COUNCIL ASSESSMENT PANEL

NOTICE OF MEETING

TO: Presiding Member: Dr Michael Llewellyn-Smith
Members: Mr Mike Canny, Ms Fleur Bowden, Mr Ross Bateup, Mr Nathan Shanks

NOTICE is hereby given that a Meeting of the Town of Gawler Council Assessment Panel will be held in the Council Chambers, Town of Gawler Civic Centre, 88-91 Murray Street, Gawler, on Wednesday 23 October 2019, commencing at 6.30pm.

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

Ryan Viney
Manager Development, Environment and Regulatory Services
17 October 2019
For the Meeting of the Town of Gawler Council Assessment Panel to be held on Wednesday 23 October 2019 in the Council Chambers, Town of Gawler Civic Centre, 89-91 Murray Street, Gawler, commencing at 6.30PM.

Welcome and Presiding Member Introductions

1. Attendance Record
   1.1 Roll Call
   1.2 Apologies

2. Confirmation of Minutes –
   That the minutes of the Council Assessment Panel Meeting held on Wednesday 11 September 2019 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:

<table>
<thead>
<tr>
<th>Development Application</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Development Application: 490/369/2019</td>
<td>4-13</td>
</tr>
<tr>
<td>Applicant: J D CRAIG</td>
<td></td>
</tr>
<tr>
<td>Address: 8 Gozzard Street GAWLER EAST</td>
<td></td>
</tr>
<tr>
<td>Nature of Development: Regulated Tree Removal - 1 Alleppo Pine (Pinus Halepensis)</td>
<td></td>
</tr>
<tr>
<td>5.2 Development Application: 490/360/2019</td>
<td>14-27</td>
</tr>
<tr>
<td>Applicant: S A WORRALL</td>
<td></td>
</tr>
<tr>
<td>Address: 1C Rice Avenue GAWLER SOUTH</td>
<td></td>
</tr>
<tr>
<td>Nature of Development: Tree Damaging Activity - Removal of a Significant Tree</td>
<td></td>
</tr>
<tr>
<td>5.3 Development Application: 490/264/2019</td>
<td>28-44</td>
</tr>
<tr>
<td>Applicant: QUICKDRAW DRAFTING</td>
<td></td>
</tr>
<tr>
<td>Address: 11 Lyndoch Road GAWLER EAST</td>
<td></td>
</tr>
<tr>
<td>Nature of Development: Expansion of existing Education Facility - construction of a new three (3) storey Education Building, cut Retaining Walls (maximum height 3 metres) and earthworks in a Local Heritage Place</td>
<td></td>
</tr>
<tr>
<td>5.4 Development Application: 490/271/2019 (490/D021/19)</td>
<td>45-63</td>
</tr>
<tr>
<td>Applicant: KEVIN BURGESS &amp; ASSOCIATES</td>
<td></td>
</tr>
<tr>
<td>Address: 426 Angle Vale Road HILLIER</td>
<td></td>
</tr>
<tr>
<td>Nature of Development: Land Divisions</td>
<td></td>
</tr>
<tr>
<td>5.5 Development Application: 490/440/2019 (490/E005/19)</td>
<td>64-107</td>
</tr>
<tr>
<td>490/441/2019 (490/E006/19)</td>
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<tr>
<td>490/446/2019 (490/E009/19)</td>
<td></td>
</tr>
</tbody>
</table>
COUNCIL ASSESSMENT PANEL
AGENDA

Wednesday 23 October 2019

Applicant: SPRINGWOOD DEVELOPMENT NOMINEES PTY LTD
LEYTON PROPERTIES PTY LTD
Address: Balmoral Road GAWLER EAST

Nature of Development:
1) Construction of a Sales Centre (two storey) comprising Showroom, Office and Cafe with associated car park and signage;
2) Construction of a shopping centre comprising supermarket and six (6) specialty shops, two (2) standalone shops, associated car parking and signage; and
3) Construction of a single-storey child-care centre (preschool)

6. Information Items:

| 6.1 Planning and Design Code Update Report | 108-111 |
| 6.2 Appeal Matters | 112 |
| 6.3 Matters previously deferred | 113 |

