<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.5</th>
</tr>
</thead>
</table>
| Development Application | 490/208/2017  
                           | 490/D009/17 (DAC Reference) |
| Author(s)           | Team Leader Development Services (David Bielatowicz) |
| Applicant           | ARCADIAN COMMUNITIES |
| Owner               | R L & H D AMES & L H BRUGGEMANN & K D PRIESTLEY |
| Subject Land        | Balmoral Road GAWLER EAST 5118 |
| Certificate of Title | LOT: 7022 PLN: D111597 CT: 6167/581 |
| Description of Development | Land Division by Torrens Title creating a total of 62 Residential Allotments with associated public roads, open space reserves and infrastructure |
| Zone                | Residential (Gawler East) Zone |
| Policy Area         | N/A |
| Nature of Development | Merit |
| Public Notification Category | Category 1 |
| Representations      | N/A |
| Previous Motion      | Nil |
| Lodgement Date       | 18/04/2017 |
| Development Plan     | 28 April 2016 |
| Delegation           | 3.3.1.3 - Applications for consent for land division (including in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988) creating 5 or more additional residential allotments within a Residential Zone |
| Recommendation       | Development Plan Consent be granted. Land Division Consent to be authorised to the Chief Executive Officer (CEO) once easement terms have been reached. |
| Attachments Under Separate Cover | Attachment 1 – Proposed Plan of Division  
                                  | Attachment 2 – Previous Plans of Division and Associated Documentation  
                                  | Attachment 3 – Copy of Master plan  
                                  | Attachment 4 – EPA Response/Recommended conditions  
                                  | Attachment 5 – Plan of Division showing D009/17 and D010/17  
                                  | Attachment 6 – CFS Referral  
                                  | Attachment 7 – Site Audit map |
PROPOSAL

The subject development proposal seeks Development Plan Consent (DPC) for a Land Division (by Torrens Title) creating 62 Residential allotments. More specifically, the proposal includes:

- 62 Residential allotments within two (2) development stages, 38 within Stage 1A and 24 within Stage 1B;
- 1 Super-lot (Future Development Lot – remainder of existing allotment) to facilitate future residential development;
- The creation of public roads and infrastructure (including a road link over the existing high pressure gas pipeline and water mains);
- The provision of stormwater infrastructure including above ground detention basins;
- Provision of Public Open Space;
- Boundary Fencing treatments (secured via a proposed Land Management Agreement);
- Lowering of the existing SA Water mains in order to allow construction of a public road connection and continuation of Burford Street.

Copies of the final Plan of Division are provided as part of Attachment 1.

Previous variations of the Plan of Division and associated documentation are contained within Attachment 2.

BACKGROUND

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

- The subject land (site) is located within the residential development (estate), that is commonly referred to by its project name “Springwood” (Gawler East), being previous undertaken by Lend Lease Communities (Developer).

- The subject site for the purpose of this land division application relates to a small section of land that makes up the development area of Springwood of approximately 220 hectares (ha) in total area.

- Since January 21 2016, the Springwood Development has been undertaken by a consortium consisting of Arcadian Communities and Burke Urban, in conjunction with the land owners. Lend Lease Communities no longer hold an interest into the development.
• Previous land division applications approved by the Council Development Assessment Panel, in particular stages 1 – 10, were lodged by Lend Lease. Any remaining stages (approved and not constructed) are now in the control of the new developers.

• The land currently developed within the Springwood development area (Stages 1 -10) equates to approximately 22Ha. These first 10 stages were commonly referred/marketed as either “Village 1” or “East Riding”.

• The site forming part of this proposal, is the first stage within Springwood to cross the existing SA Water mains (above ground exposed) and the SEA Gas high pressure pipelines (buried). These two pipelines divide the development area of Springwood in half (in addition to other physical man-made (High Voltage Power lines and natural constraints i.e. Steep creek environment).

• Since lodgement of this proposal, the land division has been amended to reflect safety matters identified by a Safety Management Study Workshop (SMS) attended by Springwood Communities, the Department of State Development (DSD – Gas Technical regulator), GPA Engineers, Wallbridge and Gilbert Engineers, the Town of Gawler and SEA Gas (South East Australia Gas Pty Ltd – Gas line licensee) in order to satisfy Australian Standard 2885 Gas and Liquid Petroleum (AS2885). The workshop was arranged by SEA Gas, in order to identify and ensure safety of the gas pipeline and adjoining development were met.

• The Department of State Development, is now referred to as the Department of the Premier and Cabinet (DPC).

• The most noticeable amendments to the land division proposal since lodgement have include the widening of the width of the land within the vicinity of the SEA Gas Pipeline running parallel with Balmoral Road.

• The SEA Gas pipeline and requirements of AS 2885 are discussed later within the report.

• It must be noted that a subsequent Land Division (490/D010/2017) for Stages 2A and 2B has been lodged and references to this land division appear within attachments associated with the current proposal. The panel is advised that the subsequent land division is still under assessment and reference to the application should be considered only as a guide. This land division application will be presented to the panel at a later date. A decision on the subject application will not prejudice a determination on any subsequent land division proposal.

• A Masterplan has been presented to Council’s Infrastructure, Environment Services Committee at the 13 June 2017 meeting. The Masterplan was presented to the Committee
as an information item and accompanied by a presentation by the Developer. The Masterplan should be considered by the Panel also as a guide (for indicative purposes), as the master plan holds no Statutory or legislative right. All development matters pertaining to this land division must be assessed the Gawler Development Plan. A copy of the master plan is provided as Attachment 3.

DEVELOPMENT APPLICATION HISTORY

<table>
<thead>
<tr>
<th>DA#</th>
<th>DESCRIPTION OF PROPOSAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministerial DPA</td>
<td>August 2010 – Ministerial Development Plan Amendment (DPA)</td>
<td>Rezoned</td>
</tr>
<tr>
<td>490/D054/10</td>
<td>Land Division for Approximately 225 Allotments with associated public infrastructure and areas of public open space</td>
<td>Most stages constructed and subsequent dwellings approved and built. One Stage remaining to be constructed</td>
</tr>
<tr>
<td>490/D038/13 – 490/D050/13</td>
<td>Variation to configuration of stages and allotments within 490/D054/10</td>
<td>Stages constructed and complete. Subsequent dwellings approved and built</td>
</tr>
<tr>
<td>490/D064/12</td>
<td>Creation of 44 new allotments and two (2) development stages</td>
<td>Stages constructed and complete. Most subsequent dwellings approved and built</td>
</tr>
<tr>
<td>490/D038/14</td>
<td>Creation of 26 Residential allotments and 2 super-lots</td>
<td>Stages constructed and complete. Most subsequent dwellings approved and built</td>
</tr>
<tr>
<td>490/D014/16, 490/D015/16, 490/D016/16,</td>
<td>Creation of 10 (total) residential lots at the end of existing cul-de sacs</td>
<td>DPC and LDC Granted, stages not constructed</td>
</tr>
</tbody>
</table>

LOCALITY

The main characteristics of the locality are as follows:

NORTH

- Residential land use
- Allotments created by the above mentioned land divisions within initial stages of Springwood (Stages 1 – 10)
- East Riding Park
A Locality Plan (overall site location plan) is provided below:
SUBJECT SITE

- The subject land is located within the area of land rezoned by the Minister for Planning in 2010, for residential purposes.

- The subject site is located on Balmoral Road, Gawler East and is wholly located within the Residential (Gawler East) Zone.

- The subject site is legally recognised as Lot 7022 within Deposited Plan 111597, Certificate of Title Volume 6167 Folio 581.

- The subject site has two registered easements registered against the title, both are registered to the Minister for Infrastructure and more specifically include easements for the supply of mains water and high pressure gas.

- Two (2) Land Management Agreements are registered against the land, one with Renewal SA (South Australian Housing Trust) for the provision of a minimum 15% Affordable Housing. Secondly a LMA with the Town of Gawler to ensure a minimum 12.5% open space is provided within the Development Area of Springwood in accordance with Section 50 of the Development Act 1993.

- The site has a frontage to Balmoral Road and the subject lot has a total area of 187,400 m² (18.74 Ha). The land being developed for the purposes of residential allotments, areas of open space and public roads referred to as the ‘subject site’ is approximately 6,356 m² (6.356 Ha) with the remainder of the land (12.384 Ha) becoming a future super-lot/development lot.

