUND

2.1 OVERVIEW

The proposal is for a change in use from bulky goods outlet to shop with associated signage at Tenancy 12A - 140-150 Railway Terrace, Mile End.

Council have considered the proposal to be a non-complying form of development within the Bulk Goods Zone as it seeks to develop a shop that does not achieve one the following:

- '(a) the shop is a bulky goods outlet with a gross leasable area of 500 square metres or more*
- (b) the shop is a restaurant (including café) and:*
 - (i) measures 150 square metres or less in gross leasable area*
 - (ii) is part of a bulky goods tenancy which measures 2000 square metres or more in gross leasable area*
 - (iii) the aggregate total gross leasable area of such premises within the zone does not exceed 600 square metres*
- (c) the shop is primarily used for the sale of foodstuffs, and/or is a restaurant and/or café and:*
 - (i) measures 150 square metres or less in gross leasable area*
 - (ii) the aggregate total gross leasable area of such premises within the zone does not exceed 600 square metres.'*

The applicant seeks to utilise the tenancy predominately for the sale of footwear with a range of uniforms and industrial wear also available. As such the proposed use is considered to fall under the definition of a shop and is excluded from the definition of a bulky goods outlet.

Council have agreed to proceed with a full assessment of the application and requested a Statement of Effect which addresses the requirements of Regulation 17(5) of the Development Regulations, 2008.

3

SUBJECT LAND & LOCALITY

3.1 SUBJECT LAND

The subject land is described in Certificate of Title Volume 6153 Folio 843 as being Allotment 202 in Deposited Plan 57845. The site is subject to number of easements including rights way over the shared carpark and the service lane at the rear.

The subject tenancy is located at Shop 12A within the western portion of the building located upon the allotment as seen in **Figure 1** below. The tenancy has a frontage to the shared carpark of 16 metres and an approximate floor area of 416m². The tenancy is accessed from the footpath which runs along the front of the tenancy.

The tenancy was previously occupied by *The House of Golf* who sold a mixture of golf products including clubs, clothes, shoes and equipment.



Figure 1: The subject tenancy (white building) as viewed from the shared carpark looking south

3.2 LOCALITY

The locality comprises of a mixture of commercial and retail uses within the Mile End Homemaker Centre. A mixture of commercial, industrial, warehousing and service trade premises are located to the south and east as well as several large transport depots and large industrial sheds as seen in **Figure 2** below.

The immediate locality consists of Minimax to the east, Freedom to the west and the shared carpark to the north.

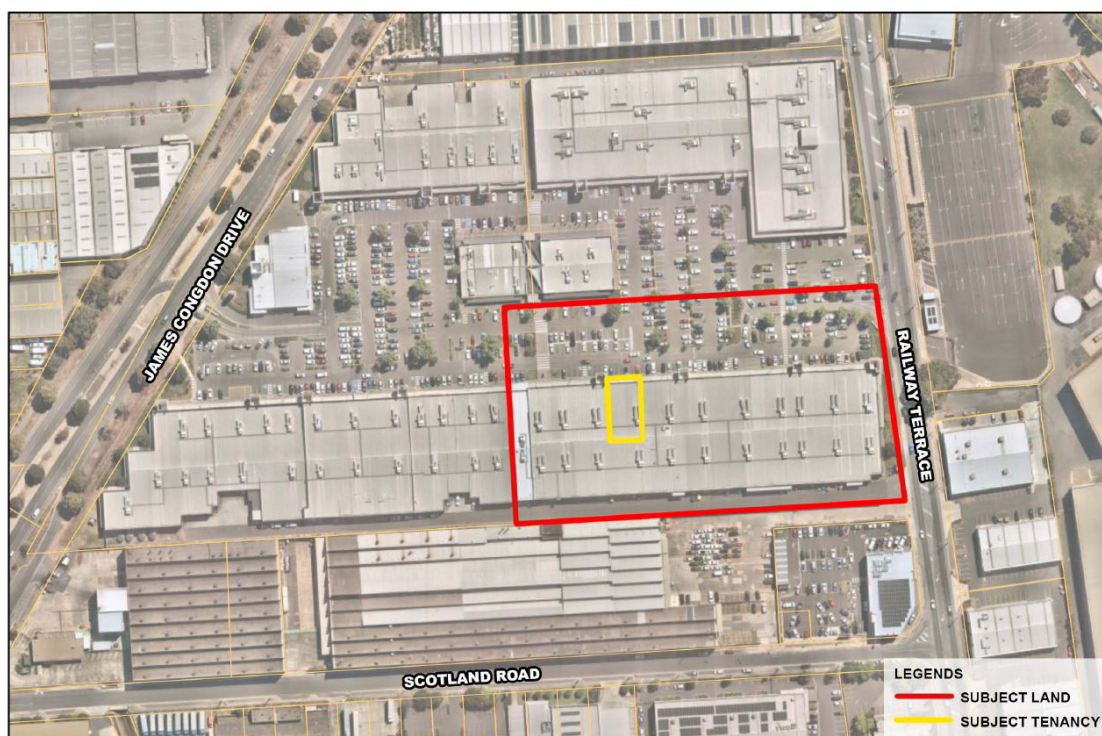


Figure 2: Subject Land and Subject Tenancy



PROPOSAL

The proposal is for a change in use from a bulky goods outlet to shop with associated signage. The proposal will not alter the built form with only external signage and internal fit out to occur. The internal works will be limited to partition walls, shop fittings, shelving and a change room. The existing toilet and staff room at the rear of the tenancy will be retained. The storage/back of house room will be approximately 54m² with a significant number of floor to ceiling storage bays.

The proposed external signage will include a 4.5m x 0.4m branding logo above the canopy on the front façade, approximately 5 metres above the finished floor level. An illuminated branding sign, 1.95m x 0.42m will be erected above the existing double entry doors.

The proposed tenant will be Skechers, an international footwear retailer. Whilst Skechers sell a wide range of shoes the concept for this store however will focus on the supply of footwear, and a limited range of workwear, for a range of commercial and industrial sectors, including but not limited to the construction industry (high-vis vests and boots) and the hospitality industry (chef and food staff footwear and clothing). The tenancy will also act as a factory outlet providing clearance footwear for children and adults.

The retail model to be applied at this site, which differs from the existing Skechers stores in Rundle Mall and Westfield Marion and Tea Tree Plaza, relies on having a large volume of stock onsite and to fill larger commercial orders for safety wear. This model does not fit into a standard shopping centre or main street retail store as it requires large areas of storage and display space as well as direct truck access for the delivery of goods and pick up of large bulk orders. The subject land and the Mile End Homemaker Centre is able to accommodate the large storage and display requirements within the subject tenancy and offers easy access for deliveries and pick up direct to the store. The proposed retail model is based upon several Sketchers outlets which are located within bulky good centres interstate.

5

DEVELOPMENT ASSESSMENT

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 21 May 2020

Zone Map WeTo/9 shows the subject land is located within Bulky Goods Zone with Policy Area Map WeTo/9 showing the land is not located within a Policy Area.

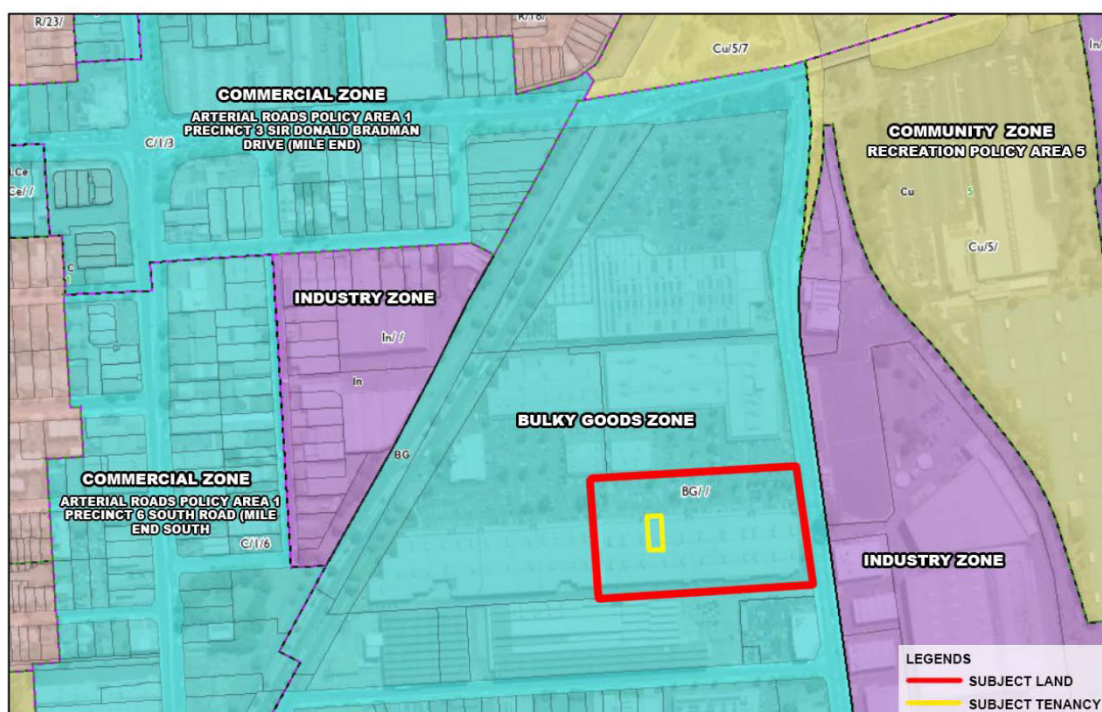


Figure 3: Zone map

The provisions of the Development Plan of most relevance for an assessment of the proposal are as follows:

Zone Provisions

Bulky Goods Zone

Objectives: 1, 2

Principles of Development Control: 1, 2, 11, 22

Council Wide Provisions

Advertisements

Objectives: 2, 3

Principles of Development Control: 3, 4, 11

Interface between Land Uses

Objective: 1

Principles of Development Control: 1, 2

Transportation and Access

Objective: 2

Principles of Development Control: 34

5.2 ASSESSMENT

Bulky Goods Zone

Objectives: 1, 2

Principles of Development Control: 1, 2, 11, 22

Objectives

1 A zone accommodating a range of buildings used for bulky goods outlets and service trade premises.

2 Development that contributes to the desired character of the zone.

Principle of Development Control

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

- bulky goods outlet
- service trade premises that comprise only indoor displays or are primarily for the sale, rental or display of building materials, landscaping materials, sheds, domestic garages or outbuildings.

2 Development listed as non-complying is generally inappropriate.

11 Development should not be undertaken unless it is consistent with the desired character for the zone.

22 Advertisements attached to buildings should:

- (a) not cover more than 15 per cent of a single wall face
- (b) in the case where the building contains more than one tenancy, not consist of more than one wall mounted advertisement per tenancy.

The zone is intended to accommodate a range of bulky good outlets in a coordinated and integrated manner. Limited guidance is provided in relation to the appropriateness or otherwise of shops within the zone other than shops in the form of cafes and restaurants that are associated or ancillary to bulky goods outlets.

It is acknowledged that the intent of the zone is for the development of large format bulky good outlets. The Mile End Homemaker centre is an example of the scale and form of development sought within the zone with a strong focus on bulky goods. There are 32 tenancies located within the centre, a limited number of which are food and beverage retailers. The other tenancies are bulky goods outlets which differ in the range of goods offered with some stores offering sporting apparel and outdoor clothing and shoes alongside bulky goods products.

The proposal will stock approximately 9,740 units of stock, 3,000 of which will be located within the storage area at the rear. This level of stock requires a high volume of display shelving units 'Gondolas' (58), shoe bays/clothes racks (32) and storage bays (36) with room above each bay for additional storage. The nature of the proposed land use is such that it requires a larger format store with easy delivery and pick up access. The instore storage capacity is critical to the retail model sought to be implemented in the subject tenancy and is difficult to replicate in a standard retail mall or main street. Essentially the proposed use appears to sit between a standard retail offering and a bulky goods outlet in the way that it operates.

As such it appears to be better placed within a bulky goods centre such as the Mile End Homemaker centre even though the products offered for sale sit outside of the traditional range of bulky goods as included within the land use definitions within the Development Regulations.

Given the number of bulky goods outlets currently operating in the centre, it is considered that the proposal will not detract from or place any imposition on the operation of the subject land as a bulky goods centre or restrict adjacent or nearby tenancies from continuing to operate in accordance with the zone. In my view, the use of a single tenancy for a shop will not result in a watering down of either the intent of the zone or the bulky goods offering of the Homemaker Centre.

The proposed advertising sign located above the canopy will occupy 1.8m², which is approximately 4.5% of the total wall area and will be the only wall mounted sign on the building so as to comply with PDC 22.

Council Wide

Advertisements

Objectives: 2, 3

Principles of Development Control: 3, 4, 11

Objectives

2 Advertisements and/or advertising hoardings that do not create a hazard.

3 Advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality.

Principle of Development Control

3 Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.

4 The content of advertisements should be limited to information relating to the legitimate use of the associated land.

11 Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.'

The proposal will locate the external wall sign above the canopy of the front façade which will match other tenancies within the locality and therefore comply with PDC 3. The signage above the canopy and entry door will display only the brand name with the appropriate brand colours to comply with PDC 4 and PDC 11.

The integration, scale and design of the proposed signage will not detract from nor have a negative impact upon, the building or the centre.

Interface between Land Uses

Objective: 1

Principles of Development Control: 1, 2

Objectives

1 Development located and designed to minimise adverse impact and conflict between land uses.

Principles of Development Control

1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
- (b) noise
- (c) vibration
- (d) electrical interference
- (e) light spill
- (f) glare
- (g) hours of operation
- (h) traffic impacts.

2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.

The proposal will not have any negative impacts upon the existing bulky goods outlets within the centre as the proposal will have similar operational and storage requirements and will be serviced by the same access roads and car park.

Transportation and Access

Objective: 2

Principles of Development Control: 34

Objectives

2 Development that:

- (a) provides safe and efficient movement for all transport modes
- (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
- (c) provides off-street parking
- (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks
- (e) provides convenient and safe access to public transport stops.

34 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table WeTo/2 - Off Street Vehicle Parking Requirements.

A bulky goods outlet has a car parking requirement of 4 car parks per 100m² based on the car parking rate within Table WeTo/2 - Off Street Vehicle Parking Requirements. This equates to 20 car parks for the former tenant.

A shop located within a centre does not have a car parking requirement within Table WeTo/2. Given the Mile End Homemaker Centre has 710 car parks, we can conclude that the proposed change in use will not place any imposition on the availability of car parking in the centre.

Public Notification

Given the non-complying nature of the proposal the application would normally default to Category 3. In this instance it is my view that Council can assess the proposal as a Category 1 development under Schedule 9, Part 1, 3) of the Development Regulations 2008 as the proposed alterations are of a minor nature.



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 proposed tenant will provide a range of goods including footwear and workwear for the commercial and industrial sector which is diverse from the products already offered within the centre. This will benefit nearby businesses which will potentially lead to a positive economic effect on the centre and the surrounding area.

Given the limited scope of the development, it is considered that the proposal will have no negative impact on the environment.

6.2 OTHER INFORMATION SPECIFIED BY THE RELEVANT AUTHORITY

Council has not advised of any additional information it may require to facilitate the assessment of the application as per Regulation 17, 5e) of the *Development Regulations 2008*.

7 CONCLUSION

7.1 SUMMARY

The proposal seeks to change the use of an existing tenancy within the Mile End Homemaker Centre from bulky goods outlet to a shop with associated signage.

The subject tenancy is located at the western end of the building located upon Allotment 202 in Deposited Plan 57845, on the southern side of the Mile End Homemaker Centre. A shop is a non-complying use within the Zone as it does not meet the non-complying exemptions.

Whilst the proposed development is non-complying within the zone, it is acceptable in this instance as the proposal will not detract from the intent of the zone or overall use of the Mile End Homemaker Centre as a bulky goods outlet. The applicant seeks to undertake only minor internal changes/fit out to the existing tenancy and include advertising which is appropriate within the zone and the Homemaker Centre. It is considered to be an appropriate use within the centre given the operational and storage requirements of the proposed tenant.

The proposed development is considered to be consistent with the following provisions of the Development Plan.

Zone Provisions

Bulky Goods Zone

Objectives: 1, 2

Principles of Development Control: 1, 2, 11, 22

Council Wide Provisions

Advertisements

Objectives: 2, 3

Principles of Development Control: 3, 4, 11

Interface between Land Uses

Objective: 1

Principles of Development Control: 1, 2

Transportation and Access

Objective: 2

Principles of Development Control: 34

7.2 RECOMMENDATION

In summary, I am satisfied the proposed development is not seriously at variance with the requirements of West Torrens Development Plan (Consolidated 21 May 2020).

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).

Should you require any further details or clarification please feel free to contact me on (08) 8211 9776.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Mark Troncone', with a long horizontal stroke extending to the right.

Mark Troncone
Consultant Planner

6.1.2 11 Clifford Avenue, KURRALTA PARK

Application No 211/1235/2020

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Removal of a significant tree - <i>Eucalyptus camaldulensis</i> (River Red Gum)
APPLICANT	Jessie Tempest of Tertiary Tree Consulting
LODGEMENT DATE	16 December 2020
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 19
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> Arboriculture Advisor (Calypso)
DEVELOPMENT PLAN VERSION	Consolidated 21 May 2020
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	Sonia Gallarello

BACKGROUND

The application was lodged prior to 19 March 2021 and is therefore subject to the transitional provisions in the *Planning, Development and Infrastructure Act 2016* (PDI Act). This requires the application to be assessed against the Development Plan in accordance with Regulation 11(2) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*.

A previous application DA 211/572/2019 for removal of the subject significant tree was lodged 17 June 2019. This application was not finalised and was withdrawn prior to a decision. Notwithstanding that there was not a final decision, Council had commenced the assessment process and sought arboricultural advice from Calypso and internal horticultural staff. This advice was conveyed to the applicant explaining that there was insufficient grounds for the removal of the tree given its good health. It was also acknowledged that there were overextended branches and it was recommended maintenance pruning should be undertaken. In response to the advice the applicant decided to instead withdraw the application rather than have it presented to the Council Assessment Panel (CAP) for refusal. The subject land has since changed ownership.

Following a number of division failures late last year the new owner of the land lodged a new development application. Mr Wilcox (new owner) wrote to Council 16 December 2020 concerned that there had been a recent branch failure and carport damage and wanted immediate removal of the tree as per Section 54(A) of the *Development Act, 1993*. The applicant's arborist did not declare a Section 54(A) to Council at time of lodgement. Council did however investigate this avenue of removal. Another review of the tree was undertaken by Council's independent arborist (Calypso) as well as Council Horticultural staff. It was deemed from both of these opinions, that the emergency removal of the tree was not warranted as pruning options remained available to effectively manage the risk of future limb failure.

This report was drafted and ready to be presented to CAP some months ago with a recommendation for refusal. At the applicant's request the application was put on hold to allow for provision of further information to support the removal of the tree. The applicant subsequently provided legal advice, an addendum to the original arborist report and a structural engineer report.

In response, Council sought an additional arborist opinion and a review of the applicant's structural engineer report from MLEI Consulting Engineers by an independent structural engineer, Tonkin Consulting. The structural engineer's report is limited to the internal and external inspection of number 11 Clifford Avenue and the external inspection only of 9 Clifford Avenue. A secondary attempt was made to inspect the internal walls of 9 Clifford Avenue and this was not permitted by the owner.

The additional information received from the applicant along with Council's additional reports is included and considered in the body of the report below.

SUBJECT LAND AND LOCALITY

The subject land is formally described as Allotment 59 in Filed Plan 19498 in the area named Kurralta Park, Hundred of Adelaide, Volume 5748 Folio 653, more commonly known as 11 Clifford Avenue, Kurralta Park. The subject site is rectangular in shape with an 18.3 metre (m) wide frontage to Clifford Avenue and a site area of 975.6 square metres (m²).

The site currently contains a single storey detached dwelling with an attached carport on the northern side and an addition to the rear of the dwelling. There is a small open pergola under the canopy of the tree adjacent the northern side of the boundary. The rear of the subject site is fairly well vegetated with palm trees and medium sized trees.

The subject tree *Eucalyptus camaldulensis* (River Red Gum) is located approximately 26m east from the front boundary and around 10cm from the dividing boundary fence between 9 and 11 Clifford Avenue. The tree has a trunk circumference of 3.9m 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 tree has a canopy approximately 25m wide and it extends over the roof and private open space of the dwelling at 9 Clifford Avenue and the roof and private open space of the dwelling at 11 Clifford Avenue.

The locality is mixed as Clifford Avenue is the interface between industrial development to the west and residential to the east. Opposite, to the west, is a service centre for the electricity and gas industry of which is reasonably well vegetated around the perimeter. Further north is a combination of service trade premises and office/warehouse uses. The nature of the Residential Zone is low to medium density housing with recent examples of infill such as group dwellings, row dwellings and residential flat buildings up to two storeys. The Westside Bikeway is some 70m to the west of the subject site.

The subject tree is visible from the street, adjoining properties and within the immediate locality. Small to medium shrubs and trees are common within the locality but the subject tree is the most notable.

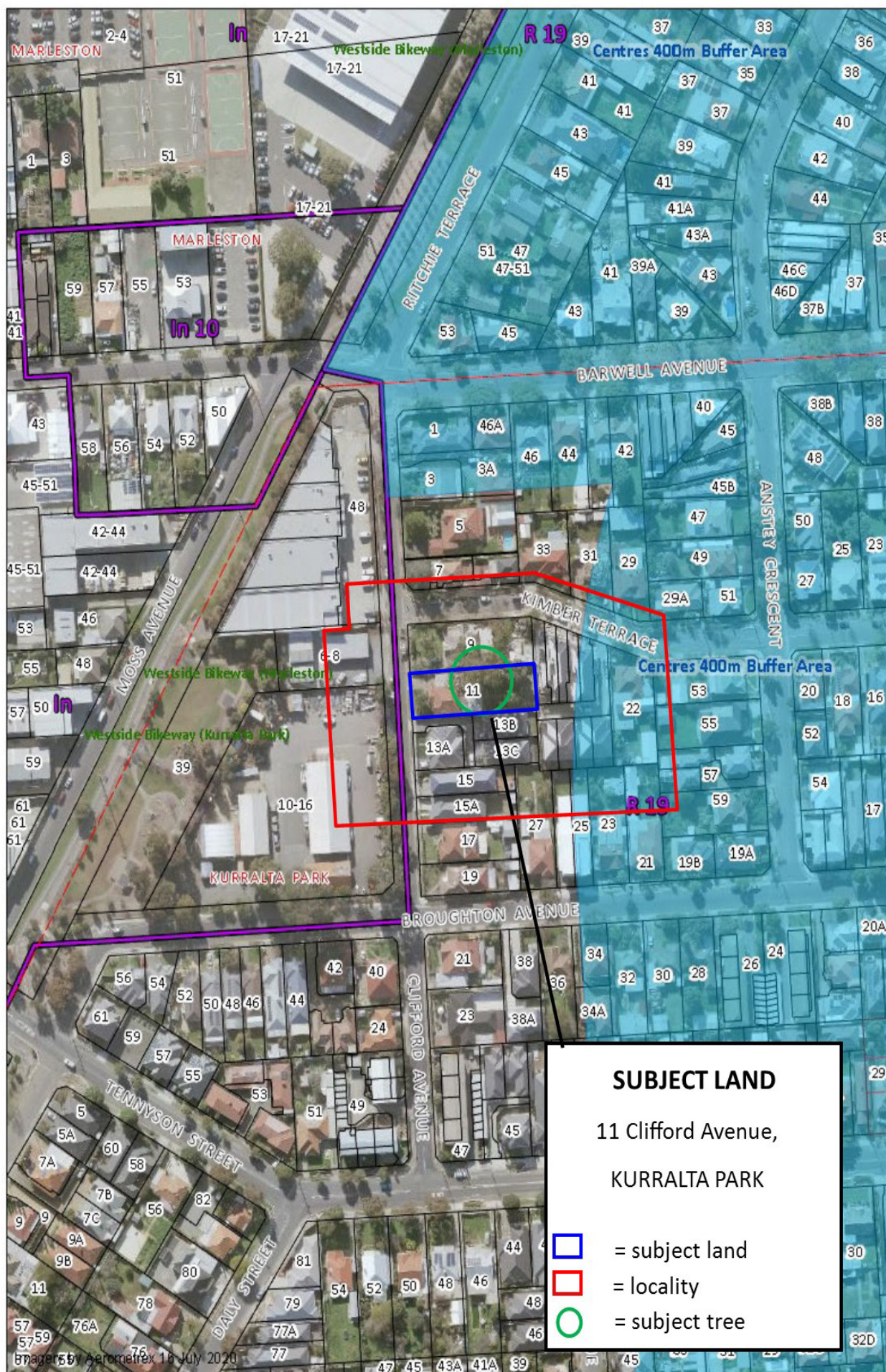
The site and locality are shown on the aerial imagery and maps below.



Figure 1: The subject tree and subject land viewed east.



Figure 2: The subject tree and 9 Clifford Avenue to the north and part of 11 Clifford Avenue (subject land) viewed east.



RELEVANT APPLICATIONS

DA Number	Description of Development	Decision	Decision Date
DA 211/572/2019	Removal of a significant tree - <i>Eucalyptus camaldulensis</i> (River Red Gum)	Withdrawn	N/A

Little has changed about the tree in terms of its health or overall structure since the preliminary assessment of the last application. There is evidence of recent limb drops of branches with circumferences of a maximum of approximately 10cm. These branches have fallen and are accumulated near the base of the tree. To Council's knowledge and from reviewing the tree, maintenance pruning does not appear to have been undertaken. Notwithstanding, the subject application must be re-assessed without prejudice.

PROPOSAL

The applicant is seeking Development Approval for the removal of one (1) significant *Eucalyptus camaldulensis* (River Red Gum) located within the private open space and rear yard of 11 Clifford Avenue.

The request for removal is supported by the applicant, Jessie Tempest and owners M & D Wilcox. Their primary concern about the tree is that it is a danger and threat to property and personal safety, which has prompted this development application. Through the assessment process, further information has been presented to Council in the way of legal advice from Botten Levinson, an addendum to the original arborist report from Tertiary Tree Consulting Pty Ltd, and a structural engineer report from MLEI Consulting Engineers, and scope of works detail from Murray Maintenance Services to rectify previous damage to the carport.

This is the second application within 2 years from the same applicant, noting however the subject site is under different ownership.

The relevant plans and supporting statement from the applicant are contained in **Attachment 1**.

A copy of the original arborist report for this application and an addendum arborist report from Tertiary Tree Consulting, structural engineer's report from MLEI Consulting Engineers and legal advice from Botten Levinson submitted by the applicant in support of the application and scope of works from Murray Maintenance Service is contained in **Attachment 2**.

PUBLIC NOTIFICATION

Tree damaging activity in relation to a Significant Tree on private land is listed as a Category 1 form of development pursuant to Schedule 9, Part 1 (13) of the *Development Regulations 2008*. Accordingly, public notification of the application was not required.

INTERNAL REFERRALS

Department	Comments
Arboriculture Advisor - Calypso (report dated 8 January 2021)	<ul style="list-style-type: none"> • The tree makes an important contribution to the character or amenity of the local area. • The tree is not listed as a rare or endangered native species. • The tree does represent an important habitat for native fauna. • The tree is part of a wildlife corridor of a remnant area of native vegetation. • The tree is important to the maintenance of biodiversity in the local environment. • Tree is not diseased nor has a short life expectancy. • The tree does currently represent an unacceptable risk to public or private safety. • The tree is causing or threatening to cause substantial damage to a substantial building or structure of value. • The tree is an excellent representative of its species due to its visual amenity, excellent overall health, structure and long safe life expectancy. • There are overextended limbs within the canopy of the tree and to the rear yard and over the dwelling at 9 Clifford Avenue that should be pruned. • There is no evidence of pruning work within the tree even though that is what has been suggested in the past as an appropriate measure. • Pruning in accordance with AS4373- 07 '<i>Pruning of Amenity Trees</i>' can reduce the overextended limbs. • The tree has evidence of Longicorn Beetles (borers), but this is typical in this species of tree and does not necessarily compromise the health or integrity of the tree or reduce its life expectancy. • Medium to long term management is sustainable and retention warranted and highly recommended.
Arboriculture Advisor (Calypso) (report dated 19 March 2021)	<ul style="list-style-type: none"> • The tree remains an excellent representative of its species and there are no signs of reduced health or vigour. • No tree maintenance has been undertaken to any of the over-extended limbs. • Recommendation is to reduce lateral growth over rear yard of 11 Clifford Avenue and 9 Clifford Avenue as well as deadwood. • Dozens of suitable reduction points are available and work can be undertaken via AS 4373-07 '<i>Pruning of Amenity trees</i>'. • Longicorn beetles (borers) are evident, but these are not deemed to be negatively affecting the health of the tree. • In response to structural damage to the two adjacent dwellings, cracking or movement was not observed in either dwelling nor to boundary fence or pavers during the site assessments. • Due to deep-rooted nature of <i>Eucalyptus camaldulensis</i> it is common for them to coexist within close proximity of dwellings and structures without causing 'substantial damage'. Future growth of the tree is expected to slow therefore future problems caused by the tree (root plate and structural roots) should be low.

	<ul style="list-style-type: none"> • Soil types, for example expanding clay and change in moisture around buildings can affect foundations. Trees often are blamed for this and can draw moisture out of the soil. Root barriers can assist, but it is not recommended in this case. • Tree removal remains unjustified and unnecessary as the tree has not been maintained. Medium to long term management is sustainable and retention is highly warranted and recommended.
Structural engineer (Tonkin)	<ul style="list-style-type: none"> • Inspection was of internal and external walls of 11 Clifford Avenue and external walls of 9 Clifford Avenue and the perimeter. • Original part of dwelling at 11 Clifford Avenue internally had limited cracks. Non-repaired cracks were from 1 to 5mm wide. • More recent rear addition of the dwelling had limited and minor cracks, one near a beam and other near the main dwelling. • Photos of 9 Clifford Avenue demonstrate internal cracking up to around 15mm. • External cracks were evident at 11 Clifford Avenue. The addition had none. Southern wall there were some, none in the short eastern wall of existing dwelling, northern wall had some, one patched and one minor. • The worst cracking was to the front, western face and north-western corner of the dwelling with a few cracks up to 15mm wide. • Minor cracks existed in the large paved areas adjacent 11 Clifford Avenue, close to the tree. • A section of paving on southern side of 9 Clifford Avenue has lifted significantly. This is possibly due to moisture from plumbing attracting the tree roots. • The garden is not described as well maintained with minimal additional watering having occurred. • The subject soil type here is red brown earth RB5, soil heaves here with movement are possibly around 60mm. • The soil type does contain highly reactive clays that shrink and expand significant amounts as moisture content changes. • Trees require moisture to remain healthy and root systems will shoot out seeking this moisture. In this case, the roots would likely be under both dwellings. The trees roots in this case exacerbate the drying out of the soil potentially adding another 20mm to the movement of the soil. • Original footings of 9 and 11 would be minimal. More substantial footings would have been used for both additions. • It is acknowledged that the dwellings at 9 and 11 Clifford Avenue are substantial buildings of value. • There are a few areas where cracking has occurred up to 15mm wide. Some of these cracks will require significant repair work. These locations however are away from the location of the tree, front of number 11 Clifford Avenue and northern wall of 9 Clifford Avenue. This is more likely due to soil type than impacts of the tree. • Closer to the tree, there is evidence of minor cracking to both 9 and 11 Clifford Avenue and lifting of pavers further from the base of the tree. • Improvement in garden maintenance at 11 Clifford Avenue and disposal of stormwater could limit cracking to this dwelling.

	<ul style="list-style-type: none"> • There is insufficient evidence that the tree is causing or threatening to cause significant damage to either dwelling, particularly if the gardens and stormwater were better maintained. • This report is not based on falling limbs but relate to the soil shrinking or expanding and tree root's physically lifting. • It is recommended that the tree is retained.
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A copy of the relevant reports are contained in **Attachment 3**.

RELEVANT DEVELOPMENT PLAN PROVISIONS

The subject land is located within the Residential Zone and, more specifically, Medium Density Policy Area 19 as described in the West Torrens Council Development Plan.

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

<u>General Section</u>		
Significant Trees	Objectives	1 & 2
	Principles of Development Control	1 & 3
<u>Residential Zone</u>		
	Objectives	4
	Principles of Development Control	5
<u>Medium Density Policy Area 19</u>		
	Objectives	1
	Principles of Development Control	2

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 Significant Trees:

Character and Visual Amenity

Objective 1 of the Significant Trees Module seeks that significant trees which provide important aesthetic and environment benefit should be conserved.

In *Prestige Wholesale v City of Burnside*, the Environment, Resource 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 is warranted.

Adopting this approach, it is considered that the tree is worthy of retention. This view is formed on the basis that the subject tree is approximately 20 metres tall with a canopy diameter of approximately 25 metres. It therefore makes a significant visual contribution when viewing it from across the road opposite the subject site toward the east, dominating the space between and over 9 and 11 Clifford Avenue, refer *Figure 1* and *Figure 2* above. The subject tree is one of the largest in the locality and has good leaf colour and foliage. The tree is also notable in the wider locality and is visible from various locations including from the front of 29 Kimber Terrace, some 72m away from the tree and viewed looking southwest.



Figure 3: View of the subject tree looking southwest from 29 Kimber Terrace, Kurralta Park

The tree is considered to provide a valuable visible contribution to the locality therefore fulfilling the criteria of Objective 1 of the Significant Trees Module in terms of its important aesthetic contribution. The tree also meets Principle of Development Control 1 of the same module meeting two parts, these being (a) in terms of making an important contribution to the amenity of the local area and (f) in that the tree forms a notable visual element to the landscape of the local area.

Both the Residential Zone and Medium Density Policy Area 19 support landscaping that is throughout or interspersed with development. Benefits include not only the visual appeal but also reducing heat loads in summer. The removal of this significant tree that features prominently in the locality is considered to be at odds with these provisions which seek to retain a strong landscape character.

Tree Health

The applicant's arborist, Tertiary Tree Consulting deemed the health of the tree as poor. The parameters for this was that the tree is showing signs of extreme stress and/or decline. A high percentage of the foliage growth may be made up of declining epicormic growth, may be chlorotic or necrotic, tissue may be dead or the tree has declined and is not producing defences sufficient to stop secondary insect attack. According to this arborist, the tree is declining due to environmental stressors, which has allowed a secondary pest to begin damaging the tree. There is longicorn borer damage to the trunk and indication that the damage is higher up also. The tree has begun producing epicormic growth.

Council's arborist, Calypso on the other hand deems that the tree is an excellent representative of its species and is in good overall health. There is evidence of Longicorn beetles (borers) confirmed by a number of small oval shaped exit holes on the main trunk. This is typical in many mature Eucalypt species and does not necessarily compromise the health or structural integrity of a healthy tree nor reduce its life expectancy. Given the tree is deep rooted and indigenous, it does not appear to be negatively impacted, including with the presence of Longicorn beetles.

It is difficult to conclude the health of the tree when there are two such opposing views on the matter from two different arborists. However, from a visual inspection, the colour and density of the foliage on the tree was observed to be healthy, the trunk and limbs appeared to be healthy other than some dead wood within the canopy. There is life observed within the tree, notwithstanding it does appear that it needs to have improved maintenance. While this is the case, the application is at odds with PDC 3(a) (i) of the Significant Trees module in that the tree does not have a short life expectancy.

Risk to Public or Private Safety

PDC 3 (a) (ii) of the Significant Trees module requires contemplation of whether the tree represents an unacceptable risk to public or private safety.

A broad canopy from the tree exists over the private yard and parts of the dwellings of 9 and 11 Clifford Avenue as viewed below.



Figure 4: Aerial view of the subject tree's canopy

Council's arborist, Calypso deemed that the tree does represents an unacceptable risk to public or private safety in both reports. This is mainly due to over extended limbs. It is recommended that this risk is overcome through some maintenance pruning to reduce the limb extensions over the rear yard of 11 Clifford and adjacent yard at 9 Clifford Avenue. There is also opportunity to remove deadwood together with dozens of other suitable reduction points being available, provided any pruning is undertaken in accordance with 'AS 4373-07 *Pruning of Amenity Trees*'. Such pruning would drastically reduce the risk of limb failure and therefore reduce the subsequent risk to private safety to an acceptable level.

The applicant's arborist, Tertiary Tree Consulting used the QTRA Advanced rating to assess risk and deemed it to be unacceptable. Further the risk to people of the main union (failure) is RoH (Risk of Harm) 1:4,000 and increasing with time and risk to people of the 1st order high aspect ratio co-dominant union(s) is RoH 1:10,000 and increasing with time. The report further concludes that under the S.T.A.R.S Matrix assessment that the tree is structurally unsound and/or unstable and potentially dangerous. As per the Safe Useful Life Expectancy, this equates to the need for removing within 5 years.

It was evident from a site inspection that there have been previous limb failures and they are physically accumulated at the base of the tree. There was also visual evidence of dead wood within the canopy that should be maintained and removed. There was no evidence of any maintenance pruning having been undertaken.



Figure 5: View of the subject tree looking northeast and the recent limb drops at the base of the tree.



Figure 6: The main trunk and dead wood in the canopy.

Due to the location of the tree, behind the carport of 11 Clifford Avenue, the tree presents little risk to the general public. The risk of the tree and limb failure increases for the occupants and visitors of 9 and 11 Clifford Avenue as both dwellings and the pergola are beneath the canopy. Given there is opportunity here to prune the tree in terms of deadwood and overextended branches (in accordance with 'AS 4373-07 *Pruning of Amenity Trees*') removal of the tree is considered unjustified at this stage. It is important to note here that while both arborists agree there is currently an unacceptable risk to public or private safety as per PDC 3 a) (ii) of the Significant Trees module, post pruning, the risk would be lowered considerably.

Risk to Buildings

PDC 3 (b) of the Significant Trees module requires contemplation of whether the tree is causing or threatening to cause substantial damage to a substantial building or structure of value.

The tree is in close proximity to two dwellings that are considered to be substantial buildings and structures of value. Damage caused from the tree could occur to these dwellings in two different ways, from above (limb failure) or below (roots).

It is understood a few branches fell on the carport roof of number 11 Clifford St and caused a beam to be knocked out mid-December, 2020. While this was unfortunate, from the pictures provided, in particular p. 12 of Attachment 1, it appears that the wooden beam was slightly rotted and of poor structure exacerbating the potential for damage to occur. This is not deemed significant enough in terms of damage to warrant the removal of the tree. This is more so a general maintenance issue that should be addressed.

Other branches have fallen from the tree, but once again not caused substantial damage to the adjacent dwellings. The Calypso report acknowledges that the tree may cause substantial (overhead) damage to buildings of value, but this is attributed to the canopy extending over dwellings and the lack of maintenance pruning that has occurred, increasing the risk to these areas. The risk to buildings in this case would be reduced significantly if pruning was to be carried out as has been consistently recommended.

Two structural engineer reports have been received for review looking at how the tree is impacting on the foundations and/or structural stability of the dwelling causing wall cracking and pavement movement.

- The applicant's report from MLEI Consulting Engineers is concerned that there are cracks up to 25mm (moderate to severe); internal wall cracking; external pavement raised and damaged; damaged roof sheeting; and movement to the fence. It is acknowledged that the tree has reduced some of the moisture content in the soil contributing to the above factors and a recommendation of underpinning should be considered if the tree remains. The report recommends the tree is removed to avoid these risks and associated costs.
- The Council's report from Tonkin acknowledges the soil type, reduced local moisture and cracking, identifying that the main cracks are not located in close proximity to the tree. This report does not deem the cracking to be substantial enough damage to warrant the tree be removed.

While the structural engineer reports vary, there is currently opportunity to repair the existing cracks for both dwellings, improve water drainage and provide more moisture at the base of the tree to reduce the soil rising and sinking. It is not uncommon that there shall be some repair work for older dwellings and particularly on moderate to highly reactive clay soils. Repairs can be undertaken to fix the wall cracks, reset the pavers and potentially underpinning to assist in reducing potential for future cracking. These types of repair are not considered to be unreasonable. It is also acknowledged that there is little cracking in the most recent additions to the dwellings where there are likely more substantial footings.

While there is opportunity to repair the walls and provide additional general maintenance about the dwelling, there is insufficient evidence to support PDC 3 (b) of the Significant Tree module.

Reasonable Development

PDC 3(d) and (e)(v) of the Significant Trees module seeks *"all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring"*. There is no development proposed on the subject land or adjacent that causes conflict with the tree at this stage to warrant removing the tree.

Legal advice

The applicant engaged Botten Levinson to provide legal advice which is included in **Attachment 2**. This legal advice was accompanied by the further technical advice from the arborist Tertiary Tree Consulting along with engineering advice from MLEI (previously discussed). Botten Levinson has also provided a critique and comparison of Council's independent reports and includes a discussion on Environment, Resources and Development (ERD) Court precedence and interpretation of the provisions of the Development Plan in relation to significant trees.