7. Other Business


9. Closure
# DEVELOPMENT APPLICATION OVERVIEW

<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application</td>
<td>490/369/2019</td>
</tr>
<tr>
<td>Applicant</td>
<td>J D CRAIG</td>
</tr>
<tr>
<td>Owner</td>
<td>J D &amp; J CRAIG</td>
</tr>
<tr>
<td>Subject Land</td>
<td>8 Gozzard Street GAWLER EAST 5118</td>
</tr>
<tr>
<td>Certificate of Title</td>
<td>LOT: 99 PLN: 154800 CT: 5843/282</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Regulated Tree Removal - x1 Aleppo Pine - Pinus Halepensis</td>
</tr>
<tr>
<td>Zone</td>
<td>Special Uses Zone</td>
</tr>
<tr>
<td>Policy Area</td>
<td>n/a</td>
</tr>
<tr>
<td>Nature of Development</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category</td>
<td>Category 1</td>
</tr>
<tr>
<td>Representations</td>
<td>N/A</td>
</tr>
<tr>
<td>Referral Agencies</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| Key Issues / Considerations | - Amenity contribution  
- Environmental value  
- Health  
- Risk assessment |
| Previous Motion | Nil |
| Lodgement Date | 19 August 2019 |
| Development Plan | 18 July 2019 |
| Attachments Under Separate Cover |  
Attachment 1 - Development Application Documents  
Attachment 2 - Arborist Report Supplied by Applicant  
Attachment 3 - Independent Arborist Report  
Attachment 4 - Plan of Division (for information only) |
| Author(s) | Senior Development Assessment Planner (James Booker) |
| Reviewed | Team Leader Development Services (David Bielatowicz) and Manager Development, Environment & Regulatory Services (Ryan Viney) |
| Delegation | The Panel shall only exercise powers and functions associated with applications in respect of applications of the following types:  
g) An application for refusal other than a refusal made under Section 39(3) of the Development Act 1993. |
| Recommendation | Refusal |
1. DESCRIPTION OF PROPOSAL

1.1 The subject development proposal seeks the Removal of a regulated tree - x1 “Aleppo Pine” (Pinus Halepensis)

1.2 The subject tree meets the criteria of a Regulated Tree as defined under the Development Act 1993 and the Development Regulations 2008,

1.3 The applicant seeks the removal of the tree due to perceived potential structural shortfalls, noting that in the applicant’s opinion the tree possesses a heavy crown with overextended branches that pose a high risk of branch failure. Additionally, the applicant has plans in the future to build a dwelling within close proximity of the tree.

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

2. BACKGROUND

2.1 An application for land division on the subject land (490/323/2019) was lodged on 17 July 2019. A copy of this plan of division is provided within Attachment 4 for your information. During discussions with the applicant it became evident that they have a future desire to build a dwelling within close proximity of the subject tree. As a result of these discussions the subject application was subsequently lodged.

2.2 The subject application for the removal of a regulated tree was lodged 20 August 2019 at the Council Administration Centre. An arborist report authored by Simon Fitzgerald of Playford Tree Service dated the 9 August 2019 was supplied as part of the application documentation. This report can be found within Attachment 2.

2.2.1 In his report Mr Fitzgerald noted that the subject tree exhibited varying issues and presents potential for branch and crown failure once the non-regulated trees on the subject land are removed.

2.2.2 It was also noted within the report there was evidence of poor pruning procedures, minimal levels of dead wood and overextended branches at high risk of failure.

2.3 Council then commissioned independent arboricultural advice from Colin Thornton of Treevolution Arboricultural Consultants. The independent arborist report was received by Council 10 September 2019. This report can be found within Attachment 3.

2.3.1 Within his report Mr Colin Thornton noted that when the subject tree is considered against the Principles of Development Control (PDCs) contained within the Gawler...
(CT) Development Plan, it fulfils the criteria of a regulated tree with attributes worth retaining.

2.3.2 The report also notes that when considered against the PDCs within the Gawler (CT) Development Plan with regard to the removal of regulated trees it fails to fulfil the criteria to support its removal.

2.4 The independent arborist report was then supplied to the applicant. The applicant has advised that they would like to proceed with the proposal in its current form. Accordingly, the application is presented to the panel for consideration.

