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

NOTICE is hereby given that a Meeting of the Town of Gawler Council Development Assessment Panel will be held in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler East, on Monday 10 July 2017, commencing at 6.30pm.

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

Ryan Viney
Manager Development, Environment and Regulatory Services
4 July 2017
For the Meeting of the Town of Gawler Council Development Assessment Panel to be held on Monday 10 July 2017 in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler East, commencing at 6.30pm.

Welcome and Presiding Member Introductions

1. Attendance Record
   - 1.1 Roll Call
   - 1.2 Apologies – Mr Simon Zeller
   - 1.3 Leave of Absence

2. Confirmation of Minutes

   That the minutes of the Council Development Assessment Panel Meeting held on Monday 29 May 2017 be confirmed as a true and correct record of proceedings.

3. Business Arising from Previous Minutes

4. Declaration of Interest by Members of the Panel

5. Reports:

   5.1 Development Application: 490/125/2017
      - Applicant: One Barrel Brewing Pty Ltd
      - Address: 13 Theen Avenue Willaston
      - Nature of Development: Change of use from factory (industry) to micro-brewery (light industry) and ancillary cellar door

   5.2 Development Application: 490/290/2017
      - Applicant: D J MacMillan
      - Address: 141 Main North Road Willaston
      - Nature of Development: Tree Damaging Activity (Removal of One (1) Regulated Tree)

6. Information Items:

   6.1 Appeal Matters
   - 28

   6.2 Matters previously deferred
   - 29

7. Other Business


9. Closure
COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA

Monday 10 July 2017
5. Reports:

DEVELOPMENT APPLICATION OVERVIEW

<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application</td>
<td>490/125/2017</td>
</tr>
<tr>
<td>Author(s)</td>
<td>Senior Development Assessment Planner (James Booker)</td>
</tr>
<tr>
<td>Applicant</td>
<td>ONE BARREL BREWING PTY LTD</td>
</tr>
<tr>
<td>Owner</td>
<td>P R &amp; C M MEZNAR</td>
</tr>
<tr>
<td>Subject Land</td>
<td>13 Theen Avenue WILLASTON 5118</td>
</tr>
<tr>
<td>Certificate of Title</td>
<td>LOT: 4 PLN: 84159 CT: 6062/855</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Change of use from factory (industry) to micro-brewery (light industry) and ancillary cellar door</td>
</tr>
<tr>
<td>Zone</td>
<td>General Industry</td>
</tr>
<tr>
<td>Nature of Development</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category</td>
<td>Category 2</td>
</tr>
<tr>
<td>Representations</td>
<td>Nil (0)</td>
</tr>
<tr>
<td>Lodgement Date</td>
<td>07/03/2017</td>
</tr>
<tr>
<td>Development Plan</td>
<td>28 April 2016</td>
</tr>
<tr>
<td>Delegation</td>
<td>3.3.1.3 An application for consent for major commercial/industrial development (being developments where the proposed building floor area of additional retail, office or other commercial/industrial usage exceeds 500 square metres.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Development Plan Consent be Granted</td>
</tr>
<tr>
<td>Attachments Under Separate Cover</td>
<td>Attachment 1 – Application Plans and Documentation</td>
</tr>
</tbody>
</table>

PROPOSAL

The subject proposal seeks a Change of Use from factory (industry) to micro-brewery (light industry) and ancillary cellar door. More specifically, the proposal includes:

- Change of existing land use from furniture factory (industrial) to micro-brewery (light industry) and cellar door;
- A production area of 415m² including office and WC facilities;
- Provision of a cellar door, tasting space which is 125m² in area and accommodates three two seat tables and ten six seat tables. This area also doubles as a loading bay to ensure there is no safety issues between deliveries and customers. It has been conditioned that deliveries shall only occur when the retail space is closed to the public;
• An outdoor space 150m² in area which accommodates three six seat tables. This section also show a children’s sand pit and is labelled as a “pet sanctuary”;

• Floorplan includes the provision for a future distillery;

• Once operational, the brewery is expected to produce between 150-200 litres per day;

• The capacity of the proposed vessels will only allow brewing approximately 3 times a week which take 8-10 hours per batch;

• The applicant expects to have two employees when the retail/tasting rooms is operational and up to three employees working back of house involved in the brewing process. If the business becomes successful the employee numbers are expected to grow;

• The applicant is required to seek an appropriate Liquor licence from the Liquor and Gaming Commissioner;

• The tasting and retail area is proposed to be open to the public between the hours of 11am and 10pm seven days a week; and

• Carpark 1000m² in area, which includes 35 customer parking spaces, 2 dedicated disabled spaces and 5 long term parking spaces.