- The site is relatively flat in comparison with future anticipated stages further west within Springwood. The subject site however does contain an approximate 16 metre decline over approximately 350 metres from the southeast corner towards Burford Street and existing road connection constructed as part of 490/D054/10. The topography of the subject site resembles an amphitheatre shape from Burford Street towards the south of the site.

- The site consists of no vegetation (trees/shrubs) apart from a small scatter of low to medium height shrubbery along the Balmoral Road reserve (located outside the subject site and under the control and ownership of the Barossa Council).

- The site appears to previously used for grazing and cropping purposes.

A Site Plan is provided below:
NATURE OF DEVELOPMENT

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

CATEGORISATION (PUBLIC NOTIFICATION)

The application was not required to be advertised pursuant to Section 38 of the Development Act 1993, as pursuant to Schedule 9 of the Development Regulations, 2008, Schedule 9, Part 1 (5)

The division of land (including for the construction of a road or thoroughfare) where the land is to be used for a purpose which is, in the opinion of the relevant authority, consistent with the objective of the zone or area under the relevant Development Plan, other than where the division will, in the opinion of the relevant authority, change the nature or function of an existing road.

The proposed land division is not considered to change the nature or function of any existing roads. The proposal extends and links onto roads that are already either constructed or approved as part of the previous Development Applications mentioned within this report. These roads have been intended to be used to link into future stages as the overall development progresses through the area known as Springwood. Similarly, given the allotments are proposed for a residential purpose within a residential zone, the division of land is considered consistent with the intent and objectives of the zone.
# REFERRALS

The following external referrals were undertaken:

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Assessment Commission (DAC)</td>
<td></td>
</tr>
<tr>
<td>Now State Planning Commission</td>
<td></td>
</tr>
<tr>
<td>• The following conditions are required which include SA Water requirements:</td>
<td></td>
</tr>
<tr>
<td>1) The financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water 90065/16).</td>
<td></td>
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<tr>
<td>An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.</td>
<td></td>
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<tr>
<td>2) The necessary easements shall be granted to the SA Water Corporation free of cost.</td>
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</tr>
<tr>
<td>3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.</td>
<td></td>
</tr>
<tr>
<td>Environmental Protection Authority (EPA)</td>
<td></td>
</tr>
<tr>
<td>• In summary the EPA is satisfied with the information provided</td>
<td></td>
</tr>
<tr>
<td>• A copy of the response and recommended conditions has been provided as <a href="#">Attachment 4</a></td>
<td></td>
</tr>
<tr>
<td>South East Australia Gas Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>• Comments provided through DPC.</td>
<td></td>
</tr>
<tr>
<td>Department of the Premier and Cabinet (DPC) – Energy Resources Division (Gas)</td>
<td></td>
</tr>
<tr>
<td>Formally Department of State Development (DSD) – Energy Resources Division (Gas)</td>
<td></td>
</tr>
<tr>
<td>• The <em>Petroleum and Geothermal Energy Act 2000 (PGE Act)</em> requires all transmission pipelines to be designed, constructed, operated and maintained in accordance with Australian Standard (AS) 2885: <em>Pipelines – Gas and Liquid Petroleum</em>. This standard exists to ensure protection of the pipeline, which in turn ensures the safety of the community, protection of the environment and security of (gas) supply to users.</td>
<td></td>
</tr>
<tr>
<td>This land division application has been referred to the Department of the Premier and Cabinet as it is within the measurement length of the Pipeline. There is a change in land use classification (AS2885) and the development has the potential to impact the pipeline easement or Right of Way.</td>
<td></td>
</tr>
<tr>
<td>A Safety Management Study (SMS) per AS2885 requirements has been conducted for this development and was issued by SEA Gas on 28th June 2017. Following further consultation with the stakeholders, DPC recommends that this land division</td>
<td></td>
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</table>
approval should be conditional on the requirements of the SMS being satisfied which include but not limited to:

1) Developer and SEA Gas negotiating adequate separation distance between the centreline of the Port Campbell to Adelaide High Pressure Gas Pipeline and the boundary of residential properties.

2) Designing all road and infrastructure either located within or traversing the Port Campbell to Adelaide High Pressure Gas Pipeline easement in a manner that addresses the requirements of the SMS.

3) For the proposed linear park utilising the pipeline easement, a solid surface for bike/pedestrian paths over the pipeline needs to be installed and for locations where it is not practical to install such a path directly over the pipeline the need for installing buried slabbing should be considered.

4) Resolving the Main Line Valve 8 vent issue identified in the SMS.

| Department of Education and Community Development – DECD) Education and Child Development | No Comment |
| Department of Planning Transport and Infrastructure (DPTI) - Maintenance Section | No Comment |
| Department of Planning Transport and Infrastructure (DPTI) - Public Transport Division | Located more than 500 metres from the closest bus stop. At present due to the low density of the locality there is no short term plan to extend existing services closer to the proposed development area. Residents will be required to walk approximately 1 km to Cork Road for access to public transport from this development. |
| Renewal SA (Affordable Housing) | There is an affordable housing land management agreement (AG 11764743) in place over these parcels of land and overall project for Gawler East. The proponent has provided an Affordable Housing Plan which provides 15% affordable housing. The development should be assessed on the basis that it is providing affordable housing. |

The following internal referrals were undertaken:
<table>
<thead>
<tr>
<th>Internal Departments</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>Stormwater and Road Reserve review</td>
</tr>
<tr>
<td>Comments</td>
<td>Civil concept plans appear to meet the Town of Gawler Standards and Requirements for Land Development/Land Division. Final Designs will be required to be provided and approved.</td>
</tr>
<tr>
<td></td>
<td>Traffic report provided and expect traffic volume is considered acceptable within road classification – accordingly function of road not changed</td>
</tr>
<tr>
<td></td>
<td>Traffic Volumes will likely decrease as part of future stages</td>
</tr>
<tr>
<td></td>
<td>Stormwater wetland is proposed to be staged over two land division applications. Second Land Division application lodged however not approved.</td>
</tr>
<tr>
<td></td>
<td>The stormwater management proposed will be consistent with the original stormwater management plan for the Springwood site as a whole. The proposed swale is considered appropriate for stage 1A and 1B, with the intent of a wetland in stages 2.</td>
</tr>
<tr>
<td></td>
<td>Final Open Space, Road and Stormwater plans to be lodged prior to Section 51 Clearance and approved by Council</td>
</tr>
<tr>
<td></td>
<td>Maintenance period of “Highfield Park” and linear open space to be negotiated. Proposed longer maintenance period favoured.</td>
</tr>
<tr>
<td></td>
<td>Conditions of Approval Added</td>
</tr>
<tr>
<td>Open Space Officer</td>
<td>Open Space review</td>
</tr>
<tr>
<td>Comments</td>
<td>Within 300m to intent users and about 250m from existing and future open space.</td>
</tr>
<tr>
<td></td>
<td>This open space caters to the residents/users needs for a kick about space, as the existing park doesn’t have sufficient space for this function</td>
</tr>
<tr>
<td></td>
<td>The easement on the northern side poses as a visual and physical barrier to users deterring residents from wanting to use the existing open space.</td>
</tr>
<tr>
<td></td>
<td>Neighbourhood Park &amp; Linear Park – Provides quality vs quantity.</td>
</tr>
<tr>
<td></td>
<td>Is in a good location. Open space meets the 20m in width requirement for usability.</td>
</tr>
<tr>
<td></td>
<td>Masterplan and a general conceptual plan set out possible types of plants and trees (mostly natives/indigenous). This complies with the strategies set out under a sustainable and resilient landscape approach for urban areas.</td>
</tr>
<tr>
<td></td>
<td>Reserves have been set out within walkable distance to promote walkability to the existing village.</td>
</tr>
<tr>
<td></td>
<td>Has good cycle and walking networks within their design</td>
</tr>
</tbody>
</table>
• Has developed a network of greenways and open space to encourage the increase of biodiversity, creating ‘islands’ for the movement of fauna.
• Plan includes treatment of surface runoff, via the means of a swale/creek/detention basin, which can be reused within the site for irrigation. This meets with the adoption of WSUD design principles.
• As stated in Tract’s masterplan, there is a desire to have signage information, in regards to the water treatment process, which will educate the public and visitors alike on environmental awareness.