3. RELEVANT DEVELOPMENT APPLICATION HISTORY

Table 1: Application History

<table>
<thead>
<tr>
<th>DA#</th>
<th>DESCRIPTION OF PROPOSAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>490/323/2019</td>
<td>Land Division – Torrens Title (1 into 2)</td>
<td>Under assessment</td>
</tr>
</tbody>
</table>

4. LOCALITY

4.1 The main characteristics of the locality are as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>To the North of the proposed site there is a concentration of residential properties with small pockets of newer infill development, this continues to where Turner Street intersects with Calton Road.</td>
</tr>
<tr>
<td>EAST</td>
<td>The locality of East Terrace is large concentrations of residential development. While there are street trees within the locality only some appear to be regulated/significant.</td>
</tr>
<tr>
<td>SOUTH</td>
<td>To the south of the subject site there are once again many residential allotments. However an outlier on East Terrace exists, appears to be utilised for pasture land.</td>
</tr>
<tr>
<td>WEST</td>
<td>Where McKinlay Avenue intersects with Gozzard Street there is once again a concentration of residential development. There are minimal significant/regulated trees within this portion of the locality.</td>
</tr>
</tbody>
</table>
Picture 1: Locality Plan showing the subject land and subject tree
5. SUBJECT SITE

5.1 The subject site is located at 8 Gozzard Street, Gawler East and is legally recognised as allotment 99 in Filed Plan 154800 in the area named Gawler East, Hundred of Nuriootpa within Certificate of Title volume 5843 folio 282.

5.2 The subject land is occupied by existing outbuildings and an existing dwelling.

5.3 The subject tree is located on the southern boundary of the allotment, approximately 1m set back from the boundary of Gozzard Street.

5.4 The subject land had also contained a number of smaller Alleppo Pines which did not constitute regulated/significant trees. These trees were recently removed after both arborist reports were written. The adjacent allotment contains one other Alleppo Pine outlined within the report drafted by Mr Colin Thornton.

*Picture 2: View of tree from within the subject land of 8 Gozzard Street, Gawler East.*
Picture 3: View of lower section of subject tree supporting wounds from previous branch removal

Picture 4: View showing the minor crown bias to the North/West boundary of the allotment
6. NATURE OF DEVELOPMENT

6.1 The proposed development does not fall within the ambit of ‘complying’ development for the purposes of Schedule 4 for the Development Regulations 2008 or within a ‘non-complying’ form of development outlined within the Special Uses Zone Principle of Development Control.  

6.2 The proposal therefore represents a Merit form of development for the purposes of the assessment of the application.

7. CATEGORISATION (PUBLIC NOTIFICATION)

7.1 Pursuant to Schedule 9 (13) of the Development Regulations, 2008, the development is a Category 1 form of development therefore no public notification required.

7.2 This application was not required to be advertised pursuant to Section 38 of the Development Act, 1993.

8. REFERRALS

8.1 No External Referrals are required by Schedule 8 of the Development Regulations, 2008.

9. ASSESSMENT

9.1 The zoning of the land and relevant provisions

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

| Development Plan | 18 July 2019 |
| Zone             | Special Uses Zone |
| Policy Area      | N/A |
| Section          | Objectives | Principles of Development Control |
| Regulated Trees  | 73, 74 | 224, 225, 226 |

9.2 Visual Amenity

9.2.1 The subject tree is highly visible from Gozzard Street, and also has limited visibility from East Terrace and Mckinlay Avenue. The tree is a large specimen however has a crown bias to the west due to another Aleppo Pine growing within close proximity to its east.

9.2.2 The tree was formerly a part of a stand of four Aleppo Pines, three located within the boundary of 8 Gozzard Street and one within the boundary of 51 East Terrace. Two
of these (non-regulated) trees were recently removed and as such the subject tree now has more visual prominence.

9.2.3 The independent arborist notes “The tree is a large mature specimen that is highly visible when viewed from outside the property. As such, it is considered to contribute to the character or amenity of the area”

9.2.4 As the tree is highly visible within the locality however displays average form. It is considered to make a moderate contribution to the amenity of the area. As such the tree displays attributes that are worthy of retention in accordance with Council Wide Objective 74(a).