The Botten Levinson advice states:

"The ERD Court has established² (and as is clear from a plain reading of PDC 3), that:

- if a tree that is otherwise worthy of retention³ satisfies one or more of the "tree removal" criteria in PDC 3 (a)(1)(i) - (iii); and*
- all other **reasonable** remedial measure have been determined to be ineffective*

the PDC 3 justifies its removal. " (Botten Levinson's emphasis)

The legal advice goes on to justify the tree's removal following consideration of the deliberations and conclusions in each Mr Tempest's report, Mr Allen's original report and Mr Thyer's report.

In summary, the Botten Levinson advice concludes that:

"It is clear that the tree presents an unacceptable risk to private safety. It is also clear that there are no reasonable remedial treatments, measures or design solutions available other than tree removal."

As discussed previously in this CAP report, it is accepted by both arborists that the tree presently is a risk to private safety. However, it is noted that maintenance pruning has not been undertaken to date. There is a difference of opinion between both arborists about the suitability of maintenance pruning. Mr Allen has recommended maintenance pruning as a reasonable measure to ameliorate the risk to private safety. Therefore, this is considered a reasonable maintenance solution which is available to the landowner and removal of the tree is currently not justified in accordance with PDC 3.

Council has advised the landowner that maintenance pruning may be undertaken to reduce dead wood without seeking Development Approval.

SUMMARY

This tree is an example of a well-established River Red Gum that offers great environmental and visual amenity benefits to the local community. It is sited in close proximity to two dwellings and has had some recent failures of branches with a diameter of up to around 10cm. As there is opportunity for maintenance pruning of the over-extended limbs and dead wood within the canopy and garden and stormwater maintenance, it is considered at this time and without any attempt at maintenance pruning that there is insufficient grounds for complete removal of the tree. Pruning is considered to be an acceptable remedial treatment that will effectively minimise the risk to private safety. Any pruning to be undertaken must occur in accordance with 'AS 4373-07 'Pruning of Amenity Trees'.

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 the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 such that the removal of the tree does not warrant Development Plan Consent or Development Approval.

RECOMMENDATION


The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land, resolves to REFUSE Development Plan Consent and Development Approval for Application No. 211/1235/2020 by Jessie Tempest of Tertiary Tree Consulting to undertake the removal of a significant tree - *Eucalyptus camaldulensis* (River Red Gum) at 11 Clifford Avenue, Kurralta Park (CT 5748/653) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 21 May 2020:

- 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 trees make an important contribution to the character and amenity of the local area, provide an important habitat for native fauna, are important to the maintenance of biodiversity in the local environment and form notable visual elements to the landscape of the local area.
- General Section, Significant Trees PDC 3(a), (b), (c), (d) & (e)
Reason: The trees are not diseased, their life expectancy is not short, they do not represent an unacceptable risk to public or private safety (providing pruning occurs), they are not currently causing or threatening to cause substantial damage to a substantial building or structure of value, they are not preventing appropriate development on the site and reasonable alternative remediation options are available.


Attachments

1. **Proposal plans and details including photos**
2. **Applicant's original and addendum arborist report, structural engineer report and legal advice**
3. **Council's original and addendum arborist report and structural engineer report**

Customer Reference
Order ID 20190503000701

REAL PROPERTY ACT, 1986
 South Australia

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



Certificate of Title - Volume 5748 Folio 653

Parent Title(s) CT 1459/170

Creating Dealing(s) CONVERTED TITLE

Title Issued 23/03/2000 Edition 5 Edition Issued 15/04/2016

Estate Type
FEE SIMPLE

Registered Proprietor
DANIEL REES TEDGE
OF 11 CLIFFORD AVENUE KURRALTA PARK SA 5037

Description of Land
ALLOTMENT 59 FILED PLAN 19498
IN THE AREA NAMED KURRALTA PARK
HUNDRED OF ADELAIDE

Easements
NIL

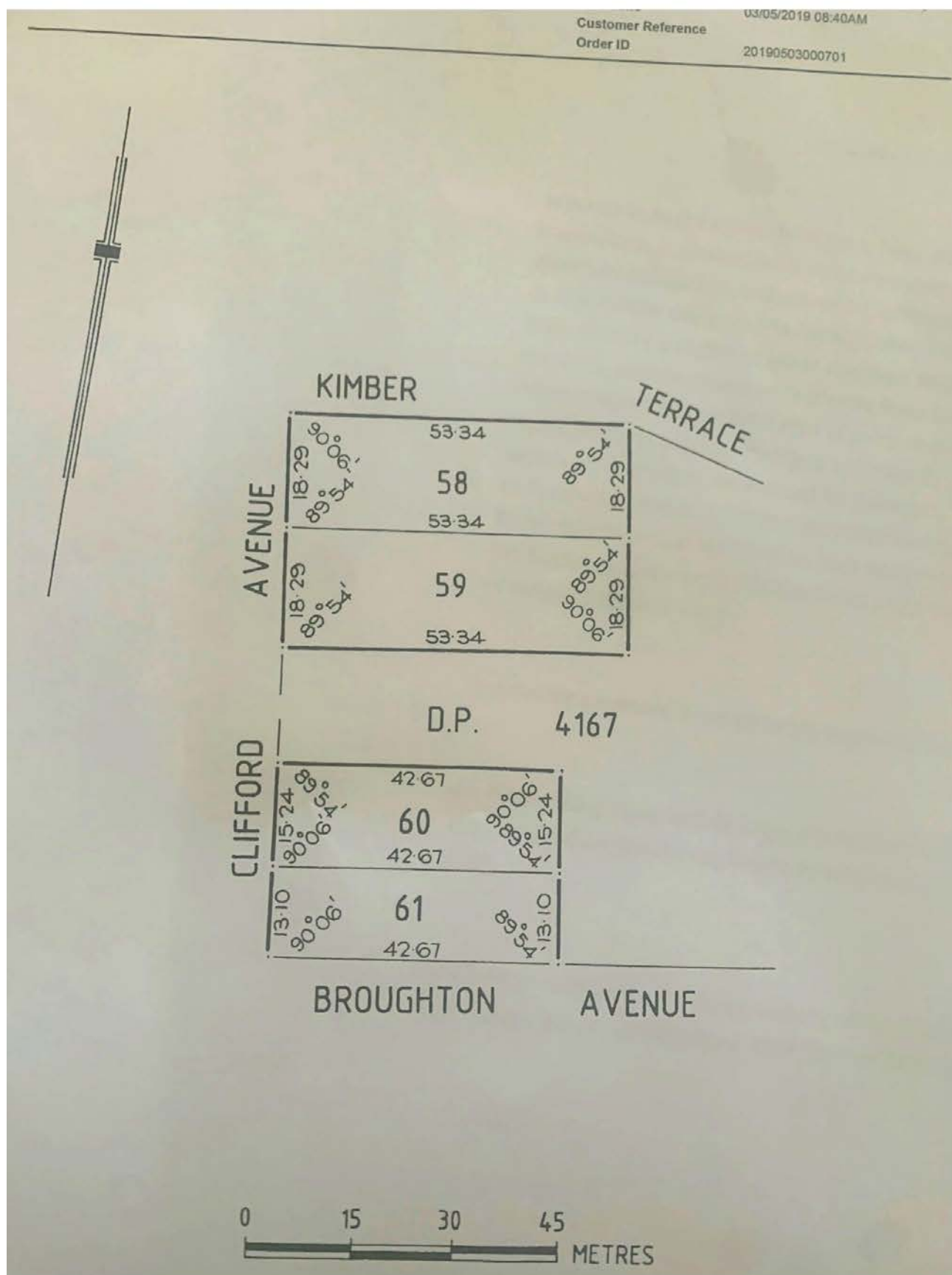
Schedule of Dealings

Dealing Number	Description
12495662	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA (ACN: 123 123 124)

Notations

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

Page 1 of 2



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: 11		Street: Clifford Ave, Kurralta Park	
Title: Mrs	Given name: Jessie		Family name: Tempest
Company name: Tertiary Tree Consulting Pty Ltd			
Address: PO BOX 1234 Glenelg South SA			
			P/Code: 5045
Telephone	Mobile	Email address	
	0416879242	dylan@ttconsulting.net.au	
1. Details of tree			
Circumference of trunk 1m above natural ground level: >3000 mm			
Height of tree: 30 m			
Spread of tree: 20 m			
Species or type of tree: Eucalyptus camaldulensis			
2. Site plan			
Please attach site plan scale not less than 1:200.			
3. Photograph(s)			
Yes <input type="checkbox"/> If yes provide details No <input type="checkbox"/>			
4. Details of the proposed activity you want to undertake affecting the Regulated/Significant Tree (e.g. pruning, removal etc.).			
Remove significant Eucalyptus camaldulensis in the rear yard			
5. Is the tree, or does the tree appear to be diseased?			
Yes <input checked="" type="checkbox"/> If yes provide details No <input type="checkbox"/>			
Borer damage			
6. Does the tree represent an unacceptable risk to public or private safety?			
Yes <input checked="" type="checkbox"/> If yes provide details No <input type="checkbox"/>			
currently Level of risk RoH = 1:3,000			

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 ☐

All remedial treatments and measures are ineffective

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

Yes ☒ If yes, provide details No ☐

see attachments

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

Yes ☒ If yes, please attach info No ☐

Report by Tertiary Tree Consulting Pty Ltd

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 ☐

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.

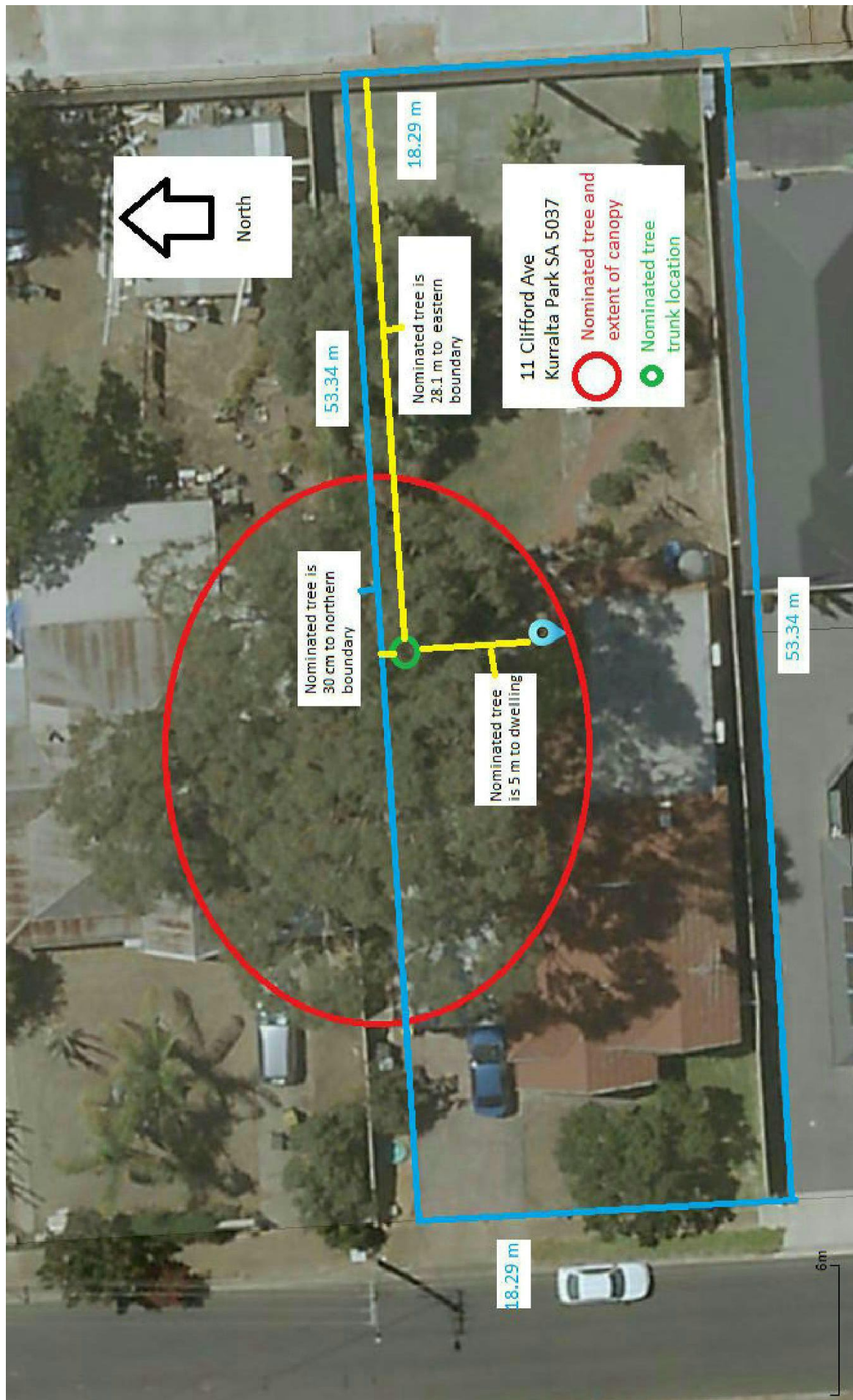
In the instance that replacement trees cannot appropriately be planted on the site, are you willing to make payment of an amount specified in the *Development Regulations 2008* to the Urban Tree Fund in lieu of planting replacement trees?

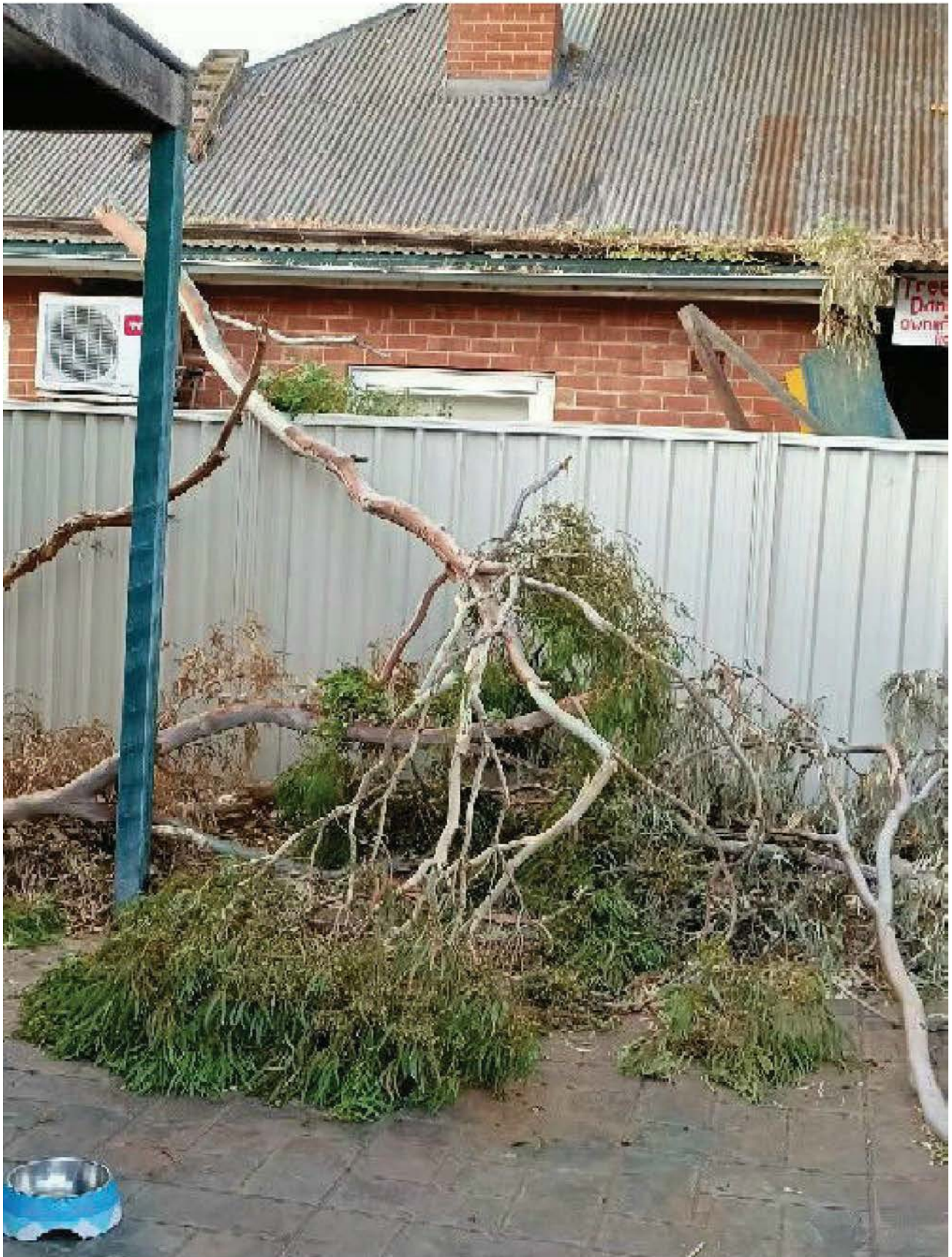
Yes ☒ No ☐

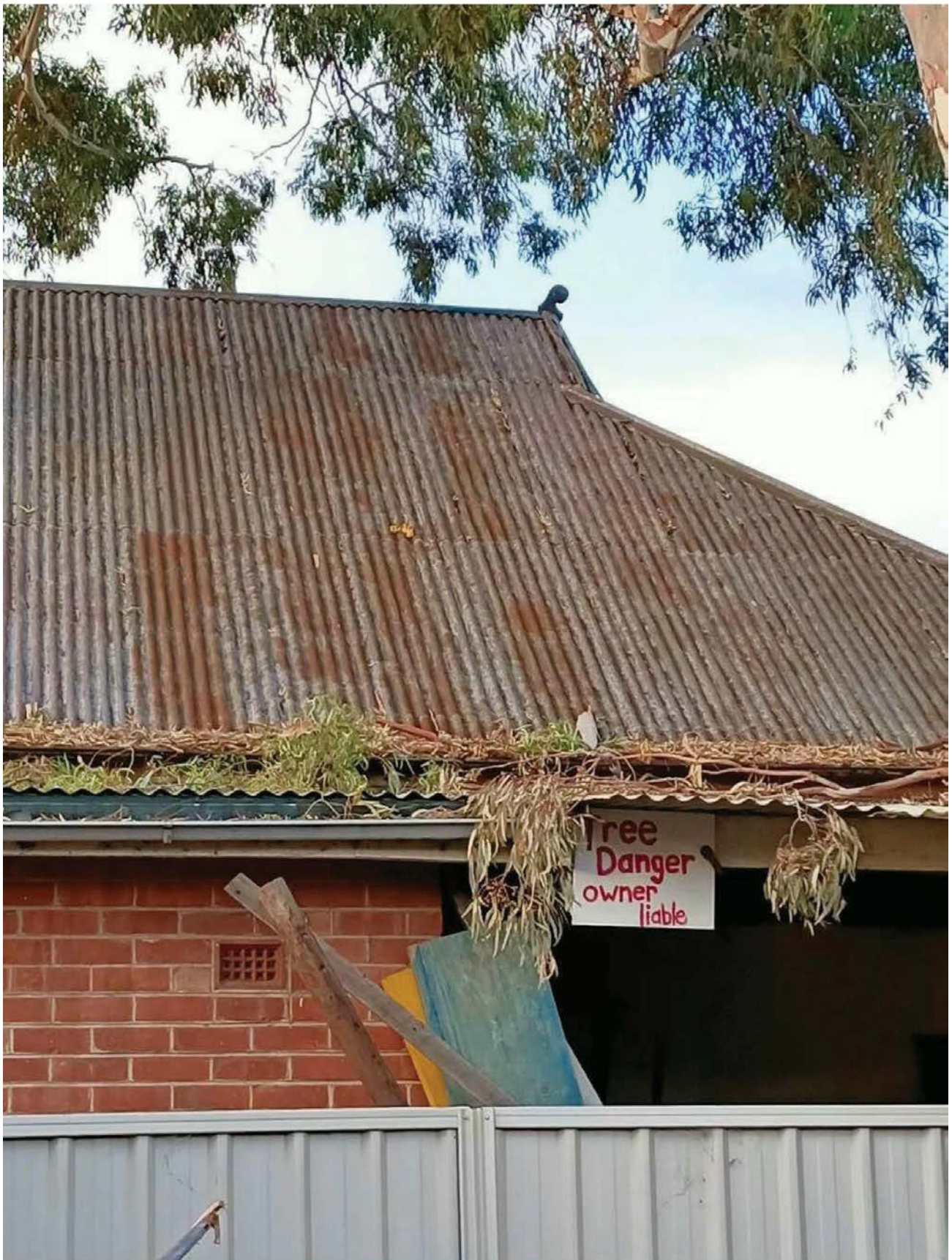
Signed:



Date: 10 / 12 / 2020









Sonia Gallarello

From: Wilcox, Maurice
Sent: Monday, 14 December 2020 7:25 PM
To: Sonia Gallarello
Subject: Carport Damage
Attachments: IMG_3046.jpg; IMG_3047.jpg; IMG_3048.jpg; IMG_3049.jpg; IMG_3050.jpg

Hi Sonia,

I inspected the carport damage tonight as per attached.

The tree hit so hard that it has punched a hole in the galvanised roof and split the roof strut and caused the entire roof to drop in that section.

I will send a separate email with the timeline of recent failures to show how the frequency of failure is increasing weekly.

Regards,

The BHP logo consists of the letters 'BHP' in a bold, orange, sans-serif font.

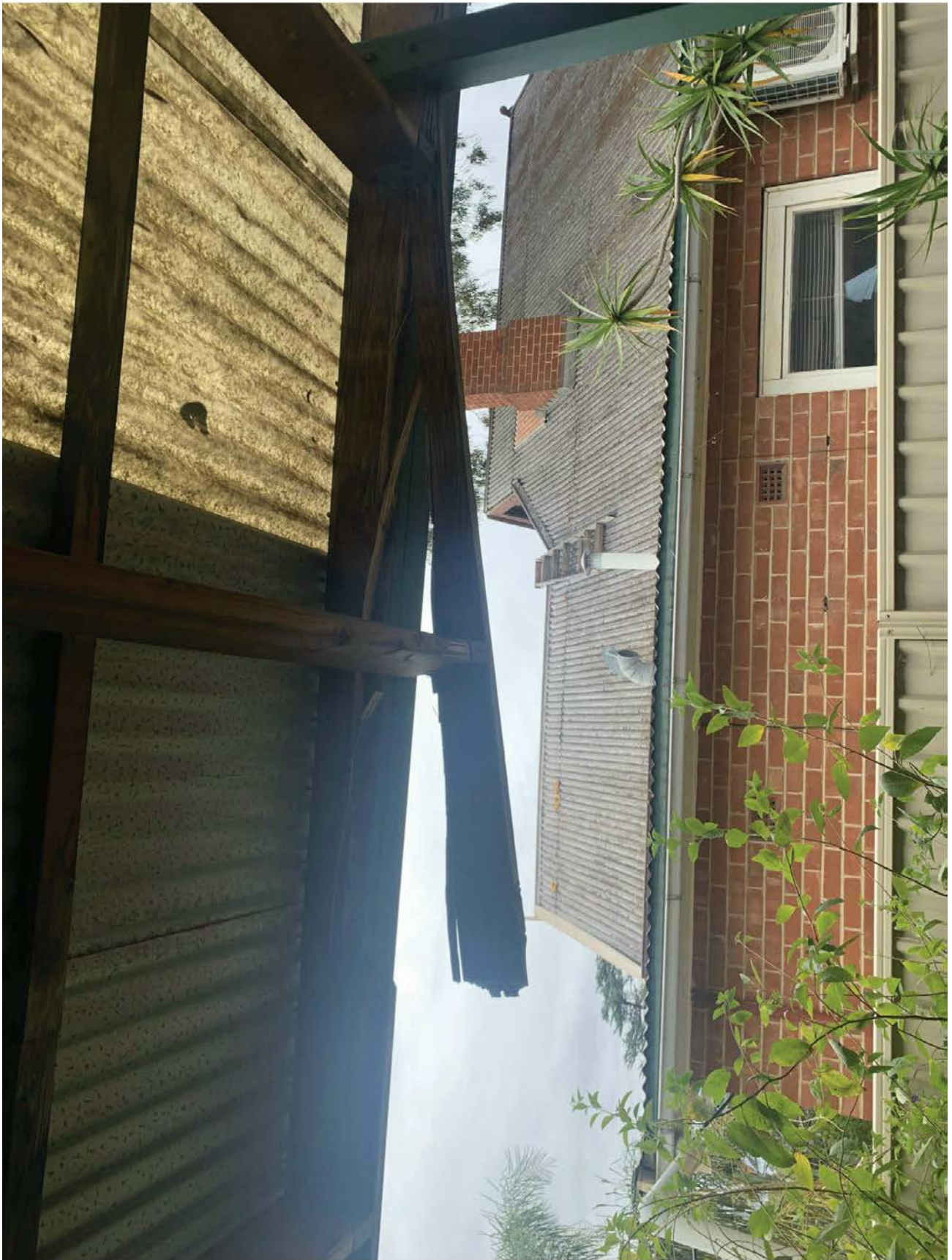
Maurice Wilcox
Manager
Project Contracts & Procurement (OD)

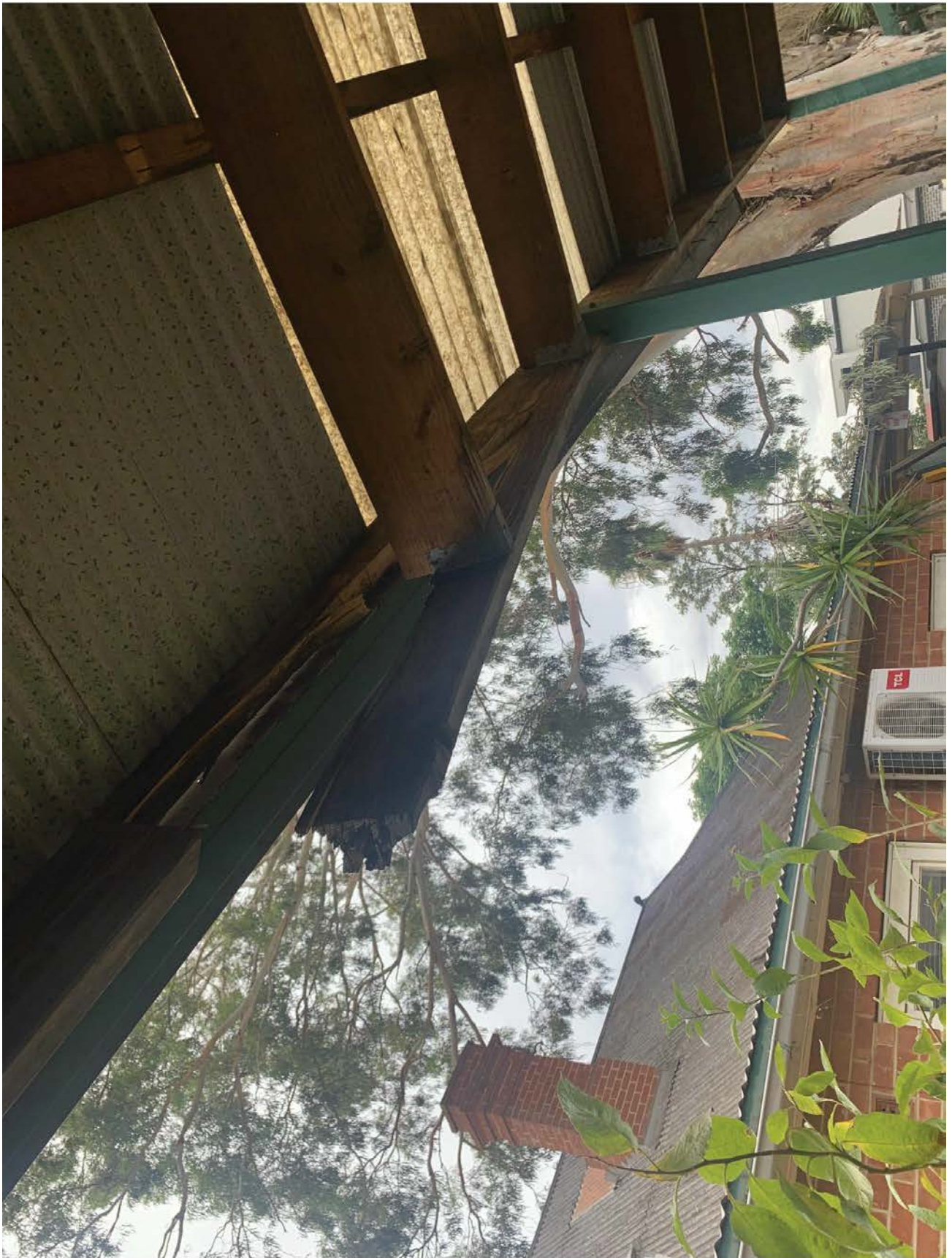
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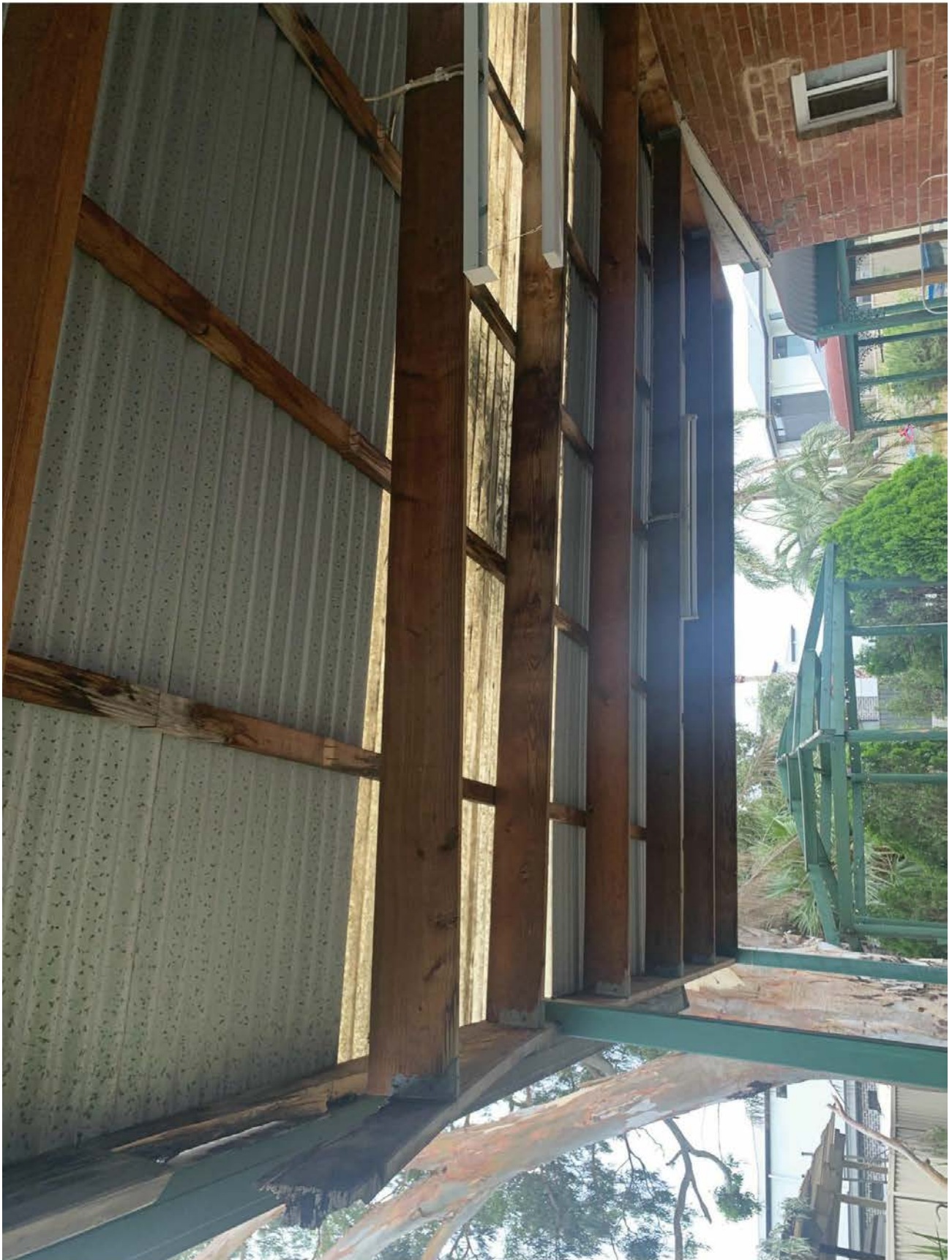
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Sonia Gallarello

From: Wilcox, Maurice
Sent: Monday, 14 December 2020 7:26 PM
To: Sonia Gallarello
Subject: Tree Timeline
Attachments: IMG_9836.jpeg; IMG_3045.jpg; IMG_9646.JPG; IMG_8669.JPG

Hi Sonia,

I thought it would be worth pulling together a timeline of the recent branch failures to demonstrate why the situation is escalating and it is an immediate threat as follows:

13/12 – Branch Failure (Photo 9836)
12/12 – Branch Failure & Carport Damage (Photo 3045)
16/11 – Major Branch Failure - (Photo 9646)
25/6 – Branch Failure (Photo 8669)

All of these can be validated by either the tenants or Raine and Horne real estate agents.

There are some other sizeable branches in the yard aswell.

Regards,

The BHP logo is displayed in a bold, orange, sans-serif font.

Maurice Wilcox
Manager
Project Contracts & Procurement (OD)

Level 5, 55 Grenfell St
Adelaide SA 5000 Australia

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Tertiary Tree Consulting

**TERTIARY TREE CONSULTING PTY LTD***Farming Relationships - Delivering Solutions*

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Phone 0400-259-505

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AQF Level 8 Graduate Certificate of Arboriculture 1st class honours The University of Melbourne (Grad Cert Arb)

AQF Level 5 Diploma of Arboriculture (Dip Arb)

AQF Level 3 Certificate 3 of Arboriculture (Cert III Arb)

QTRA Advanced Quantified Tree Risk Assessor User 5637

QTRA Quantified Tree Risk Assessor User 5637

ISA TRAQ International Society of Arboriculture Tree Risk Assessment Qualification

Gold Australian Arborist Industry License No: AL2360

Continued Studies: MSc Master of Arboriculture and Urban Forestry

5 Million Professional Indemnity Insurance

20 Million Public Liability Insurance

Date 30 November 2020**Arboricultural Report****CLIENT**

Maurice Wilcox

11 Clifford Avenue

Kurralta Park

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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 11 Clifford Avenue Kurralta Park SA 5037. 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 nominated tree.

A report regarding this tree was written on 8 June 2019 supporting removal of the nominated tree. Council refused this development application. The client now advised the author of two recent branch failures from the nominated tree. The tree canopy occupies a large portion of the rear yard that is used for recreation.

TREE PROFILE:

Family: Myrtaceae

Scientific Name: *Eucalyptus camaldulensis*

Common Name: River Red Gum

LOCATION:

This *Eucalyptus camaldulensis* is located on the property 11 Clifford Avenue Kurralta Park SA 5037 and is positioned in the rear yard on the northern fence line. The nominated tree to be assessed is indicated on the figure below by the green circle with the number 1.



Figure 1: Overhead site map showing the nominated tree indicated by the green circle with the number 1.

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TREE DIMENSIONS AND LEGAL STATUS:

<i>Eucalyptus camaldulensis</i>	
Approximate Tree Height	30 m
Approximate Canopy Spread Diameter	20 m
Tree Age	Mature
Circumference at 1m above ground level (South Australian Development Act 1993 / Development Regulations 2008)	>3000 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, union positions and or deformities	1235 mm
Root Collar Diameter	1370 mm
TPZ radius (AS4970-2009)	14.82 m
SRZ radius (AS4970-2009)	3.78 m

METHODS LEVEL 2 BASIC VISUAL TREE ASSESSMENT (VTA):

This ground-based level 2 VTA was conducted with a sounding mallet, diameter tape, trowel, probe and smart phone on 18 November 2020 at 4:45 pm. The height of the tree was estimated and the spread of the canopy was paced out.

The health of the tree was assessed and rated within the following parameters,

1. **Good:** The tree / vegetation demonstrates a full canopy of foliage or living tissue for the species. The tree/ vegetation should be free of or exhibit only minor signs of decline or pest or disease signs and symptoms.
2. **Average:** The tree / vegetation demonstrates a moderate canopy of foliage or living tissue for the species. The canopy may contain dead branches and may exhibit minor to moderate signs of decline or pest or disease signs or symptoms.
3. **Below Average:** The tree/ vegetation demonstrates a declining canopy of foliage or failing tissue for the species. The canopy may contain multiple dead or dying sections and may display moderate to significant signs of decline or pest or disease signs or symptoms.
4. **Poor:** The tree/ vegetation shows signs of extreme stress and or decline. A high percentage of the canopy foliage may be made up of declining epicormic growth. A high percentage of the canopy foliage may be chlorotic or necrotic. A high percentage of the canopy foliage and tissue may be dead. Or the tree has declined and is not producing defenses sufficient to stop secondary insect and or pathogen attack.

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5. Dead: The tree / vegetation shows no signs of life

The structure of the tree was assessed and rated within the following parameters,

1. **Good:** The approximate structural root zone appears unaffected; the trunk exhibits proportional buttressing and taper. Stem and branch unions are free of recognisable flaws, few if any insect or fungal signs or symptoms are visible.
The tree is considered a good example of the species.
2. **Average:** Minor impacts may have occurred in the approximate structural root zone, the trunk exhibits proportional buttressing and taper, some second or third order branch unions may contain recognisable flaws, insect or fungal signs or symptoms may be visible. The tree could be retained with some corrective pruning.
3. **Poor:** Damage to the structural root zone may be likely, damage to the trunk may be likely, the tree may exhibit multiple branch failures, trunk buttressing and taper may be disproportionate, the main union has recognisable flaws, first, second and/or third order branch unions may contain recognisable flaws, insect or fungal signs or symptoms are visible and have progressed to beyond moderate levels, the tree is unlikely to be repaired with corrective pruning.

The wind speed for the area and its impact to trees was assessed using PBL maps and the Beaufort scale.

The risk the tree poses was assessed using QTRA Advanced.

The life expectancy / retention rating of the tree was assessed using the Legend for S.T.A.R.S Footprint Green Matrix Assessment System.

The Barrell Safe Useful Life Expectancy (SULE) method was used to determine the trees SULE.

The findings of this tree assessment are addressed and scientifically referenced using the Harvard Referencing System throughout this Arboricultural Report.

TREE CONDITION:**Trunk and Canopy:**

- The health of the tree is assessed as being poor.
- The structure of the tree is assessed as being poor.
- There is significant non tree sensitive development within the TPZ and SRZ inclusive of landscaping and dwellings. There is cracking to a dwelling, rotunda and the pavers are lifting. Tree roots play a vital role in tree stability and survival of a tree and have great destructive power as they grow and expand. Non tree sensitive development within a TPZ and SRZ have deleterious effects on trees.
- The tree is declining due to environmental stressors which has allowed a secondary pest to begin damaging the tree.

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- There is Longicorn Borer (*Phoracantha* sp.) damage to the trunk. This damage is also within one of the most recent branch failures from approximately fifteen metres above ground level showing the borers have spread high into the tree. There is frass present on the failed branch showing the borers are actively feeding. Longicorn Borer (*Phoracantha* sp.) are a secondary pest. This indicates the tree is stressed from abiotic and biotic stressors inclusive of heat and water stress.
- The main union is a bark included high aspect ratio co-dominant union as indicated by the reaction wood at this union (clear reaction wood bulging is present). This defect is also evident within first, second and third order unions through the canopy.
- The tree has begun producing epicormic growth.
- The tree does have the majority of its foliage within its distal area. This is a species-specific trait.
- The tree is growing with branch over extension and excessive end weight.
- The tree is approximately 30 metres tall and so has a high ground to crown clearance.
- These defects and stressors are weakening the tree structure. They effect the tree as discussed below.

The tree roots mechanical function is to anchor the tree keeping it stable in the ground (Roberts *et al.*, 2018; Lonsdale 2013; AS4970-2009; Harris *et al.*, 2004). Damage to roots in the structural root zone (SRZ) near the trunks of mature trees does frequently create hazards and increases the likelihood of wind throw as tree anchorage is diminished (Roberts *et al.*, 2018; Lonsdale 2013; AS4970-2009; Harris *et al.*, 2004). This damage can also lead to the introduction of decay causing pathogens softening and weakening the woody xylem tissues (Watson 2008; Schwarze *et al.*, 2000). Root decay increases as root size increases. Injury to roots near the trunk results in decay extending up the trunk creating more extensive defects as decay travels and spreads faster proximal from the damaged root(s) (Watson 2008).