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

BACKGROUND

• Prior to the lodgement of the application, the applicant had a number of discussions with Council staff regarding their desire to start up a small scale brewery within the Gawler Council area. Sites in various locations and zones were discussed, with the applicant eventually negotiating tenancy for the site at hand.

• Application 490/125/2017 was lodged by the proponent of the development on 07 March 2017. The application was lodged with plans identifying the proposed brewing area, tasting area and carpark. Throughout the processing of the application, the applicant has assisted Council with queries regarding the finer points of the brewing process and the business operation.

• During the public notification period, no written representations were received in relation to the proposal. Through the course of assessment, the proposal was also referred to Council’s Engineering Department.
Pursuant to Council’s Delegation policy, the application is presented to the Development Assessment Panel (the Panel) for consideration as the proposal involves a commercial or industrial building with a floor area of greater than 500m².

### DEVELOPMENT APPLICATION HISTORY

<table>
<thead>
<tr>
<th>DA#</th>
<th>DESCRIPTION OF PROPOSAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>490/200/10</td>
<td>Factory (Industry)</td>
<td>Current</td>
</tr>
</tbody>
</table>

### LOCALITY

- The locality comprises of the streetscape of Theen Avenue, from its intersection with Kellys Road through to its termination at the cul-de-sac. Behind the subject land is a disused railway corridor which demarks the border between the General Industry Zone and the Rural Living Zone.

- Allotments with frontage to Theen Avenue include buildings which accommodate industrial land uses such as motor repair stations and small scale manufacturing/service industry. A number of allotments within the locality are currently vacant.

The main characteristics of the locality are as follows:

<table>
<thead>
<tr>
<th>NORTH</th>
<th>North of the subject land is the cul-de-sac of Theen Avenue within the General Industry Zone. Nearby allotments accommodate motor repair stations and a number of vacant allotments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EAST</td>
<td>East of the subject land, the General Industry Zone is continued. The largest allotment to the east accommodates Gawler Landscaping supplies.</td>
</tr>
<tr>
<td>SOUTH</td>
<td>South of the subject land is the rear portion of Gawler Landscape Supplies and an unused rail corridor.</td>
</tr>
<tr>
<td>WEST</td>
<td>West of the subject land is the rail corridor with residential development located within the Rural Living Zone beyond.</td>
</tr>
</tbody>
</table>
Image 1: Adjoining allotments

Image 2: Locality Plan and Zoning
SUBJECT SITE

- The subject land is located at 13 and 19 Theen Avenue, Willaston.
- The proposed brewing area is located on 13 Theen Avenue, while the proposed associated car parking is located on the adjoining land at 19 Theen Avenue.
- 13 Theen Avenue is legally recognised as Allotment 4 in Deposited Plan 84159 in the area named Willaston within the Hundred of Mudla Wirra as recorded on the Certificate of Title Volume 6062 Folio 855. 19 Theen Avenue is legally recognised as Allotment 6 in Deposited Plan 84159 in the area named Willaston within the Hundred of Mudla Wirra as recorded on the Certificate of Title Volume 6062 Folio 856.
- The Certificate of Title for 13 Theen Avenue includes an easement for electricity purposes at the entrance of the site. The location of this easement doesn’t impact upon the proposal at hand.
- Allotment 4 has a frontage to Theen Avenue of 23.89m and a total area of 4999m² while Allotment 6 has a frontage of 20.33m with an area of 1007m².
- The two parcels of land are relatively flat with a slight fall towards the public road.
- 13 Theen Avenue accommodates a large building which was formally the factory for Meznar Furniture. This entire site is sealed and has delineated car parking spaces. 19 Theen Avenue is a large undeveloped allotment which is currently unsealed.
- The subject land is not located within a flood zone or bushfire area and does not contain any regulated trees.

Figure 3: Site Map
Nature of Development

The proposal was determined to be neither a complying nor non-complying form of development, prompting a merit assessment, pursuant to Section 35(5) of the Development Act 1993.