9.3 Tree Health

9.3.1 The report supplied by the applicant describes the health of the tree as being fair to good.

9.3.2 In regards to whether the tree is diseased and its life expectancy is short, the independent arborist notes “The tree is showing fair form having a large crown that supports good overall foliage density. The tree is showing no signs of disease or symptoms to suggest it has a short remaining life expectancy.”

9.3.3 As both arborists suggest the tree is in good health removal of the tree is contrary to Council Wide Principle of Development Control 225(a).

9.4 Risk Assessment

9.4.1 The Applicant supplied arborist report written by Playford Tree Services notes that the tree “presents a high risk of branch and crown failure once development goes ahead”. The arborist continues stating that the removal of the nearby non-regulated trees will create a much higher wind load which increases the risk of failure.

9.4.2 The independent arborist however notes that “The Quantified Tree Risk Assessment places it within the broadly acceptable category, and as such is NOT considered to pose a risk to public or private safety.” Furthermore the arborist states that “The tree was showing no defects at the time of inspection that would suggest that it had an increased potential to shed the branches…”

9.4.3 Considering the independent arborist has provided a thorough Probability of Failure Assessment, the advice from Treevolution is favoured in this instance. As such it has not been demonstrated that the removal of the tree fulfils the criteria of Council Wide Principle of Development Control 225(b).

9.5 Damage to a building
9.5.1. The tree is not and has not caused damage to a structure of value. The tree is sufficiently sited away from any significant structures of value. As such removal of the tree is not supported by Council Wide Principle of Development Control 225(c).

9.6 Environmental Value

9.6.1 The tree is not indigenous to the local area, or listed as a rare or endangered species in South Australia. The removal of the tree is therefore not restricted by CWO 74 (b) or (c).

9.6.2 The consulting independent arborist states that “The tree has a relatively large crown structure that offers feeding and roosting opportunities to native fauna”. Whether or not this represents an important habitat for native fauna is questionable due to the exotic status of the tree.

9.7 Reasonable Development

9.7.1 The applicant has indicated that they will lodge an application for a dwelling on the subject land in the near future. Additionally, the lodgement of development application 490/323/2019 for land division of the site has occurred.

9.7.2 The Treevolution report shows the extent of the Tree Protection Zone of the tree within the proposed allotment. With an area of 811m² it is considered that should this land division be approved, the site has sufficient area to construct a reasonably sized dwelling without impacting upon the Tree Protection Zone of the subject tree.

9.7.3 As such the subject tree is not limiting reasonable development, therefore its removal is not justified by CWPDC 225(d).

10. CONCLUSION

10.1 While the arborist report that was supplied by the applicant recommended the removal of the subject tree, the independent arborist report received by council suggested that the tree should be retained.

10.2 The arborist report supplied by the applicant outlined risk associated with the tree however the independent report did not share those same concerns. As such the independent arborist has concluded that the proposed removal is contrary to the Objectives and Principles of Development Control contained with the Gawler (CT) Development Plan. As the Treevolution report demonstrates a comprehensive risk assessment of the tree, more weight has been placed on its recommendation.
10.3 It is therefore recommended that Development Plan Consent be refused for the removal of the subject Regulated Tree.

11. RECOMMENDATION

It is recommended that the Town of Gawler Council Assessment Panel resolves:

1. That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan.

2. That DEVELOPMENT PLAN CONSENT be REFUSED to Development Application 490/369/2019 by J D CRAIG for Regulated Tree Removal - x1 Alleppo Pine - Pinus Halepensis at 8 Gozzard Street GAWLER EAST 5118, subject to the following conditions/for the following reasons:

   1. The tree provides an important aesthetic benefit to the local area (Council Wide Objective 73 and 74(a));

   2. The tree is not diseased and does not have a short life expectancy (Council Wide Principle of Development Control 225(a));

   3. The tree currently represents an acceptable risk to safety (Council Wide Principle of Development Control 225(b));

   4. The tree is not currently causing damage to a building (Council Wide Principle of Development Control 225(c));

   5. The tree is not hindering reasonable and expected development (Council Wide Principle of Development Control 225(d)).
DEVELOPMENT APPLICATION OVERVIEW