Tree roots also provide the function and viability of a tree by supplying a tree with water, minerals and provide functional equilibrium between the roots and shoots including the production and movement of growth regulators (Lonsdale 2013; Lilly 2010). This area is referred to as the tree protection zone (TPZ) (AS4970-2009).

TPZ and SRZ encroachments caused by development compromise the soil aeration process required for trees to survive. Soil air near the surface is composed of 79% nitrogen, 20% oxygen and 0.25% carbon dioxide with the remainder consisting of other gases with all gasses moving in and out of the soil by diffusion (Roberts *et al.*, 2018). As the depth of the soil increases so does the length and tortuosity of the diffusion pathway, reducing soil oxygen concentrations at the greater depth. This affect is the same when soil is compacted and sealed by non-tree sensitive developments (Roberts *et al.*, 2018).

Soil is compacted before sealing increasing the bulk density removing available pore space. Soil compaction adversely affects the relative gas diffusivity as aforementioned. Furthermore, root growth is heavily restricted by high bulk density levels required for non-tree sensitive impermeable sealed surfaces. The effect is roots are unable to penetrate through the compacted soil (Handreck and Black 2010) resulting in reduced root growth, increased root death and reduced tree vitality (Weltecke and Gaertig 2012).

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Sealing the soil with impermeable surfaces is highly disruptive to soil gaseous exchange. These environments have low diffusion rates while soil carbon dioxide levels increase from microbial and root respiration (Roberts *et al.*, 2018). This essential gaseous exchange process is called the relative gas diffusivity. When it is restricted at the soil-atmosphere interface, soil carbon dioxide levels increase right through the soil horizons (Weltecke and Gaertig 2012).

Soil gas diffusivity is up to ten times lower at sealed than non-sealed sites (Weltecke and Gaertig 2012). Low oxygen levels and high carbon dioxide levels cause root asphyxiation leading to root death (Roberts *et al.*, 2018; Gaertig *et al.*, 2002).

Soil compaction and sealing alters the water course preventing water absorption into the edaphic environment (Handreck and Black 2010; Watson *et al.*, 1996). When trees do not receive sufficient water, they decline. If this situation persists, trees die from either hydraulic failure through cavitation and embolism (Tomasella *et al.*, 2019; Hirons and Thomas 2018; McDowell *et al.*, 2008), or carbon starvation (Hirons and Thomas 2018; Sevanto 2013; McDowell *et al.*, 2008).

Hydraulic failure occurs when there is a water deficit and the tree's stomata remain open. The effect is insufficient water is available to fill the xylem water column leading to desiccation and damage rendering the system useless (Tomasella *et al.*, 2019; Hirons and Thomas 2018; McDowell *et al.*, 2008).

Carbon starvation occurs when there is a water deficit and trees keep their stomata closed stopping photosynthesis. The tree will continue respiring with no new carbohydrate production. This depletes the stored nonstructural carbohydrates causing death from carbon starvation (Hirons and Thomas 2018; Sevanto 2013; McDowell *et al.*, 2008).

Organic matter from nutrient cycling is the original slow release fertiliser. Approximately 90% of soil nutrition is derived from nutrient cycling with only 10% coming from weathering of parent material and atmospheric deposits (Hirons 2015). Nutrient cycling is interrupted when soil is compacted and sealed having ruinous impacts on the soil food web (Hirons and Thomas 2018; Watson *et al.*, 1996). This interruption depletes soil nutrition inclusive of the 14 essential plant nutrients. These are essential because they are directly involved in plant metabolism, cannot be substituted by other nutrients with plants unable to complete their lifecycle in their absence (Hirons 2015). The 14 essential plant nutrients are listed below.

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Table 1: Micro Plant Essential Nutrients (Hirons 2015)

Micronutrients		
Chlorine (Cl)	Cl ⁻ anion	Role in photosynthetic O ₂ evolution, osmoregulation
Boron (Bo)	Hydrogen borate (H ₃ BO ₃) Borate (BO ₃ ³⁻) Undissociated boron (B(OH) ₃)	Role in cell wall structure, membrane function, reproductive growth and development, role in root elongation and shoot growth
Iron (Fe)	Ferric cations (Fe ³⁺) Ferrous cations (Fe ²⁺)	Chlorophyll synthesis, proteins, enzymes
Manganese (Mn)	Mn ²⁺ , Mn ³⁺ , Mn ⁴⁺ cations	Enzymes, cofactor to enzymes, photosynthetic O ₂ evolution
Zinc (Zn)	Zn ²⁺ cation	Component of enzymes, activation of enzymes, involved in protein synthesis, involved in carbohydrate metabolism
Copper (Cu)	Low molecular weight humic and fulvic acids Cupric ion (Cu ²⁺)	Proteins, important for lignification, role in pollen formation and fertilization
Nickel (Ni)	Ni ²⁺ cation	Component of enzymes, role in nitrogen metabolism
Molybdenum (Mo)	Molybdate anion (MoO ₄ ²⁻)	Enzyme for N ₂ fixation, component of enzymes and enzyme cofactors
* Sources: Marschner (2012) and Jones (2012)		

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Table 2: Macro Plant Essential Nutrients (Hirons 2015)

Nutrient	Available forms	Functions
Macronutrients		
Nitrogen (N)	Nitrate (NO_3^-) Ammonium (NH_4^+)	Proteins, phospholipids, nucleic acids, chlorophyll, co-enzymes, phytohormones, secondary metabolites
Potassium (K)	K^+ cation	Enzyme activation, proteins, regulation of stomatal aperture, phloem transport, stress resistance
Calcium (Ca)	Ca^+ cation Calcium carbonate (CaCO_3) Calcium sulphate (CaSO_4)	Cell wall stabilization, cell extension, secretory processes, membrane stabilization, osmoregulation
Magnesium (Mg)	Mg^+ cation	Chlorophyll, enzyme activation, phosphorylation
Phosphorus (P)	Dihydrogen phosphate (H_2PO_4^-) Monohydrogen phosphate (HPO_4^{2-}) Al, Fe, and Ca phosphates	ATP (energy transfer), nucleic acids, phospholipids, coenzymes, starch, sugars
Sulphur (S)	Sulphate (SO_4^{2-})	Amino acids, proteins, coenzymes, secondary metabolites, cellular resistance to dehydration and frost damage

Structures are easily damaged by tree roots including dwelling footings 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 MPa applied over 1 m² is equivalent to a weight of 1 tonne. (Plants in Action <http://plantsinaction.science.uq.edu.au> chapter 3, Choat *et al.*, 2018).

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Australia is the driest continent on earth with South Australia being the driest state in Australia (Brears 2020). Precipitation reductions leading to reduced water availability coupled with warm temperatures have deleterious effects on vegetation. These issues are linked to the decline and mortality of trees and plants on all six vegetated continents inclusive of Australia and its Eucalypts. These effects are more prevalent in seedlings and the tallest trees (McDowell *et al.*, 2008).

Water limitations are a causal factor of tree decline and mortality world-wide. Water shortage causes trees to respond by closing their stomata which is an inbuilt self-preservation mechanism. Stomatal closure stops the flow of water through the xylem to the leaves by stopping the cohesive tension created by the transpiration pull created by open stomata. This reduces the water consumption of the tree. However, with the stomata closed, the tree is unable to absorb carbon dioxide which must enter the Calvin cycle via open stomata as an essential element in photosynthesis. The tree is no longer making simple and complex carbohydrates but is continuing to respire and is now reliant on stored nonstructural carbohydrate (NSC) energy reserves. Trees in this situation are performing photorespiration which is deleterious to trees (Servanto 2013; McDowell *et al.*, 2008).

Elevated temperatures typically accompany dryer conditions and the higher temperature increases tree respiration which in turn further depletes the stored energy causing carbon starvation and tree decline leading to mortality (Servanto 2013; McDowell *et al.*, 2008).

Carbon starvation is also a risk in low intensity drawn out dry periods lasting longer than the trees carbon energy reserves (McDowell *et al.*, 2008).

If trees do not close their stomata during times of water deficit as aforementioned, they risk hydraulic failure through cavitation and embolism which is a major cause of tree stress leading to tree mortality. This is because even within favorable climate conditions, trees operate at narrow embolism thresholds. With water deficit due to dry soils and the stomata open, the xylem water conduits become gas filled causing cavitation and embolism (Tomasella *et al.*, 2019). Complete desiccation of the trees hydraulic system can occur through this process leading to cellular death rendering the hydraulic conduit system useless causing tree stress leading to mortality (McDowell *et al.*, 2008).

Increased temperatures accompany dryer periods increasing tree stress. Photosystem two, within the chloroplasts in leaves within the thylakoid membrane is a critical component of photosynthesis as it makes NADPH and ATP which leave the thylakoid membrane, enter the stroma, and are the energy that critically drive the Calvin cycle. Damage to photosystem two caused by temperatures above 40-50°C appears to be irreversible. These temperatures sound high, however, both trees and soils reach temperatures higher than the ambient air temperature of a day because of high light levels termed thermal solar radiation. Still conditions on hot days exacerbate the solar radiation effect (Hirons and Thomas 2018). This axiomatic deleterious situation is given further momentum by manmade surfaces creating urban heat islands (Chang *et al.*, 2007) interfering with the water cycle as they restrict water availability limiting evapotranspirational cooling of the leaves (Hirons and Thomas 2018).

Further deleterious effects on cellular, leaf and whole tree growth and function caused by high temperatures include,

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- Photosystem two
- Rubisco activity
- Photosynthesis
- Stomatal conductance
- Transpiration
- Leaf area development
- Growth
- Fecundity

(Hirons and Thomas 2018)

Trees enduring the aforementioned stressors build thinner structured growth rings year on year (DeSoto *et al.*, 2020) because cell expansion is unable to occur as is required (Hirons and Thomas 2018).

Weakened trees have lower defense capability and attract biotic stressors by releasing volatile organic compounds including ethanol. Certain pathogens and insects that damage trees thrive in such situations obtaining omnipotent status inclusive of increased fecundity increasing tree stress and mortality risk (Hirons and Thomas 2018; McDowell *et al.*, 2008).

Longicorn Beetle (*Phoracantha* sp.) ring bark trees as they eat the symplasm and apoplasm and weaken the tree structure in the process reducing the trees elastic modulus causing tree failure (Dunster *et al.*, 2017; Crawford 2015). As little as a 14% reduction in elastic modulus can reduce the impact bending strength by more than 60% (Schwarze *et al.*, 2000).

The appearance of epicormic growth can be a sign of disturbance to a tree's local environment. Epicormic growth can also be a sign of injury or the presence of an internal physiological stress within the subject tree (Hirons and Thomas 2018).

Trees declining from environmental stressors have a reduced ability to use carbon plus simple and complex carbohydrates gained from photosynthesis for all growth including thigmomorphogenesis to maintain and grow sufficient structure (Hirons and Thomas 2018; Lonsdale 2013; Lilly 2010; AS4970-2009).

Reaction wood at unions is a sign that the union is included (has included bark within its apex) and therefore defective (Hayes 2014; Mattheck and Breloer 1994).

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. 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 (Kane *et al.*, 2008).

Co-dominant unions are suicidal programmed to fail. Even the simple swaying apart of these forks can cause failure. This occurs as the tensile stresses load up, causing a splitting of the wood fibers (Mattheck and Breloer 1994).

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Bark inclusions separate the interlocking wood fibers within a union apex. This is concerning as this xylem tissue in this area is incredibly important for union strength. 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; Mattheck and Breloer 1994).

Summer limb failure also termed sudden limb drop and summer limb drop are a type of failure occurring in many genera inclusive of *Eucalyptus* sp. Failures typically occur during hot weather. High temperatures can allow wood fibers to slide past each other with more ease resulting in the branch elastic modulus being exceeded. Heat stress induced stomatal closure is thought to be a cause, however, it appears there are a multitude of environmental stressors involved making this topic difficult to research. Sudden limb failure does often occur in branches with the majority of their foliage within their distal area (Gilman 2012).

Branches and stems act as cantilever beams. The effect of this means these areas are biomechanically vulnerable if formed defectively (Hirons and Thomas 2018).

Trees with a history of branch failure often have continued branch failure (Dunster *et al.* 2017). This tree has a history of branch failures. The tree has similar branches present to these that have previously failed.

Sudden limb failure in this tree species often occurs in sound timber under normal conditions as this species grows with overextension and excessive end weighted branches and scaffolds. The species also has an increased likelihood of failure with age (Nicolle 2016; Nicolle 2013).

The risk to targets is elevated by the height a failure would come down from being approximately up to 30 metres above ground level (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 (height^5) (Coder 2000).

WIND:

The wind speed building code for 11 Clifford Avenue Kurralta Park SA is N1 28 meters per second being 55kts or 102kph (<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).

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

The level of risk this *Eucalyptus camaldulensis* poses has been calculated using the Advanced Quantified Tree Risk Assessment Method (QTRA user number 5637) on 18 November 2020 at 4:45 pm.

The methods and outcome 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 and increasing with time**

Risk to property (dwelling x 2)

- Target Range (1) Property Value \$3,600,000 -> \$360,000 (expected damage repair range)
- Probability of Failure (3)
- **Level of Risk (Risk of Harm) RoH = 1:300 and increasing with time**

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 and increasing with time**

Risk to property (dwelling x 2)

- Target Range (2) Property Value \$360,000 -> \$36,000 (expected damage repair range)
- Probability of Failure (3)
- **Level of Risk (Risk of Harm) RoH = 1:3,000 and increasing with time**

The risk to people and property is at a level deemed unacceptable to enforce on a 3rd party without their consent. The client nor the neighbour consent to this risk being enforced upon them inclusive of their properties.

LEGEND FOR S.T.A.R.S MATRIX ASSESSMENT:

When this tree is assessed within the Legend for S.T.A.R.S Matrix Assessment, the nominated tree is within the category of low retention value.

Hazardous/Irreversible Decline - The tree is structurally unsound and/or unstable and is considered potentially dangerous, - The tree is dead, or is in irreversible decline, or has the potential to fail or collapse in full or part in the immediate to short term.

View appendix 2 of this arboricultural report for further details.

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SAFE USEFUL LIFE EXPECTANCY (SULE):

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)

(b) Dying or suppressed and trees declining through disease or inhospitable conditions. (The nominated tree is declining and dying as aforementioned within the Tree Condition section herein this Arboricultural Report).

(c) Dangerous trees through instability. (The nominated tree has an unstable structure as aforementioned within the Tree Condition section herein this Arboricultural Report).

(d) Dangerous trees through structural defects including cavities, decay, including bark wounds or poor form. (The nominated tree is dangerous and structurally defective as aforementioned within the Tree Condition section herein this Arboricultural Report).

(e) Damaged trees that are considered unsafe to retain. (The nominated tree has a damaged structure as aforementioned within the Tree Condition section herein this Arboricultural Report).

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

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 spanning 2 back yards. This will not increase the short life expectancy of the tree.

Material risk to people and property could be reduced by constructing a sufficiently engineered protective structure under the tree canopy. Any structure would need to span over the aforementioned area. 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 without root disturbance or edaphic restriction following the *South Australian Development Act 1993*, the *South Australian Development Regulations 2008* and *AS4970-2009* 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 27 m x 27 m being 729 m² being the approximate area of the tree canopy. The structure would not increase the short life expectancy of the tree.

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. This is because removing large amounts of the canopy and crown to reduce loads on the defects will reduce the trees ability to produce C⁶H¹²O⁶ which is essential for continued growth and survival (Lilly 2010). This would reduce further the short life expectancy of the tree.

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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) This would not increase the short life expectancy of the tree.

LEGISLATION (SECTIONS RELEVANT TO THIS TREE):

West Torrens Council Development Plan Consolidated – 21 May 2020

West Torrens Council General Section Significant Trees

Significant Trees 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

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

No, the tree is a declining specimen displaying poor form and so does not make an important contribution to the character or amenity of the local area.

(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, the tree is not indigenous to the local area and its species listed under *The National Parks and Wildlife Act 1972* as a rare or endangered species.

(c) represents an important habitat for native fauna

This tree is a native species and may typically be considered to represent an important habitat for native fauna. However, at the time of inspection there were no nests or dreys within the tree. Nor were there any occupied hollows, fauna scratch marks or fecal matter to show the trees use in this manner.

(d) is part of a wildlife corridor of a remnant area of native vegetation

No, the tree is not part of a wildlife corridor of a remnant area of native vegetation. The locality of the tree is that of habitat fragmentation due to human development.

(e) is important to the maintenance of biodiversity in the local environment

Yes, this species is important to the maintenance of biodiversity in the local environment.

(f) forms a notable visual element to the landscape of the local area.

Yes, the tree is approximately 30 metres tall and does form a notable visual element to the landscape of the local area.

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

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, this report has demonstrated the tree is diseased and its life expectancy is short.

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

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

(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, the tree is not within 20 metres of a residential, tourist accommodation or habitable building and is not a bushfire hazard within a Bushfire Prone Area.

(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 demonstrated this tree is both causing and 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

Yes, this report has demonstrated that all other reasonable remedial treatments and measures have been determined 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, it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

(e) in any other case, any of the following circumstances apply:

Not applicable.

SUMMARY FINDINGS AND RECOMMENDATIONS:

The tree does not meet the significant tree objectives 1 (a) (b) (c) and (d) to demonstrate it is a tree possessing attributes worthy of a significant tree. The tree meets the principals of development control 3A (i) (ii) (b) (c) and (d) in support of tree removal. (e) was found to be not applicable.

The client does not accept the level of risk the tree poses being enforced on himself, his property or on his neighbour and neighbours property, nor the fact that the imposed risk will increase with time and so does not want the tree on his property in its current form.

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

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 spanning 2 back yards. This will not increase the short life expectancy of the tree.

Option 2: Construction of an Under Crown Protective Structure

Material risk to people and property could be reduced by constructing a sufficiently engineered protective structure under the tree canopy. Any structure would need to span over the aforementioned area. 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 without root disturbance or edaphic restriction following the *South Australian Development Act 1993*, the *South Australian Development Regulations 2008* and *AS4970-2009* requirements. 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 27 m x 27 m being 729 m² being the approximate area of the tree canopy. The structure would not increase the short life expectancy of the tree.

Option 3: Pruning to AS4373-2007

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. This is because removing large amounts of the canopy and crown to reduce loads on the defects will reduce the trees ability to produce C⁶H¹²O⁶ which is essential for continued growth and survival (Lilly 2010). This would reduce further the short life expectancy of the tree.

Option 4: Bracing

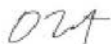
Bracing bifurcations would not assist as it causes weakness in the tree structure. Over 3 growing seasons braced unions can be 29.5% weaker than normally formed bifurcations and so is not considered a viable option (Slater and Ennos 2016) This would not increase the short life expectancy of the tree.

Option 5: Tree Removal

Considering the tree has a less than Ten (10) year safe useful life expectancy and poses unacceptable risk to people and property in its current form, complete removal of this tree will eliminate the level of material risk the tree poses to people. This would require council approval as the tree is a significant tree as defined by the *South Australian Development Act 1993* and *South Australian Development Regulations 2008*.

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Kind regards



Dylan Tempest Grad Cert Arb, Dip Arb, Cert III Arb, QTRA Adv, QTRA, ISA TRAQ, Lic AL2360

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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.

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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REFERENCES:

- Brears R.C. (2020) South Australia Water Corporation Developing the Circular Water Economy. In: Developing the Circular Water Economy. Palgrave Studies in Climate Resilient Societies. Palgrave Pivot, Cham
- Chang, C., Li, M. and Chang, S., 2007. A preliminary study on the local cool-island intensity of Taipei city parks. *Landscape and Urban Planning*, 80(4), pp.386-395.
- Coder, K. D. 2000. *Estimating Leaning Tree Failures, Tree Biomechanics Series*: UNIVERSITY OF GEORGIA WARNELL SCHOOL OF FOREST RESOURCES EXTENSION PUBLICATION FOR00-13.
- Choat, B., Munns, R., McCully, M., Passioura, JB., Tyerman, SD., Bramley, H. and Canny, M. 2018, Plants in Action, chapter 3, viewed 09 February 2019, <<http://plantsinaction.science.uq.edu.au/>>
- Crawford, D. (n.d.). 2015. *Garden pests, diseases and good bugs*. Sydney: HarperCollinsPublishers.
- Cullen, S., 2002. Trees and Wind: Wind Scales and Speeds. *Journal of Arboriculture* 28(5), pp.237-242.
- DeSoto, L., Cailleret, M., Sterck, F., Jansen, S., Kramer, K., Robert, E., Aakala, T., Amoroso, M., Bigler, C., Camarero, J., Čufar, K., Gea-Izquierdo, G., Gillner, S., Haavik, L., Hereş, A., Kane, J., Kharuk, V., Kitzberger, T., Klein, T., Levanič, T., Linares, J., Mäkinen, H., Oberhuber, W., Papadopoulos, A., Rohner, B., Sangüesa-Barreda, G., Stojanovic, D., Suárez, M., Villalba, R. and Martínez-Vilalta, J., 2020. Low growth resilience to drought is related to future mortality risk in trees. *Nature Communications*, 11(1).
- Dunster, J., Smiley, E., Matheny, N. and Lilly, S. (n.d.). *Tree risk assessment manual*. 2nd ed. Champaign, Illinois: International society of arboriculture.
- Ellison, M 2018, *Quantified Tree Risk Assessment User Manual* Version 5.3.1. QTRA Tree Safety Management Systems, Macclesfield, UK.
- Footprint Green Pty Ltd 2001, Footprint Green Tree Significance & Retention Value Matrix, Avalon, NSW Australia, www.footprintgreen.com.au
- Gilman, E. (2012). *An illustrated guide to pruning*. 3rd ed. Clifton Park, NY: Delmar.
- Harris, R., Clark, J. and Matheny, N., 2004. *Arboriculture*. 4th ed. Upper Saddle River, N.J.: Prentice Hall.
- Hayes, E. and Hayes, E., 2014. *Evaluating tree defects*. 2nd ed. Rochester, MN: Safetrees.
- Hirons, A. and Thomas, P., n.d. 2018. *Applied tree biology*. The Atrium, Southern Gate, Chichester, West Sussex: John Wiley and Sons Ltd.
- Hirons, A., 2015. Tree Nutrition. *The Plantsman Horticultural Science*, (December 2015), pp.236-241.

Tertiary Tree Consulting

- Lilly, S. (2010). *Arborists' certification study guide*. [Urbana, Ill.]: International Society of Arboriculture.
- Lonsdale, D., 2013. *Principles of tree hazard assessment and management*. 7th ed. [London]: [TSO].
<http://maps.sa.gov.au/PLB/>
- Mattheck, C. and Breloer, H. (1994). *The body language of trees*. London: HMSO publications.
- McDowell, N., Pockman, W., Allen, C., Breshears, D., Cobb, N., Kolb, T., Plaut, J., Sperry, J., West, A., Williams, D. and Yezpez, E., 2008. Mechanisms of plant survival and mortality during drought: why do some plants survive while others succumb to drought?. *New Phytologist*, 178(4), pp.719-739.
- Nicolle, D., 1997. *Eucalypts of South Australia*. Morphett Vale: D. Nicolle.
- Nicolle, D. and Börner, A., 2016. *Taller eucalypts for planting in Australia*.
- Roberts, J., Jackson, N. and Smith, D., 2018. *Tree roots in the built environment*. 3rd ed. Stonehouse UK: Arboricultural Association.
- Schwarze, F., Engels, J. and Mattheck, C., 2000. *Fungal strategies of wood decay in trees*. Berlin [etc.]: Springer.
- SEVANTO, S., MCDOWELL, N., DICKMAN, L., PANGLE, R. and POCKMAN, W., 2013. How do trees die? A test of the hydraulic failure and carbon starvation hypotheses. *Plant, Cell & Environment*, 37(1), pp.153-161.
- Tomasella, M., Petrusa, E., Petruzzellis, F., Nardini, A. and Casolo, V., 2019. The Possible Role of Non-Structural Carbohydrates in the Regulation of Tree Hydraulics. *International Journal of Molecular Sciences*, 21(1), p.144.
- Slater, D. and Ennos, R., 2016. An Assessment of the Remodeling of Bifurcations in Hazel (*Corylus avellana* L.) in Response to Bracing, Drilling, and Splitting. *Arboriculture & Urban Forestry*, pp.355-370.
- Slater, D. and Ennos, R., 2015. The Level of Occlusion of Included Bark Affects the Strength of Bifurcations in Hazel (*Corylus avellana* L.). *Arboriculture & Urban Forestry*, pp.194-207.
- Slater, D. and Ennos, A., 2013. Determining the mechanical properties of hazel forks by testing their component parts. *Trees*, 27(6), pp.1515-1524.
- South Australian Development Regulations 2008*.
- South Australian Development Act 1993*.
- Standards Australia 2009, *Protection of trees on development sites*, Standards Australia, Sydney.
- Standards Australia 2007, *Pruning of amenity trees*, Standards Australia, Sydney.

Tertiary Tree Consulting

Watson, G., 2008. Discoloration and Decay in Severed Tree Roots. *Arboriculture & Urban Forestry*, pp.260-264.

Watson, G., Kelsey, P. and Woodtli, K., 1996. REPLACING SOIL IN THE ROOT ZONE OF MATURE TREES FOR BETTER GROWTH. *Journal of Arboriculture*, 22(4)(July), pp.167-173.

Weltecke, K. and Gaertig, T., 2012. Influence of soil aeration on rooting and growth of the Beuys-trees in Kassel, Germany. *Urban Forestry & Urban Greening*, 11(3), pp.329-338.

West Torrens Council, *Development Plan*, Consolidated – 21 May 2020

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APPENDICES:

Appendix 1 Tree and Site Photos:



Figure 2: Nominated tree leaking kino due to active borer damage.

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Figure 3: High aspect ratio bark included main union with reaction wood. Rotunda and pavers being damaged.

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Figure 4: Reaction wood in the main union indicating a bark inclusion within (refer red circle).

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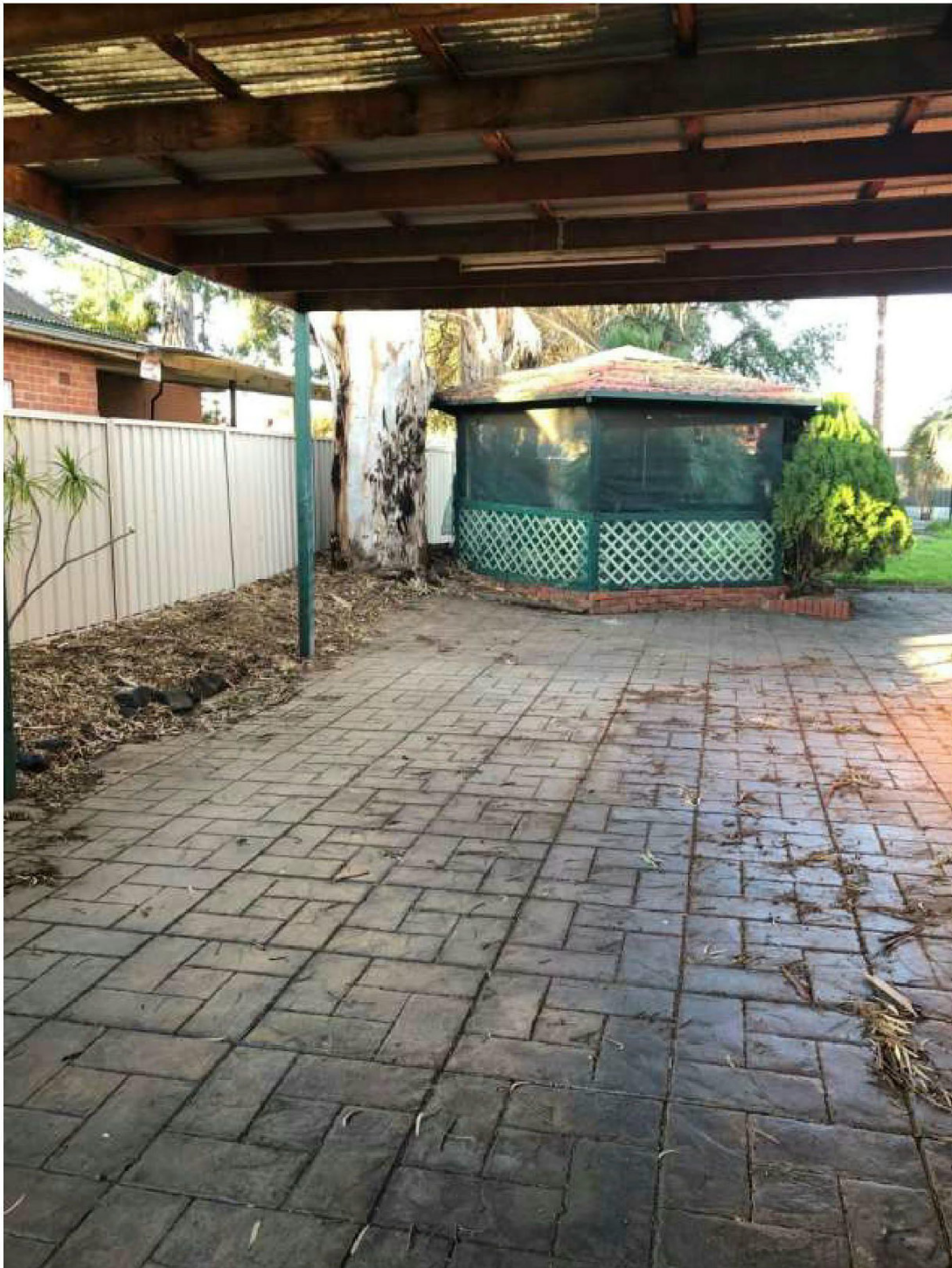


Figure 5: Non tree sensitive developments within the TPZ and SRZ.

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Figure 6: Cracked dwelling wall within the TPZ.

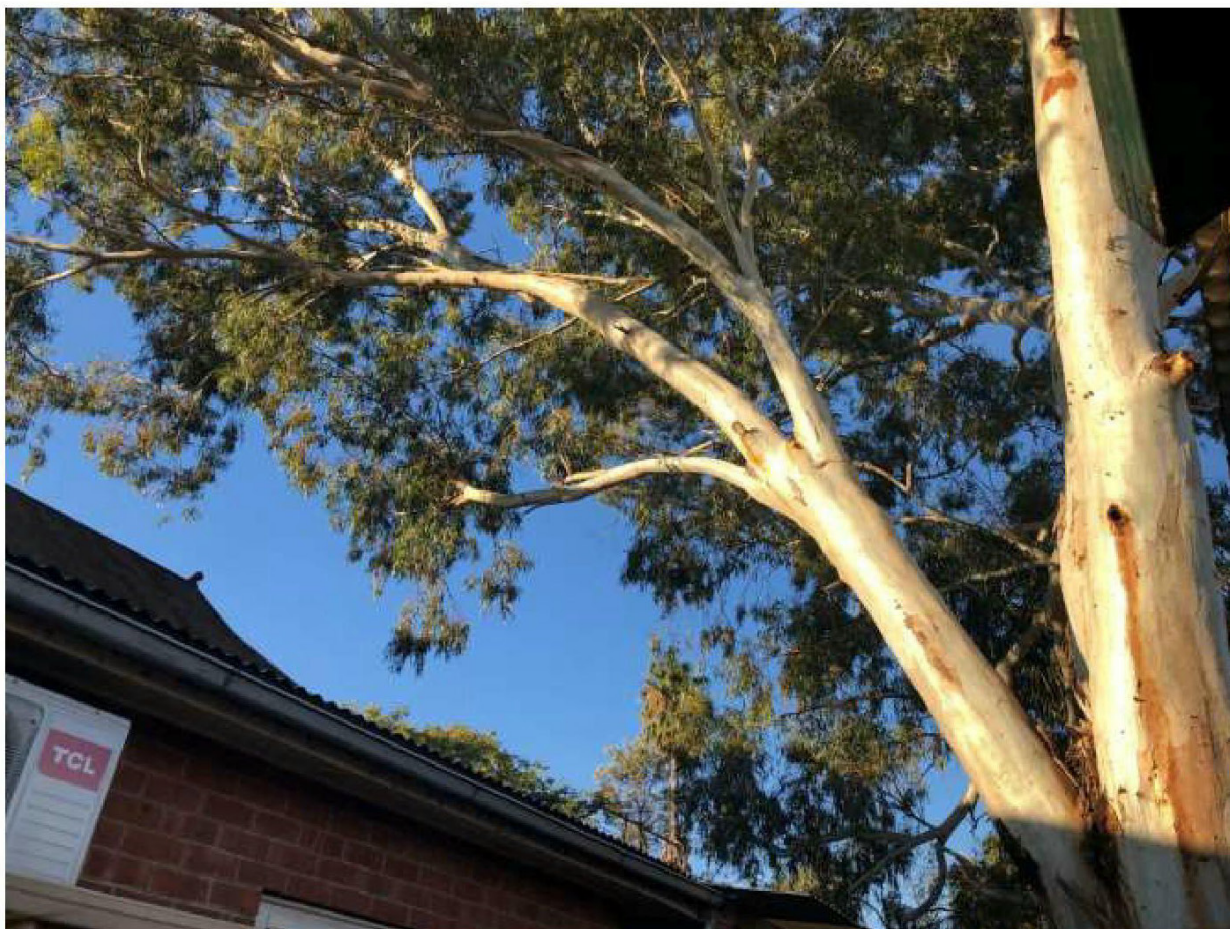
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Figure 7: Over extending scaffold over the neighbours dwelling stemming from a bark included high aspect ratio co-dominant main union.

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Figure 8: Reaction wood in a first order union indicating a bark inclusion within (refer red circle).

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Figure 9: Borer damage to the trunk.

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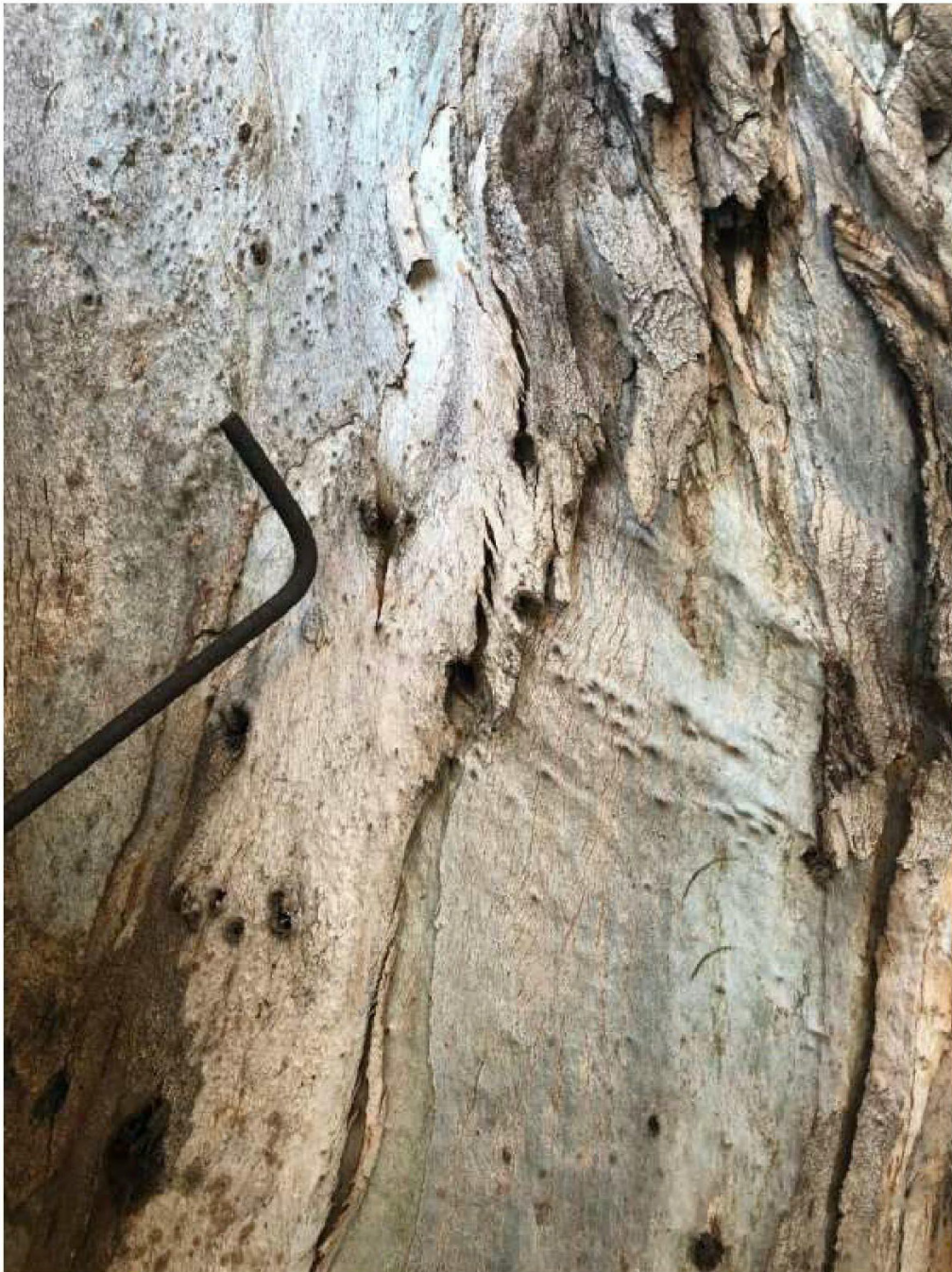


Figure 10: Borer damage to the trunk.

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Figure 11: Borer damage to the trunk.

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Figure 12: Failed branch from approximately 15 metres above ground level that has been on the ground for several months. This branch was live when it failed and has borer damage.

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Figure 13: Frass on the failed branch from approximately 15 metres above ground level showing the borers are actively feeding.

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Figure 14: A second failed branch from approximately 15 metres above ground level covered in epicormic growth due to environmental stressors.

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Figure 15: Canopy producing a crown of epicormic growth and apical dieback due to environmental stressors.

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Figure 16: Canopy producing a crown of epicormic growth and apical dieback due to environmental stressors.

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Figure 17: Canopy producing a crown of epicormic growth and apical dieback due to environmental stressors.

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Figure 18: Canopy producing a crown of epicormic growth and apical dieback due to environmental stressors.

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Figure 18: Reaction wood at unions indicating a bark inclusion within (refer red circle).

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Appendix 2, Legend for S.T.A.R.S Matrix Assessment:

IACA Significance of a Tree, Assessment Rating System (STARS) © (IACA 2010) ©

In the development of this document IACA acknowledges the contribution and original concept of the Footprint Green Tree Significance & Retention Value Matrix, developed by Footprint Green Pty Ltd in June 2001.

The landscape significance of a tree is an essential criterion to establish the importance that a particular tree may have on a site. However, rating the significance of a tree becomes subjective and difficult to ascertain in a consistent and repetitive fashion due to assessor bias. It is therefore necessary to have a rating system utilising structured qualitative criteria to assist in determining the retention value for a tree. To assist this process all definitions for terms used in the Tree Significance - Assessment Criteria and Tree Retention Value - Priority Matrix, are taken from the IACA Dictionary for Managing Trees in Urban Environments 2009.

This rating system will assist in the planning processes for proposed works, above and below ground where trees are to be retained on or adjacent a development site. The system uses a scale of High, Medium and Low significance in the landscape. Once the landscape significance of an individual tree has been defined, the retention value can be determined.

Table 1.0 Tree Retention Value - Priority Matrix

Estimated life expectancy	Significance					
		1. High	2. Medium	3. Low		
		Significance in Landscape	Significance in Landscape	Significance in Landscape	Environmental Pest / Noxious Weed Species	Hazardous / Irreversible Decline
1. Long >40 years						
2. Medium 15-40 Years						
3. Short <1-15 Years						

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	Dead		
Legend for Matrix Assessment			
	Priority for Retention (High) - These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 Protection of trees on development sites. Tree sensitive construction measures must be implemented e.g. pier and beam etc if works are to proceed within the Tree Protection Zone.		
	Consider for Retention (Medium) - These trees may be retained and protected. These are considered less critical; however, their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.		
	Consider for Removal (Low) - These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.		
	Priority for Removal - These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of development.		

Tree Significance - Assessment Criteria:

1. High Significance in landscape:

- The tree is in good condition and good vigour; - The tree has a form typical for the species; - The tree is a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age; - The tree is listed as a Heritage Item, Threatened Species or part of an Endangered ecological community or listed on Councils significant Tree Register; - The tree is visually prominent and visible from a considerable distance when viewed from most directions within the landscape due to its size and scale and makes a positive contribution to the local amenity; - The tree supports social and cultural sentiments or spiritual associations, reflected by the broader population or community group or has commemorative values; - The tree's growth is unrestricted by above and below ground influences, supporting its ability to reach dimensions typical for the taxa in situ - tree is appropriate to the site conditions.