ASSESSMENT

The zoning of the land and relevant provisions

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

<table>
<thead>
<tr>
<th>Development Plan</th>
<th>28 April 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Residential (Gawler East) Zone</td>
</tr>
<tr>
<td>Policy Area</td>
<td>N/A</td>
</tr>
<tr>
<td>Section</td>
<td>Objectives</td>
</tr>
<tr>
<td>Council Wide:</td>
<td>1</td>
</tr>
<tr>
<td>Appearance of Land, Buildings and the Public Environment</td>
<td>3, 4</td>
</tr>
<tr>
<td>Bushfire Protection</td>
<td>11, 12, 13, 14, 15, 16, 17</td>
</tr>
<tr>
<td>Community Facilities Conservation</td>
<td>18,</td>
</tr>
<tr>
<td>Contaminated Land</td>
<td>20, 22, 23</td>
</tr>
<tr>
<td>Energy Efficiency</td>
<td>33, 34, 35, 36, 37, 38</td>
</tr>
<tr>
<td>Form of Development</td>
<td>39, 40</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>41</td>
</tr>
</tbody>
</table>
| Land Division | 61, 62, 63, 64 | 167, 168, 169, 170, 171, 171, 172, 173, 174, 175, 176, 177, 178, 179,
**Intended Use of Land**

The subject land division is situated wholly within the Residential (Gawler East) Zone (RGEZ) and situated just outside or east of the Mixed Use Centre Policy Area 3 (MUCPA3).

The proposal provides residential allotments in accordance with the Residential (Gawler East) Zone, which Objective 1 of the zone seeks “a predominately residential area ....” in particular no commercial/mixed use development outside the MUCPA3.

Whilst only a land division application, the proposed allotments are envisaged to be developed for residential purposes and will likely encompass single and two storey detached dwellings with associated structures once established. This type of dwelling form along with others is sought by the zone which seeks dwelling 1 – 3 storeys in height. This is in accordance with the desired character of the zone and Principle of Development Control (PDC) 3, 7.

The zone seeks land division through PDC 7 to provide a broad range of housing options including affordable housing, which is achieved within this proposal. When assessed holistically with previous land division applications within Springwood, the land division provides allotments generally larger than in previous stages, allowing housing diversity within the area (large homes) and affordable housing through a Land Management Agreement discussed later.

In accordance with PDC 8 of the zone, the land division further accommodates areas of public open space, which deliver movement networks and strong connections through this and future land
divisions and stages (for cyclists and pedestrians). The provision of open space is further discussed within the open space section within this report.

**Allotment Mix/Density and Layout**

The proposed land division is to be developed over two (2) stages comprising of Stages 1A (38 lots) and 1B (24 lots). The subject division is linked to the existing stages of Springwood initially commenced as part of land division 490/D054/10 (approved by CDAP in 2011). The developer has marketed this section of the overall development as “Highfield” and the proposed park as “Highfield Park”. Previous stages contained within Springwood are commonly referred to as “East Riding Village” or “Village 1”.

Highfield stages 1A and 1B, are the first stages to transverse the physical barriers of the SA Water mains trunk located above ground and further the SEA Gas high pressure gas pipeline beneath. An extension of Burford Street is proposed and will require the lowering of the water main and constructing a public road (extension to Burford Street) above. In principal support for this works has been sought by the developer from both relevant agencies (SA Water and SEA Gas). Indicative plans relating to lowering of the water pipeline are contained within the applicants planning report. The final road design will be required to be approved prior to section 51 Clearance.

**Allotment Size**

This land division seeks for larger allotments than previously approved within the initial land division 490/D054/10 and subsequent land divisions that followed. Similar to previous stages 1 – 10 within East Riding, the site is located outside the MUCPA3, which through PDC 17 seeks allotments greater than 250m². Allotments proposed range between 448m² to 975m², with allotment frontages and depths also being increased to a minimum 14 metres and minimum 32.96 metres respectively. This average increase in allotment size and dimension is considered an improvement on previous stages of Springwood, which included allotments under 200m² and widths and depths in areas at 7 and 20 metres respectively. The size and configuration of allotments satisfies PDC 109 (d) which seeks allotments to be of a size and configuration for their intended use (i.e. residential purposes - dwellings). The land division is further supported by PDC 109 in consideration of land already sub-divided within Springwood and the current application, collectively Council Wide (CW) PDC 218 in addition to Objectives 2, PDC 3 and 7 of the zone are satisfied. The land division achieves residential allotments of varying sizes which result in the delivery of housing diversity (throughout the development).

It is expected that the increase in the overall size of residential allotments, will assist with better management of slope (topography) for future allotments and dwellings. This potentially will result in a lesser need for severe civil works and retaining on residential allotments. Larger allotments will allow greater flexibility for future land owners to manage site topography as desired within the zone. The zone seeks “more traditional dwelling types being located on those portions of the site with moderate to high slope. Greater setbacks are envisaged on topographically steep sites in order to satisfactorily deal with earthworks and driveway gradients.”
In order to further assist with the future development of residential allotments and allow for better management of slope and earthworks, a building envelope plan with greater setbacks than those outlined within the Development Plan is proposed to be registered as an encumbrance (between developer and land owner). The encumbrance seeks front dwelling setbacks to be increase from 3 to 5 metres and further garages 5 to 6 metres from the front property boundary. It is noted that the encumbrance will coincide with Council’s Development Plan requirements outlined within the zone however will be the responsibility of the developer to enforce.

It must be noted, that the contours of the proposed stage are similar to previous stages already developed and are considered relatively minor in comparison to future stages further west within Springwood. A slope analysis from the applicants planning report is provided below. This slope analysis identifies an average slope of between 1 in 7 to 1 in 60 for the current proposal.

No retaining walls are proposed as part of this application (as previously the case within some land divisions). Any future retaining walls will be assessed on a needs basis with dwelling applications once lodged with Council.

Accordingly, the proposed division is considered to be an appropriate and desirable form of development in accordance with the Residential (Gawler East) Zone. The division of land is further considered to be an orderly and economic form of development as sought by Objective 41 and PDC 109, as the land division is an extension to existing stages, as oppose to a scattered and non-integrated land division proposal.
Layout and orientation

With regards to allotment orientation, the majority of the proposed allotments have a north to south orientation with a small number of allotments other than those adjoining Balmoral Road being orientated east to west. Apart from the 10 proposed allotments backing onto Balmoral Road and the gas pipeline easement, all allotments have been orientated to overlook areas of public open space (satisfying PDC 19) and providing passive surveillance. The orientation of allotments as a consequence limits the amount of solid fencing, that would typically be anticipated along areas of public open space and will ensure that amenity within the locality is high. Open Space and fencing treatments are further discussed later within this report.

The road network has been designed to use an existing road connection and further allow connections to future development stages such as 490/D010/17 (currently under assessment). The subsequent land division creating stages 2A and 2B and its integration with stages 1A and 1B is attached within Attachment 5. This plan should be considered as a guide only to demonstrate future connectivity. This application will be presented to the CAP at a later date. Further traffic management and road aspects relating to this application are discussed within later sections of this report.

Solar Orientation/Solar Access

The layout of the proposed land division promotes the opportunity for the majority of future dwellings being able to achieve good solar orientation in accordance with PDC 216(i) and Design Technique 216.1 (an example of one way of achieving a PDC). Design Technique 216.1 seeks that 80% of allotments within 20 or more lot land divisions achieve good solar orientation for the primary internal and external living areas (private open space). The subject proposal achieves 83.9% of allotments satisfying this requirement, that being orientated within 20 degrees of north, east, south and west as outlined within Figure 1 of PDC 216.1.

The remainder 16.1% of allotments, identified on plans as 1 – 11 (allotments adjoining Balmoral Road) fail satisfying this requirement by only up to 6 degrees. Notwithstanding this, these allotments still provide the opportunity for relatively good solar orientation given the size and dimension of each lot. As mentioned previously, no allotments are narrow and range from from 14 to 32.96 metres in width, allowing buildings to be sufficiently built off boundaries. A further building envelope plan, to be registered on allotments as an encumbrance will assist by restricting no garage builds on the boundary and side setbacks to 1 metre for single storey and 2 metres for two storey dwellings. The rise in topography towards the south-east, will also assist in reducing overshadowing from dwellings and structures located on allots situated lower on the northern boundary of lots indicated as 1 – 11.