Categorisation (Public Notification)

The application has been advertised pursuant to Section 38 of the Development Act 1993, as a Category 2 form of development due to the property being located on a zone boundary (Schedule 9, Part 2 (19) of the Development Regulations 2008). All adjoining properties were notified including residential properties within 60m of the subject land, pursuant to Part 6 of the Development Regulations 2008.

No representations were received during the public notification period.

Referrals

The following internal referrals were undertaken:

<table>
<thead>
<tr>
<th>Internal Departments</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>Review of car parking and stormwater quality requirements</td>
</tr>
</tbody>
</table>

Comments

- Impose reserved matters relating to stormwater management and car parking.

These engineering requirements have been included as Reserved Matters.

Note: A referral was not made to the Environmental Protection Authority (EPA), as the expected beer production capacity of 150-200L per day is well below the 5,000L per day production referral threshold under Schedule 22 of the Development Regulations 2008. Furthermore, the proposal is well below the 500 tonnes of processed produce per year for the distillery function which would require referral.

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:
Land Use / Character

- The land is located within the General Industry of the Gawler (CT) Development Plan. The primary purpose of this zone is to provide for a diversity of activities including service and manufacturing industry, wholesaling, warehousing and storage.

- A micro-brewery of this size and intensity is classified as a Light Industry as per Schedule 1 of the Development Regulations 2008. The General Industry Zone lists Light Industry as being a Desired Use within the zone.

- The brewery is the primary component of the proposal and as such, all other functions shown on the floorplan such as office, distillery, retail area and storage areas are ancillary to the primary use which is envisaged by the General Industry Zone.

- The exterior of the building remains unchanged as a result of the application except for the replacement of the previous signage. This signage is not classified as Development as per Schedule 2 of the Development Regulations 2008.

- Comparing the previous land use of a furniture factory to the proposal land use, the intensity of operation at the site is expected to be less in terms of noise, odour, number of
vehicle movements, staff numbers etc. As the site is adjacent to a residential area, the low impact of the light industry use is considered to be in accordance with Council Wide Principle of Development Control 82.

Figure 6: Inside proposed site

Amenity / Hours of Operation

- The proposed retail hours are between 11am and 10pm, 7 days a week. The peak days for customer visits are expected to be between Wednesday and Sunday with the weekend easily being the busiest time for a land use such as this. Due to the expected peak times of business being outside of the usual five day work week, the proposal is not expected to have a significant impact upon adjoining land uses in Theen Avenue.

- The brewing process is quiet with a minimal amount of noise produced. The applicant has indicated that they initially plan on brewing approximately 3 batches of beer a week during the day with each batch taking approximately 8-10 hours. Any noise that might be generated as a result of the brewing process is likely to be less than the noises currently generated from other businesses within the locality. Furthermore, the closest residential properties are located a significant distance from the subject land and are not expected to
be impacted by noise generated in accordance with Council Wide Principle of Development Control 97.

- Deliveries of goods are expected to generate some degree of noise, however this is not expected to be louder than the comings and goings of nearby industrial land uses. The deliveries are expected to be infrequent and the applicant has indicated that they will take place between the hours of 7am and 10am on weekdays with large deliveries only taking place approximately once per month. The vehicles used for these deliveries will either be a utility or small truck. A number of the nearby businesses in the area cater for motor repairs which require deliveries via tow truck which are generally larger and louder than the delivery vehicles proposed within this application. The proposed delivery times have been restricted via condition as well as the use of loud machinery.

- The brewing process does create an odour, however, due to the small size of the proposed brewery, the odour created is expected to be negligible. Furthermore, the odour produced in beer production is considered to be mild and not an acrid smell which other industrial land uses may produce.

- Council has imposed a reserved matter requesting some landscaping be implemented at the entrance of the proposed car parking area. This will create a more aesthetically pleasing view of the site when viewed from Theen Avenue. Furthermore the sealing of the carpark will create a more attractive site than the current surface material.

### Car parking / access / infrastructure

- The allotment which accommodates the proposed carpark currently doesn’t have a vehicular access point. The location of this future access point is expected to be located in a position which will take advantage of the existing sliding gate to the site.

- During the assessment process, the application was referred to Council Engineering staff. No issues were raised in the engineering assessment of the application, however, Reserved Matters have been included to ensure appropriate stormwater management of the car parking area as well as confirming that the carpark adheres to the relevant Australian Standards. As such, the applicant will provide Council with a Stormwater Management Plan for the car parking area to ensure stormwater runoff from the carpark is properly managed with little impact on Council infrastructure.