<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application</td>
<td>490/360/2019</td>
</tr>
<tr>
<td>Applicant</td>
<td>S A WORRALL</td>
</tr>
<tr>
<td>Owner</td>
<td>A S &amp; S A WORRALL</td>
</tr>
<tr>
<td>Subject Land</td>
<td>1C Rice Avenue GAWLER SOUTH 5118</td>
</tr>
<tr>
<td>Certificate of Title</td>
<td>LOT: 51 PLN: F254009 CT: 6213/713</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Tree Damaging Activity - Removal of a Significant Tree</td>
</tr>
<tr>
<td>Zone</td>
<td>Residential Zone</td>
</tr>
<tr>
<td>Policy Area</td>
<td>Gawler West Policy Area</td>
</tr>
<tr>
<td>Nature of Development</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category</td>
<td>Category 1</td>
</tr>
<tr>
<td>Representations</td>
<td>N/A</td>
</tr>
<tr>
<td>Referral Agencies</td>
<td>N/A.</td>
</tr>
</tbody>
</table>
| Key Issues / Considerations | • Contribution of amenity  
• Health of tree  
• Risk assessment differences |
| Previous Motion | Nil |
| Lodgement Date | 14 August 2019 |
| Development Plan | 18 July 2019 |
| Attachments Under Separate Cover | Attachment 1 - Development Application Documentation  
Attachment 2 - Arborist Report Provided by Applicant  
Attachment 3 - Arborist Report Provided by Independent Arborist |
| Author(s) | Development Assessment Planner (Darren Smith) |
| Reviewed | Senior Development Assessment Planner (James Booker) |
| Delegation | The Panel shall only exercise powers and functions associated with applications in respect of applications of the following types:  
g) An application for refusal other than a refusal made under Section 39(3) of the Development Act 1993. |
| Recommendation | Refusal |
1. DESCRIPTION OF PROPOSAL

1.1 The subject development proposal seeks the Removal of one “River Red Gum” (*Eucalyptus Camaldulensis*) from the allotment located at 1C Rice Avenue, Gawler South.

1.2 The subject tree meets the criteria for a Significant Tree as defined under the *Development Act 1993* and the *Development Regulations 2008*.

1.3 The applicant seeks removal of the tree due to safety concerns associated with falling limbs, proximity to SA Power Networks infrastructure and damage to fencing.

A copy of the plans and documentation for this application are contained within Attachment 1.

2. BACKGROUND

2.1 An application for the removal of a significant tree was lodged 14 August 2019 at the Council Administration Centre, within that initial application was an arborist report prepared by Peter Zimmerman of Zimmerman Arborists dated the 12 June 2019. This report can be found within Attachment 2.

2.1.1 In his report Mr Zimmerman noted that the subject tree exhibited varying issues and weaknesses in the form of structural branch/scaffolding limb effects with low integrity and identified the tree as having an increased risk of failure in the near and succeeding future.

2.1.2 The report also noted that the tree was identified as suffering from minor infestation of borer pathogen in conjunction with a history of minor branch failures.

2.1.3 The recommendation of the report was for the removal of the subject tree following consideration of the *Development Act 1993*, the local development plan and the *Electricity Regulations 2012*.

2.2 Once the application was lodged Council proceeded to request an independent arboricultural advice from Colin Thornton of Treevolution Arboricultural Consultants. The independent arborist report was received by Council 27 August 2019. This report can be found within Attachment 3.

2.2.1 In his report Mr Thornton noted that when the subject tree is considered against the Principles of Development Control (PDCs) contained within the *Gawler (CT) Development Plan* fulfils the criteria to of a significant tree with attributes worth retaining.
2.2.2 The report also notes that when considered against the PDCs within the Gawler (CT) Development Plan with regard to the removal of significant trees it fails to fulfil the criteria to support its removal.

2.3 Upon receipt of the independent arborist report Council contacted the owner of the property via email on 29 August 2019 and noted that in its current form the application is not supported.

2.3.1 The tree is considered to be in good overall health, shows no indications of disease or defects that would allude to a short life expectancy and consequently does not represent an unacceptable risk to building or safety.

2.3.2 When considered against the relevant provisions of the Gawler (CT) Development Plan that the tree warranted retention.