2. Medium Significance in landscape

- The tree is in fair-good condition and good or low vigour; - The tree has form typical or atypical of the species; - The tree is a planted locally indigenous or a common species with its taxa commonly planted in the local area - The tree is visible from surrounding properties, although not visually prominent as partially obstructed by other vegetation or buildings when viewed from the street, - The tree provides a fair contribution to the visual character and amenity of the local area, - The tree's growth is moderately restricted by above or below ground influences, reducing its ability to reach dimensions typical for the taxa in situ.

3. Low Significance in landscape

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- The tree is in fair-poor condition and good or low vigour; - The tree has form atypical of the species; - The tree is not visible or is partly visible from surrounding properties as obstructed by other vegetation or buildings, - The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area, - The tree is a young specimen which may or may not have reached dimension to be protected by local Tree Preservation orders or similar protection mechanisms and can easily be replaced with a suitable specimen, - The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa in situ - tree is inappropriate to the site conditions, - The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms, - The tree has a wound or defect that has potential to become structurally unsound.

Environmental Pest / Noxious Weed Species - The tree is an Environmental Pest Species due to its invasiveness or poisonous/ allergenic properties, - The tree is a declared noxious weed by legislation.

Hazardous/Irreversible Decline - The tree is structurally unsound and/or unstable and is considered potentially dangerous, - The tree is dead, or is in irreversible decline, or has the potential to fail or collapse in full or part in the immediate to short term.

The tree is to have a minimum of three (3) criteria in a category to be classified in that group.

Note: The assessment criteria are for individual trees only, however, can be applied to a monocultural stand in its entirety e.g. hedge.



SA Total Pest Control Pty Ltd
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South Plympton SA 5038
Tel: 0408 864 304
warren@satotalpestcontrol.com

Visual Timber Pest Inspection and Report in Accordance with AS 4349.3-2010

Purpose Of Inspection:

The purpose of this inspection is to give advice about the condition of the property with regard to timber pests.

INSPECTOR DETAILS	
Name Of Inspection Firm:	SA Total Pest Control Pty Ltd
Contact Phone:	0408 864 304
Technician Name:	Warren Mitchell
Report Prepared Date:	03/11/2020

Should you have any difficulty in understanding anything contained within this report then you should immediately contact the inspector and have the matter explained to you prior to acting on this report.

Only structures, fences &/or trees within 30m of the building but within the property boundaries were inspected.

CONTACT DETAILS	
Inspection Requested By:	Maurice Wilcox 0401 434 778 wilcoxmaurice@yahoo.com.au 18 Birdwood Terrace North Plympton SA 5037
Inspection Requested For:	Same as Inspection Requested By
Cost Billed To:	Same as Inspection Requested By
Contact For Access:	Same as Inspection Requested By

INSPECTION DETAILS	
Type of inspection:	Timber Pest Inspection AS 4349.3-2010
Timber Pest Inspection Agreement No:	
Date of Agreement:	03/11/2020
Property Inspected Details:	11 Clifford Avenue Kurrulta Park SA 5037
Job Instructions:	Visual Termite & Timber Pest Inspection
Inspection Date/Time:	03/11/2020 9:30 AM
Weather Condition(s):	Sunny
Non-Standard Tools Used (Termatrac):	Model No. Termatrac T3i
Standard Tools Used:	Compass, Knife, Ladder (3.6m), Moisture meter, Powerful Torch, Sounding Device, Screwdriver

If it is more than 30 days from the inspection date, we recommend a new inspection and report.

REPORT SUMMARY**IMPORTANT DISCLAIMER:**

- This Summary is supplied to allow a quick and superficial overview of the inspection results.
- This Summary is **NOT** the Report and cannot be relied upon on its own.
- This Summary must be read in conjunction with the full report and not in isolation from the report.
- If there should happen to be any discrepancy between anything in the Report and anything in this Summary, the information in the Report shall override that in this Summary.
- The Report is subject to conditions and limitations. Your attention is particularly drawn to the Clauses, Disclaimer of Liability to Third Parties, Limited Liability to a Purchaser within the Australian Capital Territory and to the Notice to the Purchaser at the back of this Report.

For complete and accurate information You must refer to the following complete Visual Timber Pest Report.

IMPORTANT: We strongly recommend the purchaser make inquiry from the vendor about Timber Pests and in particular Termites for this property.

ACCESS	
Are there any Area(s) and/or Section(s) to which Access should be gained?	Yes

TIMBER PEST ACTIVITY	
Were active subterranean termites (live specimens) found in any of the structures inspected?	No
Were active subterranean termites (live specimens) found on the site?	No
Was visible evidence of subterranean termite workings or damage found in any of the structures inspected?	No
Was visible evidence of subterranean termite workings or damage found on the site?	No
Was visible evidence of borers of seasoned timbers found in any of the structures inspected?	Yes
Was evidence of damage caused by wood decay (rot) fungi found in any of the structures inspected?	Yes
Are further inspections recommended?	No
Were any major safety hazards related to Timber Pest Activity and/or Damage Identified?	Yes
Degree of risk of subterranean termite infestation:	Moderate to High

1: STRUCTURE(S) INSPECTED:**1.1 STRUCTURE NAME: Dwelling**

STRUCTURAL DETAILS	
Structure Type:	Single Storey
Orientation:	West
Areas Inspected:	Bathroom, Bedroom 1, Bedroom 2, Bedroom 3, Bedroom 4, Dining Room, Driveway, External Structure - Car Port, Family Room, Roof Exterior, Fences and Gates, Hallway, Kitchen, Laundry, Lounge Room, Paths, Patio, Roof Void, Toilet, Walls Exterior Areas NOT Inspected: No inspection was made, and no report is submitted, of inaccessible areas. These include, but may not be limited to, cavity walls, concealed frame timbers, eaves, flat roofs, fully enclosed patios subfloors, soil concealed by concrete floors, fireplace hearths, wall linings, landscaping, rubbish, floor coverings, furniture, pictures, appliances, stored items, insulation, hollow blocks/posts, etc.
Furnished:	Yes. Furnished properties: Where a property is furnished at the time of the inspection the furnishings and stored goods may be concealing evidence of Timber Pest Activity. This evidence may only be revealed when the property is vacated. A further inspection of the vacant property is strongly recommended in this case.
Foundations:	Dwarf Walls
Exterior Walls:	Brick Veneer, Full Brick
Roof Structure/s:	Pitched Roof
Roof Covering/s:	Concrete tile
Flooring:	Timber flooring, carpet floor coverings, tiled concrete wet areas.

INSPECTION ZONE	
Is there a Termite Inspection Zone Present?	No

A **Termite Inspection Zone** is an unobstructed space which the termites must cross or pass around in order to gain access to a building or structure. As a consequence their presence should be revealed during a visual inspection.

ACCESS ISSUE - Roof Void	
Access Issue Type:	Restricted Access
Reason(s) Why:	Airconditioning (Concealing), Airconditioning (Physical Prevention), Insulation, Pitch, Roof Frame

Important: If a complete inspection of the above areas was not possible, timber pest activity and/or damage may exist in these areas. Further inspections are strongly recommended to areas where Reasonable Access is Unavailable, Obstructed or Restricted or a High Risk of possible Timber Pests and /or Damage exists.

Also refer to Important Warnings Section including Important Limitations for Safe and Reasonable Access and Invasive Inspection.

TIMBER PEST ISSUE - Dwelling	
Moisture:	Normal
Termite:	No Termite Evidence Identified Refer to the advice in Section 3: Invasive Inspection
Borer:	No Borer Identified
Fungal Decay:	No Fungal Decay Identified
Location of Threats Not Limited To:	No Locations Reported
Other Comments:	No sign of any termite activity or damage located to the dwelling at the time of the inspection.
Is an Invasive Inspection recommended?	No
Are there Major Safety Hazards Related to Timber Pests?	No Important Note: Where a Major Safety Hazard is identified above, it must be attended to and rectified to avoid the possibility of personal injury &/or death.

Important - We claim no expertise in building and if any evidence or damage has been reported then you must have a building expert determine the full extent of damage and the estimated cost of repairs or timber replacement (See Section 3 Important Warnings & the Terms & Limitations).

CONDUCTIVE CONDITIONS TO TIMBER PEST INFESTATION AND/OR TERMITE ENTRY	
Subfloor Conditions:	None
Exterior Conditions:	Slab Edge Not Exposed or Not Fully Exposed, Tree Present
Interior Conditions:	None
Roof Void Conditions:	None
Vegetation Against Structures:	Lawn against part external perimeter of dwelling.

2: SITE IMPROVEMENTS:

SITE TIMBER PEST ISSUE - Yard Areas	
Moisture:	No Reading Necessary
Termite:	No Termite Evidence Identified Refer to Important Warnings: Invasive Inspection
Borer:	Borer Identified WARNING: SEE SECTION 3 NOTE ON BORERS AND BORER RECOMMENDATIONS Borer Damage Visible Borer Damage Extent: Moderate to Extensive Borer Species: Unable to determine the exact species of borer as a non invasive inspection was carried out and no live specimen located. There is however clear evidence of borer damage to the tree.
Fungal Decay:	Fungal Decay Identified WARNING: SEE NOTE ON FUNGAL DECAY Fungal Decay Visible Fungal Decay Damage Extent: Moderate to Extensive
Location of Threats Not Limited To:	Borer: Tree(s) Evidence of Borers damage located to very large tree in the back yard. Fungal Decay: Fascia/Barge Boards Gazebo in back yard has fungal decay / wood rot throughout the structure.
Is an invasive inspection recommended?	No
Were any major safety hazards related to Timber Pest Activity and/or Damage identified?	Yes The Timber Pest associated safety hazard is: Very large tree in the back yard. The tree in the back yard is extremely large, it has evidence of borer damage. It has large limbs that overhang the dwelling and also the neighbours property. There is evidence that the tree has previously dropped limbs. In my opinion there is cause for a genuine safety concern, this is due to there being very large limbs overhanging the dwelling, yard areas and the neighbours property. The fact that the tree has previously dropped limbs is a major concern. It is highly advisable that as soon as possible a arborist or other qualified person come and inspect the tree for its health and a safety assesment. The Timber Pest associated safety hazard is located Back Yard. Important Note: Where a Major Safety Hazard is identified above, it must be attended to and rectified to avoid the possiblility of personal injury &/or death.
SITE CONDUCIVE CONDITIONS PRESENT	
Conducive Conditions Present:	Yes. Vegetation on or near structures, Tree and or Stumps on site Timber debris on ground located throughout yard areas.
Comments:	Recommend timber debris be removed.
SITE ACCESS ISSUES	
No site access issues were identified on the day of inspection.	

3. IMPORTANT WARNINGS

NOTE: IMPORTANT LIMITATIONS FOR SAFE AND REASONABLE ACCESS

Only areas where reasonable access was available were inspected. AS 4349.3 defines reasonable access and states that access will not be available where there are safety concerns, or obstructions, or the space available is less than the following:

Reasonable access does not include the use of destructive or invasive inspection methods. Nor does reasonable access include cutting or making access traps, or moving heavy furniture or stored goods.

ROOF VOID - the dimensions of the access hole must be at least 500mm x 400mm, and, reachable by a 3.6M ladder, and, there is at least 600mm x 600mm of space to crawl;

ROOF EXTERIOR - must be accessible by a 3.6M ladder placed safely on the ground.

SUBFLOOR - Access is normally not available where dimensions are less than 500mm x 400mm for the access hole and less than 400mm of crawl space beneath the lowest bearer, or, less than 500mm beneath the lowest part of any concrete floor;

The inspector shall determine whether sufficient space is available to allow safe access to confined areas.

NOTE: HIGH MOISTURE

High moisture readings can be caused by any one of the following: poor ventilation, ineffective drainage, leaking pipes, leaking roofs, defective flashings or by concealed termite activity. The areas of high moisture should be investigated by way of an invasive inspection.

If high moisture was reported then you must have a building expert investigate the moisture and its cause and determine the full extent of the damage and the estimated costs of repairs.

NOTE: TIMBERS EXPOSED TO WEATHER AND/OR WATER

Some species of timber may be used in areas for which they are not suitable. Where this occurs, the timber may be damaged by Timber Pests, in particular termites and wood decay. In most cases, these timbers may be protected with normal maintenance, eg regular painting. However in some cases, You should consider replacing the timbers with a more suitable species or material.

It is strongly recommended that You consult a Builder, Architect or other specialist in the field to inspect exposed timbers to give expert advice on their durability and suitability for the situation in which they are used.

Refer to Important Maintenance Advice below regarding what a property owner can do to help reduce risk of Timber Pest attack.

NOTE: INSULATION

As inspection of the roof void was not possible or limited, areas obstructed by insulation are excluded from this inspection and report. Please note since an inspection of the area was not possible, defects and/or termite activity/damage may exist in these areas. A full inspection of the roof void would not be possible unless the insulation is removed.

Foil insulation and insulation installed that covers the ceiling floor structural elements and or electrical fittings constitutes a potential health and safety risk as it constitutes a physical access, or fire risk and we strongly recommend inspection by a licensed electrician.

NOTE: TERMITES

Where the evidence of live termites or termite damage or termite workings (mudding) was found in the building(s) then the risk of a further attack is extremely high. Where evidence of live termites or termite damage or termite workings was found in the grounds but not in the buildings then the risk to buildings is extremely high.

A treatment to eradicate the termites and to protect the building(s) should be carried out as the risk of further attack is very high.

We claim no expertise in building and if any evidence or damage has been reported then You must have a building expert determine the full extent of damage and the estimated cost of repairs or timber replacement (See Terms & Limitations)

VERY IMPORTANT: If live termites or any evidence of termite workings or damage was reported above within the building(s) or in the ground and fences then It must be assumed that there may be concealed termite activity and/or timber damage. This concealed activity or damage may only be found when alterations are carried out such as when wall linings, cladding or insulation are removed or if You arrange for an invasive inspection. We claim no expertise in structural engineering or building. We strongly recommend that You have a qualified person such as a Builder, Engineer, Architect or other qualified expert in the building trade determine the full extent of the damage, if any. This may require an invasive inspection. We take no responsibility for the repair of any damage whether disclosed by this report or not. (See Terms & Limitations).

Where visual evidence of termite workings and/or damage is reported above, but no live termites were present at the time of inspection, You must realise that it is possible that termites are still active in the immediate vicinity and the termites may continue to cause further damage. It is not possible, without benefit of further investigation and a number of inspections over a period of time, to ascertain whether any infestation is active or inactive. Active termites may simply have not been present at the time of inspection due to a prior disturbance, climatic conditions, or they may have been utilising an alternative feeding source. Continued, regular, inspections are essential. Unless written evidence of a termite protection program in accord with "Australian Standard 3660" with ongoing inspections is provided, You must arrange for a treatment in accord with "Australian Standard 3660" to be carried out immediately to reduce the risk of further attack.

INVASIVE INSPECTION: A more thorough invasive inspection is available. Where any current visible evidence of Timber Pest activity is found or suspected it is strongly recommended that a more invasive inspection is performed. Trees and stumps on the property with a diameter in excess of 100mm have been visually inspected for evidence of termite activity to a height of 2m where access was possible and practical. It is very difficult, and generally impossible to locate termite nests since they are underground and evidence in trees is usually well concealed. We therefore strongly recommend that You arrange to have trees test drilled for evidence of termite nests.

WARNING: If evidence of drill holes in concrete or brickwork or other signs of a possible previous treatment are reported then the treatment was probably carried out because of an active termite attack. Extensive structural damage may exist in concealed areas. You should have an invasive inspection carried out and have a builder determine the full extent of any damage and the estimated cost of repairs as the damage may only be found when wall linings etc are removed.

Normally if a termite treatment has been carried out then a durable notice should be located in the meter box indicating the type of termite shield system, treated zone or combination has been installed.

This firm can give no assurances with regard to work that may have been previously performed by other firms. You should obtain copies of all paperwork and make your own inquiries as to the quality of the treatment, when it was carried out and warranty information. In most cases You should arrange for a treatment in accord with "Australian Standard 3660" be carried out to reduce the risk of further attack.

NOTE: BORERS

Lyctus brunneus (powder post beetle) is not considered a significant pest of timber. Damage is confined to the sapwood so treatment or timber replacement is not usually required. However, You should have a building expert investigate if any timber replacement is required.

Anobium punctatum (furniture beetle) and *Calymnaderus incisus* (Queensland pine beetle) must always be considered active, unless proof of treatment is provided, because, unless the timber is ground up, one cannot determine conclusively if activity has ceased. Total timber replacement of all susceptible timbers is recommended. A secondary choice is treatment. However, the evidence and damage will remain and the treatment may need to be carried out each year for up to three years.

We claim no expertise in building and if any evidence or damage has been reported then You must have a building expert determine the full extent of damage and the estimated cost of repairs or timber replacement (See Terms & Limitations). Borer activity is usually determined by the presence of exit holes and/or frass. Since a delay exists between the time of initial infestation and the appearance of these signs, it is possible that some borer activity may exist that is not discernible at the time of inspection.

BORER RECOMMENDATIONS: Replacement of all susceptible timbers is always preferred since, in the event of selling the property in the future it is probable that an inspector will report the borers as active (see above). A chemical treatment to control and/or protect against Furniture beetle and/or Queensland pine beetle can be considered as a less effective, lower cost option. Before considering this option You should consult with a builder (See Terms & Limitations) to determine if the timbers are structurally sound. Following the initial treatment a further inspection is essential in twelve months' time to determine if further treatment is needed. Treatments over a number of consecutive years may be required.

NOTE: FUNGAL DECAY

We claim no expertise in building and if any evidence or damage has been reported then You must have a building expert determine the full extent of damage and the estimated cost of repairs or timber replacement (See Terms & Limitations)

Refer to Important Maintenance Advice regarding what a property owner can do to help reduce risk of Timber Pest attack.

WATER LEAKS: Water leaks, especially in or into the subfloor or against the external walls e.g. leaking taps, water tanks, leaking roofs or down pipes and or guttering, increases the likelihood of termite attack. Leaking showers or leaks from other 'wet areas' also increase the likelihood of concealed termite attack. These conditions are also conducive to borer activity and wood decay.

We claim no expertise in building and if any leaks were reported then You must have a plumber or other building expert determine the full extent of damage and the estimated cost of repairs.

Hot water services, air conditioning units which release water alongside or near to building walls need to be connected to a drain. If this is not possible then their water outlet needs to be piped several meters away from the building, as the resulting wet area is highly conducive to termites.

We claim no expertise in building and if any leaks were reported then You must have a plumber or other building expert determine the full extent of damage and the estimated cost of repairs.

WATER TANKS: Water Tanks are required to be installed in new homes in some states and many homes have had them retroactively installed as a conservation measure. Tanks which release water alongside or near to building walls need to be connected to a drain. If this is not possible then their water outlet needs to be piped several meters away from the building, as the resulting wet area is highly conducive to termites.

MOISTURE: High moisture readings can be caused by any one of the following: poor ventilation, ineffective drainage, leaking pipes, leaking roofs, defective flashing or by concealed termite activity. The areas of high moisture should be investigated by way of an invasive inspection. High moisture levels also increase the likelihood of termite attack and may also be conducive to borer activity and wood decay.

If high moisture was reported then You must have a building expert investigate the moisture and its cause and determine the full extent of damage and the estimated cost of repairs.

DRAINAGE: Poor drainage, especially in the subfloor, greatly increases the likelihood of wood decay and termite attack.

Where drainage is considered inadequate a plumber, builder or other building expert must be consulted.

VENTILATION: Ventilation, particularly in the sub-floor region is important in minimising the opportunity for Timber Pests to establish themselves within a property.

MOULD: Mould on walls and ceilings etc; is an indicator of high moisture or very poor ventilation. If reported You need to have the reason investigated by a builder or a Industry Hygienist as its presence may indicate the presence of a water leak, wood decay or termites behind the wall or ceiling sheeting.

SLAB EDGE EXPOSURE: Where external concrete slab edges are not exposed there is a high risk of concealed termite entry. In some buildings built since July 1995 the edge of the slab forms part of the termite shield system. In these buildings an inspection zone of at least 75mm should be maintained to permit detection of termite entry. The concrete edge should not be concealed by render, tiles, cladding, flashings, adjoining structures, paving, soil, turf or landscaping etc. Where this is the case You should arrange to have the slab edge exposed for inspection. Concealed termite entry may already be taking place but could not be detected at the time of the inspection. This may have resulted in concealed timber damage.

NOTE: A very high proportion of termite attacks are over the edge of both Infill and other concrete slabs types. Covering the edge of a concrete slab makes concealed termite entry easy. Infill slab type construction has an even higher risk of concealed termite ingress as the slab edge is concealed due to the construction design and cannot be exposed. The type of slab may only be determined by assessment of the construction plans by a qualified person e.g. Builder, Architect. Construction Plans may be obtainable by your conveyancer. Termite activity and or damage may be present in concealed timbers of the building. We strongly recommend frequent regular inspections in accordance with AS 3660.2. Where the slab edge is not fully exposed or the slab is an infill slab or the slab type cannot be determined then we strongly recommend inspections every 3 to 6 months in accordance with AS 3660.2.

INFILL SLAB: A slab on the ground cast between walls. Other slabs should be in accordance with AS 2870 - 1996 and AS 3660.1-2014.

WEEP HOLES IN EXTERNAL WALLS: It is very important that soil, lawn, concrete paths or pavers do not cover the weep holes. Sometimes they have been covered during the rendering of the brick work. They should be clean and free flowing. Covering the weep holes in part or in whole may allow undetected termite entry.

TERMITE SHIELDS (ANT CAPS) should be in good order and condition so termite workings are exposed and visible.

This helps stop termites gaining undetected entry. Joins in the shielding should have been soldered during the installation. Whenever it is observed that the joins in the shielding have not been soldered then the shielding must be reported as inadequate. It may be possible for a builder to repair the shielding. If not, a chemical treated zone may need to be installed to deter termites from gaining concealed access to the building. Missing, damaged or poor shields increase the risk of termite infestation.

If considered inadequate a builder or other building expert should be consulted.

Other physical shield systems are not visible to inspection and no comment is made on such systems.

4. FINAL DETAILS

TERMITE MANAGEMENT STICKER	
Is there a Termite Management Sticker?	Yes WARNING: This firm can give no assurances with regard to work that may have been previously performed by other firms. You should obtain copies of all paperwork and make your own inquiries as to the quality of the treatment, when it was carried out and warranty information. In most cases you should arrange for a treatment in accordance with 'Australian Standard 3660' be carried out to reduce the risk of further attack.
Type of Treatment:	Post-Construction
Evidence of Previous Treatment:	Chemical treatment to Internal wood floor areas (subfloor) of dwelling.
Treatment Location:	Subfloor Internal wood floor areas (subfloor) of dwelling. Recommend any untreated areas of the dwelling be termite protected (treated) and or a complete baiting and monitoring system be installed.
Environmental Termite Pressure:	Level of Termite Pressure: Medium Overall Degree of Risk of Timber Pest Infestation: Moderate to High


SAFETY HAZARDS	
Major Safety Hazards:	Major Safety Hazards Related to Timber Pest Activity and/or Damage were Identified

RECOMMENDATIONS	
Termite Management Recommendation:	Strongly Recommended
Frequency of Further Inspections:	6 months
Other Inspections Recommended:	No
Comments regarding a Subterranean Termite Treatment Proposal:	A Termite Treatment Proposal can be provided if requested.

FUTURE INSPECTIONS: AS 3660.2-2000 recommends that inspections be carried out at intervals no greater than annually and that, where timber pest "pressure" is greater, this interval should be shortened. Inspections WILL NOT stop timber pest infestation; however, the damage which may be caused will be reduced when the infestation is found at an early stage.

Warning: In order for you to make a more informed decision regarding the purchase of the property, any other recommended inspections should be carried out PRIOR TO CONTRACTS BEING EXCHANGED.

GENERAL COMMENTS
<p>Highly recommend all obstructed and or restricted areas be made fully accessible and or unrestricted and inspected as these areas may harbour termite activity and or damage.</p> <p>Recommend any untreated areas of the dwelling be termite protected (treated) and or a complete baiting and monitoring system be installed.</p> <p>Highly recommend a arborist or other qualified person as soon as possible check the large tree in the back yard for its health and safety.</p> <p>In my opinion I have genuine concern from a safety perspective of this tree. It has previously dropped limbs, it has evidence of borers, there are extremely large limbs overhanging the yard areas and the dwelling.</p> <p>Recommend the tree also be drilled to check for termites.</p>

SIGNED BY INSPECTOR	
Inspector Name:	Warren Mitchell
License Number:	82941
Date:	03/11/2020 9:30 AM
Signed:	

There are many limitations to this visual inspection only. With the permission of the owner of the premises we WILL perform a more invasive physical inspection that involves moving or lifting: insulation, stored items, furniture or foliage during the inspection. We WILL physically touch, tap, test and when necessary force/gouge suspected accessible timbers. We WILL gain access to areas, where physically possible and considered practical and necessary, by way of cutting traps and access holes. This style of report is available by ordering with several days' notice. Inspection time for this style of report will be greater than for a VISUAL INSPECTION. It involves disruption in the case of an occupied property, and some permanent marking is likely. You must arrange for the written permission of the owner who must acknowledge all the above information and confirm that our firm will not be held liable for any damage caused to the property. A price is available on request.

THIS INSPECTION IS A VISUAL INSPECTION ONLY TO AUSTRALIAN STANDARD AS4349.3-2010. A MORE INVASIVE PHYSICAL INSPECTION IS AVAILABLE UPON REQUEST.

CONTACT THE INSPECTOR

Please feel free to contact the inspector who carried out this inspection. Often it is very difficult to fully explain situations, problems, access difficulties or timber Pest activity and/or damage in a manner that is readily understandable by the reader. Should You have any difficulty in understanding anything contained within this report then You should immediately contact the inspector and have the matter explained to You. If You have any questions at all or require any clarification then contact the inspector prior to acting on this report.

5. TERMS & LIMITATIONS

IMPORTANT INFORMATION: Any person who relies upon the contents of this report does so acknowledging that the following clauses which define the Scope and Limitations of the inspection form an integral part of the report.

1. THIS IS A VISUAL INSPECTION ONLY in accord with the requirements of AS 4349.3 Inspection of buildings Part 3: Timber pest inspections. Visual inspection was limited to those areas and sections of the property to which reasonable access (See Definition) was both available and permitted on the date of inspection. The inspection DID NOT include breaking apart, dismantling, removing or moving objects including, but not limited to, foliage, mouldings, roof insulation/sisalation, floor or wall coverings, sidings, ceilings, floors, furnishings, appliances or personal possessions. The inspector CANNOT see inside walls, between floors, inside skillion roofing, inside the eaves,

behind stored goods in cupboards, in other areas that are concealed or obstructed. The inspector DID NOT dig, gouge, force or perform any other invasive procedures. An invasive inspection will not be performed unless a separate contract is entered into. In an occupied property it must be understood that furnishings or household items may be concealing evidence of Timber Pests which may only be revealed when the items are moved or removed. In the case of Strata type properties only the interior of the unit is inspected.

2. **SCOPE OF REPORT:** This Report is confined to reporting on the discovery, or non-discovery, of infestation and/or damage caused by subterranean and dampwood termites (white ants), borers of seasoned timber and wood decay fungi (hereinafter referred to as "Timber Pests"), present on the date of the Inspection. The Inspection did not cover any other pests and this Report does not comment on them. Dry wood termites (Family: KALOTERMITIDAE) and European House Borer (*Hylotrupes bujulus* Linnaeus) were excluded from the Inspection, but have been reported on if, in the course of the Inspection, any visual evidence of infestation happened to be found. If *Cryptotermes brevis* (West Indian Dry Wood Termite) or *Hylotrupes bujulus* Linnaeus are discovered we are required by law to notify Government Authorities. If reported a special purpose report may be necessary.
3. **LIMITATIONS:** Nothing contained in the Report implies that any inaccessible or partly inaccessible areas or sections of the property being inspected by the Inspector on the date of the Inspection were not, or have not been, infested by Timber Pests. Accordingly this Report is not a guarantee that an infestation and/or damage does not exist in any inaccessible or partly inaccessible areas or sections of the property. Nor is it a guarantee that a future infestation of Timber Pests will not occur or be found.
4. **DETERMINING EXTENT OF DAMAGE:** The Report is NOT a structural damage Report. We claim no expertise in building and any observations or recommendations about timber damage should not be taken as expert opinion and CANNOT be relied upon. If any evidence of Timber Pest activity and/or damage resulting from Timber Pest activity is reported either in the structure(s) or the grounds of the property, then You must assume that there may be concealed structural damage within the building(s). This concealed damage may only be found when wall linings, cladding or insulation is removed to reveal previously concealed timbers. An invasive Timber Pest Inspection (for which a separate contract is required) is strongly recommended and You should arrange for a qualified person such as a Builder, Engineer, or Architect to carry out a structural inspection and to determine the full extent of the damage and the extent of repairs that may be required. You agree that neither We nor the individual conducting the Inspection is responsible or liable for the repair of any damage whether disclosed by the report or not.
5. **MOULD:** Mildew and non-wood decay fungi are commonly known as Mould and is not considered a Timber Pest but may be an indicator of poor ventilation or the presence of termites, wood decay or water leaks. Mould and their spores may cause health problems or allergic reactions such as asthma and dermatitis in some people.
6. **DISCLAIMER OF LIABILITY:** No liability shall be accepted on account of failure of the Report to notify any Termite activity and/or damage present at or prior to the date of the Report in any area(s) or section(s) of the subject property physically inaccessible for inspection, or to which access for inspection is denied by or to the Licensed Inspector (including but not limited to any area(s) or section(s) so specified by the Report).
7. **DISCLAIMER OF LIABILITY TO THIRD PARTIES:** Compensation will only be payable for losses arising in contract or tort sustained by the Client named on the front of this report. Any third party acting or relying on this Report, in whole or in part, does so entirely at their own risk. However, if ordered by a Real Estate Agent or a Vendor for the purpose of auctioning a property then the Inspection Report may be ordered up to seven (7) days prior to the auction, copies may be given out prior to the auction and the Report will have a life of 14 days during which time it may be transferred to the purchaser. Providing the purchaser agrees to the terms of this agreement then they may rely on the report subject to the terms and conditions of this agreement and the Report itself.
8. **COMPLAINTS PROCEDURE:** In the event of any dispute or claim arising out of, or relating to the Inspection or the Report, You must notify Us as soon as possible of the dispute or claim by email, fax or mail. You must allow Us (which includes persons nominated by Us) to visit the property (which visit must occur within twenty eight (28) days of your notification to Us) and give Us full access in order that We may fully investigate the complaint. You will be provided with a written response to your dispute or claim within twenty eight (28) days of the date of the inspection. If You are not satisfied with our response You must within twenty one (21) days of Your receipt of Our written response refer the matter to a Mediator nominated by Us from the Institute of Arbitrators and Mediators of Australia. The cost of the Mediator will be borne equally by both parties or as agreed as part of the mediated settlement. In the event You do not comply with the above Complaints Procedure and commence litigation against Us then You agree to fully indemnify Us against any awards, costs, legal fees and expenses incurred by Us in having your litigation set aside or adjourned to permit the foregoing Complaints Procedure to complete.

6. IMPORTANT MAINTENANCE ADVICE REGARDING INTEGRATED PEST MANAGEMENT (IPM) FOR PROTECTING AGAINST TIMBER PESTS:

Any structure can be attacked by Timber Pests. Periodic maintenance should include measures to minimise possibilities of infestation in and around a property. Factors which may lead to infestation from Timber Pests include situations where the edge of the concrete slab is covered by soil or garden debris, filled areas, areas with less than 400mm clearance, foam insulation at foundations, earth/wood contact, damp areas, leaking pipes, etc; form-work timbers, scrap timber, tree stumps, mulch, tree branches touching the structure, wood rot, etc. Gardens, pathways or turf abutting or concealing the edge of a concrete slab will allow for concealed entry by timber pests. Any timber in contact with soil such as form-work, scrap timbers or stumps must be removed from under and around the buildings and any leaks repaired. You should endeavour to ensure such conditions DO NOT occur around your property.

We further advise that You engage a professional pest control firm to provide a suitable termite management program in accord with AS 3660 to minimise the risk of termite attack. There is no way of preventing termite attack. Even AS 3660 advises when a complete termite management system is installed in accordance with AS 3660.1-2014 for pre-construction termite work or 3660.2-2000 for post-construction termite work and the Australian Pesticides and Veterinary Medicines Authority (APVMA) product label directions are followed precisely, termites may still bridge the management system. However, if the labels directions are followed and the Standard adhered to, and bridging occurs, evidence of the termite ingress will normally be evident to the inspector. Therefore regular inspections in line with the recommendations in this report are essential in addition to any suitable termite management system You install.

You should read and understand the following important information. It will help explain what is involved in a timber pest inspection, the difficulties faced by a timber pest inspector and why it is not possible to guarantee that a property is free of timber pests. It also details important information about what You can do to help protect your property from timber pests. This information forms an integral part of the report.

CONCRETE SLAB HOMES

Homes constructed on concrete slabs pose special problems with respect to termite attack. If the edge of the slab is concealed by concrete paths, patios, pavers, garden beds, lawns, foliage, etc then it is possible for termites to affect concealed entry into the property. They can then cause extensive damage to concealed framing timbers. Even the most experienced inspector may be unable to detect their presence due to concealment by wall linings. Only when the termites attack timbers in the roof void, which may in turn be concealed by insulation, can their presence be detected. Where termite damage is located in the roof it should be expected that concealed framing timbers will be extensively damaged. With a concrete slab home it is imperative that You expose the edge of the slab and ensure that foliage and garden beds do not cover the slab edge. Weep holes must be kept free of obstructions. It is strongly recommended that You have a termite inspection in accordance with AS 3660.2 carried out as recommended in this report.

SUBTERRANEAN TERMITES

No property is safe from termites! Termites are the cause of the greatest economic losses of timber in service in Australia. Independent data compiled by State Forestry shows 1 in every 5 homes is attacked by termites at some stage in its life. More recent data would indicate that this is now as high as 1 in every 3. Australia's subterranean termite species (white ants) are the most destructive timber pests in the world. In fact it can take "as little as 3 months for a termite colony to severely damage almost all the timber in a home".

How Termites Attack your Home. The most destructive species live in large underground nests containing several million timber destroying insects. The problem arises when a nest matures near your home. Your home provides natural shelter and a food source for the termites. The gallery system of a single colony may exploit food sources over as much as one hectare, with individual galleries extending up to 50 metres to enter your home, where there is a smorgasbord of timber to feast upon. Even concrete slabs do not act as a barrier; they can penetrate through cracks in the slab to gain access to your home. They even build mud tubes to gain access to above ground timbers. In rare cases termites may create their nest in the cavity wall of the property without making ground contact. In these cases it may be impossible to determine their presence until extensive timber damage occurs.

Termite Damage. Once in contact with the timber they excavate it often leaving only a thin veneer on the outside. If left undiscovered the economic species can cause many thousands of dollars damage and cost two to five thousand dollars (or more) to treat.

Subterranean Termite Ecology. These termites are social insects usually living in underground nests. Nests may be in trees or in rare instances they may be in above ground areas within the property. They tunnel underground to enter the building and then remain hidden within the timber making it very difficult to locate them. Where timbers are concealed, as in most modern homes, it makes it even more difficult to locate their presence. Especially if gardens have been built up around the home and termite barriers are either not in place or poorly maintained. Termites form nests in all sorts of locations and they are usually not visible. There may be more than one nest on a property. The diet of termites in the natural environment is the various hardwood and softwood species growing throughout Australia. These same timbers are used in buildings. Worker termites move out from their underground nest into surrounding areas where they obtain food and return to nurture the other casts of termites within the nest. Termites are extremely sensitive to temperature, humidity and light and hence cannot move over ground like most insects. They travel in mud encrusted tunnels to the source of food. Detection of termites is usually by locating these mud tunnels rising from the ground into the affected structure. This takes an expert eye.

Termite barriers protect a building by forcing termites to show themselves. Termites can build mud tunnels around termite barriers to reach the timber above. The presence of termite tracks or leads does not necessarily mean that termites have entered the timber though. A clear view of walls and piers and easy access to the sub-floor means that detection should be fairly easy. However many styles of construction do not lend themselves to ready detection of termites. The design of some properties is such that they make the detection by a pest inspector difficult, if not impossible.

The tapping and probing of walls and internal timbers is an adjunct or additional means of detection of termites but is not as reliable as locating tracks. The use of a moisture meter is a useful aid for determining the presence of termites concealed behind thin wall panels, but it only detects high levels of activity. Older damage that has dried out will not be recorded. It may also provide false readings. Termite tracks may be present in the ceiling space however some roofs of a low pitch and with the presence of sisalation, insulation, air conditioning ductwork and hot water services may prevent a full inspection of the timbers in these areas. Therefore since fool proof and absolute certain detection is not possible the use of protective barriers and regular inspections is a necessary step in protecting timbers from termite attack.

Information contained in this report is made available to Form Pigeon Pty Ltd ACN 164 644 615 and Rapid Solutions Pty Ltd ACN 055 149 203.



25th November, 2020.

To Whom It May Concern,

Re: Large Gum Tree at 11 Clifford Ave, Kurralta Park

We at Raine & Horne Kurralta Park are the Property Managers for this property which has a large gum tree on it's premises located just behind the back of the house.

The tenants have contacted us concerning tree limbs which continually fall. Over the past weekend there was a large limb that fell, and had anyone been underneath it, it would easily have severely injured or even killed them.

The tenants have children that often play in the back garden and they are very fearful of an accident, or worse, occurring due to falling limbs from this tree.

As Property Managers, it is our duty to ensure that the tenants have a safe living environment, and this is not the case with this tree continually dropping limbs.

We recommend as a matter of urgency that this tree be removed altogether to avoid any future damage to the existing home, or potential injury or death to the occupants.

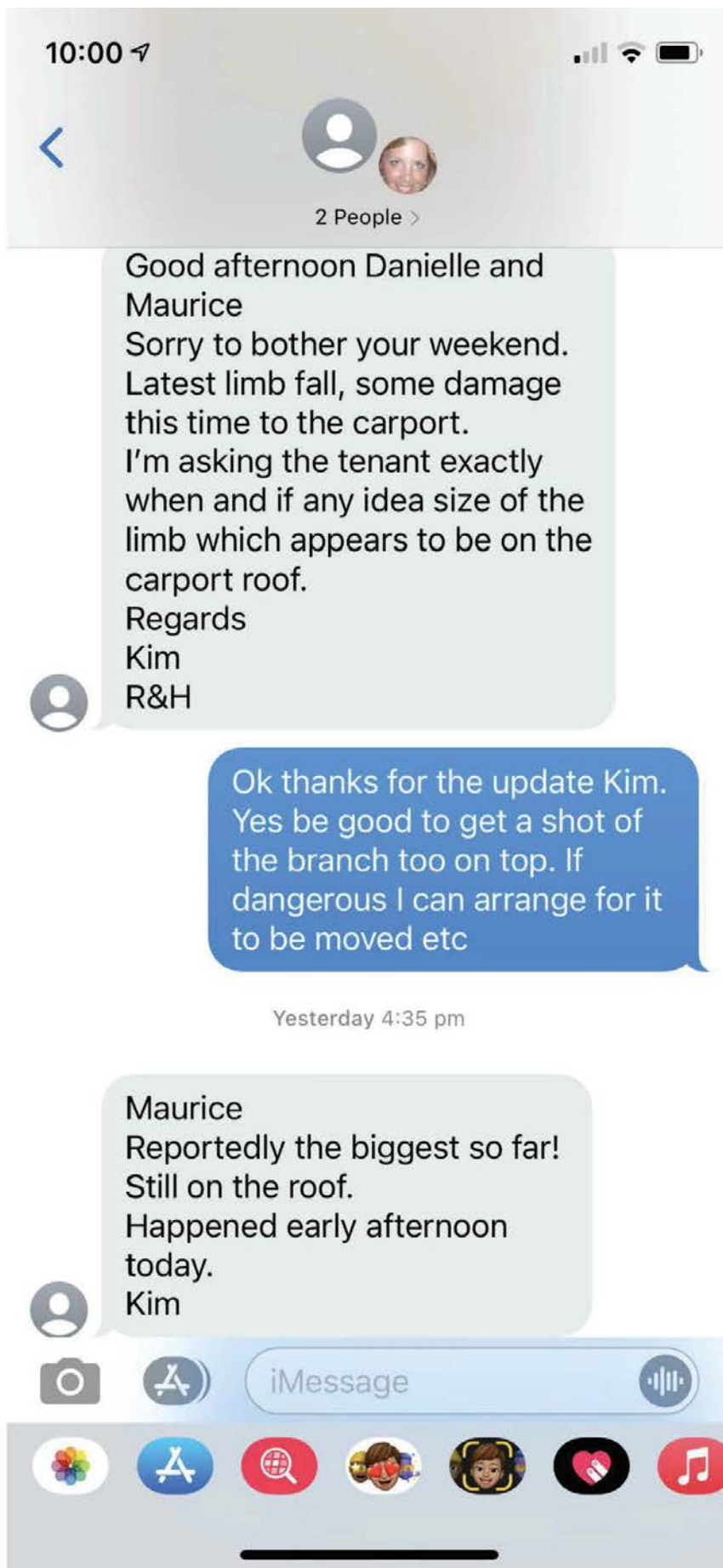
Should you have any questions please feel free to contact me on 8297 0008 or 0411 607 888.