- Council staff were initially concerned with the brewery and the carpark being situated on separate titles as this raises questions regarding the future functionality of the sites. This was raised with the applicant and the owner of the two sites. In order to safeguard that the
carpark will be used in conjunction with the brewery land use, the owner of the land has agreed to amalgamate the titles prior to Council issuing Full Development Approval. This has been reinforced by way of Reserved Matter.

- Delivery access to the site is available via the existing vehicular access point of 13 Theen Avenue, as deliveries will be unloaded within the “retail area / loading bay” area identified on the below floorplan. In order to ensure public safety, it has been conditioned that deliveries will not occur whilst the retail area is open to the public.

![Figure 7: Floor Plan](image)

- The proposal provides for 35 car parking spaces, 2 disabled car parking spaces as well as five long term (staff) parking spaces. As illustrated on the diagram above, the production space is approximately 475m², retail area is approximately 125m² and the office area is 9m². Table Ga/1 of the Development Plan identifies parking demand for a number of different land uses. The proposal at hand does not neatly fit into any one category in this table so two examples have been provided below illustrating the changes in car parking demand when different criteria is applied. (Note: outdoor area has been excluded from these calculations due to it being a large area with few seats and because it is not expected to be used all year round during the colder times of the year.)
The above calculations show a significant difference between the car parking rate of a shop and a public bar. In reality, neither of these car parking rates properly predict the parking demand for the proposed micro-brewery. The 125m² space acts as a retail area which is expected to attract customers who would stay for 20 - 40 minutes, but also the space caters for people to stay for longer periods of time for tastings. The Public Bar parking rate of 1 space per 2 m² is considered to be extremely conservative and of a standard that few businesses are able to accommodate. A more realistic rate is that contained within the Aurecon “Parking for Urban Places: Car parking study” which has become commonplace for car parking assessment in South Australia in recent years. Gawler Council has considered these car parking rates at a policy level in an effort to update Council’s Development Plan criteria and this guide has been accepted by the CDAP for some past Development Applications. If the rate for a hotel/tavern were applied as per the Aurecon report the car parking requirement would be as follows. This is considered to be a more realistic and up to date formula to recognise the car parking demand for the proposed land use.
<table>
<thead>
<tr>
<th>Use</th>
<th>Area (m²)</th>
<th>Car parking demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel/Tavern (11 spaces per 100m²)</td>
<td>125</td>
<td>13.75</td>
</tr>
<tr>
<td>Industry (1.33 spaces per 100m²)</td>
<td>475</td>
<td>6.3</td>
</tr>
<tr>
<td>Office (4 spaces per 100m²)</td>
<td>9</td>
<td>0.4 spaces</td>
</tr>
</tbody>
</table>

**Total car parking demand:** 20.45

- This type of land use often services customers who arrive in a group with multiple passengers in one vehicle or a tour bus thus reducing the car parking demand.
- The expected busiest times for the retail function of the site to be used is on the weekend and evenings. At those times, there will be considerably less activity from nearby businesses thus reducing the likelihood of vehicular congestion within the locality or demand for public parking.

*Figure 8: Proposed allotment for carpark*
Waste Management

- The proposed brewery is of a small scale and as such is expected to only generate a small amount of waste product. The intensity of the proposal is well below the EPA referral trigger listed in schedule 22, 6 of the Development Regulations 2008 (production capacity exceeding 5000L per day for breweries and where more than 500 tonnes of produce is processed per year).

- The applicant has specified how the waste generated at the site shall be dealt with. All liquid, chemical or organic produce waste is proposed to be collected in intermediate bulk containers and disposed of by an appropriate organisation. Additionally “spent grain” from the brewing process is a suitable source of food for livestock and the applicant has indicated that this will be re-purposed by local farmers. The fact that this waste is successfully being diverted from landfill shows compliance with the intent of South Australia’s Waste Strategy 2015 – 2020.

CONCLUSION

The proposed development, when measured against the provisions contained within Gawler (CT) Development Plan, displays sufficient merit to warrant Development Plan Consent. The development represents little impact to the locality as the proposal utilises an existing building and is of a small scale. Amenity factors such as noise and odour are not considered to be of significance and the provision of car parking spaces is expected to be sufficient for the proposed land use. Additionally the proposed number of car parking spaces is considered to be sufficient for the intended use.