It must be noted that the final solar performance of each future dwelling will be reliant on the internal layout and design of each dwelling. Allotment orientation cannot guarantee good solar performance alone.
Affordable Housing

Objective 2 and PDC 33 of the Residential (Gawler East) Zone seek that new residential development include a minimum of 15% affordable housing. As per the external referrals mentioned earlier, a Land Management Agreement (LMA) committing to the delivery of 15% affordable housing within the project has been signed and registered against the parent titles of the Springwood land.

The requirement for affordable housing and administration of the LMA in this regard is considered satisfied and furthermore will be managed and administrated by Renewal SA.

Balmoral Road and Public Open Space interface

In order to avoid typical boundary fencing and to improve the overall appearance from public places (i.e. roads), the applicant is proposing to erect similar style fencing to the rear of allotments backing onto Balmoral Road. This approach previously undertaken and approved further north (towards Calton Road) is considered to be an acceptable outcome. The existing fencing on Balmoral Road includes large timber posts with horizontal corrugated cladding providing some visual interest and break compared to standard boundary fencing. Whilst the combination of solid and open style rural fencing would be preferred, similar to that undertaken at properties located on Calton Road (within stages 7 - 9), this option as per the previous case (on Balmoral Road) wasn’t considered appropriate for a number of reasons. The rationale behind not seeking open style fencing was based on the fact that the topography of the land declines from Balmoral Road towards the rear of the proposed allotments. This will likely result in dwellings and the rear yards of the properties sitting lower than the rear boundary and Balmoral Road. This as a consequence, would create issues of public areas looking into private yards and minimal to no passive surveillance occurring from the private allotments.

Reorientating allotments to front Balmoral Road was further not considered possible, due to a number of factors. The main reason included no access being permitted over the high pressure gas pipeline that runs parallel with Balmoral Road within the proposed public reserve. Currently, an existing 15 metre wide easement exists within the proposed reserve, which the width of the reserve has been increased to approximately 20 metres in order to satisfy requirements of AS 2885 (in order to allow future maintenance). This reserve is proposed to be landscaped (to the approval of SEA Gas) and contain a pedestrian and bike path which will further add to improving the amenity and boundary interface.

Allotments located on the corner of public open space, i.e. reserves, are proposed to further consist of either no fencing, or low open style fencing as depicted within the applicants planning report provided Attachment 2 page 17. This in return will reduce the length of unavoidable boundary fencing, provide visual interest and offer passive surveillance.

It must be noted that fencing is not typically considered to be development and furthermore part of land division applications. Specific requirements on boundary treatments are relatively silent within the Development Plan and are sought and negotiated by Council staff in order to achieve good
urban design and planning outcomes. Within this particular zone, fencing in its own right does not constitute development if less than 2.1 metres or 1 metre (for masonry elements) in height.

As per previous applications, the applicant has agreed to enter into a LMA with Council requiring fencing and boundary treatments.

### Gawler East Connector Road (Gawler East link Road) – Community Infrastructure

PDC 37 restricts land divisions within the entire area of the Gawler East Zone to 1000 allotments before the following infrastructure is required to be completed in full:

1. a collector road between Calton Road and One Tree Hill Road;
2. a collector road between One Tree Hill Road and Potts Road;
3. an upgrade of Potts Road and its intersection with Main North Road to accommodate the traffic flows associated with further continued development.

To date approximately 400 allotments have been created or approved and as such, PDC 37 is of no consequence to the subject application. The subject land division if approved will bring residential allotments within the Zone towards 462 allotments, well below the 1000 allotment trigger.

At the 8 November 2016, Council meeting, the final alignment of the Gawler East link road was determined and final design of the link road is currently underway by the Department of Planning Transport and Infrastructure. It is envisaged that construction of the Gawler East Link Road will commence in early 2018.

As a result of the requirement for the above mentioned collector/link road and other vital social and community infrastructure, a separate rate or developer contribution was agreed to at the 25 October 2016, Council meeting. The developer has been part of the consultation process with regards to required infrastructure, as have other developers and land owners within the Gawler East area.

All development lots within the Gawler East Residential and Hills Zone will be required to financially contribute towards the Gawler East Link Road, traffic interventions and community infrastructure. This financial contribution will be either in the form of a separate rate payable at Section 51 Clearance or as part of an Infrastructure Agreement. This has been added as a note as part of recommended conditions relating to this land division application and will either require the applicant to sign an Infrastructure Agreement between the Developer and the Town of Gawler (agreeing to the nominated contributions) or the separate rate will be applied to the developable land.

### Open Space

Council Wide Objectives 61 through to 64 seek various requirements for the provision of public open space mainly within larger residential land divisions. Council wide PDC 167 in association with Section 50 of the Development Regulations 2008 reinforce the above objectives by seeking
land divisions (20 allotments or more) to include public areas of open space and recreational areas (up to 12.5% statutory requirement). As part of this land division proposal, new public open spaces are proposed to satisfy the mentioned requirements.

The open space proposed as part of this division, includes public open space in the way of an corridor that runs parallel with both the existing water pipeline, and the gas pipeline. This open space corridor has been provided as a ‘buffer’ that is required in order to maintain unrestricted access to both sets of major state infrastructure and to ensure their safe operation. Given the significance and size of the infrastructure and associated easements, this type of infrastructure is not typically located or permitted within small residential allotments and avoided to reduce the risk of unauthorised development.

Both the water and gas pipelines divide the Springwood Development Area in half (as depicted within the site plan), creating a major development constraint for the overall development. The above ground water pipeline creates a visual and physical barrier limiting above ground accessibility (ability to cross the pipe) to only a number of locations and secondly the underground gas pipeline further restricts development and soil intrusion through registered requirements associated with the easement. These restrictions are in place to allow safe operation of the pipeline in accordance with the license agreement by the pipeline operator and the Australian Standards.

Whilst the proposed open space corridor is essential for maintenance and operational requirements by both operators, the corridor does satisfy open space provisions including Objective 1, which seeks a network of linked parks and connectivity throughout the zone. As demonstrated within the provided master plan (not approved) within Attachment 3 and indicative concept plans submitted with this proposal, all existing easements (SA Water, SEA Gas, Electra Net) will be used as pedestrian and cycle linkages. The easements are proposed to be utilised as open space corridors providing connectivity throughout the development satisfying PDC 168 and 177 which seek linkages and multiple uses. The provision of linkage corridors of open space, further satisfy objective 76 and PDC’s 214 and 232 which seek development encourage other forms of transport such as bike and pedestrian paths through open space.

It is further understood that although the easement corridors are not natural habits or wildlife corridors, they are likely to provide not only human linkages throughout the development, however provide wildlife linkages once landscaped. Given that Springwood is located at the outer edge of the metropolitan area, it is envisaged such wildlife including kangaroos, lizards etc. are likely to use the corridors to migrate from open paddocks and rural areas within the Barossa Council to the creek environment within Springwood and the South Para Woodland Reserve (conservation area).

In addition to the open space corridor, a local park has been proposed and centrally located within stage 1A and 1B due to the topography of the site. The park is centrally located within a “low spot” of the site to allow for passive surveillance from adjoining allotments which sit elevated. The park will also cater for additional stormwater management, more so for treatment purposes (discussed within the stormwater section of this report).

The proposed park is located approximately 250 metres from the existing reserve on Easton Drive and is approximately 9480m² (0.94ha) in size. Approximately 2100m² of the proposed park is within
the buffer corridor, and a further 2500m$^2$ of the park will be used for stormwater management for future stages (mainly within 490/D010/17 under assessment). This will result in an area of approximately 4880m$^2$ or 0.49ha remaining for the parks intended use as a kick about area.

Whilst the size of the park falls just short of the minimal recommended size for a neighbourhood park, outlined within PDC 172 (minimum 0.5ha to 1ha and 500metre catchment), the park will satisfy PDC 173 as a local park which seeks a minimum 0.2ha and a catchment area of households of 300metres. The developer has indicated, that this park should have a catchment area of approximately 550 dwellings once established.

The use of the park is envisaged to serve as a ‘kick about area’, where residents and mainly children between the ages of 5 and 15 can play ball sports. The local park provided within Stage 1 of East Riding was designed to provide a wide range of recreational uses, however lacks an open field that can be used as a kick about space. The existing park mainly serves young children and families and provides a large portion of the park towards stormwater management.

It is envisaged that given the slope of the land, approximately 8 metres across from the south-western to north-eastern corner, some further useable land will be lost due to battering and slope management. It is also envisaged that given the physical barrier of the SA Water pipeline and topography of the site, the park will likely serve predominately allotments south of the pipeline.