Kind Regards,

A handwritten signature in black ink, appearing to read 'John Cullen', written over a faint, circular, light-blue watermark or background graphic.

John Cullen

Principal

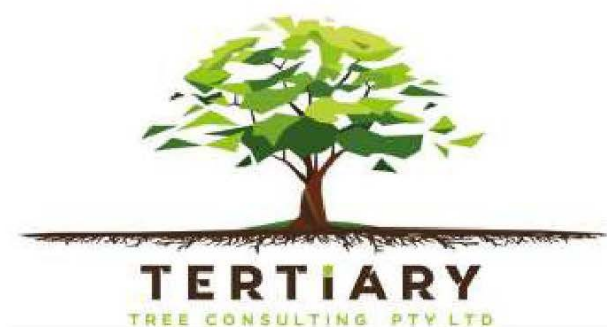








Tertiary Tree Consulting



TERTIARY TREE CONSULTING PTY LTD

Forming Relationships - Delivering Solutions

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DYLAN TEMPEST – ARBORICULTURAL CONSULTANT

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AQF Level 5 Diploma of Arboriculture (Dip Arb)

AQF Level 3 Certificate 3 of Arboriculture (Cert III Arb)

QTRA Advanced Quantified Tree Risk Assessor User 5637

QTRA Quantified Tree Risk Assessor User 5637

ISA TRAQ International Society of Arboriculture Tree Risk Assessment Qualification

Gold Australian Arborist Industry License No: AL2360

Continued Studies: MSc Master of Arboriculture and Urban Forestry

5 Million Professional Indemnity Insurance

20 Million Public Liability Insurance

Date 26 February 2021

Addendum A1

CLIENT

Maurice Wilcox
11 Clifford Avenue
Kurralta Park
SA 5037
P: 0401 434 778
E: mauricewilcox@bhp.com

SITE ADDRESS

11 Clifford Avenue
Kurralta Park
SA 5037



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FURTHER TREE BRANCH FAILURE:

An arborist report dated 08 June 2019 was written outlining the health and structure issues and their impact on the nominated tree being the *Eucalyptus camaldulensis*. This report was submitted to council via a development application seeking removal of the tree. The application was denied by council. The tree has had ongoing branch failure occurring. The photographic evidence shows the branch failure date 25 June 2020.

An arborist report dated 30 November 2020 was commissioned further addressing the health and structure issues of the tree.

Since the report dated 30 November 2020 the tree has had continued branch failure. The photographic evidence shows the branch failures dated 14 December 2020 and 7 January 2021.

The aforementioned branch failures show evidence of epicormic growth production.

The council has said the tree is healthy and poses a low risk.

The report dated 30 November 2020 outlines the tree is declining due to environmental stress which are reducing the trees ability to grow and function. This is causing the tree to decline and attract the borers while producing thinner weaker growth rings causing a weaker structure. This is evidenced by the epicormic growth production and the borers as borers are a secondary pest meaning they can only attack weak trees that are unable to function properly. Epicormic growth production is a sign of stress.

Due to the continued environmental stress and borer damage the tree is suffering, the tree is expected to continue dropping branches.

PRUNING THE TREE:

The council are recommending pruning of the tree as a management strategy to reduce potential branch failure. Council is recommending maintenance pruning to AS4373-2007 and are stating the client is able to undertake such works at any time.

However, the client is not able to undertake such works without council approval via a development application as the council's position is the tree is a healthy low-risk tree.

The legislation controlling the nominated tree being the *South Australian Development Regulations 2008* under the *South Australian Development Act 1993* states,

“6A (8) For the purposes of the definition of tree damaging activity in section 4(1) of the Act, pruning—

(a) that does not remove more than 30% of the crown of the tree; and

(b) that is required to remove— (i) dead or diseased wood; or (ii) branches that pose a material risk to a building; or

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(iii) branches to a tree that is located in an area frequently used by people and the branches pose a material risk to such people, is excluded from the ambit of that definition”

Pruning of the nominated tree can be within the percentage threshold (30%), however, the aforementioned regulations section 6A (8) (a) has the word “**and**,” rather than the word “**or**,” (see above) meaning it is connective not separative to section 6A (8) (b) (i) (ii). It then states “**or**” (iii) branches to a tree that is located in an area frequently used by people and the branches pose a material risk to such people, is excluded from the ambit of that definition.

Based on the councils view of the tree it cannot be pruned without council approval received by an approved development application as the council state the tree is healthy and poses low risk.

Furthermore, pruning of this tree will not prevent branch failure but rather will increase branch failure as the tree is declining due to environmental stress. Pruning will remove areas of crown vital to production of $C^6H^{12}O^6$ through photosynthesis for the tree to survive while leaving it with a high ground to crown clearance. Pruning will reduce the trees ability to grow and function which is already an issue weakening the tree. Staging the pruning will leave poorly structured branches exposed to winds they have not received increasing their failure potential due to thigmomorphogenesis and further increase the risk the tree poses.

Pruning the tree to eliminate the unacceptable risk posed by the tree would require pruning to AS4373-2007 section 7.3.5 Remedial Restorative Pruning. This would require the tree to be topped at 1-2 metres above the main union. AS4373-2007 recommends this pruning be undertaken in stages which cannot be done in this case due to thigmomorphogenesis as aforementioned. AS4373-2007 also recommends that if this type of pruning is being considered, consideration should be given to removing dangerous trees. Undertaking this pruning is above maintenance pruning as it would remove more than 30% of the trees crown and would affect adversely the general health and appearance of the tree with no guarantee the tree could recover from such pruning. This constitutes tree damaging activity under the *South Australian Development Act 1993*; therefore, the tree is recommended to be removed and replaced.

TREE ROOT INTERACTIONS WITH STRUCTURES:

The tree protection zone is a radius 14.82 metres from the centre of the tree trunk and the structural root zone is a radius 3.78 metres from the tree trunk. The aforementioned reports have considered the interactions of the trees roots to structures within the site 11 Clifford Ave Kurralta Park SA 5037. A structural engineers report has been obtained considering further damage. This further damage is to the neighbouring dwelling to the north being 9 Clifford Avenue Kurralta Park SA 5037. The damage is reported as being extensive and within the rootzone of the tree.

The West Torrens “*Development Plan*” Council Consolidated – 21 May 2020 states,

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

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- (b) the tree is shown to be causing or 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
- (d) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring”

The structural engineers report shows the tree is causing substantial damage to a substantial build or structure of value in line with 3 (b). Solutions in line with 3 (c) and 3 (d) would involve excavating a trench along the shared fence line between the tree and the fence, pruning the tree roots and installing a root barrier. Due to the dimorphic nature of the roots of *Eucalyptus camaldulensis*, the trench and root barrier would be required to be at least three metres deep.

Without considering the percentage of tree protection zone (TPZ) and structural root zone (SRZ) encroachment (this is considered further below) and installing the root barrier in the location between the nominated tree and the fence, the following process follows AS4970-2009 Protection of trees on development sites.

1. Within the tree protection zone (TPZ), and spanning the TPZ length of the shared fence line within the TPZ, a three-metre-deep trench must be excavated with a hydrovac to ensure tree roots are exposed but not damaged. **This must occur under the supervision of the minimum AQF level 5 Project Arborist.**
2. **The roots within the aforementioned trench must be pruned by the or under the supervision of the minimum AQF level 5 Project Arborist**
3. A three-metre-deep root barrier is to be installed within the aforementioned trench. **This must be undertaken by the minimum AQF level 5 Project Arborist.**
4. The aforementioned trench must be back filled in a time frame specified by the minimum AQF level 5 Project Arborist and will be determined by the weather at the time of works and the roots found during this process. **This must occur under the supervision of the minimum AQF level 5 Project Arborist.**

If this risk reduction works were to occur, they will be within the TPZ with an incursion of 47.4% which also extends into the SRZ (Proofsafe, n.d.) (refer figure 6).

AS4970-2009 section 1.4.5 defines the SRZ as

“Structural root zone (SRZ)

The area around the base of a tree required for the tree’s stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres.

This zone considers a tree’s structural stability only, not the root zone required for a tree’s vigour and long-term viability, which will usually be a much larger area”.

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AS4970-2009 section 1.4.7 defines the TPZ as

“A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree’s roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development”.

AS4970-2009 section 3.3.3 defines a major encroachment as

“If the proposed encroachment is greater than 10% of the TPZ or inside the SRZ (see Clause 3.3.5), the project arborist must demonstrate that the tree(s) would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods and consideration of relevant factors listed in Clause 3.3.4”.

The required risk reduction work falls within the definition of major encroachment from AS4970-2009. Therefore, to reiterate, AS4970-2009 section 3.3.3 states “the project arborist must demonstrate that the tree(s) would remain viable”.

There is no scientific arboricultural literature in existence available for a consulting arborist to use to demonstrate that cutting out such large quantities of a tall mature tree’s roots (47.4% of the TPZ and a large portion of the SRZ in that area) is a viable solution and that the nominated tree would remain stable and viable, therefore 3(c) is proven to be ineffective and 3 (d) is demonstrated.

The tree is recommended to be removed and replaced.

Kind regards



Dylan Tempest Grad Cert Arb, Dip Arb, Cert III Arb, QTRA Adv, QTRA, ISA TRAQ, Lic AL2360

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Ph: 0400 259 505

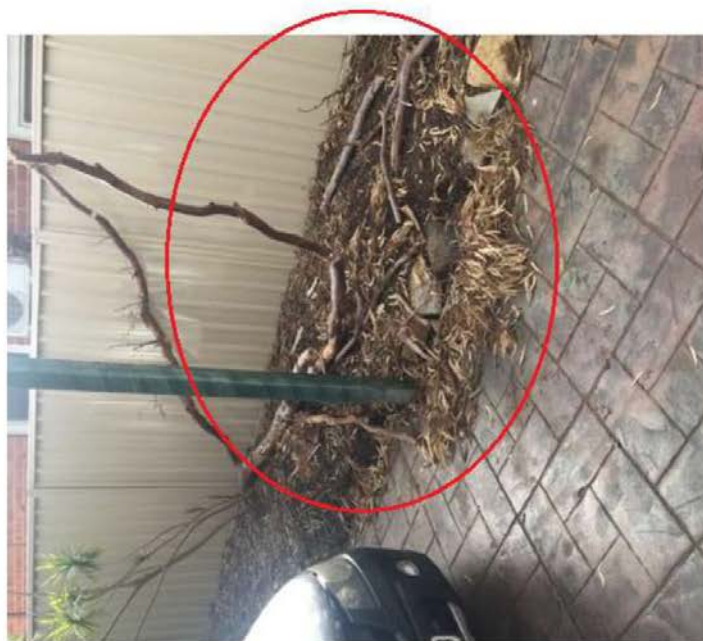
dylan@ttconsulting.net.au

www.ttconsulting.net.au

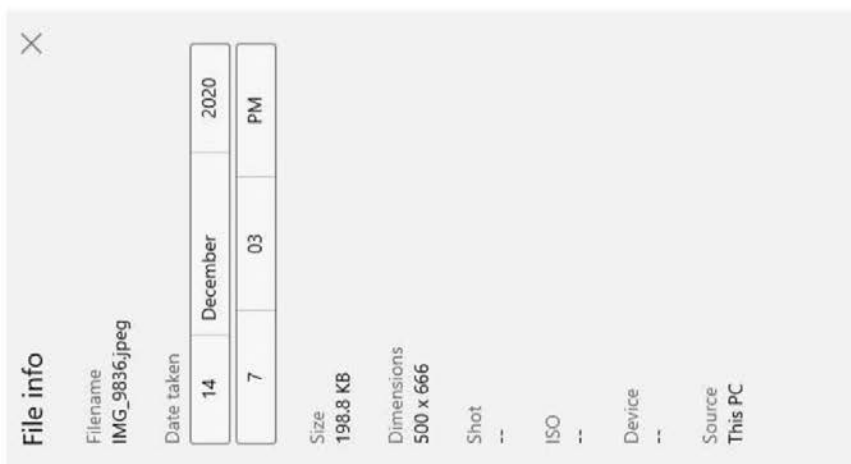
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FIGURES:

Filename IMG_8669 (002).JPG			
Date taken			
25	June	2020	
11	42	AM	
Size 156.8 KB			
Dimensions 600 x 800			
Shot --			
ISO --			
Device --			
Source This PC			

**Figure 1: Remains of failed tree branch from 25 June 2020**

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**Figure 2: Failed tree branch from 14 December 2020**

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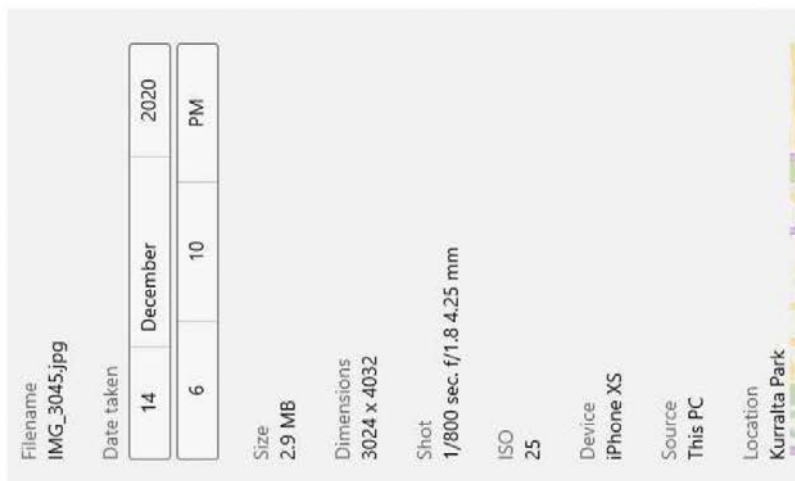


Figure 3: Failed tree branch from 14 December 2020 with epicormic growth.

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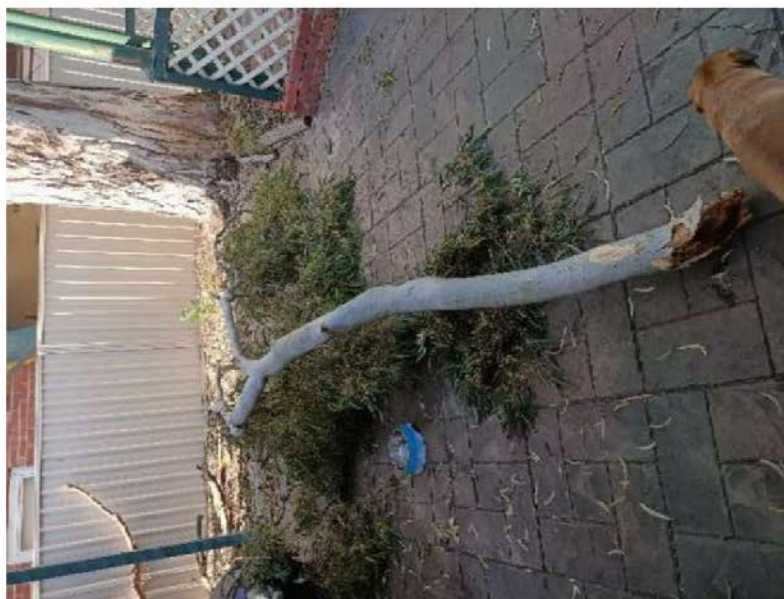
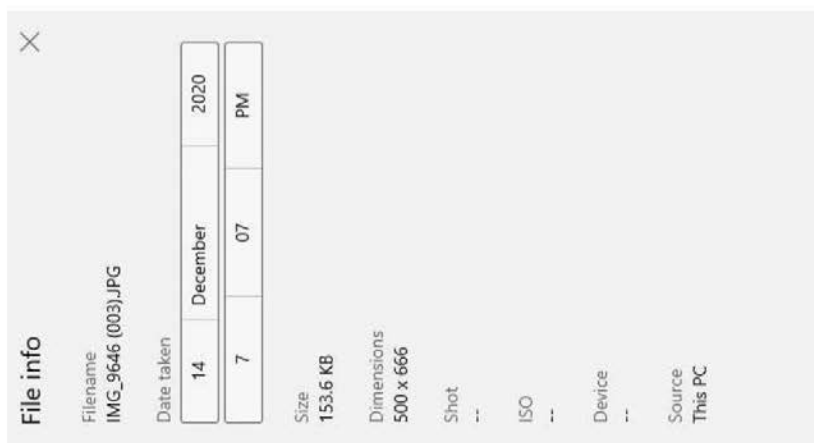


Figure 4: Failed tree branch from 14 December 2020 with epicormic growth.

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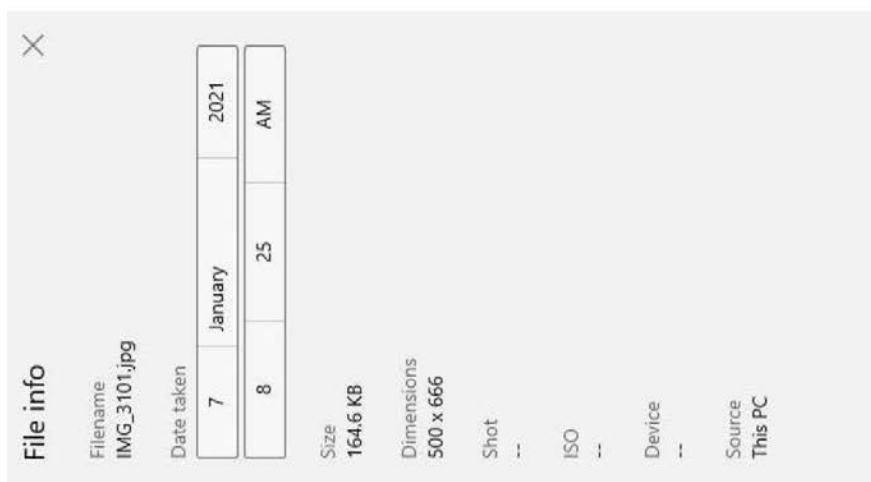


Figure 5: Failed tree branch from 07 January 2021.

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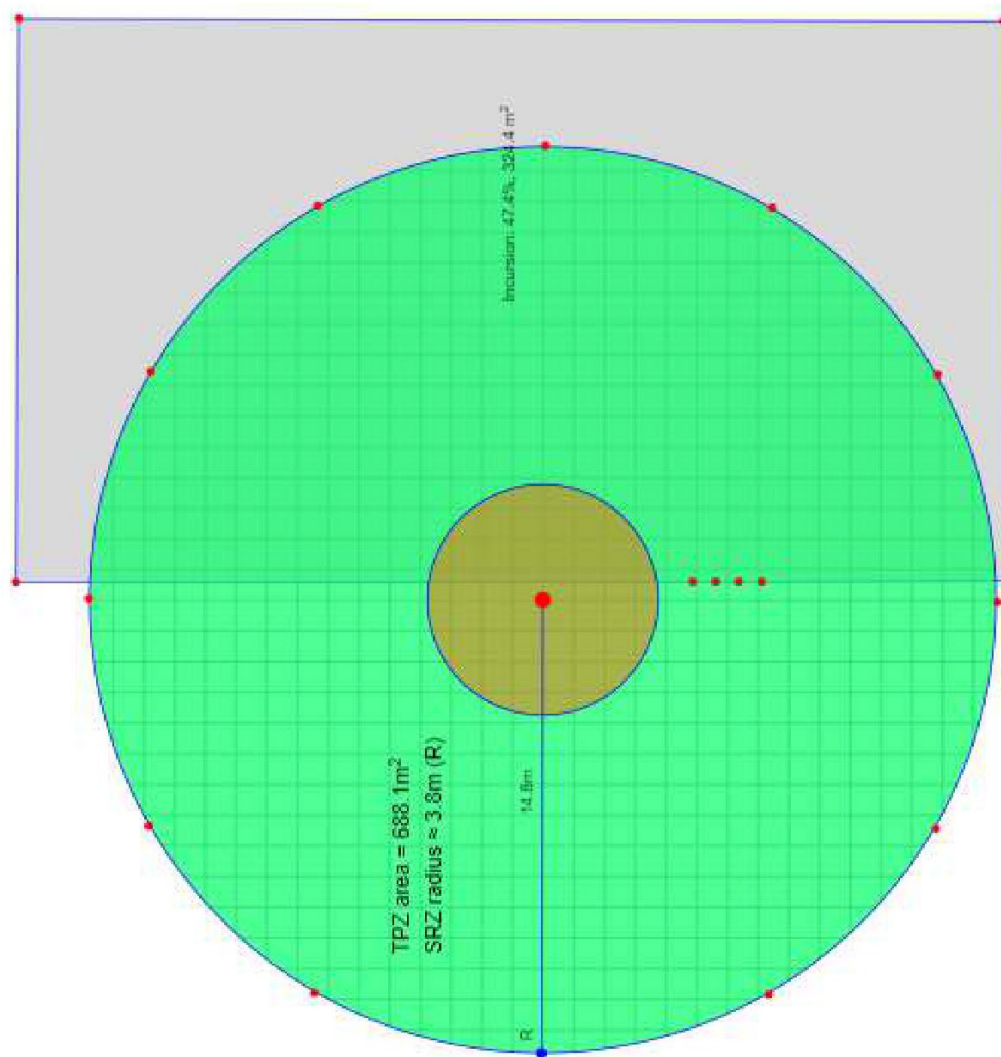


Figure 6: TPZ impact of 47.4% inclusive of an SRZ impact to root prune and install a root barrier in the required location (Proofsafe, n.d.)

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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.

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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Date: 12 February 2021
Ref: 2021-11186

Mr Maurice Wilcox
11 Clifford Avenue
Kurralt Park SA 5037
Email: maurice.wilcox@bhp.com

Dear Mr Wilcox,

Re: Assessment of damage to 9 & 11 Clifford Avenue Kurralt Park

As requested by the client, Ryan Thyer, a Senior Structural Engineer for MLEI, inspected the properties at 9 & 11 Clifford Avenue Kurralt Park on February 11th 2021, in relation to the influence of the large significant tree located in close proximity to each residence. The inspection was limited to readily accessible areas both internal and external to 11 Clifford Avenue. Only the external areas of 9 Clifford Avenue were accessible at the time of the inspection.

The residence at 11 Clifford Avenue was originally constructed in 1925 and consists of a timber framed roof structure supported on double brick walls internally and externally. No articulation joints are present within the masonry walls.

The residence at 9 Clifford Avenue appears to be of similar age for the original construction, with an extension evident to the south elevation. The original portion is likely to be constructed using double masonry walls without articulation.

The tree to the rear of the property is approximately 30m tall with a canopy spread radius of approximately 20m. Both residences are located below the tree canopy and likely to be within the root zone of the tree, as noted in Tertiary Tree Consulting report dated 30th November 2020.

Upon review of the structures at 9 and 11 Clifford Avenue, the following was observed on site:

- Diagonal cracking to walls of varying widths and severity, ranging from 10-25mm predominantly located diagonally from wall openings (doors/windows)
- Internal wall cracking from openings leading to cornices and fixtures coming free
- External pavement raised and cracked/damaged as a result of significant soil heave in the vicinity of the subject tree
- Damaged roof sheet and gutters no longer water tight due to falling limbs
- Visible movement occurring to the fence on the boundary

In accordance with A 2870 – Residential Slabs and Footings, the damage noted to the structure can be classified as moderate-severe given the frequency of cracking to the masonry walls and the width of cracks noted.

APPENDIX C

CLASSIFICATION OF DAMAGE DUE TO FOUNDATION MOVEMENTS

(Normative)

Classification of damage with reference to wall is given in Table C1. Classification of damage with reference to concrete floors is given in Table C2.

TABLE C1

CLASSIFICATION OF DAMAGE WITH REFERENCE TO WALLS

Description of typical damage and required repair	Approximate crack width limit (see Note 1)	Damage category
Hairline cracks	<0.1 mm	0 Negligible
Fine cracks that do not need repair	<1 mm	1 Very slight
Cracks noticeable but easily filled. Doors and windows stick slightly	<5 mm	2 Slight
Cracks can be repaired and possibly a small amount of wall will need to be replaced. Doors and windows stick. Service pipes can fracture. Weather tightness often impaired	5 mm to 15 mm (or a number of cracks 3 mm or more in one group)	3 Moderate
Extensive repair work involving breaking out and replacing sections of walls, especially over doors and windows. Window frames and door frames distort. Walls lean or bulge noticeably, some loss of bearing in beams. Service pipes disrupted	15 mm to 25 mm but also depends on number of cracks	4 Severe

NOTES:

- Where the cracking occurs in easily repaired plasterboard or similar clad-framed partitions, the crack width limits may be increased by 50% for each damage category.
- Crack width is the main factor by which damage to walls is categorized. The width may be supplemented by other factors, including serviceability, in assessing category of damage.
- In assessing the degree of damage, account shall be taken of the location in the building or structure where it occurs, and also of the function of the building or structure.

Figure 1 - Excerpt from AS2870

Given the subject tree's close proximity to the footing system, it is highly likely the tree has adversely influenced the moisture condition of the founding soil and directly contributed to the severity of the damage witnessed to each dwelling through excessive foundation movement. Evidence of previous repairs to walls appear to have continued to crack since completing the repair, indicating the movement is ongoing.

It is likely that ongoing moisture changes compounded by the subject tree's root system shall continue to affect both building's foundations in future, leading to ongoing costs for repairs to the building to maintain habitability. There is also a high risk that underpinning of the foundations may be required in the future should the subject tree remain, due to it's influence on the soil condition, and the construction type of each dwelling.

Underpinning is the process of temporarily excavating below the footing system to install a new concrete pier below the level of influence of the affected soil. As this process must occur in stages to maintain the stability of the building, it can become a significant cost to the owner.

During the inspection, it was noted that a number of significant limbs had fallen recently on each property, causing damage to the roof sheeting and other building components. This poses an ongoing safety risk to the occupants of each dwelling due to the potential of relatively large limbs dropping from height and causing injury.



I trust the above is of your assistance. If you require further information, please do not hesitate to contact me on the office contacts listed below or email rthyer@mlei.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R Thyer'.

Ryan Thyer B.E (Civil/Structural), MIEAust, CPEng NER

Senior Structural Engineer

For, and on behalf of, MLEI Consulting Engineers

Inc. Inspection Photos



Figure 2 - Rear view of 11 Clifford indicating location of subject tree



Figure 3 - Cracking and displacement of bricks at 11 Clifford



Figure 4 - Internal cracking to walls at 11 Clifford



Figure 5 - Previously repaired wall crack reopening - 11 Clifford



Figure 6 - Active crack at 11 Clifford

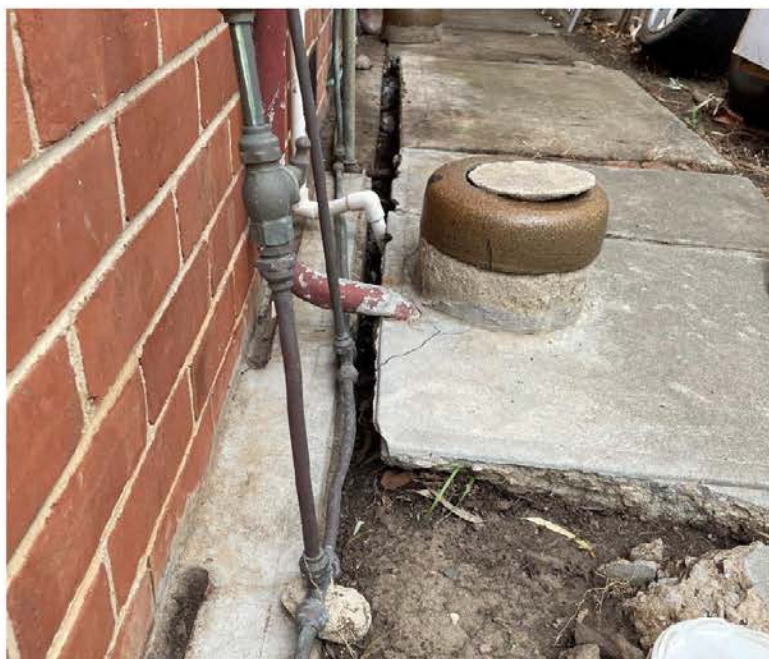


Figure 7 - Severely damaged perimeter pavement - 9 Clifford



Figure 8 - 20+ mm wide crack at 9 Clifford



Figure 9 - Large cracking to internal wall - 9 Clifford (Owner Provided)



Figure 10 - Large internal cracking - 9 Clifford (Owner Provided)



Our ref: PMM/221024

2 March 2021

Ms Sonia Gallarello
Senior Development Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

By email: sgallarello@wtcc.sa.gov.au

Dear Sonia

DA 211/1235/2020 – Significant Tree removal - 11 Clifford Avenue, Kurralt Park

Our firm has been engaged by Mr Maurice Wilcox to assist with the abovementioned development application (DA).

I understand the DA will shortly be presented to the Council's Assessment Panel (**Council Assessment Panel**) for determination.

The purpose of this letter is to provide further information to the Council for consideration concerning my client's application and to make submissions in support of the proposal to remove the tree.

I set out my client's position and the basis for it below.

To supplement the documents already submitted to the Council with my client's application, please find **enclosed** the following further documents:

1. Addendum report of Dylan Tempest dated 26 February 2021 and
2. Engineering report of Mr Ryan Thyer dated 12 February 2021.

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The Development Plan - tree removal

I respectfully remind the Council of the Development Plan's test for the removal of significant trees in PDC 3 of the General Section relating to Significant Trees in the Development Plan:

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; or

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

(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within the Bushfire Prone Area

(b) the tree is shown to be causing or 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.

(d) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.¹

(my underlining)

The ERD Court has established² (and as is clear from a plain reading of PDC 3), that:

- if a tree that is otherwise worthy of retention³ satisfies one or more of the "tree removal" criteria in PDC 3(a)(1)(i) - (iii); and
- all other **reasonable** remedial treatments and measures have been determined to be ineffective

then PDC 3 justifies its removal.

As the South Australian Supreme Court held in relation to a provision very similar to PDC 3, the Development Plan test is not a "preserve at all costs" test, nor does it exhibit any bias in favour of the removal of any tree:

...In my view the Significant Tree provisions in the Development Plan do not exhibit a bias one way or the other. Developments that will give rise to tree damaging activities are permitted in the circumstances specified in the Principles of Development Control and not otherwise.⁴

Simply, the Development Plan test in PDC 3 must be applied and the application assessed fairly and objectively and having regard to the "on ground realities" and the relevant surrounding circumstances.

¹ West Torrens Council, General Section, Significant Trees, Principle of Development Control 3, p. 86.

² *Summers v City of Unley* [2002] SAERDC 113.

³ Pursuant to the criteria set out in PDC 83.

⁴ *Staikopolous v City of West Torrens* [2016] SAS 183, per Stanley J at [46].

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- 3 -

The Council's position and my client's response

In support of its current position on the tree, the Council relies on the opinions expressed in Mr Jarrad Allen's report dated 8 January 2021 (**Mr Allen's Report**).

Essentially, Mr Allen's view is that the proposed removal is unjustified and my client has not provided sufficient evidence that can be considered as satisfying the criteria required for removal.⁵

Mr Allen, states, at page 2 of his report that the tree has "*good overall health, structure and long safe life expectancy*".

However, interestingly, Mr Allen accepts, that the tree represents an unacceptable risk to public or private safety and the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.⁶ His views here appear to contradict his statement referred to above.

I note that Mr Allen inspected the tree in July 2019 and again on 16 December 2020. He noted, in his most recent report, that "*since my last assessment in July 2019, there are no signs of reduced health or vigor*". However, as set out in the addendum prepared by Mr Dylan Tempest (**enclosed**) limb failure occurred on 25 June 2020, 3 limb failures occurred on 14 December 2020 and limb failure occurred on 7 January 2021. It is our view that the recent escalating occurrences of limb failure suggest the tree has indeed reduced in health and vigour.

Mr Allen went on to refer to a report prepared by him in July 2019 where he, at the time, stated that there was "*no evidence of limb failure*" and that the lack of limb failure was "*a typical characteristic of a healthy, vigorous*" tree. Clearly, there are recent examples of multiple limb failures and we submit that the recent limb failure supports the view that the tree has reduced in health and vigour.

In Mr Allen's view "*pests and diseases often capitalise on trees with reduced vigour which can accelerate their decline*". It is our view, that the presence of Longicorn Beetles (borers) (the presence of which has been agreed by both Mr Allen and Mr Tempest) again indicates the reduced vigour of the tree. According to Mr Allen where a tree is reduced in vigour, borers can accelerate their decline. We would, again, submit this is the case in this instance.

To overcome the unacceptable risk to safety, Mr Allen recommends reducing lateral growth over the rear yard of 11 Clifford Avenue and over the dwelling of 9 Clifford Avenue. This would involve considerable pruning as it is evident from the aerial images that nearly the entire tree extends either over the rear yard of 11 Clifford Ave or the dwelling of 9 Clifford Avenue. Mr Allen also appears to suggest that major deadwood and other branches that are gradually increasing in length and density be removed. Clearly, Mr Allen's recommendations include significant and widespread pruning.

We have provided Mr Allen's Report to Mr Tempest for his comment and response. Importantly, it is Mr Tempest's view that pruning does not represent a viable method to reduce the risk to safety in this instant. This is because the extent of pruning required to

⁵ Allen, Jarrad, *Arboricultural Assessment of Non-Council Owned Significant Tree/s* dated 8 January 2021, p.3.

⁶ Ibid, p. 2.

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- 4 -

reduce the risk would be so significant and there would be no guarantee the tree would recover from such pruning.⁷ In Mr Tempest's expert opinion the pruning required to eliminate the safety risks posed by the tree would go beyond maintenance pruning and would fall within what is referred to as remedial restorative pruning.⁸ This would result in nearly the entire removal of the tree; topping the tree 1 – 2 metres above the main union.⁹ This would severely diminish the aesthetic and bio-diversity value of the tree.

Further, Mr Tempest is of the view that removing large amounts of the canopy (as Mr Allen proposes) will reduce the trees ability to photosynthesise which is essential for continued growth and survival. This would further reduce the short life expectancy of the tree. For these reasons, Mr Tempest does not consider pruning as a viable option.

Mr Ryan Thyer's Report

My client has also engaged the services of Mr Ryan Thyer, a senior structural engineer. Mr Thyer has prepared a report dated 12 February 2021 (**Mr Thyer's Report**) a copy of which is **enclosed**.

Mr Thyer's report concludes that the tree is causing ongoing, excessive foundation movement to the nearby dwellings and there is a high risk that underpinning will be required in the future to ensure the dwellings at 9 and 11 Clifford Avenue are stable.

It is important to note that Mr Allen is also of the view that the tree is causing or threatening to cause substantial damage to a substantial building or structure of value.¹⁰

No reasonable remedial treatments or measures

Given the reports prepared by both the expert engaged by the Council and the experts engaged by my clients agree that the tree represents an unacceptable risk to public or private safety (and thereby fulfils the criteria set out in PDC 3 of the Development Plan relating to Significant Trees) the question remaining is whether "*all other reasonable remedial treatments and measures have been determined to be ineffective*".¹¹

Mr Allen submits that pruning effectively mitigates the safety risks posed by the tree. Mr Allen offers no other suggestions, remedial treatments or measures.

Mr Tempest considers a range of remedial treatments and measures including, land use modification, construction of an under crown protective structure, bracing and pruning. Ultimately, Mr Tempest determines that all other reasonable remedial treatments and measures are ineffective and the complete removal of the tree is warranted.

Summary

On the basis of the reports of Mr Tempest and Mr Thyer our client strongly contends that this application for tree removal is eminently reasonable, satisfies the tree removal criteria in PDC 3 of the Development Plan and is worthy of approval.

⁷ Tempest, Dylan, *Addendum A1* dated 26 February 2021, p. 4.

⁸ Ibid.

⁹ Ibid.

¹⁰ Allen, Jarrad, *Arboricultural Assessment of Non-Council Owned Significant Tree/s* dated 8 January 2021, p.2.

¹¹ West Torrens Council, General Section, Significant Trees, Principle of Development Control 3 (c), p. 86.

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- 5 -

It is clear that the tree presents an unacceptable risk to private safety. It is also clear that there are no reasonable remedial treatments, measures or design solutions available other than tree removal.

We respectfully invite the Council to re-consider its position and approve my client's application for the removal of the Tree.

Yours faithfully



Pip Metljak
BOTTEN LEVINSON
Mob: 0409 812 163
Email: pmm@bllawyers.com.au

Arboricultural Assessment of Non-Council Owned Significant Tree/s

Development Application No: **211/1235/2020**

Referral Due Date: **Wednesday 30 December 2020**

Assessing Officer: **Sonia Gallarello**
 Site Address: **11 Clifford Avenue, KURRALTA PARK SA 5037**
 Certificate of Title: **CT-CT-5748/653**
 Description of Development **Removal of significant tree Eucalyptus camaldulensis (river red gum)**

Please contact the assessing officer on 8416 6221 or email amorden@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: **3900mm**

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 **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 **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 **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:

As requested, a site inspection was carried out on 16th December 2020 on the large River Red Gum located at the above-mentioned address. Plans assessed include an arborist report carried out by Dylan Tempest of Tertiary Tree Consulting Pty Ltd dated 8th June 2019. I provide comments as follow:

This tree is an excellent representative of its species due to its visual amenity, and good overall health, structure and long safe life expectancy. Since my last assessment in July 2019, there are no signs of reduced health or vigor.

As I mentioned in July 2019 "Due to their robust, broad-spreading nature, the *Eucalyptus camaldulensis* contains some slightly over extended limbs where foliage is located mostly at branch extremities, particularly to the west and over dwellings to the north and south. However, no evidence of limb failure was noted. 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."

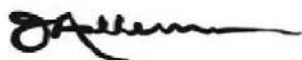
However, based on my recent inspection, it was clear that no tree maintenance had been undertaken as no pruning wounds were visible, indicating none of the over-extended 'at- risk' branches were reduced (larger dark and discoloured wounds are visible within the lower canopy from many years ago). As such, a recent pattern of limb failure has followed causing property damage to the carport, fence and roof panels.

I recommend reducing lateral growth extending over the rear yard of 11 Clifford Avenue, and over the dwelling of 9 Clifford Avenue. As well as major deadwood and where other branches are gradually increasing in length and density. Dozens of suitable reductions points are available and this work can be undertaken while being *in accordance with AS 4373- 07 'Pruning of Amenity Trees'*, drastically reducing the likelihood of further limb failure occurring.

As previously mentioned, 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 nor reduce its life expectancy. Pests and diseases often capitalise on trees with reduced vigour which can accelerate their decline. As the borers continue to attack the declining or dead tree, it is a common misconception among tree owners to think borers are the sole reason for its death when in fact it's an accumulation of many factors such as drought, poor growing conditions, termites, root compaction/ severance from close urban development or many other factors.

As the subject tree is established, deep rooted, and indigenous to the area it does not appear to be negatively impacted by any of these factors mentioned, including the minor Longicorn infestation.

I believe the desired outcome of 'tree removal' is unjustified as the subject tree have not been maintained. 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 highly recommended.

RECOMMENDATION:**RETAIN**

Jarrad Allen
Calypso Tree Co.

Date: 08/01/21

PHOTO's ATTACHED:



Arboricultural Assessment of Non-Council Owned Significant Tree/s

Development Application No: **211/1235/2020**

Referral Due Date:

Assessing Officer: **Sonia Gallarello**
 Site Address: **11 Clifford Avenue, KURRALTA PARK SA 5037**
 Certificate of Title: **CT-CT-5748/653**
 Description of Development **Removal of significant tree Eucalyptus camaldulensis (river red gum)**

Please contact the assessing officer on 8416 6221 or email amorden@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: 3900mm

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 **No**
 - (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 **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 **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:

As requested, a further site inspection was carried out on 10th March 2021 on the large River Red Gum located at the above-mentioned address. Plans assessed include an arborist report carried out by Dylan Tempest of Tertiary Tree Consulting Pty Ltd dated 8th June 2019 and an addendum dated 26th February. I provide comments as follow:

This tree is an excellent representative of its species due to its visual amenity, and good overall health, structure and long safe life expectancy. Since my last assessments between July 2019 and March 2021, there are no signs of reduced health or vigor.

As I mentioned in July 2019 "Due to their robust, broad-spreading nature, the *Eucalyptus camaldulensis* contains some slightly over extended limbs where foliage is located mostly at branch extremities, particularly to the west and over dwellings to the north and south. However, no evidence of limb failure was noted. 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."

However, based on my recent inspection, it was clear that no tree maintenance had been undertaken as no pruning wounds were visible, indicating none of the over-extended 'at-risk' branches were reduced (larger dark and discoloured wounds are visible within the lower canopy from many years ago). As such, a recent pattern of limb failure has followed causing property damage to the carport, fence and roof panels.