RECOMMENDATION

That the town of Gawler Council Development Assessment Panel:

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 that DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/125/2017 by ONE BARREL BREWING PTY LTD for Change of use from factory (industry) to micro brewery (light industry) and ancillary cellar door at 13 Theen Avenue WILLASTON 5118, subject to the following conditions and Reserved Matters:
Reserved Matters:
The Council Development Assessment Panel requires the following matter which is reserved pursuant to Section 33(3) of the Development Act 1993 to be addressed prior to the granting of Development Approval to the reasonable satisfaction of Council staff:

1. The applicant is to provide a Stormwater Management Plan undertaken by a suitably qualified person for Council approval prior to Development Approval being issued. Stormwater detention calculations are to be provided to limit the 1 in 100 year post development flow to the 1 in 5 year pre development flow for discharge to the street water table. The sealed carpark is to include a water quality improvement device to treat stormwater prior to discharge to the street water table.

   NOTE: Council reserves the right to attach further conditions in relation to this.

2. Detailed civil engineering drawings and design documentation are to be provided for Council approval prior to Development Approval being issued. Vehicle swept path drawings for a B85 passenger vehicle are to be provided to Council demonstrating the compliance with Australian Standard AS2890:2004 and Standard AS2890.6:2009 is achieved.

   NOTE: Council reserves the right to attach further conditions in relation to this.

3. Amalgamation of the titles for Lot 4 and Lot 6 to create one title for the whole of the site. Alternatively the applicant may wish to seek a Land Management Agreement with Council.

   NOTE: Council reserves the right to attach further conditions in relation to this.

4. A landscaping plan showing vegetation (which includes a variety of shrubs, ground covers and trees) on either side of the entry point of the carpark shall be provided.

   NOTE: Council reserves the right to attach further conditions in relation to this.

Conditions:

1. That the development is undertaken in accordance with Development Application No 490/125/17 the approved plans, details and conditions therein.

   REASON: To ensure the development is undertaken in accordance with the approved plans.
2. The hours of operation for the hereby approved retail / tasting room area shall be limited to the following periods:
   - 7 days a week: 11am to 10pm

   **REASON:** To ensure the operation of the approved use does not detrimentally impact upon the amenity of adjoining properties.

3. The car park layout and dimensions shall conform to the requirements as set out in AS2890.1: 2004 and AS2890.6:2004.

   **REASON:** To ensure the car parking area complies with the relevant Australian Standard.

4. Prior to the occupation of the use hereby approved, a vehicle crossover proposed to service the proposed car parking area shall be constructed to a maximum width of 6 metres in accordance with Council Standard Detail SK-303 to the reasonable satisfaction of Council. The crossover shall be sealed with a durable material such as compacted rubble or concrete.

   **REASON:** To ensure safe and convenient vehicle access/egress from the site can be achieved.

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

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

6. The hereby approved use shall be limited to a maximum of 10 staff working on site at any one time during the hours of 11am to 10pm.

   **REASON:** To ensure the provision of available car parking is not surpassed.

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

   **REASON:** To ensure the stormwater is appropriately managed on site.

8. All liquid, chemical or organic produce waste is proposed to be collected in intermediate bulk containers and disposed of by an appropriate organisation. No waste shall be deposited into the Council stormwater system.
REASON: To ensure the collection of waste does not unreasonable impact the amenity of the immediate locality or cause pollution.

9. Seating shall be limited to a maximum 66 inside the building and 18 within the outdoor area.

REASON: To ensure the provision of available car parking is not surpassed.

10. Deliveries shall occur from with the site in the designated retail/delivery area and shall not occur from the public road and shall not occur when the site is open to the public.

REASON: To ensure the reasonable safety of customers.


REASON: To protect the amenity of nearby residents.

12. Deliveries to the site, the operation of forklifts and loud machinery shall not be used on site within the hours of 6pm – 6am.

REASON: To protect the amenity of nearby residents.

13. The brewery shall not exceed a production capacity exceeding 5000 litres per day and the distillery shall not process greater than 500 tonnes of produce per year.

REASON: To ensure if the volume of product increases to a level that would require a referral to the EPA, the applicant will have to undergo this referral through the development application process.

14. Prior to operation of the land use the applicant shall gain the appropriate Liquor Licence from the Office of Liquor and Gaming.

REASON: To ensure all of the required approvals are in place for the operation for the land use.