**Conceptual Plan review**

Open space landscape concept plans have been submitted with the subject land division in order to indicate how landscaping within proposed areas of open space are envisaged to be developed. As part of the planning assessment process, areas of open space are only required to be indicative and conceptual. All plans are provided for spatial assessment only, against provisions within the Development Plan. The conceptual plans are used to demonstrate that objectives and provisions of the Development Plan can be achieved. Greater detail relating to the appearance, design and construction of these areas and furthermore maintenance cost associated with the proposed improvements to the land are assessed by Council’s Engineering Department (asset delivery) after Development Plan Consent. A review has been undertaken by Councils Engineering department and in particular Open Space Specialist (contractor) and comments have been provided within the internal referral section earlier.

The applicant has indicated that the maintenance of the proposed open space will be undertaken by the developer until such time as the last stage (stage 2B) within the subsequent land division (490/D010/17 under assessment) application receives section 51 Clearance. Council Asset Delivery staff, are in support of a longer maintenance period, however the duration of maintenance will be negotiated during the final design review and approval stage pre Section 51 Clearance.

In consideration of the Springwood Development Area, it is envisaged that the opportunity for future large kick around areas or parks will be limited within due steep topography further west of the proposed stages. In review of the master plan accompanying this development application, land further south of this development is also envisages to consist mainly of a conservation area with likely minimal formal open space being proposed.
Land Management Agreement Requiring Open Space

In August 2014, Council staff negotiated with the previous developer (Lend Lease) a LMA in order to ensure that open space requirements (under Section 50 of the Act) would be satisfied (over the life of the development) and land divisions could be lodged without the requirement to provide open space.

The LMA registered over the subject sites allows the developer (now Arcadian Communities) to lodge land divisions applications without the requirement to either pay into or provide open space until a later date. This in return avoids land being vested to Council that comprises of pocket parks, poor linkages (networks) and no benefit for the community or statutory open space obligations not being met.

Provision of Open Space

When assessed in isolation from previous stages already developed or approved within Springwood, the open space provision for the Highfield proposal is in excess of the 12.5% requirement within the Regulations. The current division proposes an area totalling 1.93 ha or 30.3% of the total development area (6.36ha). This being said, it is important to note that Springwood is being developed over numerous stages, which when completed will deliver some 2000 residential allotments. To date, there are between 250-300 allotments created or approved.

A review of the previous land division applications, has indicated that the current 10 stages of Springwood (within ‘East riding’) total an area of approximately 22ha. The existing central park, located on the corner of Easton Drive and Calton Road is approximately 1.2 ha in size, making approximately 5.45% of the total development area. A review of the initial Development Assessment Panel report (DA490/D054/10) which created the central reserve and the first 7 Stages of the development (14.66ha), states that the required 12.5% of open space had been satisfied, and furthermore any short fall in open space could be acquired at a later date. It must be noted, that the provision of 1.2ha of open space only contributed to approximately 8% of the development area and the ability to acquire financial contributions towards open space once approved is difficult.

A detailed review of the existing central reserve has indicated that of the 1.2ha provided, 0.54ha fails to satisfy PDC 174 (previously PDC 142), which requires no more than 20% of land to be allocated as public open space to contain a slope in excess of 1 in 4 or be used for drainage. Approximately 0.54ha (45%) of the existing reserve either contains slope exceeding 1 in 4 or a drainage area. In consideration of the above PDC and including a deduction of 20% from the total land used for drainage or excessive slope, only 0.64ha or 2.9% contributes towards useable open space as defined by the Development Plan.

It is noted that through minor amendments to the initial land division and subsequent applications being lodged, an additional 0.115ha of open space has been created within stages 1-10 (as depicted within the site plan). This additional open space is mainly in the way of connection reserves or thoroughfares. These additional reserves, bring the total area of useable open space
currently within Springwood (stages 1-10) to 0.76ha or 3.45% (1.32ha or 6% if all reserves are counted as open space). This amount is well short of the statutory 12.5% required.

As a consequence of the above, as mentioned earlier, Council staff negotiated an LMA with the previous developer to ensure open space provisions would be achieved.

In consideration of both the proposed open space and existing, should the current proposal be approved, the total amount of open space within Springwood would equate to approximately 1.89ha or 6.6% of useable open space based on the following calculations:

**Existing Stages 1 – 10**
- Total Area: 22ha
- Useable open Space: 0.76ha

**Proposed Land Division 490/D009/17**
- Total Area: 6.4ha
- Useable open Space: 1.89ha

(useable open area of park and corridor – (Wetland 0.25ha -20%) = 0.05 countable as useable

\[
\frac{1.89ha}{28.4ha} = 6.6\% \text{ Useable open space or (1.32ha + 1.94 ha) / 28.4ha = 11.4% 100% of open space counted as useable.}
\]

**Traffic Management**

As required by PDC 362, a Traffic Impact Statement was prepared by GTA Traffic Engineers on behalf of the applicant and submitted as part of the land division proposal. This report expanded on previous traffic reports and investigations provided for previous applications.

Council engineers have reviewed the traffic impact report and are satisfied with the proposed road layout and accompanying report. Traffic management is discussed in greater detail below.

**Access and Layout**

The subject land division is proposed to utilise the existing access point created as part of the original land division approved in 2011. This connection point was from early stages of Springwood envisaged to connect into the Gawler Ease Link road and provide a link for future stages.

The road network proposed for stages 1A and 1B, consists of a semi-grid pattern with a circuit layout that allows future connections. In accordance with PDC 112 and given the General Bushfire risk classification of the zone, the proposal includes no cul-de sac or dead end roads allowing emergency vehicles unrestricted movement within the road network. The application was not required to be referred to the CFS, however an informal referral was conducted by the applicant on staff advice and a copy of CFS comments are provided within Attachment 6.

**Road hierarchy**
Calton Road is categorised as a sub-arterial road providing east-west connections between the Gawler Town Centre to the Barossa located to the west. Easton Drive and Burford Street are both classed as Collector streets (local roads) that comprise of a single carriageway with a 7.5 metre pavement width.

The current anticipated traffic volume along Easton Drive is approximately 1,744 vehicles per day, with Burford Street consisting of approximately 800 vehicles per day. It is anticipated that the current proposal will increase traffic volumes by about 520 vehicles (at a rate of 8 trips per lot) per day and 55 vehicles in peak hours. The increase in vehicle movements is considered by both the applicant’s traffic consultant and Council engineers to be within the road classification and hierarchy of a local road therefore not changing the nature or function of either road.

Once future stages are developed, in particular the next substantial stage of Highfield (stages 2A and 2B within 490/D10/17), a portion of the Gawler East Collector Road (Collector Road) will be constructed, providing a new entry point onto Balmoral Road. Once this road is fully established, it is envisaged that vehicle movements through Easton Drive and other local streets will decrease.

**Road Design**

Whilst a final detailed road design will be prepared for and reviewed by Council Engineering staff at the civil design stage (after approval and prior to Section 51 Clearance), indicative plans have been submitted for the proposed land division.

Road reserve widths are proposed to be between 12.5 and 20 metres in width which is consistent with modern land divisions and sufficient to provide footpaths along each new road proposed. The road reserve widths are considered to adequately satisfy PDC 224, 225, 226 and 228.

It is proposed that the roads will on average be wider than those already constructed within earlier stages of Springwood with roads being increased from 7 and 7.5 metre pavement widths (depending on road classifications) to 7.5 and 8.0 metres respectively.

Although narrow pavement widths meet Council standards, wider road widths are generally preferred by both residents and Council as they expertly allow improved traffic flow and enable improved parking.

**Cycling and Pedestrian Movements**

Council’s Development Plan encourages alternative transport and movement options for local communities and requires new developments to provide these alternative options to driving through either road reserves or open space. The subject land division satisfies multiple provisions relating to cycling and walking including PDC 223 by providing a pedestrian and bike network through the open space/easement corridor (as discussed within previous sections).

The applicant has provided a pedestrian and cycling movement plan which is provided within **Attachment 10** which indicates all roads proposed within the land division to cater for either footpath or shared paths and additional networks through the open space corridor.
Although only in concept form, the plan clearly demonstrates a strong network of pedestrian and cycle connections throughout the project area and integration with existing roads and surrounding residential areas. The proposed road and footpath design would facilitate safe and convenient pedestrian and bicycle access for future residents, in accordance with PDC 8 of the Residential (Gawler East) Zone.