As already stated, I recommend reducing lateral growth extending over the rear yard of 11 Clifford Avenue, and over the dwelling of 9 Clifford Avenue. As well as major deadwood and where other branches are gradually increasing in length and density. Dozens of suitable reductions points are available and this work can be undertaken while being *in accordance with AS 4373-07 'Pruning of Amenity Trees'*, drastically reducing the likelihood of further limb failure occurring. This work is considered maintenance and will involve removing less than 30% of live foliage from the tree, therefore, it can be undertaken any time and council approval is not required.

As previously mentioned, 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 nor reduce its life expectancy. Pests and diseases often capitalise on trees with reduced vigour which can accelerate their decline. As the borers continue to attack the declining or dead tree, it is a common misconception among tree owners to think borers are the sole reason for its death when in fact it's an accumulation of many factors such as drought, poor growing conditions, termites, root compaction/ severance from close urban development or many other factors.

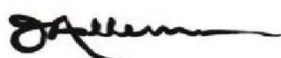
As the subject tree is established, deep rooted, and indigenous to the area it does not appear to be negatively impacted by any of these factors mentioned, including the minor Longicorn infestation.

Addendum A1 recently provided by Tertiary Tree Consulting (dated 26th February) now states that *'the tree (roots) are causing substantial damage to a substantial build or structure of value'* and that there are no viable solutions to address this issue so tree removal is recommended.

Cracking or movement was not observed in either dwelling nor to the boundary fence or paved areas during my site assessments. Due to the deep-rooted nature of *Eucalyptus camaldulensis*, it is extremely common for them to coexist within close proximity of dwellings and structures without causing 'substantial damage'. Furthermore, due to the subject trees size and age, it is deemed 'fully-grown' under existing environmental conditions. Incremental growth of the trunk buttress, root plate and structural roots is expected to slow and the likelihood of problems arising in the future is low.

In areas of expanding clay, trees are often blamed for damaging foundations. Indeed, trees can draw water out of clay soil, causing it to shrink and subside. Yet this type of damage can occur whenever the soil simply dries out in a prolonged drought. Root barriers can help prevent roots from growing too close to foundations, however, the reactive clay soils will most likely continue to change regardless of root interference. It is also not recommended in this case due to the close proximity of the dwelling to the trees structural root zone.

I believe the desired outcome of 'tree removal' is unjustified and unnecessary as the subject tree has not been maintained. 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 highly recommended.

RECOMMENDATION:**RETAIN**

Jarrad Allen
Calypso Tree Co.

Date: 19/03/21

PHOTO'S ATTACHED:





Job number 210044

12 March 2021

Ms Sonia Gallarello
Senior Development Officer-APPS (Acting)
City of West Torrens
165 Sir Donald Bradman Drive
Hilton SA 5033

Dear Sonia

Application to Remove a Tree at 11 Clifford Avenue Kurralt Park

As per Council's request I inspected the existing house at 11 Clifford Avenue Kurralt Park on 10 March 2021 to determine if the tree in the rear yard was causing or threatening to cause significant damage to the houses at 9 and 11 Clifford Avenue. Unfortunately, I was not able to inspect the house at number 9, other than from the front yard as the owner did not appear to be home as there was no answer to my knocking on the front door.

Site Observations

The following site observations were noted during my site inspection.

The existing house at 11 Clifford Avenue was basically constructed of non-articulated solid brick walls, that is no control/expansion joints to the walls, supported on concrete strip footings with suspended timber floors. There was a rear addition constructed of external brick veneer walls with most likely a concrete raft slab, beams and slab poured as one.

The house at number 9 was expected to be of similar construction and it also had a rear addition that was most likely constructed with brick veneer external walls.

The original portion of the house at number 11, the solid brick walls internally did have many cracks, most of which had been repaired in the past but with some that were not repaired. The non-repaired cracks varied from 1 to 3 to 5mm wide and it is possible that some of the repaired cracks may have been slightly worse, but I suspect none would have been more than about 5-10mm wide.

The old ceilings have many cracks at the cornice to wall and ceiling junctions grading up to a maximum 5mm wide.

The addition to the rear was crack free except for a small crack next to a timber roof beam and some minor cracks where the addition meets the original house.

Internally the house at number 9 was obviously not inspected but from the two photos in the MLEI engineer's report there was at least two significant cracks, the worst perhaps about 10 to 15mm wide. It is not known in what part of the house these cracks are located.

Externally number 11 did have a number of cracks to the masonry walls. The addition's brick veneer walls did not have any cracks. There were a couple of cracks to the southern wall of the original house, the worst up to 10mm wide. The short eastern wall of the original house had no significant cracks. The northern wall of the original house also had a couple of cracks, one that may have been patched and another minor crack. The patched crack could have been about 5mm wide,

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1



but it looks like the patching in the mortar joints could have occurred as part of the installation of a new window as the bricks do not line up, so there may have not been a crack here initially.

The worst cracking and movement was to the front, western face and north western corner of the house with a few cracks up to 10mm to 15mm wide. The brick piers to the porch were also leaning out slightly, probably due their footings dropping at the western face of the piers.

Viewing the southern external wall of the house at number 9 from the rear yard of number 11 did not reveal any major cracks, although I could not see all of this wall. The photo in the MLEI report of cracking to the external brick wall was to the northern facing wall.

The tree being considered for removal is located about 7m from the north eastern corner of the original house at number 11 and just inside the boundary fence with number 9 so it would only be about 2m from the external wall of the house at number 9. I estimated the height of the tree to be about 25m with a 20m canopy all round.

Concrete paving adjacent to the house to drain stormwater away from the house at number 11 was provided to the eastern and northern facing walls of the addition and also to the eastern wall of the original house. The area from the northern wall under the carport and including up to the base of the tree was all concrete paved. There were some minor cracks in this large paved area, most close to the tree.

There was concrete paving to the southern side of the house at number 9. The western end of this paving had lifted significantly as shown in the photo in the MLEI report. This section of paving is at least 8 to 10m away from the tree and the paving closer to the tree had not lifted significantly enough to be noticeable. There was plumbing in this area so perhaps a leak had attracted the tree's roots to this area causing the paving to lift.

Except for the rear garden to number 9 that had a lawn that appeared to be looked after to part of its area, the gardens were generally not well maintained, surviving probably mainly on rainfall alone.

Some of the roof stormwater from number 11 was connected to underground piping but the roof water from the carport would flow on to the ground near the boundary with number 9 as part of the gutter and presumably a downpipe no longer existed. There was also a rainwater tank to the south eastern corner that was disconnected from the downpipe to this part of the roof.

Attached at the end of this letter are the photos I took at 11 Clifford Avenue.

Likely Soil Type

The site is located at the edge of a red brown earth RB5 soil, on the soil maps contained in the publication, "Soils and Geology of the Adelaide Area". The adjoining soil type is a mixture of soils with no obvious dominant soil type identified. The TMK soil map that shows the soil heaves for sites that TMK engineers have done works on did have a couple of sites nearby with soil heaves, potential movement up and down of about 60mm. It is likely that the soil at 9 and 11 Clifford Avenue will be similar to these two sites.

This type of soil does contain moderate to highly reactive clays that will shrink and expand significant amounts as their moisture content changes.



Trees require substantial amounts of water from the soil on a daily basis to stay healthy. The roots of a tree will extend out to at least the edge of the canopy of the tree and in some cases even further out seeking the soil moisture they require. The roots of the tree requested for removal would almost certainly extend well under both houses.

A tree's roots magnify the drying out process of a soil as they remove significantly more moisture from the soil than would occur in an area where only shrubs and smaller plants were located. The shrinking movements could on this site increase from 60mm to up to 70 to 80mm.

Likely Cause of Cracking and Movement

The original parts of both houses are expected to only have minimal footings that would not have enough strength and stiffness to resist the normal soil movements expected at the sites so the brittle walls will be subjected to these soil movements resulting in the cracking that has occurred in the past.

The two rear additions would most likely have footings designed for the soils at the sites so at least in the case of number 11 these have performed adequately with no significant cracking observed to the walls of number 11.

Substantial Damage

The tree requested for removal is a significant tree in accordance with the Development Act.

The removal of a significant tree is based on a test as to whether or not it is causing or threatening to cause substantial damage to a substantial building or structure of value.

Clearly the houses at 9 and 11 Clifford Avenue are substantial buildings of value.

Discussion

Some of the cracking to both number 9 and 11 I believe is significant in that the cracks exceed 5mm with some up to 10 to 15mm wide. Such cracks will require significant repair works that may include for the wider cracks some replacement of bricks and hence could be classified as being substantial damage but only in a few limited locations.

However, most of these significant cracks were located to the front of number 11 and at least externally to the northern wall of number 9, well away from the tree. The internal cracks to number 9 may have been located closer to the tree. The visible internal cracks to number 11 were not more than 5mm wide but it is accepted that some of the patched cracks may have been wider than this before they were patched.

Ideally an inspection of number 9 internally would give a better picture of the tree's influence.

Based on what I could inspect I do not believe there are enough significant cracks, particularly in number 11 that allow me to confirm that the tree is causing substantial damage to the house, particularly with 90% of the worst cracks to number 11 well away from the tree, so these cracks are more likely to be due to the soil alone without a major influence from the tree.

The paving that had lifted to the front of number 9 may have been due to a water leak and probably not the tree's roots and as there was no obvious lifting of the paving at number 9 east of the lifted paving and only minor cracking to the extensive paving next to the tree at number 11. It is therefore unlikely that the tree roots are lifting the paving on either site close to the tree.



Better maintenance of the garden areas and the disposal of all roof and paving stormwater to the street or at least well away from the house at number 11 could also limit the amount of wall cracking to this house even if the tree was to remain.

Unfortunately without seeing the inside of number 9, based on my inspection I still believe there is not enough evidence to suggest that the tree is causing or threatening to cause significant damage to either house, particularly if for both sites the gardens are better maintained and at least all of the roof stormwater is connected to the street water table.

My comments only relate to damage caused by the soil shrinking or expanding or the tree's roots physically lifting the footings/paving and not due to falling limbs.

Recommendation

It is recommended that the tree not be removed as it is not in my opinion causing or threatening to cause significant damage to the houses at numbers 9 and 11 Clifford Avenue.

If you have any queries regarding the above, please contact me on 0418839035.

Yours faithfully

Tonkin

David Nash
Building Surveyor/Senior Project Engineer



Cracking to ceiling in hallway



Cracking to front wall in the southern front room

Building exceptional outcomes together

5



Cracking to ceiling front northern room



Crack to wall of living room

Building exceptional outcomes together

6



Cracking where the addition meets the original house



Cracking to southern external wall

Building exceptional outcomes together

7



Patched crack to northern wall, closest to the tree



Paving to carport with tree at rear



Cracks to paving next to the tree



Crack next to front door

Building exceptional outcomes together



Patched crack to the southern end of the front western wall



Cracking to the north western corner



Lean to the front brick piers

6.1.3 14 Rowells Road, LOCKLEYS

Application No 211/225/2021

DEVELOPMENT APPLICATION DETAILS

DESCRIPTION OF DEVELOPMENT	Tree damaging activity - cutting of roots of significant tree - <i>Eucalyptus camaldulensis</i> (River Red Gum)
APPLICANT	Robbie Laycock - Burbank Australia (SA)
LODGEMENT DATE	9 March 2021
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 21 May 2020
DELEGATION	<ul style="list-style-type: none"> 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	Support with conditions
AUTHOR	Sonia Gallarello

BACKGROUND

The application was lodged prior to 19 March 2021 therefore is subject to the transitional provisions in the *Planning, Development and Infrastructure Act 2016* (PDI Act) and to be assessed against the Development Plan in accordance with Regulation 11(2) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*.

This application arose due to a compliance matter. Excavation works occurred on 22 January 2021 on the subject land. A trench was formed using a small excavator on the northern side of the subject site to accommodate electrical supply for an approved 'two storey detached dwelling with alfresco' under construction on the subject land (DA 211/766/2020). Council's City Operations and City Development team were notified and inspected the subject site. Several large roots had been severed/damaged in the excavation process with around 5 roots greater than 100mm in diameter cut and removed, some were laying on the ground.

The Development Approval for the construction of the dwelling had a series of conditions imposed including two that related to the protection of the significant tree throughout construction:

- "6. The significant tree located in the front yard identified for retention on the approved plans herein granted consent shall be protected during the entire construction period of the development. The area in which the tree's branches and roots are located shall be protected by the erection of a secure fence prior to the commencement of any building work on the subject land. The following requirements shall be complied with in accordance with *Australian Standard 4970-2009: Protection of Trees on Development Sites* to the reasonable satisfaction of Council:

- The fence shall consist of a 1.8 metre high solid, chain mesh, steel or similar fabrication.
- A clearly legible sign displaying the words "Tree Protection Zone - Keep Out" shall be positioned on each side of the fence.
- The fence shall not be erected closer to the tree than 12.6 metres (TPZ). Exemption must be made when constructing the dwelling and the barrier shall be reduced accordingly during the short term.
- The applicant or the person(s) having the benefit of this consent shall ensure that the fence is maintained in good order and remains in place around the tree throughout the course of the construction of the development.
- Any work required to be undertaken within the Tree Protection Zone shall be conducted using non-destructive excavation methods (hand digging or Hydro Vac set at a pressure no greater than 700psi). Machine excavation is prohibited.
- Any paving within the Tree Protection Zone should be constructed of permeable paving.
- No materials, soil or vehicles shall be stored within the Tree Protection Zone.
- At each service installation by SA Water, Gas contractors, Telstra NBN and the like, notification must be given to Council's Arboriculture staff (ph. 8416 6333) of the proposed installation date and method of the service.
- All personnel and contractors should be briefed regarding the purpose of the Tree Protection Zone and activities prohibited within the Tree Protection Zone.

Reason: To ensure that the health of the regulated/significant tree is not adversely affected during the course of development.

7. The following activities are excluded within the Tree Protection Zone (12.6m from the tree) of the tree:

- Machine excavation including trenching;
- Excavation for site fencing;
- Use of non-permeable paving or trenching;
- Cultivation;
- Storage;
- Preparation of chemicals, including preparation of cement products;
- Parking of vehicles and plant machinery;
- Refuelling;
- Dumping of waste;
- Wash down and cleaning of equipment;
- Placement of fill;
- Lighting of fires;
- Soil level changes aside from minimal reducing of the soil to allow for permeable paving;
- Temporary or permanent installation of utilities and signs; and
- Physical damage to the tree.

Reason: To ensure that the health of the regulated/significant tree is not adversely affected during the course of development."

Given the contrary action of the building contractors in terms of non-compliance with conditions 6 and 7, the builder Burbank Homes was issued with a Section 84 enforcement notice under the *Development Act 1993*. Subsequent to lodgement of this application a Tree Protection Zone has been installed on site. The trench remains open and building works have recommenced on site.

The subject tree has been subject to numerous development applications all of which have been refused previously by the CAP.

A copy of the Section 84 enforcement notice and photos of the tree damaging activity that occurred 22 January 2021 are contained in **Attachment 1**.

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.

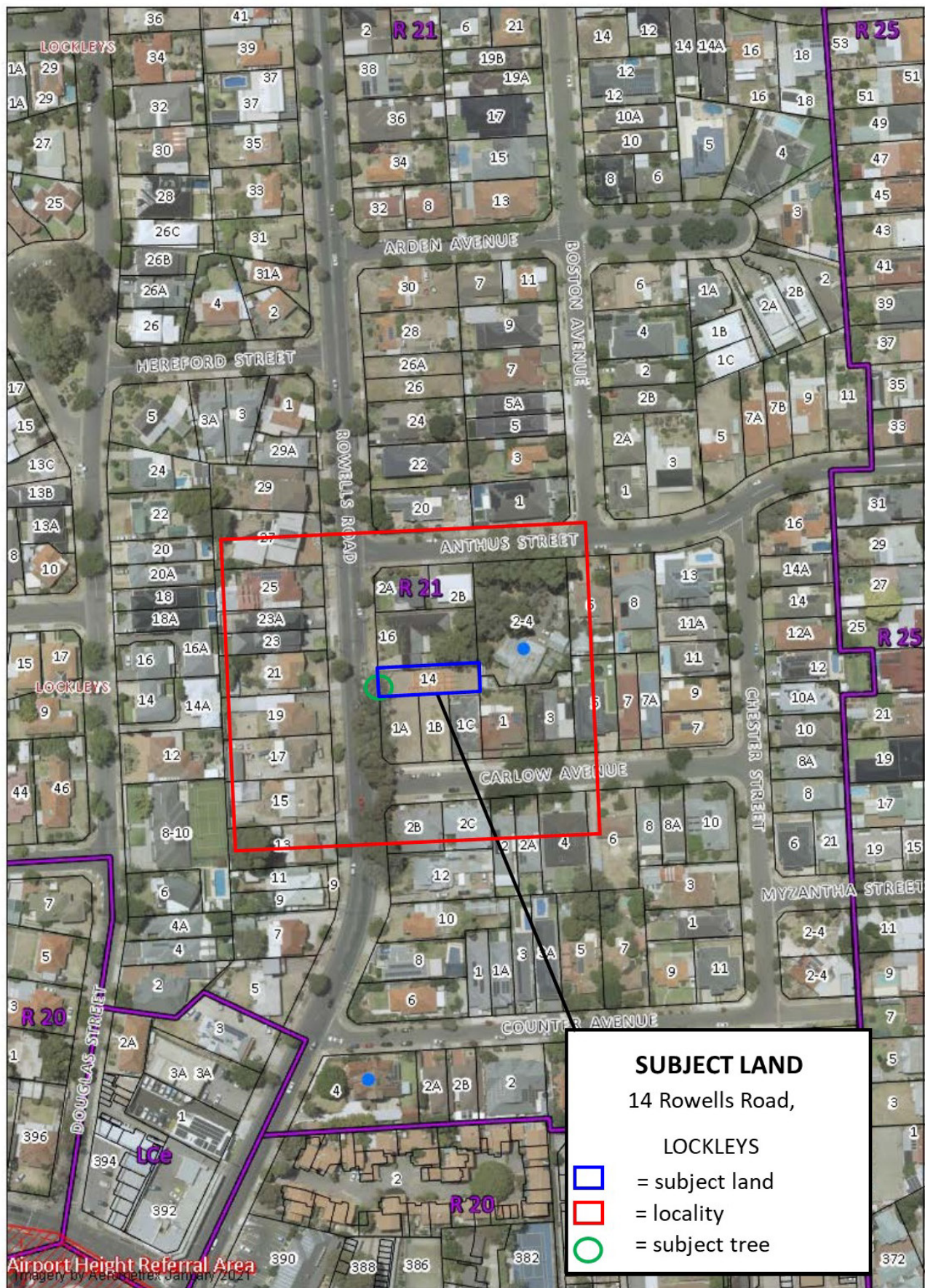
The site is relatively flat and is currently vacant, but with a recently poured slab in preparation for a dwelling.

The locality largely consists of single storey detached dwellings on generously sized allotments. There are a number of larger trees in the 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
211/1150/2020	Construction of a swimming pool and associated safety barrier	Approved	16 December, 2020
211/766/2020	Construction of a two-storey detached dwelling and alfresco	Approved	6 November 2020
211/1158/2019	Removal of a significant tree - <i>Eucalyptus camaldulensis</i> (River Red Gum)	Refused (CAP)	21 January 2020
211/799/2019	Removal of significant tree - <i>Eucalyptus camaldulensis</i> (River Red Gum)	Refused (CAP)	10 September 2019
211/461/2019	Removal of significant tree - <i>Eucalyptus camaldulensis</i> (River Red Gum)	Withdrawn	20 August 2019
211/514/2017	Removal of one regulated and one significant tree	Refused (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

PROPOSAL

The applicant proposes to undertake tree damaging activity and specifically cutting of roots of significant tree of a *Eucalyptus camaldulensis* (River Red Gum).

The applicant has provided supporting information from Arborman Tree Solutions. This report identifies four roots having been severed within the trench, one root is approximately 250mm in diameter and three roots 120-150mm in diameter. Moderate damage is displayed to these roots as a result. The larger root (in terms of diameter) appears to have an older severance. The tree continues to show decline and all new growth is epicormic. Dead timber exists within the canopy where dieback has occurred. Borer activity exists within the tree. The Applicant's arborist has stated the subject damage is unlikely to hasten the tree's decline, however it is advised the tree is unlikely to recover regardless of this.

At the time of writing the report, there were no tree protection measures in place, despite the Applicant's arborist recommending the implementation of a Tree Protection Zone.

A copy of the application form, arborist report and site plan submitted by the applicant is contained in **Attachment 2**.

PUBLIC NOTIFICATION

Tree damaging activity is a Category 1 form of development pursuant to Schedule 9, Part 1 (13) of the *Development Regulations 2008*.

As the proposal is Category 1, public notification was not required to be undertaken.

INTERNAL REFERRALS

Department	Comments
Arboriculture Advisor (Calypso)	<ul style="list-style-type: none"> • Works were carried out <u>that were not in accordance</u> with 'Australian Standard 4970-2009 'Protection of Trees on Development Sites' due to lack of protection methods in place and invasive methods while excavating within the Tree Protection Zone (TPZ). • Minor root damage was inflicted. • The damage is deemed to be tolerable and the structural stability of the tree is not considered to be jeopardised. • Recommendations additional to actions listed in Conditions 6 & 7 include: <ul style="list-style-type: none"> ○ Backfilling the trench with soil. ○ Mulching around the tree with organic material to a depth of 75-100mm. ○ Install a temporary dripper irrigation system under the crown to the extent of the crown and surrounding soil shall be well hydrated. ○ No live foliage should be removed from the tree. • The potential for further impacts to the tree is defined as low if above recommendations are followed.

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 21 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>

<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>	
<i>Objectives</i>	<i>4</i>
<i>Principles of Development Control</i>	<i>5</i>

Low Density Policy Area 21 - Desired Character	
<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>	
<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>	
<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>	
<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>	
<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/Significant Trees:

Character and Visual Amenity

In *Prestige Wholesale v City of Burnside*, the Environment, Resource and Development (ERD) Court held that the initial question to ask in respect to a significant tree are 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 is warranted.

The tree continues to provide a positive amenity as one of a stand of four large River Red Gum trees that line Rowells Road. The tree is significant with a solid trunk and associated broad canopy. Despite the sparse nature of the 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.



Figure 1: View of the subject tree viewed southeast

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, 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.

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. Damage of the tree is therefore inconsistent with Objective 1 and PDCs 1(c) and 1(e) of the Significant Trees module. Despite the past damage, future damage to the tree can be prevented.

Tree Health

Council's arborist report (Calypso) suggests that the tree damage from the severing of around five roots due to the digging of the trench, was fairly minor and will not affect the structural stability or health of the tree to a significant degree. It is recommended that the builder rectifies the damage that has occurred by returning soil into the trench and follows measures such as:

- Backfilling the trench with soil.
- Mulching around the tree with organic material to a depth of 75-100mm.
- Install a temporary dripper irrigation system under the crown to the extent of the crown and surrounding soil shall be well hydrated.
- No live foliage should be removed from the tree.

The applicant's arborist report (Arborman Tree Solutions) acknowledges that four roots were exposed during the digging of a trench. Three of these roots 120-150mm in diameter remain functional. The fourth root, around 250mm in diameter had not been recently severed but appeared to be severed some time ago. It is suggested that the condition of the tree is unlikely to recover regardless of the recent excavation. More broadly the report discusses that the tree shows severe decline with all recent new growth being epicormic. Dieback has occurred on the branch tips with dead timber extending into the crown. The tree also shows signs of borer activity.

This application is not for the complete removal of the tree, rather an assessment of the retrospective damage to the tree. It is evident that both arborists do not deem that the recent damage to the roots has caused a serious decline in the health of the tree, therefore PDC 2 of the Significant Tree module has been satisfied.

Remedial Measures

The actions that led to the severing of the roots occurred as a result of non-compliance and disregard of conditions 6 and 7 of DA 211/766/2020. The root damage was fairly minor. The tree's structure and health is not anticipated to decline any further due to this action, providing future compliance with existing conditions.

Additional remedial measures have been suggested by Calypso to the conditions, of which should safeguard further damage or deterioration of the tree given during completion of construction. Arborman Tree Solutions have not provided options for remedial measures other than the recommendation for the installation of the Tree Protection Zone (TPZ) and meet Australian Standard AS 4790-2009 *Protection of trees on development sites*.

Should the owner, builder and contractors on the subject site install the TPZ and comply with conditions 6 and 7, together with the additional measures specified above, the tree should not further deteriorate as a result of this tree damaging activity.

The applicant has been advised that these measures may occur prior to the determination of the application, in particular the backfilling of the trench. The applicant or owner may also conduct pruning of the tree subject to a qualified arborist's review and recommendation. While this was not the subject of the application, nor recommended by the arborists, removal of deadwood is an available option for the tree's maintenance.

SUMMARY

The subject tree continues to contribute to the locality in terms of amenity and environmental value. The tree is anticipated to recover from the root damage and with protective measures for future construction, it is hoped the future health of the tree does not further decline. A condition has been recommended with remedial measures to improve the future of the tree's health.

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 the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 21 May 2020 and warrants Development Plan Consent and Development Approval.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land, resolves to GRANT Development Plan Consent and Development Approval for Application No. 211/225/2021 by Robbie Laycock - Burbank Australia (SA) to undertake Tree damaging activity - cutting of roots of significant tree - *Eucalyptus camaldulensis* (River Red Gum) at 14 Rowells Road, LOCKLEYS (CT 6187/859) subject to the following conditions of consent:

Development Plan Consent Conditions

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application prior to occupation of the development except where varied by any conditions listed below:
 - Site layout plan by Intrax Housing.

Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.
2. The following treatments for the significant tree shall be carried out within 2 months from the date of this development approval:
 - Backfilling the trench with soil.
 - Mulching around the tree with organic material to a depth of 75-100mm.
 - Install a temporary dripper irrigation system under the crown and to the extent of the crown for a period of six months.

Reason: To assist the health of the significant tree during the course of development.

Attachments

1. Section 84 notice and photos of tree damaging activity
2. Development application form, applicant's arborist report and site plan
3. Council's arborist report



22 January 2021

Dear Sir/Madam,

Significant Tree at 14 Rowells Road, LOCKLEYS SA 5032

I write in regards to the above mentioned property.

Please find enclosed an Enforcement Notice issued under Section 84 of the *Development Act 1993* regarding tree damaging activity at 14 Rowells Road, Lockleys.

Council has not granted approval for the commencement of any tree-damaging activity in relation to the significant tree situated on the land.

Council officers undertook an inspection of the significant tree on 22 January 2021. This inspection revealed that tree damaging activity had been undertaken in relation to the *Eucalyptus camaldulensis* (River Red Gum) situated on the land. It was observed that tree damaging activity had occurred by the practice of machine excavation.

Development Application 211/766/2020 "*Construction of a two-storey detached dwelling and alfresco*" was granted approved on 6 November 2020 and subject to conditions, namely Conditions 6 and 7 which state:

- "6. The significant tree located in the front yard identified for retention on the approved plans herein granted consent shall be protected during the entire construction period of the development. The area in which the tree's branches and roots are located shall be protected by the erection of a secure fence prior to the commencement of any building work on the subject land. The following requirements shall be complied with in accordance with Australian Standard 4970-2009: Protection of Trees on Development Sites to the reasonable satisfaction of Council:
- The fence shall consist of a 1.8 metre high solid, chain mesh, steel or similar fabrication.
 - A clearly legible sign displaying the words "Tree Protection Zone - Keep Out" shall be positioned on each side of the fence.
 - The fence shall not be erected closer to the tree than 12.6 metres (TPZ). Exemption must be made when constructing the dwelling and the barrier shall be reduced accordingly during the short term.
 - The applicant or the person(s) having the benefit of this consent shall ensure that the fence is maintained in good order and remains in place around the tree throughout the course of the construction of the development.

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- Any work required to be undertaken within the Tree Protection Zone shall be conducted using non-destructive excavation methods (hand digging or Hydro Vac set at a pressure no greater than 700psi). Machine excavation is prohibited.
- Any paving within the Tree Protection Zone should be constructed of permeable paving.
- No materials, soil or vehicles shall be stored within the Tree Protection Zone.
- At each service installation by SA Water, Gas contractors, Telstra NBN and the like, notification must be given to Council's Arboriculture staff (ph. 8416 6333) of the proposed installation date and method of the service.
- All personnel and contractors should be briefed regarding the purpose of the Tree Protection Zone and activities prohibited within the Tree Protection Zone.

Reason: To ensure that the health of the regulated/significant tree is not adversely affected during the course of development.

7. The following activities are excluded within the Tree Protection Zone (12.6m from the tree) of the tree:

- Machine excavation including trenching;
- Excavation for site fencing;
- Use of non-permeable paving or trenching;
- Cultivation;
- Storage;
- Preparation of chemicals, including preparation of cement products;
- Parking of vehicles and plant machinery;
- Refuelling;
- Dumping of waste;
- Wash down and cleaning of equipment;
- Placement of fill;
- Lighting of fires;
- Soil level changes aside from minimal reducing of the soil to allow for permeable paving;
- Temporary or permanent installation of utilities and signs; and
- Physical damage to the tree.

Reason: To ensure that the health of the regulated/significant tree is not adversely affected during the course of development."

No requirements as stated in Condition 6 of the approval were implemented on the site.

The *Development Act 1993* ("the Act") and *Development Regulations 2008* provide that a 'significant tree' has a trunk circumference of 3.0 metres or more measured at a point 1.0 metre above natural ground level.

The Act provides that any activity that damages a 'regulated tree' or 'significant tree' is 'development', and as such requires development approval. Specifically, development approval is required for removal, killing or destruction, branch or limb lopping, ringbarking or topping, or any other substantial damage to a significant tree, including to its root system.

Breaches of the provisions relating to significant trees may be enforced using existing provisions under the Act that apply to all other types of development. Under the existing provisions, a person who causes, suffers or permits tree-damaging activity is responsible for the breach.

The maximum penalty for undertaking unauthorised tree damaging activity is \$120,000.

In respect of the enclosed enforcement notice, you are required to comply with the directions as stated in the notice.

If you have any queries regarding this matter, please feel free to contact Merryn Walton on 8416 6333 or email development@wtcc.sa.gov.au.

Yours faithfully,



Merryn Walton
Team Leader Compliance & Monitoring

Enc Section 84 Enforcement Notice

CC

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel: 08 8416 6333
Email: csu@wtcc.sa.gov.au
SMS: 0429 205 943
Web: westtorrens.sa.gov.au



CITY OF WEST TORRENS

ENFORCEMENT NOTICE

SECTION 84(2) DEVELOPMENT ACT 1993

TO:

("You")

FROM: City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033 ("the Council")

WHEREAS:

- A. You are the Builder for development application 211/766/2020 for land described in Certificate of Title Register Book Volume 6187 Folio 859, known as 14 Rowells Road, Lockleys ("**the Land**").
- B. Development Application 211/766/2020 "*Construction of a two-storey detached dwelling and alfresco*" was granted approved on 6 November 2020 ("**the Approval**").
- C. The Approval was granted subject to conditions, namely conditions 6 and 7, Attachment "A".
- D. A *Eucalyptus camaldulensis* (common name River Red Gum) tree is located in the front yard, situated along the western boundary of the Land ("**the Tree**").
- E. The Tree is a significant tree within the meaning of Regulation 6A of the *Development Regulations 2008* ("**the Regulations**") by reason the Tree has a trunk circumference of more than 3 metres when measured at a point 1 metre above natural ground level.
- F. On 22 January 2021, authorised officers from the City of West Torrens ("**the Council**") inspected the Tree and observed that certain work had been undertaken in relation to the tree, namely, the severing of roots of the Tree.
- G. The work referred to in Recital F constitutes "tree-damaging activity" within the meaning of section 4 of the Development Act, 1993 ("**the Act**").
- H. No approval has been granted or obtained under the Act for any tree-damaging activity in relation to the Tree.

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- I. The Council has reason to believe on reasonable grounds that you have breached Sections 32, 44(1), 44(2) and 44(4) of the Act in that you have caused, suffered or permitted development in the form of tree-damaging activity to be undertaken in relation to the Tree without approval under the Act and failed to comply with the Approval ("**the Breach**").
- J. The Council considers that it necessary and appropriate that you be directed to refrain until further notice from the act, or course of conduct, that constitutes the Breach.

NOW TAKE NOTICE that you are hereby directed to:

- (1) Refrain from causing, suffering or permitting any further tree-damaging activity from occurring in relation to the Tree including, but not necessarily limited to, severing, lopping or removal of any branches, limbs, stems or roots.
- (2) Refrain from causing, suffering or permitting anywhere within the area marked "TPZ" on Attachment "B" to this Notice any of the following activities:
 - (i) earthworks in the nature of excavation;
 - (ii) earthworks in the nature of filling (whether or a temporary or permanent nature, and including the deposit of any earth or other material excavated from elsewhere on the site or any adjoining site);
 - (iii) deposit or storage of any building tools, materials or equipment;
 - (iv) vehicle movements.
- (3) Cease and refrain from any and all further development on the Land until Condition 6 of the Approval is satisfied.

AND FURTHER:

You are required to immediately comply with the above directions forthwith and until further notice.

DATED the 22nd day of January, 2021.

SIGNED for and on behalf of the City of West Torrens.



Merryn Walton
Team Leader Compliance & Monitoring

PLEASE NOTE:

1. Failure to comply with a direction issued in this notice constitutes an offence (Section 84 (11) Development Act, 1993).

Penalty: \$20,000
Default Penalty: \$500
Expiation Fee: \$750
2. A person must not undertake development without first seeking Development Approval from the relevant authority. Failure to comply constitutes an offence (Section 44 (1) Development Act 1993).

Penalty: \$120,000
Default Penalty: \$500
3. Section 86 (1)(d)(ii) provides that a person who has been served with an enforcement notice under Section 84 may appeal to the court against the notice.
4. If you fail to comply with the direction issued in this notice within the time specified, the Council may cause the necessary action to be taken.

The reasonable costs and expenses incurred by the Council in taking the necessary action may be recovered from you as a debt.
5. Section 84 (9) provides:

"An appeal against the notice under this section must be commenced within 14 days after the direction is given to the appellant unless the Court allows a longer time for the commencement of the appeal."
6. Subject to any order of the court to the contrary, the operation of a direction is not suspended pending the determination of an appeal (see Section 84[10]).
7. Section 4(1) provides:

"The Court means the Environment Resources and Development Court".

Attachment "A"

Civic Centre
 165 Sir Donald Bradman Drive
 Hilton, SA 5033
 Tel: 08 8416 6333
 Email: development@wtcc.sa.gov.au
 Web: westtorrens.sa.gov.au



DECISION NOTIFICATION FORM

Development Act 1993 – Regulation 42

BURBANK HOMES
 49 The Parade
 NORWOOD SA 5067

DEVELOPMENT NUMBER: 211/766/2020

Dated: 26 August 2020

Registered on:

26 August 2020

Location of Proposed Development

Address: 14 Rowells Road, LOCKLEYS SA 5032

Plan and Lot: D114779 Lot 300

Certificate of Title: CT-6187/859

Nature of Proposed Development:

Construction of a two-storey detached dwelling and alfresco

In respect of this proposed development you are informed that:

Nature of Decision	Date	Conditions
DEVELOPMENT PLAN CONSENT	3 NOVEMBER 2020	9
BUILDING RULES CONSENT	3 NOVEMBER 2020	NIL P/CERT
DEVELOPMENT APPROVAL	6 NOVEMBER 2020	9

Building Classification Granted: 1A, 10A

If there were third party representations, any consent/approval or consent/approval with conditions, does not operate until the periods specified in the Act have expired. Reasons for this decision, any conditions imposed and the reasons for imposing those conditions are set out on the attached sheet.

Date of Decision: 6 November 2020

Josh Banks
 Senior Development Officer
 City Development

PLANNING CONDITIONS 211/766/2020

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

- a) Site Plan, Landscaping Plan, Ground floor plan, First floor plan, Elevations by Burbank, Job No 137790; Site Layout plan by Intrax Housing Job No 143940.

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

2. Prior to the occupation or use of the development, all stormwater design and construction shall be to the satisfaction of Council to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage shall not at any time:

- a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create insanitary or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; or
 - e) Flow across footpaths or public ways.

Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.

3. Prior to the occupation or use of the development, the upper storey windows on the northern (apart from the n-w corner B1 window), eastern and southern elevations of the dwelling shall be fitted with fixed obscure glass (not film coated) or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties. The glazing in these windows shall be maintained in good condition at all times to the reasonable satisfaction of Council.

Reason: To minimise the impact on privacy to residents of adjoining dwellings.

4. All external materials, surface finishes and colours shall be consistent with the information detailed in this application and shall be maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To ensure a high standard of materials and finishes are used in the final presentation of the building.

5. 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.

6. The significant tree located in the front yard identified for retention on the approved plans herein granted consent shall be protected during the entire construction period of the development. The area in which the tree's branches and roots are located shall be protected by the erection of a secure fence prior to the commencement of any building work on the subject land. The following requirements shall be complied with in accordance with *Australian Standard 4970-2009: Protection of Trees on Development Sites* to the reasonable satisfaction of Council:
- The fence shall consist of a 1.8 metre high solid, chain mesh, steel or similar fabrication.
 - A clearly legible sign displaying the words "Tree Protection Zone - Keep Out" shall be positioned on each side of the fence.
 - The fence shall not be erected closer to the tree than 12.6 metres (TPZ). Exemption must be made when constructing the dwelling and the barrier shall be reduced accordingly during the short term.
 - The applicant or the person(s) having the benefit of this consent shall ensure that the fence is maintained in good order and remains in place around the tree throughout the course of the construction of the development.
 - Any work required to be undertaken within the Tree Protection Zone shall be conducted using non-destructive excavation methods (hand digging or Hydro Vac set at a pressure no greater than 700psi). Machine excavation is prohibited.
 - Any paving within the Tree Protection Zone should be constructed of permeable paving.
 - No materials, soil or vehicles shall be stored within the Tree Protection Zone.
 - At each service installation by SA Water, Gas contractors, Telstra NBN and the like, notification must be given to Council's Arboriculture staff (ph. 8416 6333) of the proposed installation date and method of the service.
 - All personnel and contractors should be briefed regarding the purpose of the Tree Protection Zone and activities prohibited within the Tree Protection Zone.

Reason: To ensure that the health of the regulated/significant tree is not adversely affected during the course of development.

7. The following activities are excluded within the Tree Protection Zone (12.6m from the tree) of the tree:
- Machine excavation including trenching;
 - Excavation for site fencing;
 - Use of non-permeable paving or trenching;
 - Cultivation;
 - Storage;
 - Preparation of chemicals, including preparation of cement products;
 - Parking of vehicles and plant machinery;
 - Refuelling;
 - Dumping of waste;
 - Wash down and cleaning of equipment;
 - Placement of fill;
 - Lighting of fires;
 - Soil level changes aside from minimal reducing of the soil to allow for permeable paving;
 - Temporary or permanent installation of utilities and signs; and
 - Physical damage to the tree.

Reason: To ensure that the health of the regulated/significant tree is not adversely affected during the course of development.

Department of Infrastructure and Transport Conditions

8. Vehicular access shall be gained in accordance with Site plan produced by Intrax dated 26 August 2020.
9. Stormwater shall be collected on-site and discharged without jeopardizing safety and integrity of Rowells Road.

BUILDING CONDITIONS 211/766/2020

The Building Rules Consent has been issued by a Private Certifier.
Refer to conditions/notes attached to their Decision Notification.

Notes:

- 1) If you are building up to a common boundary, you are strongly encouraged to consult with the adjoining property owner before commencing any work.

Section 5 of the Fences Act, 1975 requires you to give formal notification to, and consult with, the adjoining property owner if you are replacing an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence. A wall that forms part of a building to be located along the boundary is also subject to this formal requirement.
- 2) It is highlighted that any existing crossing places not providing vehicle access on the approved plans shall be closed off to Council's requirements and any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places shall be located a minimum of 1000mm from any existing or proposed verge features (ie: crossing places, stormwater connections, stobie poles) and a minimum of 2000mm from any existing street tree (unless approval is granted by Council for a closer offset).

An "Application to Construct a Vehicular Crossing Place(s) Across Council Land" is required to be lodged (including payment of lodgement fee) and approved by Council's City Assets Department prior to the undertaking of any works.
- 3) It is highlighted that any existing stormwater drainage connection(s) not required on the approved plans shall be removed to Council's requirements and any new or modified stormwater drainage connection(s) shall be constructed to Council's requirements. New stormwater drainage connection(s) shall be located a minimum of 1000mm from any existing or proposed verge features (ie: crossing places, stormwater connections, stobie poles) and a minimum of 2000mm from any existing street tree (unless approval is granted by Council for a closer offset).

An "Application to Connect a Stormwater Drain(s) Across Council Land" is required to be lodged (including payment of lodgement fee) and approved by Council's City Assets Department prior to the undertaking of any works.