15. The subject land shall be maintained to the reasonable satisfaction of Council at all times.

REASON: To ensure the site is maintained in a reasonable condition.
PROPOSAL

The proposal seeks Development Approval for the following:

- The removal of a Wallangarra White Gum (*Eucalyptus Scoparia*) from the southern portion of the subject site behind the dwelling.

The tree has a trunk circumference of 2.73 metres when measured at one metre above natural ground and is therefore considered a Regulated Tree pursuant to Regulation 6A(1) of the *Development Regulations 2008*.

The Applicant has expressed that the tree is proposed to be removed due to previous branch failures and the threat of future branch failures.

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

The locality has been defined on the basis of a visual connection with the subject site and the subject tree. The main characteristics of the locality are as follows:

| NORTH          | • The Residential Zone extends to the south of the subject site. |
|               | • Allotments to the north are residential in use and contain single storey detached dwellings. |
|               | • A number of medium to large sized trees (Eucalypts) are located to the north of the subject site. |

| EAST           | • The subject site is bound to the east by the Town of Gawler and Light Regional Council Boundary. |
|               | • Allotments to the east are residential in use and contain single storey detached dwellings. |
|               | • A number of small to medium sized trees and shrubs are located to the east of the subject site on residential allotments. |

| SOUTH          | • The Residential Zone extends to the south of the subject site. |
|               | • A number of large allotments exist to the south of the subject site, some of which are vacant. |
|               | • A number of medium to large sized trees (Aleppo Pine) are located to the north of the subject site. |

| WEST           | • The Residential Zone extends to the west of the subject site. |
|               | • Allotments to the west are residential in use and contain single storey detached dwellings. |
|               | • A number of small to medium sized trees and shrubs are located to the west of the subject site on residential allotments. |

The locality plan is contained within **Figure 1** below.
SUBJECT SITE

- The subject site is located at 141 Main North Road, Willaston;
- The subject site is a rectangular shaped allotment, approximately 1515 square metres in area;
- The subject site contains a detached dwelling, verandah, pergola, swimming pool and other non-regulated trees in the rear yard;
- The subject tree is located approximately 7 metres from the detached dwelling and associated verandah and pergola; and
- Small to medium sized shrubs are located in the front yard of the subject site.
COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA

Monday 10 July 2017

CATEGORISATION (PUBLIC NOTIFICATION)

The application was not required to be advertised pursuant to Section 38 of the Development Act 1993. Under Schedule 9 (13) of the Development Regulations 2008, any development comprising a tree damaging activity in relation to a Regulated Tree on a private property is listed as Category 1 and does not require public notification.

REFERRALS

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

The subject Development Application was referred to Councils independent Arboriculture Consultant, Dr Dean Nicolle for comment. Dr Nicolle recommends that Tree 2 be removed on the basis of:

1) The poor suitability of the species to the local climatic conditions;
2) The exceeded Useful Life Expectancy of the tree;
3) The damaging borer activity in the tree;
4) The structurally defective primary trunk bifurcation at two metres above ground level;
5) The moderate and increasing likelihood of whole-of-tree structural failure at the primary trunk bifurcation at two metres above ground level;
6) The poor and deteriorating branch structure of the tree;
7) The history of branch failure events from the crown of the tree;
8) The moderate and increasing likelihood of branch failure events from the crown of the tree;
9) The moderate use of the under-crown area of the tree;
10) The moderate and marginally unacceptable (and increasing) risk to safety represented by the tree;
11) The lack of any risk-reduction techniques, other than tree removal, that would stabilise or reduce the risk to safety represented by the tree;
12) The exotic and planted origin of the tree; and
13) The lack of any bird hollows of other important faunal habitats in the tree.
ASSESSMENT

The zoning of the land and relevant provisions

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Objectives</th>
<th>Principles of Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Wide:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulated Trees</td>
<td>69 and 70</td>
<td>207, 208 and 209</td>
</tr>
<tr>
<td>Zone:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Zone</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Policy Area:</td>
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<td></td>
</tr>
<tr>
<td>Willaston Policy Area</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Visual Amenity

The subject tree is approximately 14 metres tall and with an average crown spread of approximately 15 metres. Due to the height and crown spread of the tree, it is highly visible from Main North Road, despite being located in the rear portion of the subject site, approximately 40 metres from the street frontage.

Due to the high visibility of the tree, it is considered that the subject tree contributes to the character visually and adds to the aesthetic amenity of the locality. Removal of the subject tree is considered inconsistent with Council Wide Objectives (CWO) 69 and 70(a).