**Stormwater Management**

A stormwater management plan has been submitted with the proposed land division which has been reviewed by Councils stormwater engineers which is deemed to satisfy PDC 110 requiring development to be capable of managing stormwater onsite.

The stormwater management plan although indicative at this stage, has been designed to take into consideration water sensitive urban design principles in accordance with PDC 48, 131 and 133. These above requirements will be satisfied within the final design by utilising the storage capacity of the existing stormwater basin within Stage 1, however filtering stormwater generated within Highfield through a swale and wetland system within the proposed Highfield Park.

Initially the stormwater treatment system will be developed to cater for the current allotments proposed within Stage 1A and 1B and further expanded as part of the subsequent future land division 490/D010/17. This approach will ensure that the stormwater system performs to its intended design and further allows the developer to maintain the stormwater system up until allotments within Stage 2 are complete.

**Environmental Site Assessment / Contaminated Land**

Council Wide (CW) PDC 41 states that “development should not occur where contamination has been identified or is suspected unless the site has been assessed to be suitable for the intended use or remedial work is undertaken to make the site suitable for the intended use.”

A Site Contamination report for the subject Development Application was not sought by Council even though the land was previously used for agricultural purposes (prior to rezoning). As per previous land division applications presented to the panel, an extensive area of the Springwood land has previously been tested for site contamination and its suitability for residential purposes (most sensitive land use).

An EPA accredited auditor has previously deemed the majority of the eastern portion of Springwood east of the high voltage powerlines, and north of the creek as suitable for residential purposes. A copy of the areas of Springwood audited is provided within Attachment 7 which has been extracted from the 26 October 2015 CDAP Report for Land division 490/D038/14. The areas identified as Stage 3 and 4 are still yet to be completely audited and tested.

In consideration of the above, the proposal is considered to be suitable for its intended residential use and no further remedial actions are required to mitigate any site contamination. The proposal therefore accords with CW PDC 41.
SEA Gas Pipeline and Compliance with AS2885

As mentioned within previous sections, the SEA Gas pipeline divides the Springwood Development area in half. The SEA Gas pipeline was constructed in 2003, prior to the rezoning of rural land within the Gawler East to residential. The rezoning of Gawler East through a Ministerial Development Plan Amendment was consolidated within the Gawler Development Plan on 26 August 2010.

The Gawler East Residential Zone requires that all development within the zone and within 640 metres of the gas pipeline comply with Australian Standard (AS) 2885 - Pipeline Gas and Liquid Petroleum to ensure minimal safety requirements are met.

As part of each land division lodged within 640 metres of the gas pipeline, the Development Assessment Commission (DAC) now the State Planning Commission refers all land division applications to both SEA Gas, the pipeline licensee (operator) and the Department of Premier and Cabinet (DPC) as the Gas regulator under Section 29(3) of the Development Regulations 2008. It must be noted that neither party is listed within Schedule 8 as a referral agency within the Development Regulations 2008, however are referred land division applications on the basis that a development affects a registered easement on the land and vital State infrastructure. DPC is the Government regulator overseeing such GAS infrastructure.

A Safety Management Study (SMS) workshop was undertaken by various parties mentioned within the background section of this report, in order to identify safety and management issues relating to the gas pipeline in association with the proposed and future land divisions.

The existing gas pipeline is not centrally located within the existing 15metre wide easement, due to intrusion within the gas easement by telecommunications infrastructure. As a result, this intrusion has led to the pipe being installed off centre and to the edge of the existing easement causing potential management (including access) issues.

As a result, SEA Gas and the developer are currently in commercial negotiations relating to the amount or distance of land required in order to allow SEA Gas to adequately operate its infrastructure. On current plans presented to the panel, the rear allotment boundaries located parallel to Balmoral Road have a 6 metre setback from the centre of the pipeline proposed. This setback is the maximum and preferred setback distance contained within AS2885. The final setback distance may be reduced in future once negotiations between the parties have been finalised. The reduction in the width of the reserve along Balmoral Road should the easement be narrowed is of no consequence to the land division and any reduction in width can be dealt with by a minor variation to the land division following the granting of approval.

Delays in progressing this proposal have been experienced due to the existing easement over the land and its current restrictions limiting Council the ability to adequately and straightforwardly manage land to be vested to Council (in the way of public roads and reserves) under current easement terms and requirements. In typical land division scenarios, once land is vested to Council, under Local Government Act 1999, all cumbrances, interests, easements and mortgages are automatically discharged over the land. However, the transmission pipeline (for gas) is not
defined as gas infrastructure under Section 217 of the Local Government Act 1999 (LG Act), as
the act precludes the pipeline from the definition of gas infrastructure. In addition, their licencing
agreement under the Petroleum and Geothermal Energy Act 2000 requires them to maintain a
“secure form of tenure”, and does not expressly confer powers on SEA Gas to undertake works to
maintain and repair the pipeline within a public road.

This exemption therefore requires that SEA Gas must agree to the extinguishment of its easement
at the Deposit of Plan stage or the easement shall remain registered on land vested to Council
under its current terms and requirements. This in the opinion of Council would be a burden and
restrict its ability to conduct duties such as maintenance and work within the easement without the
consent from SEA Gas. This would result in Council not wanting the land to be vested into its
ownership and refuse vesting under Section 33(1)(c) of the Development Act 1993.

Council legal advice, whilst contrary to the applicant has stated that an option forward with this
matter would be for both Council and SEA Gas (SEA Gas), to negotiate new terms of the existing
easement. New terms would enable both parties to fulfil their duties and requirements without
requiring consent from either party. Such terms would require the existing easement to be
extinguished and simultaneously a new easement with new terms and requirements being
registered over the subject land.

SEA Gas, have confirmed to Council that they are happy to negotiate new terms and conditions
relating to the easement, however are not prepared to extinguish the easement as they require
secure tenure to access and maintain the pipeline. As mentioned above, Council are not in a
position to accept the land proposed to be vested to Council under the current requirements.

Council, DPC, SEA Gas and the developer have been in ongoing negotiations relating to the above
matter and Council at its 26 September 2017, meeting agreed to allow the retention of an easement
over land to be vested to Council subject to new terms and conditions being agreed to between
SEA Gas and Council. Please see below Motion 2017:09:311, which delegates to the CEO to
negotiate with DPC and SEA Gas for the extinguishment of the existing easement contempronaneously with the creation of a new easement (over both the land comprising the Council
reserves and public roads) on terms amenable to operations of Council.

Moved by Cr K Fischer
Seconded by Cr D Hughes
Motion No: 2017:09:311

That Council:-

1. Acknowledge that as part of the internal road network and linear open
space network (walking and cycling paths) identified in the Springwood
Master Plan and required to support the orderly development of Gawler
East, including Gawler East Link Road, land within the existing SEA Gas
easement (where it is considered to be of public benefit) will be
progressively vested to Council as part of further residential land divisions
approved by the Council Development Assessment Panel.

2. Pursuant to Section 208(3) of the Local Government Act 1999 preserve the
Port Campbell to Adelaide High-Pressure Gas Pipeline Easement (SEA

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Gas) within all future road crossings associated with the development of Gawler East Development Area.  

3. Delegate authority to the Chief Executive Officer to negotiate with Department of State Development and SEA Gas for the extinguishment the existing easement contemporaneously with the creation of a new easement (over both the land comprising the Council reserves and public roads) on terms amenable to operations of Department of State Development, SEA Gas and Council.  

4. Authorise the Mayor and Chief Executive Officer to sign and apply the common seal of Council to all relevant documents in order to execute the documents pertaining to the rescission and replacement of the easement over council land.  

CARRIED UNANIMOUSLY  

A recommendation has therefore been included as part of this report that the Gawler Council Assessment Panel grant Development Plan Consent to the subject land division application, with Land Division Consent to be granted by the Chief Executive Officer once the terms of a new easement have been reached between all relevant parties. This is in accordance with Council motion 2017:09:311.  

It is expected that should the application be resolved to proceed as per the report recommendation, that Council staff will commence negotiations with SEA Gas in an expeditious manner. Should negotiations fail to reach an outcome that satisfies Council, the application will be presented back to the panel.  

CONCLUSION  

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal satisfies the relevant provisions of the Development Plan. The proposed division of land is a desirable, orderly and appropriate form of development within the Residential (Gawler East) Zone that will not adversely impact upon traffic safety or the character or amenity of the area.  