- 4) It is highlighted that any new or modified underground consumer mains connection(s) with the road reserve shall be constructed to Council's requirements.
- An "Application for Permission to Lay Underground Consumer Mains within Council Land" is required to be lodged (including payment of lodgement fee) and approved by Council's City Assets Department prior to the undertaking of any works.
- 5) Any damage to footpaths or driveways resulting from development of the site (including any associated works contractors) shall be rectified by the owner/builder. Any costs of rectifying any such conflict with existing Council infrastructure shall be borne by the applicant.
- 6) The footpath and driveways must be monitored by the owner/builder during development to ensure that any damage which occurs must be rectified immediately to mitigate potential trip hazards and ensure ongoing safety of pedestrians and site workers.
- 7) The footpath and verge area must be kept clear at all times of all obstructions including but not limited to, vehicles, building supplies or materials and debris. Any requirement to place items on the footpath or road requires the written approval of Council's City Assets Department.
- 8) No street trees are to be removed without prior approval from Council and shall be replaced at the applicant's expense to the satisfaction of Council.
- 9) Prior to the commencement of construction of the development herein approved, it is recommended that the applicant employs the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.
- 10) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Refer [Environment Protection Authority](#) for additional details.
- 11) The applicant is reminded that in accordance with the Aboriginal Heritage Act, it is an offence to damage, disturb or interfere with any Aboriginal site, object or remains. The Kaurua Nation Cultural Heritage Association Inc is responsible for undertaking heritage surveys in this area, their contact details are:
Darren Wanganeen, Chairperson
c/- Emma Riggs
Camatta Lempens Pty Ltd Lawyers
Phone: (08) 8410 0211
Email: ERiggs@camattalempens.com.au
- 12) Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, you need to contract a carrier to install telecommunications infrastructure in your new development. Developers can choose any carrier to service their development if they don't choose another carrier.

Telstra is the Infrastructure Provider of Last Resort for smaller developments (less than 100 lots), until the nbn™ rolls out in the area. You can view the nbn™ rollout map [here](#).

Developers are asked to apply at least 6 months before the required date of service to

ensure a connection is ready when residents move in. If you have a new or recently approved development application please visit the [nbn's website](#) to register your development to ensure it is [nbn™ ready](#).

Website Links

Australian Government's [Telecommunications in New Developments](#) policy

How to get nbn™ ready [fact sheet](#)

nbn™ new property [developments page](#)

- 13) Once development approval is granted, the development must be:
- a) Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;
 - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and
 - c) Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.
- 14) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (GPO Box 2465, Adelaide SA 5001).

- 15) Pursuant to Section 59 of the *Development Act 1993* a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or if there is no such licensed building work contractor, the building owner, must, in accordance with Regulation 74 of the *Development Regulations 2008*, provide 1 business days' notice to Council of the following stages of building work:

- The intended commencement of building work on site;
- The intended commencement of pouring of footings;
- The intended completion of wall and roof framing (including top and bottom chord restraints, bracing and tie-downs) and, a completed [Supervisor checklist](#) must be provided to Council within 1 business day of this notice being given;
- Commencement or completion of any verandah or carport that has been attached to existing roof framing and, a completed [Supervisor checklist](#) must be provided to Council within 1 business day of this notice being given;
- The completion of building work.

Note: Where a commencement notice is given, it must include the name, address and telephone number of the persons who are proposed to sign Parts A and B of the [Statement of Compliance](#) under Schedule 19A (if relevant).

Pursuant to Section 59 of the *Development Act 1993*, a completed [Statement of Compliance](#), Parts A & B for the building work must be provided to Council (excludes Class

10 building classification) within 10 business days after a notice of completion with respect to the building work is given.

- Part A of the statement must be signed by the licensed building work contractor responsible for carrying out the relevant building work or, if there is no such person, by a registered building work supervisor or a private certifier;
- Part B must be signed by the owner of the relevant land, or by someone acting on his or her behalf.

Document Issue Date 6 November 2020



Josh Banks
Senior Development Officer
City Development

13 April 2021

[illegible]

Photos from site inspection 22 January 2021

1



Photos from site inspection 22 January 2021

2



Photos from site inspection 22 January 2021

3



Photos from site inspection 22 January 2021

4



Photos from site inspection 22 January 2021

5



Photos from site inspection 22 January 2021

6



Photos from site inspection 22 January 2021

7



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 - 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 2 - location of proposed development

14 300 6187 859

House number

OR

Lot number

DP

CT volume

Folio

Rowells Road

Lockleys

Street name

Suburb

SA

5032

State

Post code

Section 3 - applicant details

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

Robbie

Laycock

Burbank Australia (SA)

Given name

Surname

Company Name

Email robbie.laycock@burbank.com.au

8201 0032

All correspondence relevant to this application which is required to be provided to you under the *Development Act 1993* - including Decision Notification forms, approved plans and other relevant documents, will be provided in **electronic format** only.

Phone

134 Fullarton Road

Rose Park

Postal address

Suburb

SA

5067

State

Post code

Section 4 - owner's details of the subject land

If same as applicant details, please leave blank and go to section 5.

Dominic

Poignand

0411704679

Given name

Surname

Phone

49 kingborn Avenue

Seaton

Postal address

Suburb

SA

5023

State

Post code

dominicpoignand1@gmail.com

Email

Section 5 - contact for further information

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

Robbie	Laycock	Burbank Australia (SA)
Given name	Surname	Company Name
robbie.laycock@burbank.com.au		82010032
Email		Phone

Section 6 - builder's details

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

☐ Owner builder OR ☒ Builder

Burbank Australia (SA)	266709
Name of builder (Company)	Licence number
134 Fullarton Road Rose Park	8201 0032
Postal address	Phone
SA 5067	robbie.laycock@burbank.com.au
State	Post code
Email	

Section 7 - description of development and associated details

Please describe the development (e.g. construction of a single storey dwelling, domestic garage, verandah, tree removal etc.).

Backfill of Excavated Electrical Trench and installation of temporary fencing.

Existing site use: Two storey detached dwelling construction in progress - currently under stop work notice.

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 8 - costing and floor area**

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

Are you applying for the HomeBuilder grant?

\$ 500.00	13.6 m ²	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Estimated total cost of works (excludes fitout)	Estimated floor area of work	

Section 9 - building classificationIf unsure, contact Council on 8416 6333 or email: development@wtcc.sa.gov.au

Current classification	Classification sought

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

Section 10 - 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: 26/02/2021

☒ Applicant ☐ Owner ☐ Authorised agent

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: Lot 300 # 14		Street: Rowells Road Lockleys, SA 5032	
Title: Mr	Given name: Robbie	Family name: Laycock	
Company name: Burbank Australis (SA) Pty Ltd			
Address: 134 Fullarton Road Rose Park, SA 5067			
P/Code: 5067			
Telephone	Mobile	Email address	
8201 0032		robbie.laycock@burbank.com.au	
1. Details of tree			
Circumference of trunk 1m above natural ground level: 4.40 metres			
Height of tree: > 20 Metres			
Spread of tree: > 15 Metres			
Species or type of tree: River Red Gum - Eucalyptus Camaldulensis			
2. Site plan			
Please attach site plan scale not less than 1:200.			
3. Photograph(s)			
Yes <input checked="" type="checkbox"/> If yes provide details No <input type="checkbox"/>			
4. Details of the proposed activity you want to undertake affecting the Regulated/Significant Tree (e.g. pruning, removal etc.).			
Backfill of excavated trench - refer attached arborist report ref # ATS5687-014 RowRdPA relating to the roots in the existing trench that we intend to backfill.			
5. Is the tree, or does the tree appear to be diseased?			
Yes <input type="checkbox"/> If yes provide details No <input type="checkbox"/> TBC			
Refer attached arborist report ref # ATS5687-014 RowRdPA			
*Arborist report states that tree continues to show severe decline with all recent new growth being epicormic on the branches and the trunk.			
6. Does the tree represent an unacceptable risk to public or private safety?			
Yes <input checked="" type="checkbox"/> If yes provide details No <input type="checkbox"/>			
Refer attached arborist report ref # ATS5687-014 RowRdPA			

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 ☐

Refer attached arborist report ref # ATS5687-014 RowRdPA

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

Yes ☐ If yes, provide details No ☒

No - However it is significantly affecting the ability of access the property to build the new proposed dwelling due to the TPZ

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

Yes ☒ If yes, please attach info No ☐

Refer attached arborist report ref # ATS5687-014 RowRdPA

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 ☐

N/A in this instance

Signed:



Date: 24/02/2021



Reference Number:
ATS5687-014RowRdPA

Wednesday, 24 February 2021

Dominic Poignand
E: dominicpoignand1@gmail.com

Dear Dominic,

Re: 14 Rowells Road, Lockleys – Tree Damaging Activity

I have inspected the tree at the above address on 16 February 2021 to determine the level of damage that has been caused due to the recent excavation that has occurred with the Tree Protection Zone of the *Eucalyptus camaldulensis* (River Red Gum).

Four roots were excavated within the trench, three roots of approximately 120 to 150 millimetres in diameter display moderate damage to bark however should remain functional. The fourth root has been severed and is approximately 250 millimetres in diameter, however the severance maybe older than recent excavation as there is no evidence of recent sawdust or fresh pruning; it is likely this root was severed during the demolition. The three recently exposed roots are 5 metres, 6.5 metres and 9.5 metres from the trunk of the nearest tree and it is likely they all are associated with this tree.

The tree continues to show severe decline with all recent new growth being epicormic on the branches and the trunk. Dieback has occurred on all branch tips with dead timber extending a number of metres into the crown before regrowth is being produced. The tree has also been subject to borer activity highlighting the level of stress the tree is under. The condition of the tree is such that it is unlikely to recover regardless of recent excavation and the level of damage resulting from the recent excavation is not expected to noticeably hasten the decline.

Tree Protection Plan

It was noted that there are no Tree Protection measures in place on site and this is likely to have been an agent in the recent incident. The area around the tree requires the installation of a Tree Protection Zone fence in accordance with the requirements of Australian Standard AS4790-2009 *Protection of trees on development sites*. The implementation of a Tree Protection Plan that delineates the protected area and can be communicated to all staff, contractors and sub-contractors is recommended if similar incidents are to be avoided in the future.



Thank you for the opportunity to provide this report. Should you have any questions or require further information, please contact me and I will be happy to be of assistance.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "M. Lodge", written over a light blue horizontal line.

MARCUS LODGE

Senior Consulting Arboriculturist

Australian Arborist License AL11

Diploma in Arboriculture

International Society of Arboriculture – Tree Risk Assessment

Quantified Tree Risk Assessment (QTRA) License – 5780

VALID Tree Risk Assessment (VALID) – 2018

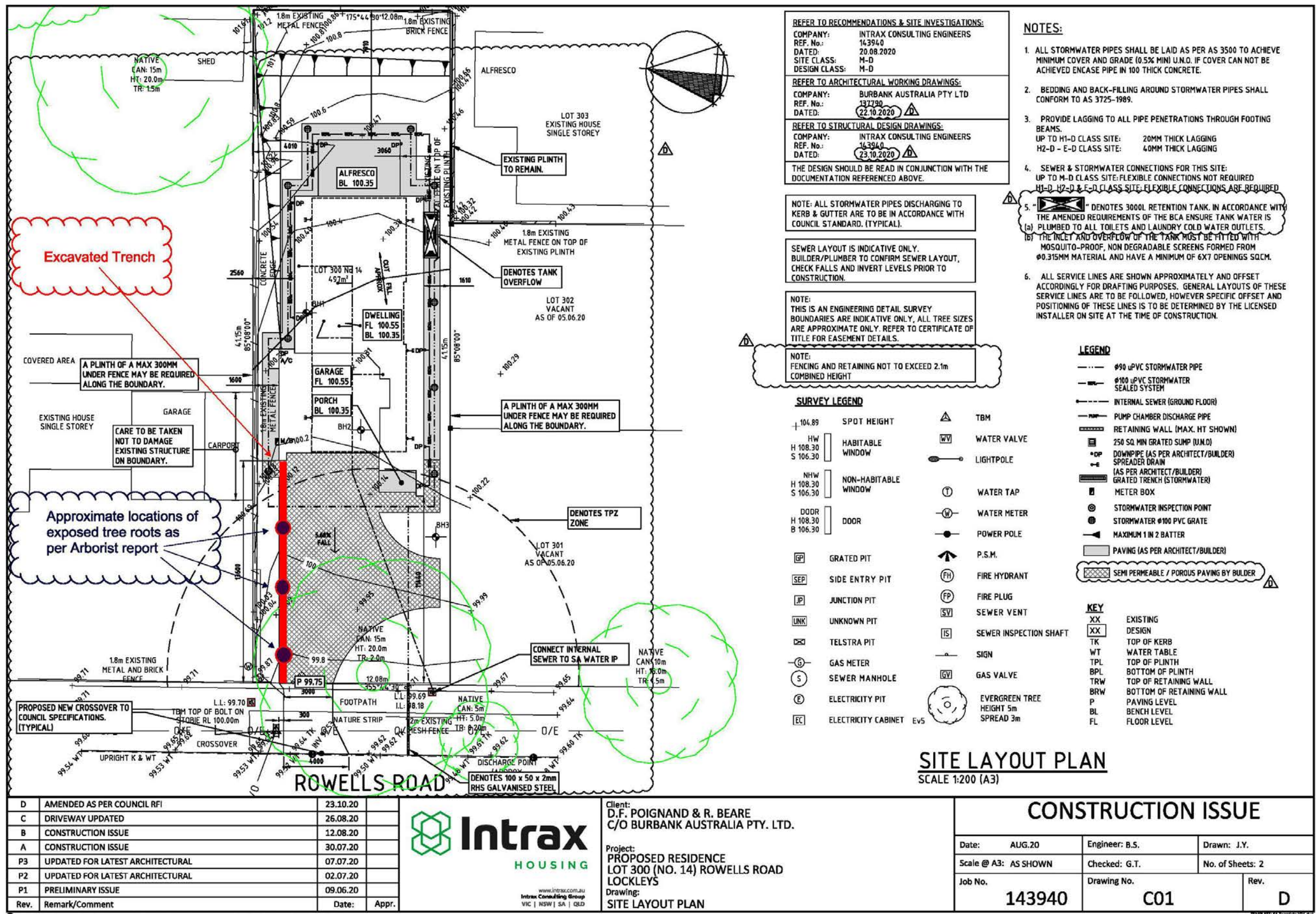
Native Vegetation Council Trained Arborist 2019





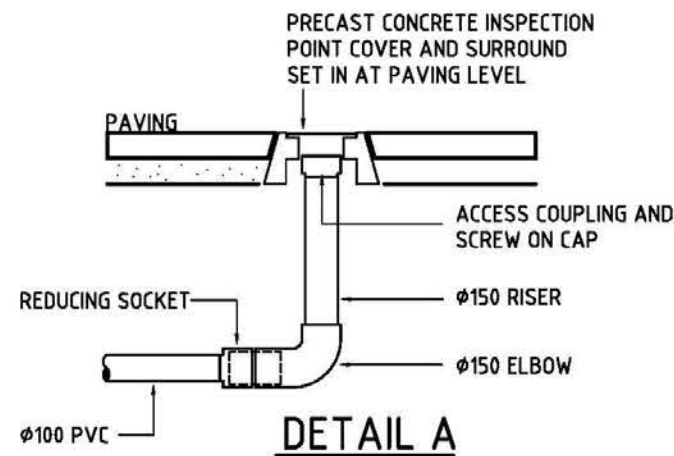
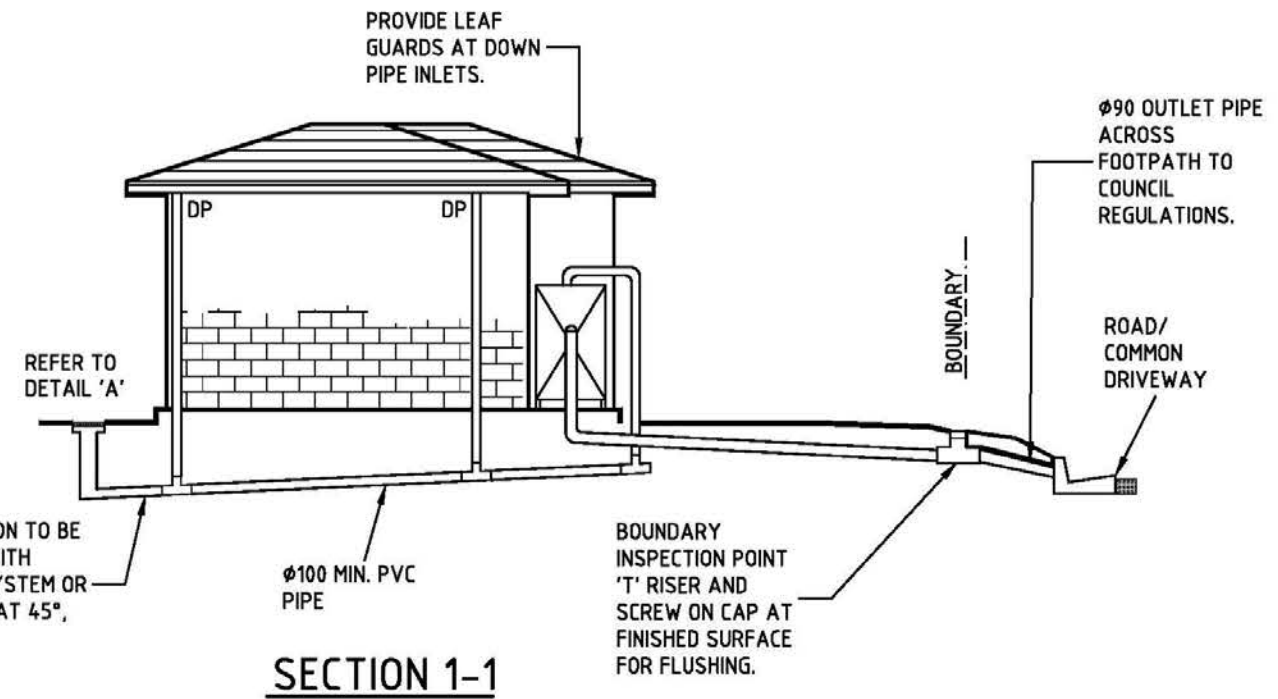
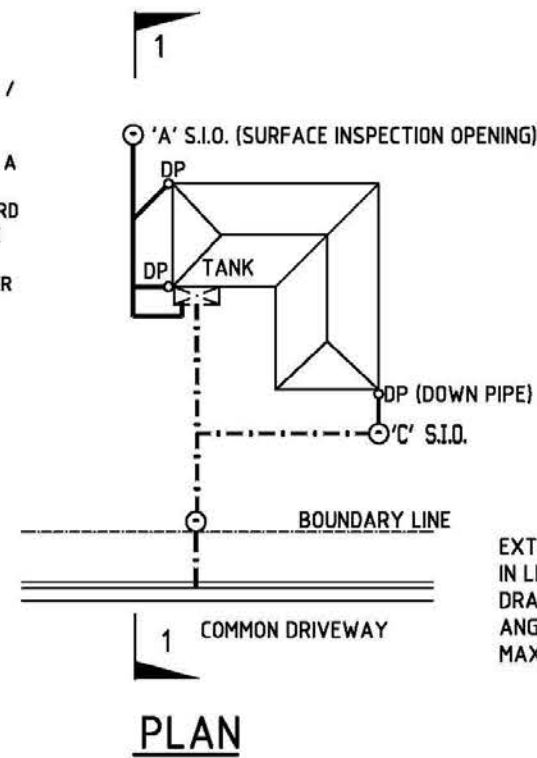






NOTES:

1. 'C' DENOTES RISER AND SCREW ON INSPECTION CAP AT FINISH SURFACE LEVEL OR CLEANING EYE IN DOWNPIPE FOR RODDING (AND / OR FLUSHING) PURPOSES AT 'DEAD END' BRANCHES.
2. STORMWATER PIPES TO HAVE A MIN. FALL OF 0.5% (1 IN 200)
3. DO NOT USE SEAMED SHEET METAL DOWN PIPES OR FITTINGS WITH A PRESSURISED SYSTEM.
4. SEALED SYSTEM TO BE CONSTRUCTED TO PRESSURE LINE STANDARD (SOLVENT WELDED JOINTS FOR PVC PIPES) STATIC TESTED BEFORE BACKFILLING.
5. FLUSHING AND MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER



TREE PROTECTION ZONE (TPZ) IS TO BE ESTABLISHED FOR THE PROTECTION OF THE SIGNIFICANT TREE SITED IN THE FRONT OF THE ALLOTMENT FOR THE ENTIRE DURATION OF THE DWELLING CONSTRUCTION. REFER TO ARBORIST REPORT FOR TPZ CONDITIONS.

NOTE: STORMWATER PIPE WITHIN TPZ TO BE CONSTRUCTED BY HAND DIGGING OR NON-INVASIVE TECHNIQUES AS REQUIRED BY COUNCIL/ARBORIST REPORT.

NOTE: FOOTINGS TO BE EXCAVATED AS PER THE ARBORIST REPORTS RECOMMENDATIONS.

D	CONSTRUCTION ISSUE	23.10.20	
C	CONSTRUCTION ISSUE	26.08.20	
B	CONSTRUCTION ISSUE	12.08.20	
A	CONSTRUCTION ISSUE	30.07.20	
P3	UPDATED FOR LATEST ARCHITECTURAL	07.07.20	
P2	UPDATED FOR LATEST ARCHITECTURAL	02.07.20	
P1	PRELIMINARY ISSUE	09.06.20	
Rev.	Remark/Comment	Date:	Appr.



Client:
D.F. POIGNAND & R. BEARE
C/O BURBANK AUSTRALIA PTY. LTD.

Project:
PROPOSED RESIDENCE
LOT 300 (NO. 14) ROWELLS ROAD
LOCKLEYS
Drawing:
SITE LAYOUT DETAILS - SHEET 1

CONSTRUCTION ISSUE

Date:	AUG.20	Engineer:	B.S.	Drawn:	J.Y.
Scale @ A3:	AS SHOWN	Checked:	G.T.	No. of Sheets:	2
Job No.	143940	Drawing No.	C02	Rev.	D

TEMPORARY: SA Templates V24.04

Arboricultural Assessment of Regulated Trees

Development Application No: **211/225/2021**

Referral Due Date: 19 March 2021

Assessing Officer: **Sonia Gallarello**

Site Address: **14 ROWELLS ROAD, LOCKLEYS SA 5032**

Certificate of Title: **CT-6187/859**

Description of Development **Cutting of roots of significant tree from backfill of excavated trench - River Red Gum (Eucalyptus Camaldulensis)**

Please contact the assessing officer on 8416 6354 or email sgallarello@wtcc.sa.gov.au if any further information is required and to send completed referral responses.

To be completed by: **CONSULTANT ARBORIST**

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, Regulated Tree Section of the West Torrens Council Development Plan:

OBJECTIVE 1:

The conservation of regulated trees that provide important aesthetic and/or environmental benefit.

OBJECTIVE 2:

Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

- | | |
|--|------------|
| (a) Significantly contributes to the character or visual amenity of the locality | Yes |
| (b) Indigenous to the locality | Yes |
| (c) A rare or endangered species | No |
| (d) An important habitat for native fauna | Yes |

PDC 1: *Development should not have minimum adverse effects on regulated trees.*

PDC 2: *A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:*

- | | |
|---|-----------|
| (a) The tree is diseased and its life expectancy is short | No |
|---|-----------|

- | | | |
|--|-----------|-----------|
| (b) <i>The tree represents a material risk to public or private safety</i> | No | |
| (c) <i>The tree is causing damage to a building</i> | | No |
| (d) <i>Development that is reasonable and expected would not otherwise be possible</i> | | No |
| (e) <i>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</i> | | No |

PDC 3:

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

ADDITIONAL COMMENTS:

As requested, a site inspection was undertaken to inspect the recent excavation within the Tree Protection Zone of a significant tree. It is clear that the work assessed is not in accordance with Australian Standard 4970-2009 *'Protection of Trees on Development Sites'* due to the complete lack of protection methods in place and the invasive methods used while excavating within the TPZ.

However, only minor root damage has been inflicted. It is within the tolerable limits of the tree and the structural stability has not been jeopardized as long as no further excavations are undertaken. I recommend backfilling the trench and avoid any further use of heavy machinery within such close proximity of the subject tree.

A tree protection strategy should have already been implemented prior to works starting but as nothing has been done, the following recommendations have been provided for consideration:

The area of the TPZ should be fenced prior to the commencement of any works on the site including demolition. The soil surface within the fenced area should be mulched with good quality organic material to a depth of approx 75-100mm. A sign should be placed on the fenced TPZ's that states: TREE PROTECTION ZONE- NO ENTRY. No materials may be stored within the fenced area. There shall be no disposal of any building waste within the zone. No vehicles are permitted within the zone.

It is strongly recommended that a temporary dripper irrigation system be installed under the tree crown to the crown extent and the surrounding soil should be well hydrated prior to the commencement of works. The tree should be watered regularly throughout the development phase.

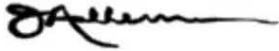
It is strongly recommended that no live foliage be removed from the tree at the present time, as this will be placing the tree under further unnecessary stress.

Existing organic soil levels within the prescribed TPZ of the tree must be maintained throughout the development process.

Non- destructive methods must be used when excavating within the TPZ of the subject tree and no root severance can occur within the SRZ.

Having considered the findings and observation made; I conclude that the potential for further impacts to the significant tree is defined as low if the above methodologies and recommendations are followed.

RECOMMENDATION: RETAIN



Jarrad Allen

Date: 19/03/21

PHOTO's ATTACHED:



6.2 PDI ACT APPLICATIONS

Nil

7 PLANNING REFORM IMPLEMENTATION

7.1 Public Notification in the Planning and Design Code

Brief

This report provides information to the Council Assessment Panel (CAP) on public notification requirements for performance assessed development identified in the Planning and Design Code under the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The report be received.

OR

2. The Council Assessment Panel hold a workshop to review its delegations.

OR

3. The Administration prepare a draft revised Instrument of Delegations to present to the next Council Assessment Panel meeting to implement the following changes:

-
-
-

Introduction

On 19 March 2021, Phase 3 of the Planning Reforms to implement the *Planning Development and Infrastructure Act 2016* (the Act) were enacted and the final Planning and Design Code was published.

The Council Assessment Panel (CAP) is the relevant authority for publicly notified performance assessed applications lodged under the Act.

The Planning and Design Code nominates which types of performance assessed developments are subject to or exempt from the public notification process.

At its 9 February 2021 meeting, CAP endorsed an Instrument of Delegation to delegate its powers as a relevant authority. CAP's conditions on the delegations to determine planning consent were informed by the types of development subject to the publicly notified performance assessed pathway identified in the Draft Planning and Design Code.

This report provides information on which types of applications are classed as publicly notified performance assessed in the Planning and Design Code. This information will allow CAP to further consider which specific types of applications it wishes to delegate to Council Administration staff for assessment and determination.

Discussion

Publicly notified performance assessed applications

Part 2 of the Planning and Design Code sets out the policies relating to all Zones and Sub Zones. Within each Zone, "Table 5 - Procedural Matters (PM) - Notification" sets out the classes of performance assessed development that are excluded from the public notification requirements.

At its January meeting, CAP was presented with a comparison of the public notification requirements for development in the former Development Plan Residential Zone and the proposed Draft Planning and Design Code.

On 19 March 2021, the final Planning and Design Code was published. A number of changes to the notification requirements for performance assessed development have been noted in the final Planning and Design Code, which differed to the earlier Draft Planning and Design Code.

The Final Planning and Design Code includes the following additional circumstances in which a performance assessed development applications are to be publicly notified, in summary:

- Neighbourhood Zones:
 - exceeds maximum building height; or
 - involves a building wall (or structure) on a side boundary if:
 - the length of the proposed wall exceeds 11.5m (unless the proposed wall abuts an existing wall/structure); or
 - the height of the proposed wall exceeds 3m (unless the proposed wall abuts an existing wall/structure); or
 - exceeds a specified floor area for a shop, office or consulting room.
- Urban Corridor Zones:
 - exceeds maximum building height or interface height;
 - exceeds a specified floor area for a shop, office or consulting room; or
 - construction of a building of 4 or more building levels and the site of the development is:
 - adjacent land to a Neighbourhood-type Zone and
 - adjoins an allotment containing an existing low-rise building used for residential purposes.

A number of these additional circumstances were sought in Council's submission on public notification matters on the Draft Planning and Design Code.

An extract of the Planning and Design Code of Table 5 for each Zone that applies in the City of West Torrens area is included in **Attachment 1**.

Summary of CAP's delegations

The CAP has imposed conditions on the delegation to the Chief Executive Officer and the Assessment Manager (and subsequent staff sub-delegations) to grant or refuse planning consent pursuant to Section 102(1) of the Act.

These conditions ensure specific types of applications the CAP wishes to consider itself to be presented to CAP for determination.

The current conditions requiring decisions to grant or refuse planning consent pursuant to Section 102(1) of the Act to be presented to CAP for a decision are set out below:

The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:

1. *Planning consent is not sought for one or more of:*
 - 1.1 *within the Historic Area Overlay:*
 - 1.1.1 *demolition of a building (except an outbuilding); or*
 - 1.1.2 *one or more new dwellings; or*
 - 1.1.3 *land division creating one or more additional allotments; or*
 - 1.2 *residential development of three or more storeys above finished ground level; or*
 - 1.3 *mixed use development involving residential development, of three or more storeys above finished ground level; and*
2. *One or more of the following are satisfied:*
 - a. *no valid representations are received; or*
 - b. *all valid representations are withdrawn; or*
 - c. *no representor who has lodged a valid representation wishes to be heard,*

except in cases where:

- A. *a deemed consent notice has been served on the CAP; or*
- B. *the applicant has not agreed to extend the statutory timeframe within which the CAP must determine the application pursuant to Regulation 53 of the Regulations, and that timeframe will expire before the next meeting of the CAP is scheduled to occur,*

in which cases the limitation does not apply, and the delegates are delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant or refuse consent in respect of the relevant provisions of the Planning Rules without limitation.

The drafting of this condition was informed by the types of development identified as requiring public notification in the Draft Planning and Design Code.

Publicly notified performance assessed applications received

At the time of writing this report, the new Planning System has been operating for just over a week. As at 29 March 2021, according to PlanSA Portal Reports eleven (11) applications have been formally lodged in the City of West Torrens area and CAP is the relevant authority for zero (0) applications so far.

There was a rush of complex applications lodged prior to the 19 March Go Live date for the new system, which may explain why CAP is yet to receive an application as a relevant authority.

It is also noted that as at 29 March 2021, forty (40) applications have been submitted in the City of West Torrens area, however most applications have not been verified as they have been returned to the applicant for failure to supply the minimum information with the application. Some of these applications may yet be identified as CAP applications and this will be confirmed when the verification process is completed, and the application is formally 'lodged'.

Review of CAP's delegations to determine planning consent

During CAP's deliberations on delegations at its January and February 2021 meetings, it was recommended to CAP to review its delegation of powers following the publication of the Final Planning and Design Code and also after a period of operation of the Planning and Design Code.

CAP may consider the following options to proceed with a review of the delegations:

	Option	Comment
1	<p>CAP may identify and endorse any urgent changes to the delegations at a conceptual level.</p> <p>The Administration will liaise with Council's legal provider to draft an updated instrument for presentation to the May meeting for CAP's endorsement.</p>	CAP may seek to make any urgent changes identified as a result of the differences between the Draft and Final Planning and Design Code which are required to be implemented as soon as possible.
2	<p>CAP may hold a workshop to discuss potential delegation changes required following the publication of the Final Planning and Design Code and/or a period of operation in the new system (i.e. 6 months).</p> <p>Following the workshop, the Administration will liaise with Council's legal providers to draft the updated delegations instrument for presentation to the next CAP meeting for endorsement.</p>	At the workshop the Administration can present analysis on the differences between the Draft and Final Planning and Design Code in terms of public notification and the on the types of applications CAP has received during the initial period of operation in the new system.
3	CAP take no action to review its delegations at this time.	CAP may choose to review its delegations at a later date. It is Council's practice to review its own delegations at least once every 12 months.

To assist CAP's deliberations, a selection of scenarios have been prepared which compare the zoning, assessment pathway and associated delegations of recent applications assessed by the Council Assessment Panel, if they had been lodged under the PDI Act (**Attachment 2**).

Each scenario identifies the differences between the assessment pathways and the impact this has on the assigned relevant authority and subsequent delegation (as per CAP's current delegations).

The selection of scenarios only includes recent applications assessed by CAP, it does not include any scenarios recently assessed by staff under delegation that now may be required to be assessed by CAP in the new system.

Conclusion

CAP's delegations to the Chief Executive Officer and Assessment Manager allow some applications to be determined by staff under delegation. Following the publication of the Planning and Design Code on 19 March 2021 it is recommended to the CAP that it consider whether a review of its delegations is warranted at this time.

Attachments

1. **Planning and Design Code extract - Table 5 for all CWT Zones**
2. **Development Application Scenarios - Notification & Delegations**

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Part 2 - Zones and Sub Zones

Caravan and Tourist Park Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) advertisement (b) air handling unit, air conditioning system or exhaust fan (c) amenity block, shower, toilet and laundry facilities (or any combination thereof) (d) building work on railway land (e) carport (f) fence (g) outbuilding (h) private bushfire shelter (i) retaining wall (j) shade sail (k) solar photovoltaic panels (roof mounted) (l) swimming pool or spa pool (m) tourist accommodation (n) verandah (o) water tank. 	Except development that: <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Caravan and Tourist Park Zone DTS/DPF 2.1 DTS/DPF 2.1 or Building height does not exceed 1 building level and 6m. 2. development that does not satisfy Caravan and Tourist Park Zone DTS/DPF 2.5. DTS/DPF 2.5 Buildings, caravan and tent sites and recreational areas are set back at least 2m from the zone boundary and an adjoining site in other ownership used for residential purposes.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) internal building work (b) land division (c) recreation area (d) replacement building (e) temporary accommodation in an area affected by bushfire (f) tree damaging activity 	None specified.
4. Demolition.	Except any of the following: <ul style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
5. Office.	Except office that does not satisfy Caravan and Tourist Park Zone DTS/DPF 1.7. DTS/DPF 1.7 Office: (a) is ancillary to and located on the same allotment as tourist accommodation (b) has a gross leasable floor area up to 50m ² .

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<p>6. Shop.</p> <p>DTS/DPF 1.6 Shop:</p> <p>(a) is ancillary to and located on the same allotment as tourist accommodation (b) has a gross leasable floor area up to 150m2.</p>	<p>Except shop that does not satisfy Caravan and Tourist Park Zone DTS/DPF 1.6 or where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.</p>
<p>7. Telecommunications facility.</p>	<p>Except telecommunications facility exceeding 30m in height or where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.</p>
Placement of Notices - Exemptions for Performance Assessed Development	
<p>None specified.</p>	
Placement of Notices - Exemptions for Restricted Development	
<p>None specified.</p>	

Part 2 - Zones and Sub Zones

Commonwealth Facilities Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
None specified.	None specified.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Community Facilities Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) air handling unit, air conditioning system or exhaust fan (c) building work on railway land (d) community facility (e) educational establishment (f) fence: (g) pre-school (h) private bushfire shelter (i) protective tree netting structure (j) recreation area (k) retaining wall (l) shade sail (m) solar photovoltaic panels (roof mounted) (n) swimming pool or spa pool (o) water tank	Except development that exceeds the maximum building height specified in Community Facilities Zone DTS/DPF 2.1 or does not satisfy any of the following: DTS/DPF 2.1 - refer to TNV 1. Community Facilities Zone DTS/DPF 2.2 2. Community Facilities Zone DTS/DPF 2.3. DTS/DPF 2.2 - Applies to an site outside of CWT area only DTS/DPF 2.3 Buildings on sites with a southern boundary adjoining the an allotment boundary used for residential purposes within a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:
3. Any development involving any of the following (or of any combination of any of the following): (a) internal building works (b) land division (c) replacement building (d) temporary accommodation in an area affected by bushfire (e) tree damaging activity.	None specified.
4. Consulting room.	Except where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
5. Demolition.	Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
6. Office.	Except office that exceeds the maximum building height specified

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DTS/DPF 2.1 - Refer to TNV

	<p>in Community Facilities Zone DTS/DPF 2.1, or is on a Catalyst Site in the St Andrews Hospital Precinct Subzone and exceeds the maximum building height in Community Facilities Zone DTS/DPF 2.1 that applies to development not on a Catalyst Site, or does not satisfy any of the following:</p> <p>DTS/DPF 2.1 - Refer to TNV DTS/DPF 2.2 & 2.3 - Refer above</p> <ol style="list-style-type: none"> 1. Community Facilities Zone DTS/DPF 1.3 2. Community Facilities Zone DTS/DPF 2.2 3. Community Facilities Zone DTS/DPF 2.3
7. Shop.	<p>DTS/DPF 2.1 - Refer to TNV</p> <p>Except shop that exceeds the maximum building height specified in Community Facilities Zone DTS/DPF 2.1, or is on a Catalyst Site in the St Andrews Hospital Precinct Subzone and exceeds the maximum building height in Community Facilities Zone DTS/DPF 2.1 that applies to development not on a Catalyst Site, or does not satisfy any of the following:</p> <p>DTS/DPF 2.1 - Refer to TNV DTS/DPF 2.2 & 2.3 - Refer above</p> <ol style="list-style-type: none"> 1. Community Facilities Zone DTS/DPF 1.2 2. Community Facilities Zone DTS/DPF 2.2 3. Community Facilities Zone DTS/DPF 2.3
8. Telecommunications facility.	<p>Except telecommunications facility that:</p> <ol style="list-style-type: none"> 1. is within 50m of a neighbourhood-type zone or 2. exceeds 30m in height or 3. is on a site that is adjacent land to a site (or land used for residential purposes.

Placement of Notices - Exemptions for Performance Assessed Development

None specified.

Placement of Notices - Exemptions for Restricted Development

None specified.

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Part 2 - Zones and Sub Zones

Employment Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) air handling unit, air conditioning system or exhaust fan (c) building on railway land (d) carport (e) fence (f) outbuilding (g) retaining wall (h) shade sail (i) solar photovoltaic panels (roof mounted) (j) temporary public service depot (k) verandah (l) water tank.	Except development that exceeds the maximum building height specified in Employment Zone DTS/DPF 3.5 or does not satisfy any of the following: DTS/DPF 3.5 - Refer to TNV 1. Employment Zone DTS/DPF 3.6 2. Employment Zone DTS/DPF 3.7 DTS/DPF 3.6 Buildings are constructed within a building envelope provided by a 45 degree plane, measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes in a neighbourhood-type zone as shown in the following diagram, except where the relevant boundary is a southern boundary or where this boundary is the primary street boundary. DTS/DPF 3.7 Buildings on sites with a southern boundary adjoining an allotment used for residential purposes within a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:
3. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) light industry (c) office (d) motor repair station (e) retail fuel outlet (f) store (g) warehouse.	Except where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
4. Any development involving any of the following (or of any combination of any of the following): (a) internal building works (b) land division (c) replacement building (d) temporary accommodation in an area affected by bushfire (e) tree damaging activity.	None specified.
5. Demolition.	Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.