Tree Health

Councils independent Arboriculture Consultant, Dr Dean Nicolle, has stated the following in his Arborist Report regarding the health of the subject tree:

- *The tree is currently in an above average state of health with moderate to high vigour;*

- *The tree is considered to be effectively fully-grown under the existing environmental and site conditions and considering the age, health and structure of the tree;*

- *Extensive and damaging longicorn borer activity is evident, with large areas of cambium scaring on the trunk.*

- *No termite activity is visibly evident in the tree, but likely to occur in the primary bifurcation at two metres.*
Fungal wood decay is evident in the primary trunk bifurcation at two metres.

The Actual Life Expectancy (ALE) of the tree is another <10 to 20 years under the existing environmental and site conditions. The ALE indicates how much longer the tree will be alive under existing conditions.

The Useful Life Expectancy (ULE) of the tree has exceeded. The Useful Life Expectancy (ULE) indicates how much longer the tree can usefully and safely fulfil its function within the settings in which it is situated, under the existing conditions and with normal management of the tree.

As the tree has extensive and damaging longicorn borer activity and fungal wood decay removal is supported by CW PDC 208(a).

A copy of Dr Nicolle’s full Arborist Report is contained within Attachment 2.

Risk Assessment

A risk assessment has been undertaken by Dr Nicolle, his findings indicate the potential for both branch and whole-of-tree structural failure. A summary of the findings of his report are detailed in Table 1 below.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Likelihood</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Branch Failure</td>
<td>Currently considered to be moderate and gradually increasing over time.</td>
<td>Branch structure is below average and deteriorating over time. The branches are becoming increasingly over-extended and end-weighted. The tree has evidence of several sudden limb failures of branches up to 100 mm in diameter (minor branches) associated with the poor branch structure of the tree.</td>
</tr>
<tr>
<td>Whole-of-Tree Structural Failure</td>
<td>Currently considered to be moderate and gradually increasing over time.</td>
<td>Basal structure is obscured due to the past deposition of soil fill on the site. The trunk structure is poor. The primary trunk bifurcation at two metres above ground level is poorly structured and has evidence of wood decay.</td>
</tr>
</tbody>
</table>
The overall risk to safety currently represented by the tree is considered to be moderate and marginally unacceptable and gradually increasing over time.

Due to the safety risk identified by Dr Nicolle, removal of the tree can be supported under CW PDC 208(b).

**Damage to a building**

The subject tree has not caused any substantial and visible damage to substantial structures of value, as such, removal of the tree is not in supported by CW PDC 208(c).

**Indigenous to the Local Area**

The subject tree is not identified as being a species indigenous to the local area, therefore, removal is supported by CWO 70(b).

**Type of Tree Species**

The subject tree is not listed as being rare or endangered, as such, removal is supported by CWO 70(c).

**Habitat Value**

No faunal habitats are visibly evident in the tree, therefore, removal is consistent with CWO 70(d). It is important to note that the tree is a reproductively mature specimen of a locally exotic Australian Native species. As such, Council staff consider that the tree does provide some habitat value by a means of shade and a perching spot for birds and other small animals (e.g. possums).

**Reasonable Development**

The application seeks only to remove one Regulated Tree due to safety concerns. No development is currently proposed for the subject allotment and thus the subject tree does not limit reasonable development on-site. Removal of the subject tree is not considered warranted by Council Wide PDC 208(d).

**CONCLUSION**

The subject tree is visible from Main North Road and provides aesthetic benefit to the locality. Dr Nicolle has undertaken a health and risk assessment of the tree and determined that the tree is in above average health, however, has extensive and damaging longicorn borer activity and fungal wood decay. The trunk and branch structure of the tree is poor, the primary trunk bifurcation at two metres above ground level has evidence of wood decay and branches are becoming increasingly over-extended and end-weighted. Furthermore, several sudden limb failures of branches up to 100
mm in diameter is evident. The current risk of branch failure and whole of tree structural failure is considered to be moderate and gradually increasing over time and the risk to safety is considered to be moderate and marginally unacceptable and gradually increasing over time.

While removal of the subject tree is not in accordance with all Council Wide Objectives and Principles of Development Control relating to Regulated tree removal, Dr Nicolle has recommended that the application be approved with emphasis being placed on the deteriorating trunk and branch structure of the tree, the increasing likelihood of whole-of-tree structural failure and major branch failure and the marginally unacceptable and gradually increasing risk to safety.