Accordingly, the proposal warrants Development Plan Consent.  

RECOMMENDATION  

That the town of Gawler Council Assessment Panel:  

1. That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan and;
2. Pursuant to section 33(1)(a) of the Development Act 1993, Development Plan Consent be granted to DA 490/D009/17 subject to the relevant Development Plan Consent conditions below;

3. That the Panel resolves to authorise the Chief Executive Officer to grant Land Division Consent pursuant to Section 33(1)(c) of the Development Act 1993 to DA490/D009/17 upon the Council reaching agreement with SEA Gas on the terms for an easement to replace the current easement TG 9839646 and subject to the following and any other conditions considered necessary by the Chief Executive Officer:

**Development Plan Conditions**

1) The development hereby approved shall be undertaken in accordance with Development Application No 490/208/2016 (EDALA No 490/D009/17) the approved plan by Alexander Symonds, DWG: A010816PROP HIGHFIELD (E), Revision E, Dated 19/09/2017, details and conditions therein.

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

2) All stormwater drains and associated stormwater drainage works serving more than one allotment and not wholly located within roads or reserves vesting in Council pursuant to Section 233 I e (2) of the Road Property Act shall be contained within an easement for drainage purposes and provide on the relevant final plan. Such easements shall be a minimum width of 3.0 metres and delineated to the reasonable satisfaction of the Council.

**REASON:** To ensure that the adequate provision of infrastructure is provided

3) All physical infrastructure services, including electricity and telecommunication services are to be provided underground.

**REASON:** To improve the character and amenity of the locality.

4) Street and public area lighting shall comply in all respects with the Lighting Code AS1158 and the style and type of lighting shall be selected and constructed to the reasonable satisfaction of Council and SA Power Networks.

**REASON:** To ensure the roadways within the development are appropriately lit.

5) The detailed design of all footpaths, roads and open spaces and other public areas shall comply with the requirements of Gawler Councils Standards and Requirements for Land

**REASON:** For safe and convenient movement of people and goods.

4) All costs for the design and construction of all infrastructure shall be borne by the owner/applicant. Following a certificate of practical completion from Council the owner/applicant shall be responsible for all maintenance for a period to be agreed with the Town of Gawler (defects liability period).

**REASON:** To ensure adequate infrastructure development by the developer.

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

**REASON:** To ensure the amenity of the locality is not impacted upon during construction.

6) Site work, demolition work and building work shall be carried out only between the hours of 7:00am to 7:00pm Monday to Saturday. No work is permitted on Sundays, and as per EPA requirements for work of this nature.

**REASON:** To ensure the amenity of the locality is not impacted upon during construction.

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

**REASON:** To ensure the amenity of the locality is not impacted upon during construction.

8) The road shall be designed and constructed in a manner to the satisfaction of Council, which allows safe and convenient property access via individual driveways considering horizontal and vertical sight distance and grade. This shall include allowances for driveway grade transitions, cut and fill for future dwellings.

**REASON:** To ensure that infrastructure is provided in accordance with Council requirements.

9) All roads and associated intersections shall be designed in accordance with the requirements of AUSTREROADS, the relevant Australian Standards and to the satisfaction of Council.

**REASON:** To ensure that infrastructure is provided in accordance with Council requirements.
Development Plan Consent Advisory Notes:

10) No retaining walls are approved as part of this land division application. Any retaining wall exceeding one (1) metre in height or combination of retaining wall and fence exceeding the height of 2.1 metres or any addition to an existing retaining wall and/or fence exceeding the afore mentioned heights shall require Development Approval.

11) No blasting shall occur on the subject land in accordance with AS 2885.

12) The Applicant/Developer must prior to the issue of clearance for the purposes of a section 51 certificate (or at such other time as may be agreed in writing by the Council), pay to the Council:
   
a. The amount of the separate rates applying to the land and relating to the Gawler East link road, traffic interventions and community infrastructure; or
   
b. An infrastructure contribution on account of the Applicant/Developer’s contribution to the Gawler East link road, traffic interventions and community infrastructure as agreed between the Developer and Council in any separate infrastructure agreement or agreements entered between them.

Land Division Consent

1) Prior to Section 51 Clearance, a Land Management Agreement for boundary fencing shall be entered into between the developer and the Town of Gawler for all allotments abutting a public reserve.

2) A detailed landscaping plan shall be provided to Council prior to Section 51 clearance being issued for all areas of open space to the satisfaction of Council.
   
**REASON:** To ensure that infrastructure is provided in accordance with Council requirements

3) The proposed stormwater system within the reserve area shall be constructed to the satisfaction of Council prior to Section 51 clearance being issued.
   
**REASON:** To ensure that infrastructure is provided in accordance with Council requirements

4) Full detailed design and specification documents pertaining to roads, kerbing, drainage, streetscape and application of Water Sensitive Urban Design shall be provided to the satisfaction of Council prior to Section 51 clearance being issued.
   
**REASON:** To ensure that infrastructure is provided in accordance with Council requirements
5) Prior to Section 51 Clearance, street name signs shall be erected at the owner's/applicant's expense, to the satisfaction of Council in accordance with Council's Standard drawing SK-604.

**REASON:** To ensure that infrastructure is provided in accordance with Council requirements

6) Prior to Section 51, an appropriate Construction Management Plan shall be prepared and submitted to Council for approval prior to commencement of construction, which addresses the mitigation or minimisation of impacts (especially from noise and dust) during the construction phase. Dust generated by machinery and vehicular movement during site works, and any open stockpiling of soil or building materials at the site, must be suppressed by regular application of water to ensure dust generation does not become a nuisance off site.

**REASON:** To ensure the amenity of the locality is not impacted upon during construction.

7) Prior to Section 51 clearance, all structures on the subject land shall be removed to the satisfaction of Council

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

8) “As constructed” drawings shall be provided to the Town of Gawler prior to the date of Practical Completion in respect of all infrastructure constructed as part of the development approval herein. The drawings shall be provided in hard copy format and electronic “DWG” or “DXF” and “PDF” format, in accordance with Council’s minimum ‘As-Constructed’ drawings Guidelines.

**REASON:** To ensure Council has adequate documentation assets vested to Council

9) Filling on allotments to a depth greater than 200mm shall be properly compacted in accordance with AS 3798:2007 (Guidelines on Earthworks for Commercial and Residential Developments).

**REASON:** To ensure the development adheres to the relevant Australian Standards.

10) Prior to Section 51 Clearance, an allotment plan shall be provided to and approved by Council showing the extent and the depth of filling on the allotments approved as part of this division. A compaction and clean fill certificate issued by a suitably qualified engineer shall be provided to the reasonable satisfaction of Council, indicating that the compacted fill is suitable to support standard footings for residential development.

**REASON:** To ensure the subject land is suitable for its intended use.
Road Environment Considerations

   **REASON:** To ensure that infrastructure is provided in accordance with Council requirements

12) All roads shall be constructed with a sealed surface approved by Council and trafficable by vehicles (carriageway), to a width of no less than 7.5 metres.
   **REASON:** To ensure that infrastructure is provided in accordance with Council requirements

13) All temporary turn around’s are to be designed in accordance with the Ministers Code: undertaking development in Bushfire Protection Areas.
   **REASON:** To ensure a vehicle turnaround for emergency vehicles in the event of a bushfire

14) Footpath construction will be in accordance to Council’s Standard drawings for footpaths SK-200.
   **REASON:** To ensure that infrastructure is provided in accordance with Council requirements

15) Street trees shall be planted in accordance with Council Policy 7.12 (Street Tree Planting for New Land Divisions). The species and location of trees shall be to the satisfaction of Council and shall consider the common service trench location, street light location and setback from the kerb.
   **REASON:** To ensure that infrastructure is provided in accordance with Council requirements

16) All roads shall be constructed with mountable kerbs and sealed to urban road standards (asphaltic concrete) to the satisfaction of Council in accordance with Council Standard Detail SK-304.
   **REASON:** To ensure that infrastructure is provided in accordance with Council requirements

17) Pram ramps shall be provided at all intersections and junctions in accordance with Council Standard Detail SK-204.
   **REASON:** To ensure that infrastructure is provided in accordance with Council requirements

18) Prior to Section 51 Clearance, public lighting shall be provided in all streets and roads to the boundary of the development to the relevant Australian Standards. Public lighting level
of serviceability will be to the level of P4 in accordance with AS1158.3.1.2005. The level and standard of lighting shall be determined according to Standards Association of Australia (SAA) codes and Australian Standard AS/NZS 1158 Series.