2.4 In light of the above, council administration then suggested the consideration of pruning the subject tree.

2.5 The property owners have since advised they wish to proceed with the application in its current form.

2.5.1 The tree continues to cause damage to the property that pruning will not fix.

2.5.2 The tree has no historical significance and that the tree is not and will not be an asset.

2.5.3 They had complete faith in the report written by Mr Peter Zimmerman of Zimmerman Arborists.

2.6 Accordingly the application is presented to the panel for consideration.

3. LOCALITY

3.1 The main characteristics of the locality are as follows:

<table>
<thead>
<tr>
<th>NORTH</th>
<th>Rice Avenue intersects with Lawrence Avenue, this portion of the locality exhibits solely residential development in the form of a number of single storey detached dwellings with smaller eucalypt plantings on the road verges.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EAST</td>
<td>Where Rice Avenue intersects with Whitaker Street and Fourteenth Street, the locality is similar in that there is a concentration of single storey dwellings with some form of plantings on the council road verge, however none would be considered as protected.</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Rice Avenue intersects with Crosby Avenue and Sixteenth Street, while there is a number of detached dwellings there is also a council reserve ‘16th Street Reserve’. In terms of vegetation on the reserve there is a small grouping of larger trees, with possibly 3 regulated and significant trees.</td>
</tr>
<tr>
<td>WEST</td>
<td>Richards Avenue and Duncan Crescent both share similar amenities to that of the North and the East in that mostly single storey dwellings with verge plantings exist within the locality.</td>
</tr>
</tbody>
</table>
Picture 1 – Locality Plan showing subject land and subject tree
Picture 2 – View From Rice Avenue of subject tree.

Picture 3 – View of subject tree trunk and impact on fencing
Picture 4 – Image showing stem union of subject tree
4. SUBJECT SITE

4.1 The subject site is located at 1C Rice Avenue, Gawler South and is legally recognised as allotment 15 of Deposited Plan 449 in the area named Gawler South, Hundred of Mudla Wirra within Certificate of Title volume 5688 folio 724.

4.2 The subject allotment is occupied by a single storey semi-detached dwelling.

4.3 The subject tree is located on the North/West corner of the allotment and is located within 1m of the front and side boundary of the allotment.

4.4 The subject land has one significant tree (subject tree) present and two non-regulated trees located within 5m of the subject tree.

5. NATURE OF DEVELOPMENT

5.1. The proposed development does not fall within the ambit of ‘complying’ development for the purposes of Schedule 4 for the Development Regulations 2008 or within a ‘non-complying’ form of development outlined within Residential Zone Principle of Development Control 27.

5.2. The proposal therefore represents a Merit form of development for the purpose of the assessment of the application.
6. CATEGORISATION (PUBLIC NOTIFICATION)

6.1. Pursuant to Schedule 9 (13) of the Development Regulations 2008, the development is a Category 1 form of development therefore no public notification required.

6.2. This application was not required to be advertised pursuant to Section 38 of the Development Act 1993.

7. REFERRALS


8. ASSESSMENT

8.1 The zoning of the land and relevant provisions

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

Table 1: Pertinent Assessment Points

<table>
<thead>
<tr>
<th>Development Plan</th>
<th>18 July 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Residential Zone</td>
</tr>
<tr>
<td>Policy Area</td>
<td>Gawler West Residential Policy Area 8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Objectives</th>
<th>Principles of Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Trees</td>
<td>88</td>
<td>322, 323, 324</td>
</tr>
<tr>
<td>Regulated Trees</td>
<td>73, 74</td>
<td>224, 225, 226</td>
</tr>
</tbody>
</table>

8.2 Preservation attributes Criteria - PDC

8.2.1. The subject tree meets the legislative requirements as a significant tree. The following table summarises the arborists’ opinion as to whether the tree possesses the attributes worth of preservation as per Council Wide PDC 322.

<table>
<thead>
<tr>
<th>PDC 322</th>
<th>Mr Peter Zimmerman</th>
<th>Mr Colin Thornton</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>x</td>
<td>✓</td>
</tr>
<tr>
<td>(b)</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>(c)</td>
<td>x</td>
<td>✓</td>
</tr>
<tr>
<td>(d)</td>
<td>✓</td>
<td>x</td>
</tr>
</tbody>
</table>
Both arborists had noted that the three was not a rare or endangered species however the tree is indigenous to the area. Both of the arborists also concluded that the tree was important to the maintenance of biodiversity in the local environment. The difference within the two reports relates to whether the tree displays an important contribution to character, is an important habitat for wildlife and forms a notable visual element in the landscape.