RECOMMENDATION

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 that DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/290/2017 by D J MACMILLAN for Tree Damaging Activity (Removal of Regulated Tree) at 141 Main North Road WILLASTON 5118, subject to the following conditions:

1. That the development is undertaken in accordance with Development Application No. 490/290/2017, the approved plans and details therein.

2. Pursuant to Regulation 117 of the Development Regulations 2008, two replacement trees shall be planted for each regulated tree removed pursuant to this development consent.

3. Replacement trees shall be capable of growing to a substantial expected mature size approved from Council’s list of suitable trees, such trees shall be planted on the northern or eastern boundaries. A plan showing the location of such replacement trees is also to be approved by Council at the same time.

4. Two replacement trees of a native species shall be planted no later than 3 months after the respective removal of each of the trees approved for removal.

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

6. Prior to removal of the subject tree, a site plan shall be provided to and approved by Council indicating the location of the two replacement trees.
COUNCIL DEVELOPMENT ASSESSMENT PANEL  
AGENDA  
Monday 10 July 2017  

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Title</th>
<th>Date</th>
<th>Author(s)</th>
<th>Officer Decision</th>
<th>DAP Decision</th>
<th>Appellant</th>
<th>Status</th>
<th>Next Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>INFORMATION ITEM - APPEAL MATTERS</td>
<td>10 July 2017</td>
<td>Team Leader Development Services</td>
<td>Approval</td>
<td>Refusal</td>
<td>I &amp; V Millen</td>
<td>Preliminary ERD Conference was held on 24 April 2017.</td>
<td>Compromise Plan to be Presented to 31 July CDAP Meeting. ERD Court Conciliation Hearing adjourned to after CDAP meeting. Date to be advised.</td>
</tr>
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<tr>
<td>I &amp; V Millen</td>
<td>Applicant appeal against refusal</td>
<td>17 Nixon Terrace Gawler</td>
<td></td>
<td>Approval</td>
<td>Refusal</td>
<td>I &amp; V Millen</td>
<td>Preliminary ERD Conference was held on 24 April 2017.</td>
<td>Compromise Plan to be Presented to 31 July CDAP Meeting. ERD Court Conciliation Hearing adjourned to after CDAP meeting. Date to be advised.</td>
</tr>
<tr>
<td>P Zollo</td>
<td>Applicant Appeal against refusal to grant extension of time to land division</td>
<td>Lot 52 Alexander Avenue Evanston Park</td>
<td>Refusal</td>
<td>N/A</td>
<td>Savoy Developments PTY LTD</td>
<td>Preliminary ERD Conference to be held on 8 May 2017.</td>
<td>Matter listed for Directions Hearing (ERD Court 1 August)</td>
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<td>D Fischer</td>
<td>Applicant appeal against refusal</td>
<td>29B East Terrace Gawler East</td>
<td>Refusal</td>
<td>Refusal</td>
<td>D Fischer</td>
<td>ERD Court has issued Development Plan Consent</td>
<td>Nil</td>
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RECOMMENDATION:  
That the contents of this report be received and noted.
Item Number 6.2
Title INFORMATION ITEM – MATTERS PREVIOUSLY DEFERRED
Date 20 January 2017
Author(s) Team Leader Development Services

<table>
<thead>
<tr>
<th>Application</th>
<th>Deferral Date</th>
<th>Proposed Development</th>
<th>Applicant</th>
<th>Address</th>
<th>Officer</th>
<th>Status</th>
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<tbody>
<tr>
<td>490/225/2016</td>
<td>27 February 2017</td>
<td>Temporary Change of Use (12 Month Period) from Detached Dwelling to Consulting Room and associated car parking area</td>
<td>S M Bubner</td>
<td>21 Fourth Street GAWLER SOUTH</td>
<td>Scott Twine / James Booker</td>
<td>Awaiting documentation.</td>
</tr>
<tr>
<td>490/9/2016</td>
<td>27 February 2017</td>
<td>Demolition of Existing Dwelling and Construction of a Consulting Room and associated car parking area, carport structure (max post height 4.13 metres) and landscaping</td>
<td>S M Bubner</td>
<td>21 Fourth Street GAWLER SOUTH</td>
<td>James Booker / Scott Twine</td>
<td>Awaiting response and documentation from applicant.</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

That the contents of this report be received and noted.