**REASON:** To ensure that infrastructure is provided to the relevant standards.

**Stormwater Management System**

19) A Stormwater Management Plan (SMP) prepared by a suitably qualified engineer must be developed by the applicant and submitted to the reasonable satisfaction of the Town of Gawler. The SMP must detail the arrangements for the management of stormwater once the site is fully developed. The SMP must demonstrate the incorporation of WSUD features and:

   a. indicate the measures incorporated to ensure that stormwater leaving the site would achieve the following performance objectives:

      i. Stormwater discharged from the site in any storm event up to a 100 year ARI must be limited to the 5-year predevelopment flow unless otherwise approved by Council.

      ii. Quality targets of:

         1. Suspended Solids (SS) - 80% reduction of the typical urban average annual load with no treatment;
         2. Total Phosphorus (TP) - 45% reduction of the typical urban average annual load with no treatment; and
         3. Total Nitrogen (TN) - 45% reduction of the typical urban average annual load with no treatment

   b. Detailed design or the design criteria (including expected quality improvements) WSUD components.

   **REASON:** To ensure impact on the environment is minimised as a result of development.

20) A Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and submitted to the satisfaction of the Town of Gawler prior to construction commencing. The SEDMP must be implemented in accordance with the 'Stormwater Pollution Prevention Code of Practice' to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site.

   **REASON:** To ensure impact on the environment is minimised during construction.
21) Any rear of allotment underground drainage system must accommodate no less than the likely stormwater flows generated by a 1 in 20 year ARI storm event, taking into account the likely maximum impervious areas which may be constructed on each respected allotment.

**REASON:** To ensure stormwater infrastructure is adequately design.

22) Any rear of allotment underground drainage system must have a minimum pipe diameter of 225 millimetres and be of DWV class or better, a 300 millimetres by 300 millimetres grated inlet pit/junction box, located on the lowest corner of each respective allotment in accordance with Council Standard Detail SK-102 unless otherwise agreed to by the Council.

**REASON:** To ensure stormwater infrastructure is adequately design.

23) Video footage of internal inspection of all stormwater pipe networks in DVD format must be provided prior to date of Practical Completion.

**REASON:** To ensure Council has adequate documentation assets vested to Council

24) Drainage calculations, design and construction shall adhere to the following requirements:

(a) A fully developed upstream catchment shall be assumed;

(b) All allotments shall be protected from flooding due to stormwater generated by a 100-year average recurrence interval storm;

(c) Local underground drainage to accommodate a minimum of the flows resulting from a 5-year average recurrence interval storm;

(d) A minimum pipe size of 375mm shall be used for underground drainage within roadways.

(e) Minimum pipe grade shall be 0.5% unless otherwise approved.

(f) All roads shall have a two way cross fall for stormwater drainage.

(g) The flow path for major storm flows resulting from a 100-year average recurrence interval storm must be contained within reserves or the road reserve and not enter into private property unless within a designated easement. Where low points (sags) occur in roadways or cul-de-sacs drainage is to be provided to the end of an overland flow path to cater for the 100 year ARI event. This must be provided on public land or confined to a drainage easement to accommodate the major flow. Flows exiting the site resulting from a 100-year average recurrence interval storm must not put proposed or existing property at further risk of inundation.
(h) Flows conveyed through the road network during the critical 100 year ARI storm must be kept below a flow velocity limit of 0.4 square metres per second and maximum allowed ponding of 0.15 metres or corresponding to the maximum kerb heights parallel to the stormwater flow.

(i) Minimum clear cover over pipes or culverts shall be 600mm in general or in accordance with the manufacturers specification unless otherwise approved by Council; and

(j) The minimum vertical and horizontal clearances between a stormwater pipe and any other pipe or service conduit shall be 150mm.

**REASON: To ensure that stormwater is adequately managed**

25) Prior to Section 51 Clearance, it must be confirmed by survey that there is a minimum of 6 metres of separation between the centreline of the Port Campbell to Adelaide High Pressure Gas Pipeline and the boundary of residential properties, unless otherwise approved by Council.

**REASON: To ensure compliance with AS2885**

26) Prior to Section 51 Clearance, plans depicting the design of the road and reserves must be approved by the Council. These plans must, to the satisfaction of Council:

   a. satisfy requirements of the Safety Management Study report issued by SEA Gas on 28 June 2017;
      
      i. ensure that the road crossing design satisfactorily address stresses associated with soil loading and road traffic;

   b. include either one of the following protection measures for that portion of the Adelaide High Pressure Gas Pipeline which is located down Balmoral Road and through the approved development:
      
      i. a bituminised bike/pedestrian path with buried marker strip installed below it and aluminium marker plates within the path to clearly note the presence of the pipeline;
      
      ii. reinforced concrete slabbing to a design approved by Council.

   c. show the location and design of light poles and signage, which shall not be located within 6 metres of the Port Campbell to Adelaide High Pressure Gas Pipeline;

   d. include a detailed landscaping plan.
27) The bituminised bike/pedestrian path or alternate concrete slab protection must be installed prior to any excavation works on the Port Campbell to Adelaide High Pressure Gas Pipeline easement, other than for the construction of the hereby approved road, unless access to the pipeline easement has been prevented by temporary fencing to the satisfaction of Council.

28) All works proposed for the construction of proposed public roads and the proposed reserves must be completed or otherwise appropriately bonded, to the Council's satisfaction, prior to Section 51 Clearance.

29) No excavation, civil or construction work associated with the construction of the hereby approved land division shall occur within 20 metres of the Port Campbell to Adelaide High Pressure Gas Pipeline without a Construction Methodology Statement (CMS) first being provided, to the satisfaction of Council.

30) The Construction Management Study shall prohibit excavators greater than 30 Tonnes and the use of excavators with tiger or penetration teeth. In addition, the CMS shall outline the methodology to locate and mark the pipeline and the 20 metre buffer zone on site so that no unauthorized or unsupervised works occur within 20 metre of the pipeline.

31) Prior to any construction works associated with the hereby approved land division occurring within 20 metres of the Port Campbell to Adelaide High Pressure Gas Pipeline, the developer shall ensure that all contractors working within 20 metres of the Port Campbell to Adelaide High Pressure Gas Pipeline undertake pipeline awareness training to the satisfaction of Council.

32) Prior to Section 51 Clearance a traffic management plan for the construction site shall be provided to and approved by Council.

33) No vibrating rollers are to be used within 15 metres of the existing high pressure gas pipeline. A vibration management plan shall be provided to and approved by Council.
limits peak particle velocity at the pipeline to less than 50 mm/s for vibration caused by other equipment prior to Section 51 Clearance.

**REASON:** To ensure compliance with AS2885

34) Rear access for vehicles or pedestrians to residential properties on Balmoral Road shall be prohibited.

**REASON:** To ensure compliance with AS2885

35) Pipeline Marker Signs shall be installed at intervals required by AS 2885 warning of the location of the Port Campbell to Adelaide High Pressure Gas Pipeline.

**REASON:** To ensure compliance with AS2885

36) Bollards or locked gates to the satisfaction of Council shall be installed to limit entry of large equipment into linear park areas at vehicle points, once bulk earthworks are completed. However, sufficient access must be provided for SEA Gas and Council equipment to access and excavate the Port Campbell to Adelaide High Pressure Gas Pipeline, if required.

**REASON:** To ensure compliance with AS2885

37) Prior to Section 51 Clearance or an agreed time, the developer shall provide Council all 'As built' drawings for all construction works over the Port Campbell to Adelaide High Pressure Gas Pipeline easement.

**REASON:** To ensure compliance with AS2885

**NOTES**

1. 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.

2. Approvals from all service authorities to modify services infrastructure are required to be obtained prior to commencement of construction and a copy of the approvals provided to the Town of Gawler.


4. The developer shall be responsible for liaison with SA Power Networks in respect to both public lighting and for the provision of an underground electricity service to all new allotments in the development.

5. The appropriate Council Officer(s) shall be notified prior to commencing the various stages of infrastructure installation in order to inspect installation and traffic management.
Referral Authority Conditions:

Development Assessment Commission (DAC)

1. The financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water 90065/16).

   An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard. The necessary easements shall be granted to the SA Water Corporation free of cost.

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