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<p>6. Shop within any of the following:</p> <p>(a) Retail Activity Centre Subzone</p> <p>(b) Roadside Service Centre Subzone.</p>	<p>Except shop that exceeds the maximum building height specified in Employment Zone DTS/DPF 3.5 or does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Employment Zone DTS/DPF 3.6 DTS/DPF 3.6 - Refer above 2. Employment Zone DTS/DPF 3.7. DTS/DPF 3.7 - Refer above
<p>7. Shop.</p>	<p>Except:</p> <ol style="list-style-type: none"> 1. where the site of the shop is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone or 2. shop that exceeds the maximum building height specified in Employment Zone DTS/DPF 3.5 or 3. shop that does not satisfy Employment Zone DTS/DPF 1.2.
<p>8. Telecommunications facility. DTS/DPF 1.3 Telecommunications facility in the form of a monopole: (a) up to a height of 30m (b) no closer than 50m to a neighbourhood-type zone.</p>	<p>Except telecommunications facility that does not satisfy Employment Zone DTS/DPF 1.3.</p>
<p>Placement of Notices - Exemptions for Performance Assessed Development</p>	
<p>None specified.</p>	
<p>Placement of Notices - Exemptions for Restricted Development</p>	
<p>None specified.</p>	

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Part 2 - Zones and Sub Zones

Established Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: <ul style="list-style-type: none"> (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. 	Except development involving any of the following: <ul style="list-style-type: none"> 1. residential flat building(s) of 3 or more building levels. 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) ancillary accommodation (c) building work on railway land (d) carport (e) deck (f) dwelling (g) dwelling addition (h) fence (i) outbuilding (j) pergola (k) private bushfire shelter (l) residential flat building (m) retaining wall (n) shade sail (o) solar photovoltaic panels (roof mounted) (p) swimming pool or spa pool (q) verandah (r) water tank. 	Except development that: <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or DTS/DPF 4.1 - Refer to TNV 2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
4. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) consulting room (b) office (c) shop. DTS/DPF 1.2 (NOT COMPLETE) A shop, consulting room or office (or any combination thereof) satisfies any one of the following: <ul style="list-style-type: none"> (a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: ... (b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: ... (c) is located more than 500m from an Activity Centre and satisfies one of the following: ... (d) the development site abuts an Activity Centre and all the following are satisfied: ... 	Except development that: <ul style="list-style-type: none"> 1. does not satisfy Established Neighbourhood Zone DTS/DPF 1.2 or 2. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or DTS/DPF 4.1 - Refer to TNV 3. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)

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	<p>or:</p> <p>(b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).</p>
<p>5. Any of the following (or of any combination of any of the following):</p> <p>(a) internal building works</p> <p>(b) land division</p> <p>(c) recreation area</p> <p>(d) replacement building</p> <p>(e) temporary accommodation in an area affected by bushfire</p> <p>(f) tree damaging activity.</p>	None specified.
<p>6. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

General Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: <ul style="list-style-type: none"> (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. 	Except development involving any of the following: <ul style="list-style-type: none"> 1. residential flat building(s) of 3 or more building levels 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) ancillary accommodation (c) building work on railway land (d) carport (e) deck (f) dwelling (g) dwelling addition (h) fence (i) outbuilding (j) pergola (k) private bushfire shelter (l) residential flat building (m) retaining wall (n) retirement facility (o) shade sail (p) solar photovoltaic panels (roof mounted) (q) student accommodation (r) supported accommodation (s) swimming pool or spa pool (t) verandah (u) water tank. 	<p>Except development that:</p> <p>DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) no greater than: (a) 2 building levels and 9m; and (b) wall height that is no greater than 7m except in the case of a gable end.</p> <ul style="list-style-type: none"> 1. does not satisfy General Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment). <p>DTS/DPF 4.1 (NOT COMPLETE) A shop, consulting room or office (or any combination thereof) satisfies any one of the following: (a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: ... (b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: ... (c) it is located more than 500m from an Activity Centre and satisfies one of the following: ... (d) the development site abuts an Activity Centre and all the following are satisfied: ...</p>
4. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) consulting room (b) office (c) shop. <p>DTS/DPF 1.4 - refer above DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) no greater than: (a) 2 building levels and 9m; and (b) wall height that is no greater than 7m except in the case of a gable end.</p>	<p>Except development that:</p> <ul style="list-style-type: none"> 1. does not satisfy any of the following: <ul style="list-style-type: none"> (a) General Neighbourhood Zone DTS/DPF 1.4 (b) General Neighbourhood Zone DTS/DPF 4.1

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	<p>2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and:</p> <p>(a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)</p> <p>or</p> <p>(b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).</p>
<p>5. Any development involving any of the following (or of any combination of any of the following):</p> <p>(a) internal building works</p> <p>(b) land division</p> <p>(c) recreation area</p> <p>(d) replacement building</p> <p>(e) temporary accommodation in an area affected by bushfire</p> <p>(f) tree damaging activity.</p>	None specified.
<p>6. Alteration of or addition to any development involving the following (or of any combination of any of the following):</p> <p>(a) community facility</p> <p>(b) educational establishment</p> <p>(c) pre-school.</p>	Except development that does not satisfy General Neighbourhood Zone DTS/DPF 1.5. DTS/DPF 1.5 - refer below
<p>7. Demolition.</p>	<p>Except any of the following:</p> <p>1. the demolition of a State or Local Heritage Place</p> <p>2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.</p>

Placement of Notices - Exemptions for Performance Assessed Development

None specified.

Placement of Notices - Exemptions for Restricted Development

None specified.

DTS/DPF 1.5

Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied:

- (a) set back at least 3m from any boundary shared with a residential land use
- (b) building height not exceeding 1 building level
- (c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration
- (d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.

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Part 2 - Zones and Sub Zones

Housing Diversity Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: <ul style="list-style-type: none"> (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. 	Except development involving any of the following: <ul style="list-style-type: none"> 1. residential flat building(s) of 3 storeys or greater 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) ancillary accommodation (c) building work on railway lands (d) carport (e) deck (f) demolition (g) dwelling (h) dwelling addition (i) fence (j) outbuilding (k) pergola (l) private bushfire shelter (m) recreation area (n) residential flat building (o) retaining wall (p) retirement facility (q) shade sail (r) solar photovoltaic panels (roof mounted) (s) student accommodation (t) supported accommodation (u) swimming pool or spa pool (v) verandah (w) water tank. 	Except development that: <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Housing Diversity Neighbourhood Zone 3.1 or DTS/DPF 3.1 - refer to TNV 2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment). <p>DTS/DPF 1.4 Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied: (a) set back at least 3m from any boundary shared with a residential land use (b) building height not exceeding 1 building level (c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration (d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</p>
4. Alteration of or addition to any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) community facility (b) educational establishment 	Except development that does not satisfy Housing Diversity Neighbourhood Zone DTS/DPF 1.4.

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(c) pre-school.	
<p>5. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) consulting room (b) office (c) shop. <p>DTS/DPF 1.2 (NOT COMPLETE) A shop, consulting room or office (or any combination thereof) satisfies any one of the following:</p> <p>(a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied:</p> <p>(b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: the building is a State or Local Heritage Place</p> <p>(c) is located more than 500m from an Activity Centre and satisfies one of the following:</p> <p>(d) the development site abuts an Activity Centre and all the following are satisfied:</p> <p>---</p>	<p>Except development that:</p> <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Housing Diversity Neighbourhood Zone 3.1 DTS/DPF 3.1 - Refer to TNV or 2. does not satisfy Housing Diversity Neighbourhood Zone DTS/DPF 1.2 or 3. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>6. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) internal building works (b) land division (c) replacement building (d) temporary accommodation in an area affected by bushfire (e) tree damaging activity. 	None specified.
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ul style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place. 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.

Placement of Notices - Exemptions for Performance Assessed Development

None specified.

Placement of Notices - Exemptions for Restricted Development

None specified.

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Part 2 - Zones and Sub Zones

Infrastructure (Ferry and Marina Facilities) Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) advertisement (b) air handling unit, air conditioning system or exhaust fan (c) boat berth, jetty, pier or pontoon (or any combination thereof) (d) boat construction, maintenance, repair or sale (e) boat servicing facility (including fuel supply, power, water, effluent pump, toilets and showers, or any combination thereof) (f) building work on railway land (g) clubrooms in association with a marina (h) coast protection work (i) dwelling (j) fence (k) loading and unloading facility (l) maritime structures / beacons (m) office in association with a marina or ferry terminal (n) parking area for vehicles and boats (o) residential flat building (p) shade sail (q) shop in association with a marina or ferry terminal (r) solar photovoltaic panels (roof mounted) (s) storage (t) tourist accommodation (u) wastewater collection, storage and transfer facility (v) water tank. 	Except non-residential development where the site of the development is adjacent land to a site (or land) in a neighbourhood-type zone.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) internal building work (b) land division (c) replacement building (d) temporary accommodation in an area affected by bushfire (e) tree damaging activity. 	None specified.
4. Demolition.	Except any of the following:

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	<ol style="list-style-type: none">1. the demolition of a State or Local Heritage Place2. the demolition of a building (except an ancillary building) in a Historic Area Overlay
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Infrastructure Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) air handling unit, air conditioning system or exhaust fan (b) building work on railway land (c) electricity substation (d) fence (e) landfill, including gas extraction plant and equipment (f) public service depot (g) stormwater retention / detention basin (h) sewerage treatment facility (i) solar photovoltaic panels (roof mounted) (j) telecommunications facility (k) waste transfer depot (l) water tank (m) water treatment and supply.	Except where the site of the development is adjacent land to a site (or land) in a neighbourhood-type zone.
3. Any development involving any of the following (or of any combination of any of the following): (a) internal building works (b) replacement building (c) temporary accommodation in an area affected by bushfire (d) tree damaging activity.	None specified.
4. Demolition.	Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	

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Part 2 - Zones and Sub Zones

Local Activity Centre Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is not adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay.
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> advertisement air handling unit, air conditioning system or exhaust fan building work on railway land community facility consulting room deck dwelling fence land division office retaining wall shade sail shop solar photovoltaic panels (roof mounted) verandah water tank. 	Except development that exceeds the maximum building height specified in Local Activity Centre Zone DTS/DPF 3.1 or does not satisfy any of the following: <p>DTS/DPF 3.1 - Refer to TNV</p> <ol style="list-style-type: none"> Local Activity Centre Zone DTS/DPF 3.2 Local Activity Centre Zone DTS/DPF 3.3. <p>DTS/DPF 3.2 Buildings are constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes in a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or where this boundary is the primary street boundary);</p> <p>DTS/DPF 3.3 Buildings on sites with a southern boundary adjoining an allotment used for residential purposes in a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:</p>
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> internal building works replacement building temporary accommodation in an area affected by bushfire tree damaging activity. 	None specified.
5. Demolition.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay.

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Placement of Notices - Exemptions for Performance Assessed Development

None specified.

Placement of Notices - Exemptions for Restricted Development

None specified.

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Part 2 - Zones and Sub Zones

Open Space Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) air handling unit, air conditioning system or exhaust fan (c) building work on railway land (d) fence (e) internal building works (f) land division (g) open space (h) playground (i) protective tree netting structure (j) recreation area (k) replacement building (l) retaining wall (m) shade sail (n) solar photovoltaic panels (roof mounted) (o) temporary accommodation in an area affected by bushfire (p) tree damaging activity (q) verandah (r) water tank.	None specified.
3. Any development involving any of the following (or of any combination of any of the following): (a) outdoor sports courts (b) sporting ovals and fields	Except where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
4. Demolition	Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
5. Office. DTS/DPF 1.4 Office gross leasable floor area does not exceed 80m ² .	Except office that does not satisfy Open Space Zone DTS/DPF 1.4.
6. Outbuilding. DTS/DPF 2.2 Outbuildings have a: (a) floor area that does not exceed 80m ² (b) wall height that does not exceed 3m (c) building height that does not exceed 5m	Except outbuilding that does not satisfy Open Space Zone DTS/DPF 2.2.

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7. Shop.	DTS/DPF 1.3 Shop gross leasable floor area does not exceed 50m ² .	Except shop that does not satisfy Open Space Zone DTS/DPF 1.3.
Placement of Notices - Exemptions for Performance Assessed Development		
None specified.		
Placement of Notices - Exemptions for Restricted Development		
None specified.		

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Part 2 - Zones and Sub Zones

Recreation Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) air handling unit, air conditioning system or exhaust fan (c) building work on railway land (d) change rooms (e) fence (f) outbuilding (g) outdoor sports courts (h) playground (i) protective tree netting structure (j) retaining wall (k) shade sail (l) solar photovoltaic panels (roof mounted) (m) verandah (n) water tank.	Except development that does not satisfy any of the following: 1. Recreation Zone DTS/DPF 2.2 2. Recreation Zone DTS/DPF 3.1 3. Recreation Zone DTS/DPF 3.2. DTS/DPF 2.2 Buildings are set back: (a) no closer to a public road than an existing building on an adjoining allotment, or 8m where no building exists on an adjoining site (b) 8m from the boundary of an allotment containing, or zoned to primarily accommodate, a sensitive receiver in other ownership. DTS/DPF 3.1 Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or where this boundary is the primary street boundary): DTS/DPF 3.2 Buildings on sites with a southern boundary adjoining the boundary of an allotment used for residential purposes within a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:
3. Any development involving any of the following (or of any combination of any of the following): (a) indoor recreation facility (b) market (c) showground (d) special event (e) sporting clubrooms (f) swimming pool (g) horse breeding, keeping, sales, training or stables ancillary to an existing racecourse	Except where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
4. Any development involving any of the following (or of any combination of any of the following): (a) internal building works (b) land division (c) open space (d) recreation area (e) replacement building (f) temporary accommodation in an area affected by bushfire (g) tree damaging activity.	None specified.

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5. Demolition.	<p>Except any of the following:</p> <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay.
6. Office.	<p>Except office that does not satisfy any of the following:</p> <ol style="list-style-type: none"> Recreation Zone DTS/DPF 1.3 Recreation Zone DTS/DPF 2.2 Recreation Zone DTS/DPF 3.1 Recreation Zone DTS/DPF 3.2 <p>DTS/DPF 1.3 Office gross leasable floor area does not exceed 80m². DTS/DPF 2.2 - Refer above DTS/DPF 3.1 - Refer above DTS/DPF 3.2 - Refer above</p>
7. Shop.	<p>Except shop that does not satisfy any of the following:</p> <ol style="list-style-type: none"> Recreation Zone DTS/DPF 1.2 Recreation Zone DTS/DPF 2.2 Recreation Zone DTS/DPF 3.1 Recreation Zone DTS/DPF 3.2 <p>DTS/DPF 1.2 Shop gross leasable floor area does not exceed 80m². DTS/DPF 2.2 - Refer above DTS/DPF 3.1 - Refer above DTS/DPF 3.2 - Refer above</p>
8. Telecommunications facility.	<p>Except telecommunications facility exceeding 30m in height or where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood zone.</p>
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Strategic Employment Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) air handling unit, air conditioning system or exhaust fan (c) building work on railway land (d) carport (e) fence (f) outbuilding (g) retaining wall (h) shade sail (i) solar photovoltaic panels (roof mounted) (j) telecommunications facility (k) temporary public service depot (l) verandah (m) water tank	Except development that does not satisfy any of the following: 1. Strategic Employment Zone DTS/DPF 4.1 2. Strategic Employment Zone DTS/DPF 4.2. DTS/DPF 4.1 Buildings are constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or where this boundary is the primary street boundary): DTS/DPF 4.2 Buildings on sites with a southern boundary adjoining an allotment used for residential purposes within a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:
3. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) general industry (c) light industry (d) office (e) motor repair station (f) retail fuel outlet (g) store (h) warehouse	Except where the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
4. Any development involving any of the following (or of any combination of any of the following): (a) internal building works (b) land division (c) replacement building (d) temporary accommodation in an area affected by bushfire (e) tree damaging activity.	None specified.
5. Demolition.	Except any of the following:

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	<ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay.
<p>6. Shop.</p> <p>DTS/DPF 1.3 Shop where one of the following applies: (a) with a gross leasable floor area up to 250m² (b) is a bulky goods outlet (c) is a restaurant (d) is ancillary to and located on the same allotment as an industry.</p>	<p>Except:</p> <ol style="list-style-type: none"> where the site of the shop is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone or shop that does not satisfy Strategic Employment Zone DTS/DPF 1.3.
<p>7. Telecommunications facility.</p> <p>DTS/DPF 1.5 Telecommunications facility in the form of a monopole: (a) up to a height of 30m (b) no closer than 50m to neighbourhood-type zone.</p>	<p>Except telecommunications facility that does not satisfy Strategic Employment Zone DTS/DPF 1.5.</p>
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Suburban Activity Centre Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is not adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> advertisement air handling unit, air conditioning system or exhaust fan building work on railway land cinema community facility consulting room dwelling located above a non-residential building level fence indoor recreation facility library office place of worship pre-school retaining wall service trade premises shade sail shop solar photovoltaic panels (roof mounted) temporary public service depot tourist accommodation verandah water tank. 	Except development that does not satisfy any of the following: <ol style="list-style-type: none"> Suburban Activity Centre Zone DTS/DPF 3.1 DTS/DPF 3.1 - Refer to TNV Suburban Activity Centre Zone DTS/DPF 3.2. <p>DTS/DPF 3.2 Buildings constructed within a building envelope provided by a:</p> <p>(a) 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary):</p> <p>(a) in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:</p> <p>Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:</p>
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> internal building works land division recreation area replacement building temporary accommodation in an area affected by bushfire tree damaging activity. 	None specified.

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5. Demolition.	Except any of the following: <ol style="list-style-type: none">1. the demolition of a State or Local Heritage Place2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Suburban Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: <ul style="list-style-type: none"> (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. 	Except development involving any of the following: <ul style="list-style-type: none"> 1. residential flat building(s) of 3 or more building levels 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) ancillary accommodation (c) building work on railway land (d) carport (e) dock (f) dwelling (g) dwelling addition (h) fence (i) outbuilding (j) pergola (k) private bushfire shelter (l) residential flat building (m) retaining wall (n) shade sail (o) solar photovoltaic panels (roof mounted) (p) supported accommodation (q) swimming pool or spa pool (r) verandah (s) water tank. 	Except development that: <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Suburban Neighbourhood Zone DTS/DPF 4.1 DTS/DPF 4.1 - Refer to TNV or 2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment). <p>DTS/DPF 1.4 <i>Alteration of or addition to existing educational establishments, community facilities or pre-schools where:</i> <i>(a) set back at least 3m from any boundary shared with a residential land use</i> <i>(b) building height not exceeding 1 building level</i> <i>(c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration</i> <i>(d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</i></p>
4. Alteration of or addition to any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) community facility (b) educational establishment (c) pre-school. 	Except where development does not satisfy Suburban Neighbourhood Zone DTS/DPF 1.4.
5. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) consulting room 	Except development that:

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<p>(b) office (c) shop.</p> <p>DTS/DPF 1.2 (NOT COMPLETE) A shop, consulting room or office (or any combination thereof) satisfies any one of the following: (a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: ... (b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: ... (c) is located more than 500m from an Activity Centre and satisfies one of the following: ... (d) the development site abuts an Activity Centre and all the following are satisfied: ...</p>	<ol style="list-style-type: none"> 1. exceeds the maximum building height specified in Suburban Neighbourhood Zone DTS/DPF 4.1 DTS/DPF 4.1 - Refer to TNV or 2. does not satisfy Suburban Neighbourhood Zone DTS/DPF 1.2 or 3. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ol style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>6. Any development involving any of the following (or of any combination of any of the following):</p> <ol style="list-style-type: none"> (a) internal building works (b) land division (c) recreation area (d) replacement building (e) temporary accommodation in an area affected by bushfire (f) tree damaging activity. 	None specified.
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Urban Corridor (Boulevard) Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is not adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> advertisement air handling unit, air conditioning system or exhaust fan building work on railway land dwelling fence pre-school residential flat building retirement facility shade sail solar photovoltaic panels (roof mounted) student accommodation supported accommodation swimming pool or spa pool water tank. 	Except development that: <ol style="list-style-type: none"> exceeds the maximum building height specified in Urban Corridor (Boulevard) DTS/DPF 3.1 or DTS/DPF 3.1 - Refer to TNV does not satisfy Urban Corridor (Boulevard) DTS/DPF 4.1 or involves the construction of a building of 4 or more building levels and the site of the development is: <ol style="list-style-type: none"> adjacent land to a neighbourhood-type zone and adjoins an allotment containing an existing low-rise building used for residential purposes. <p>DTS/DPF 4.1 Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram. Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:</p>
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> consulting room office shop. 	Except development that: <ol style="list-style-type: none"> exceeds the maximum building height specified in Urban Corridor (Boulevard) DTS/DPF 3.1 or DTS/DPF 3.1 - Refer to TNV does not satisfy Urban Corridor (Boulevard) DTS/DPF 1.2 or does not satisfy Urban Corridor (Boulevard) DTS/DPF 4.1 or DTS/DPF 4.1 - Refer above involves the construction of a building of 4 or more building levels and the site of the development is: <ol style="list-style-type: none"> adjacent land to a neighbourhood-type zone and adjoins an allotment containing an existing low-rise building used for residential purposes. <p>DTS/DPF 1.2 Shop, office or consulting room uses not exceeding a maximum gross leasable floor area of 2,000m² in a single building.</p>
5. Any development involving any of the following (or of any combination of any of the following):	None specified.

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<p>(a) internal building works (b) replacement building (c) tree damaging activity.</p>	
<p>6. Demolition</p>	<p>Except any of the following:</p> <ol style="list-style-type: none">1. the demolition of a State or Local Heritage Place2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Urban Corridor (Business) Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is not adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> advertisement air handling unit, air conditioning system or exhaust fan building work on railway land carport dwelling outbuilding pre-school residential flat building retirement facility shade sail solar photovoltaic panels (roof mounted) student accommodation supported accommodation verandah water tank 	Except development that: <ol style="list-style-type: none"> exceeds the maximum building height specified in Urban Corridor (Business) DTS/DPF 3.1 DTS/DPF 3.1 - Refer to TNV or does not satisfy Urban Corridor (Business) DTS/DPF 4.1 or involves the construction of a building of 4 or more building levels and the site of the development is: <ol style="list-style-type: none"> adjacent land to a neighbourhood-type zone and adjoins an allotment containing an existing low-rise building used for residential purposes. <p>DTS/DPF 4.1 Buildings constructed within a building envelope provided by a (a) 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary). (a) in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram. Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram. Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram.</p>
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> consulting room office shop <p>DTS/DPF 1.2 Shop, office or consulting room uses not exceeding a maximum gross leasable floor area of 1000m² in a single building.</p>	Except development that: <ol style="list-style-type: none"> exceeds the maximum building height specified in Urban Corridor (Business) DTS/DPF 3.1 DTS/DPF 3.1 - Refer to TNV or does not satisfy Urban Corridor (Business) DTS/DPF 1.2 or does not satisfy Urban Corridor (Business) DTS/DPF 4.1 or DTS/DPF 4.1 - As above or involves the construction of a building of 4 or more building levels and the site of the development is: <ol style="list-style-type: none"> adjacent land to a neighbourhood-type zone and adjoins an allotment containing an existing low-rise building used for residential purposes.

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5. Any development involving any of the following (or of any combination of any of the following): (a) internal building works (b) replacement building (c) tree damaging activity.	None specified.
6. Demolition.	Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Urban Corridor (Living) Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is not adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> advertisement air handling unit, air conditioning system or exhaust fan building work on railway land carport dwelling fence outbuilding pre-school residential flat building shade sail solar photovoltaic panels (roof mounted) student accommodation supported accommodation swimming pool or spa pool verandah water tank. 	Except development that: <ol style="list-style-type: none"> exceeds the maximum building height specified in Urban Corridor (Living) DTS/DPF 3.1 or DTS/DPF 3.1 - Refer to TNV does not satisfy Urban Corridor (Living) DTS/DPF 4.1 or involves the construction of a building of 4 or more building levels and the site of the development is: <ol style="list-style-type: none"> adjacent land to a neighbourhood-type zone and adjoins an allotment containing an existing low-rise building used for residential purposes. <p>DTS/DPF 4.1 Buildings constructed within a building envelope provided by a: (a) 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary); (a) in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram; Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram; Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram:</p>
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> consulting room office shop. <p>DTS/DPF 1.2 Shop, office, or consulting room uses not exceeding a maximum gross leasable floor area of 500m².</p>	Except development that: <ol style="list-style-type: none"> exceeds the maximum building height specified in Urban Corridor (Living) DTS/DPF 3.1 or DTS/DPF 3.1 - Refer to TNV does not satisfy Urban Corridor (Living) DTS/DPF 1.2 or does not satisfy Urban Corridor (Living) DTS/DPF 4.1 or DTS/DPF 4.1 - Refer above involves the construction of a building of 4 or more building levels and the site of the development is: <ol style="list-style-type: none"> adjacent land to a neighbourhood-type zone and adjoins an allotment containing an existing low-rise building used for residential purposes.

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5. Any development involving any of the following (or of any combination of any of the following): (a) internal building works (b) replacement building (c) tree damaging activity.	None specified.
6. Demolition.	Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

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Part 2 - Zones and Sub Zones

Urban Corridor (Main Street) Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is not adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> advertisement air handling unit, air conditioning system or exhaust fan deck dwelling fence office residential flat building retaining wall shade sail shop solar photovoltaic panels (roof mounted) water tank 	Except development that: <ol style="list-style-type: none"> exceeds the maximum building height specified in Urban Corridor (Main Street) DTS/DPF 3.1 or DTS/DPF 3.1 - Refer to TNV does not satisfy Urban Corridor (Main Street) DTS/DPF 4.1 or involves the construction of a building of 4 or more building levels and the site of the development is: <ol style="list-style-type: none"> adjacent land to a neighbourhood-type zone and adjoins an allotment containing an existing low-rise building used for residential purposes. <p>DTS/DPF 4.1 Buildings constructed within a building envelope provided by a: (a) 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary); (a) in relation to a southern boundary, 30 degree plane grading north, measured from a height of 3m above natural ground at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram. Buildings constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram. Buildings constructed within a building envelope provided by a 30 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram.</p>
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> internal building works replacement building tree damaging activity 	None specified.
5. Demolition.	Except any of the following: <ol style="list-style-type: none"> the demolition of a State or Local Heritage Place the demolition of a building (except an ancillary building) in a Historic Area Overlay.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	

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Placement of Notices - Exemptions for Restricted Development

None specified.

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Part 2 - Zones and Sub Zones

Urban Renewal Neighbourhood Zone

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: <ul style="list-style-type: none"> (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust. 	Except development involving any of the following: <ul style="list-style-type: none"> 1. residential flat building(s) of 3 storeys or greater 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) ancillary accommodation (c) building work on railway land (d) carport (e) deck (f) dwelling (g) dwelling addition (h) fence (i) outbuilding (j) pergola (k) private bushfire shelter (l) residential flat building (m) retaining wall (n) retirement facility (o) shade sail (p) solar photovoltaic panels (roof mounted) (q) student accommodation (r) supported accommodation (s) swimming pool or spa pool (t) verandah (u) water tank. 	Except development that: <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Urban Renewal Neighbourhood Zone DTS/DPF 2.1 DTS/DPF 2.1 - Refer to TNV or 2. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment). <p>DTS/DPF 1.6 Alteration of or addition to existing educational establishments, community facilities or pre-schools where:</p> <ul style="list-style-type: none"> (a) set back at least 3m from any boundary shared with a residential land use (b) building height not exceeding 1 building level (c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration (d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.
4. Alteration of or addition to any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) community facility (b) educational establishment (c) pre-school. 	Except development that does not satisfy Urban Renewal Neighbourhood Zone DTS/DPF 1.6.

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<p>5. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) consulting room (b) office (c) shop. <p>DTS/DPF 1.2 <i>A shop, consulting room or office (or any combination thereof) satisfies (a) or (b):</i></p> <p><i>(a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied:</i> <i>(i) does not exceed 50m² gross leasable floor area</i> <i>(ii) does not involve the display of goods in a window or about the dwelling or its curtilage</i> <i>(b) where located outside of an Activity Centre, does not exceed 250m² in gross leasable floor area.</i></p>	<p>Except development that:</p> <ul style="list-style-type: none"> 1. exceeds the maximum building height specified in Urban Renewal Neighbourhood Zone DTS/DPF 2.1 DTS/DPF 2.1 - Refer to TNV or 2. does not satisfy Urban Renewal Neighbourhood Zone DTS/DPF 1.2 or 3. involves a building wall (or structure) that is proposed to be situated on a side boundary (not being a boundary with a primary street or secondary street) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>6. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) internal building works (b) land division (c) recreation area (d) replacement building (e) temporary accommodation in an area affected by bushfire (f) tree damaging activity. 	<p>None specified.</p>
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ul style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
<p>Placement of Notices - Exemptions for Performance Assessed Development</p>	
<p>None specified.</p>	
<p>Placement of Notices - Exemptions for Restricted Development</p>	
<p>None specified.</p>	

Comparison of Assessment Pathways

Please note: Overlays have not been considered in this exercise. Overlays can move a development from a deemed to satisfy to performance assessed pathway but don't generally move an application from a non-notified performance assessed to notified performance assessed pathway.

Construction of two (2) two-storey detached dwellings each with garage under main roof (211/463/2016)		
	Development Act	PDI Act
ZONE	Residential Zone	Established Neighbourhood
POLICY AREA	Mile End Conservation Policy Area 30	
APPLICATION TYPE	Merit	Performance assessed
PUBLIC NOTIFICATION	Category 2	Notified - Building height exceeds 1 storey (DTS/DPF 4.1)
DELEGATION	Presented to CAP as the relevant application is for a merit, Category 2 or Category 3 form of development, representations have been received and one or more representors wish to be heard on their representation.	It would be presented to CAP as the relevant application is for one or more new dwellings within the Historic Area Overlay, irrespective of whether representations were received or not.

Construction of freestanding advertising sign and display of advertising on existing education building (211/63/2021)		
	Development Act	PDI Act
ZONE	Residential Zone	Housing Diversity Neighbourhood
POLICY AREA	Medium Density Policy Area 18	
APPLICATION TYPE	Non-Complying	Performance assessed (freestanding)
PUBLIC NOTIFICATION	Category 1 (minor)	Notified unless considered minor by Assessment Manager.
DELEGATION	Presented to CAP as 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.	It may be presented to CAP if a representor who has lodged a valid representation wishes to be heard. Otherwise, application is assessed under delegation. If minor, CAP is not the relevant authority.

Land division - Community Title; SCAP No. 211/C125/20; Create one (1) additional allotment and common property (211/1011/2020)		
	Development Act	PDI Act
ZONE	Residential Zone	Suburban Neighbourhood
POLICY AREA	Low Density Policy Area 21	
APPLICATION TYPE	Merit	Performance assessed
PUBLIC NOTIFICATION	Category 1	Not Notified - Land division is excluded from notification
DELEGATION	Presented to CAP as the relevant application proposes a merit form of development which does not meet the minimum site area requirements in the relevant Zone or Policy Area by 7.5% or more.	Assessment Manager is relevant authority. Application is not presented to CAP.

Construction of a store on Council Reserve (211/55/2021)		
	Development Act	PDI Act
ZONE	Residential Zone	Suburban Neighbourhood
POLICY AREA	Low Density Policy Area 21	
APPLICATION TYPE	Non-Complying	Performance assessed
PUBLIC NOTIFICATION	Category 1 (minor)	Notified - Store land use is not excluded from notification
DELEGATION	Presented to CAP as 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.	It may be presented to CAP if a representor who has lodged a valid representation wishes to be heard. Otherwise, application is assessed under delegation.

Construction of a store in association with existing office and consulting rooms (211/245/2020)		
	Development Act	PDI Act
ZONE	Residential	General Neighbourhood
POLICY AREA	Low Density Policy Area 21	
APPLICATION TYPE	Non-Complying	Performance assessed
PUBLIC NOTIFICATION	Category 3	Notified - Store land use is not excluded from notification
DELEGATION	Presented to CAP as 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.	It may be presented to CAP if a representor who has lodged a valid representation wishes to be heard. Otherwise, application is assessed under delegation.

Demolition of existing signage and the construction of signage in association with an existing service trade premises and associated motor repair station (211/880/2020)		
	Development Act	PDI Act
ZONE	Commercial Zone	Employment
POLICY AREA	Arterial Roads Policy Area 1	
PRECINCT	Precinct 6 South Road (Mile End South)	
APPLICATION TYPE	Non-complying	Performance assessed (extends above parapet)
PUBLIC NOTIFICATION	Category 1	Not Notified - Advertisement is excluded from notification
DELEGATION	Presented to CAP as 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.	Assessment Manager is relevant authority. Application is not presented to CAP.

Demolition of two (2) existing dwellings and existing hotel bottle shop, construction of a residential flat building containing four (4) two storey dwellings, and a 5 storey residential flat building containing 30 dwellings and 1 shop (DA211/480/2020)		
	Development Act	PDI Act
ZONE	Commercial Zone and Residential Zone	Employment
POLICY AREA	Arterial Roads Policy Area 1, Precinct 3, Arterial Roads Policy Area 1, Precinct 5, Character Policy Area 23	
APPLICATION TYPE	Merit	Performance assessed
PUBLIC NOTIFICATION	Category 3	Notified - Dwelling land use is not excluded from notification
DELEGATION	Presented to CAP as the relevant application proposes mixed use development, including residential development, of three or more storeys above finished ground level. The relevant application is for a merit, Category 2 or Category 3 form of development, representations have been received and one or more representors wish to be heard on their representation.	Would be presented to CAP as mixed use development involving residential development, of three or more storeys above finished ground level, irrespective of whether representations were received or not.

Removal of a significant tree - <i>Eucalyptus Camaldulensis</i> (River red gum) (211/640/2020)		
	Development Act	PDI Act
ZONE	Residential Zone	General Neighbourhood
POLICY AREA	Low Density Policy Area 20	
APPLICATION TYPE	Merit	Performance assessed
PUBLIC NOTIFICATION	Category 1	Not Notified - Tree damaging activity is excluded from notification.
DELEGATION	Presented to CAP as 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. Presented to CAP as 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.	Assessment Manager is relevant authority. Application is not presented to CAP.

Demolition of existing building and construction of a single storey commercial building comprising offices, coffee shop, signage and associated car parking and landscaping (211/466/2020)		
	Development Act	PDI Act
ZONE	Residential Zone	Suburban Neighbourhood
POLICY AREA	Low Density Policy Area 21	
APPLICATION TYPE	Non-Complying	Performance assessed
PUBLIC NOTIFICATION	Category 3	Notified - Office land use exceeds floor area requirements (DTS/DPF 1.2)
DELEGATION	Presented to CAP as 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.	Application may be presented to CAP if a representor who has lodged a valid representation wishes to be heard. Otherwise, application is assessed under delegation.

7.2 Powers of Assessment Manager delegated to the Council Assessment Panel under the Planning, Development and Infrastructure Act 2016

Brief

This report provides information on the delegation of the Assessment Manager's powers and functions as a relevant authority to the Council Assessment Panel under the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

It is recommended to the Council Assessment Panel that the report be received.

Introduction

The *Planning Development and Infrastructure Act 2016* (the Act) introduces changes to the statutory functions of the Council Assessment Panel (CAP).

The Assessment Manager is designated as a relevant authority in its own right for deemed to satisfy and non-notified performance assessed applications under the Act.

The LGA engaged Norman Waterhouse Lawyers to prepare a delegations framework which comprised four Instruments. Instrument C relates to the CAP's powers and functions as a relevant authority under the Act. Instrument D contains the powers and functions of the Assessment Manager as a relevant authority under the Act that may be delegated.

The Assessment Manager has determined to delegate some of their powers and functions to Council Administration staff to undertake specific duties or exercise powers on its behalf to ensure efficient and effective decision-making.

The Assessment Manager has also determined to delegate some of their powers and functions to CAP. This report provides information to the CAP on the powers delegated from the Assessment Manager to the CAP.

Discussion

The delegated powers are those required for the CAP to determine a planning consent application where the Assessment Manager is the Relevant Authority. The formal Instrument of Delegation from the Assessment Manager to the CAP (Instrument D) is enclosed in **Attachment 1**.

The Assessment Manager has decided to put these delegations in place to allow for rare circumstances in which the Assessment Manager is of the opinion that the application should be determined by CAP under delegation. Potential examples may be if there is a conflict of interest that cannot be otherwise managed, substantial applications where Council is the applicant, etc.

Non-notified performance-assessed applications where the Assessment Manager is the relevant authority have a shorter assessment timeframe (20 days less than applications to CAP) and therefore it is anticipated that CAP will rarely be called upon to exercise these delegations.

Conclusion

The Assessment Manager has delegated some of their powers and functions under the Act to the CAP. The Instrument of Delegation is attached to this report for CAP's reference.

Attachments

1. Instrument D - Powers and functions delegated to Council Assessment Panel

Instrument of Delegation - Instrument D

In exercise of the power of Assessment Manager, pursuant to Section 100 of the *Planning, Development and Infrastructure Act 2016* hereby delegate:

Delegate the following powers to:
Council Assessment Panel

Such powers and functions contained in this instrument may not be further delegated in accordance with section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Notes

Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument.

2. Relevant Authority – Commission	
2.1	The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.
4. Matters Against Which Development Must Be Assessed	
4.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):
4.1.1	-
4.1.1.1	the relevant provisions of the Planning Rules; and
4.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):
4.1.1	-
4.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development;

(planning consent);	<p>4.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>4.1.2 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):</p> <p>4.1.2.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;</p> <p>4.1.2.2 any relevant requirements set out in a design standard has been satisfied;</p> <p>4.1.2.3 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;</p> <p>4.1.2.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;</p> <p>4.1.2.5 requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;</p> <p>4.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>4.1.3 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):</p> <p>4.1.3.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;</p> <p>4.1.3.2 any relevant requirements set out in a design standard has been satisfied;</p> <p>4.1.3.3 any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;</p> <p>4.1.3.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;</p> <p>4.1.3.5 a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;</p> <p>4.1.3.6 the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;</p> <p>4.1.3.7 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;</p> <p>4.1.3.8 any building situated on the land complies with the Building Rules;</p> <p>4.1.3.9 requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;</p> <p>4.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>4.1.4 any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;</p>
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4.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 4.1.5 if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;
4.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 4.1.6 such other matters as may be prescribed.
4.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:
4.2.1 until further assessment of the relevant development under the PDI Act; or
4.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:
4.2.2 until further assessment or consideration of the proposed development under another Act; or
4.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:
4.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.
4.3 The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.
6. Performance Assessed Development
6.1 The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).
7.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.
8. Outline Consent
8.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:
8.2.1 grant any consent contemplated by the outline consent; and
8.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:
8.2.2 not impose a requirement that is inconsistent with the outline consent.
9. Design Review

9.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).
10.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:
10.2.1 to refuse the application; or
10.3 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:
10.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.
14. Determination of Application
14.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
14.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.
15. Conditions
15.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
15.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.
15.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).
15.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.
15.5 The power pursuant to Section 127(8)(b) of the PDI Act to:
15.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.
16. Variation of Authorisation

16.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
26. Amended Applications
26.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.
33. Notice of Decision (Section 126(1))
33.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.
34. Consideration of Other Development Authorisations
34.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.
47. Scheme Provisions
47.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.
47.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.



Hannah Bateman
Assessment Manager
City of West Torrens

8 REVIEW OF ASSESSMENT MANAGER DECISION

Nil

9 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

10 RELEVANT AUTHORITY ACTIVITIES REPORT**10.1 Activities Summary - April 2021****Brief**

This report presents information in relation to:

1. Any planning appeals before the Environment, Resources and Development (ERD) Court where the CAP is the relevant authority;
2. Summary of applications that have been determined under delegated authority where Council Assessment Panel (CAP) is the relevant authority;
3. Any deferred items previously considered by the CAP; and
4. Any matters being determined by the State Commission Assessment Panel (SCAP).

RECOMMENDATION

The Council Assessment Panel receive and note the information.

Appeals before the ERD Court where the CAP is the relevant authority

DA number	Address	Description of development	Status
211/356/2016/A	50 Davenport Terrace, RICHMOND	Variation to Development Application 211/356/2016 - Increase Group 'C' building from 3 storeys to 5 storeys containing a total of 98 dwellings (38 additional dwellings)	Appeal lodged 18/12/2020 - Appellant has engaged Griffins Lawyers (John McElhinney) - joinder has been accepted. Directions hearing was held 31 March 2021 at 9.15am. A hearing has been set for 1-3 June 2021. Council has engaged Kelledy Jones Lawyers.

Other relevant appeals before the ERD Court

Relevant authority	DA number	Address	Description of development	Status
SCAP	211/M015/19	1 Glenburnie Terrace, PLYMPTON	Six-storey residential flat building (32 dwellings) & associated car parking	Appeal lodged - a compromise proposal has been tabled at SCAP in confidence - the proposal was not accepted. SCAP continuing to work with applicant and conciliation conference set for 25 February 2021.
SCAP	211/M022/17	79 Port Road, THEBARTON	Multi-storey mixed use development, incorporating commercial tenancy, 2 storey car park, 9-storey residential flat building, four x 3-storey residential flat buildings and car parking	Appeal lodged - compromise plans have been received and Council comments provided to SCAP 09 November 2020. The compromise proposal is scheduled for conciliation conference 28 January 2021.

Development Applications determined under delegation (CAP is the relevant authority)

DA number	Address	Description of development	Decision	Date of decision
-	-	-	-	-

Deferred CAP Items

DA number	CAP Meeting	Address	Description of development	Reason for deferral
-	-	-	-	-

Development Applications pending determination by SCAP

DA Number	Reason for referral	Address	Description of development
211/L131/21	Schedule 10	20-118 James Melrose Drive, Novar Gardens	Installation of two (2) water storage tanks

DA Number	Reason for referral	Address	Description of development
211/M135/21	Schedule 10	1 Selby Street, Kurralta Park	Construction of a 10-storey residential flat building with associated car parking and site works.
211/M129/21	Schedule 10 (Council comments sent through to SCAP 180/03/21)	8 Eton Road, Keswick	Construction of a six (6) storey mixed use building comprising residential and commercial tenancies together with car parking and landscaping
211/M030/18	Schedule 10 (pending - application on hold)	192 Anzac Highway, Glandore	Demolition of existing structures and construction of an eight (8) storey residential flat building comprising 40 dwellings, including the removal of a significant tree

Conclusion

This report is current as at 31 March 2021.

Attachments

Nil

11 OTHER BUSINESS

12 MEETING CLOSE