**8.3 Preservation Attributes Criteria – Amenity & Habitat**

**Table 3: Arborist assessment regarding amenity**

<table>
<thead>
<tr>
<th>Arborist</th>
<th>Comments</th>
<th>Retention</th>
</tr>
</thead>
</table>
| Mr Peter Zimmerman      | • The assessed tree has been given a low retainable value taken in consideration the established surrounding tree amenity  
                          | • No habitat of native fauna was observed on the date of inspection  
                          | • Low retainable value given the surrounding established trees of the same genus | No        |
| Mr Colin Thornton        | • The tree is located within the front garden area of the property, being a prominent feature within the local landscape and is considered to soften the built form and contribute to amenity  
                          | • The tree is a locally indigenous species and as such will make an important contribution to the maintenance of biodiversity in the area  
                          | • The tree is a large mature specimen that is highly visible in the local streetscape, and as such is considered to form a notable visual element within the local area. | Yes       |
COUNCIL ASSESSMENT PANEL
AGENDA

Wednesday 23 October 2019

interpreted by both arborists, where Mr Peter Zimmerman does not directly address point (a), Mr Colin Thornton notes that the tree softens built form and therefore contributes to amenity. Mr Peter Zimmerman notes that the tree does not represent an important habitat for native fauna the report also notes that the tree is important to the maintenance of biodiversity in the local environment. Given the location of the subject tree the tree satisfies PDC 322 in relation to the preservation of the subject tree.

8.4 Tree Damaging Activity Criteria - PDC

8.4.1 As the tree has been determined to be a significant tree possessing attributes that are worth retaining the following table collates the arborists’ findings as to whether the proposed tree damaging activity of the tree can be justified against Council Wide PDC 324.

Table 4: Arborist assessment against PDC 324(a) (1)

<table>
<thead>
<tr>
<th>PDC 324(a)(1)</th>
<th>Mr Peter Zimmerman</th>
<th>Mr Colin Thornton</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the tree is diseased and its life expectancy is short</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>(b) the tree represents an unacceptable risk to public or private safety</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>(c) the tree is a bushfire hazard and within 20 metres of a habitable building within a bushfire protection area</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>(d) the tree is causing or threatening to cause substantial damage to a structure of value</td>
<td>✓</td>
<td>x</td>
</tr>
</tbody>
</table>

8.4.2 The key difference within advice provided by the respective arborist relates to whether the tree is diseased, and has a short life expectancy and therefore whether the tree will pose an unacceptable risk to public or private safety. Accordingly considerations of the health of the tree is an important element in determining this component.

8.5 Tree Damaging Activity Criteria – Tree Health

8.5.1 The comments from the arborists regarding the health of the significant tree are summarised below.

Table 5: Arborist assessment regarding tree health

<table>
<thead>
<tr>
<th>Arborist</th>
<th>Comments</th>
<th>Retention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Peter Zimmerman</td>
<td>• The tree is semi mature and its life</td>
<td>No</td>
</tr>
</tbody>
</table>
### 8.5.2 As mentioned previously, the difference between the two opinions relate to whether the arborist believes that the tree is diseased or not and how this would potentially effect the structural soundness of the subject tree. As Mr Colin Thornton has noted the tree shows no indications of disease or defect present, the removal does not satisfy PDC 324(a) (1) in relation to providing justification for tree damaging activity. Mr Colin Thornton also notes that the report supplied by Mr Peter Zimmerman contains inaccuracies based on the assumption that the tree has defects, which were not evident when Mr Colin Thornton conducted his report. Due to its potential inaccuracies the assessment supplied by Mr Peter Zimmerman some aspects were considered by Mr Colin Thornton to be “overly exaggerated”.

### 8.6 Risk Assessment

#### 8.6.1 Both arborist reports were submitted with risk assessments done on the subject tree, both were undertaken in different formats however can be summarised as follows:

<table>
<thead>
<tr>
<th>Arborist</th>
<th>Comments</th>
<th>Retention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Peter Zimmerman</td>
<td>• The assessment found the subject tree to have a potential failing structure and therefore the tree is likely to cause damage to the electrical infrastructure</td>
<td>No</td>
</tr>
</tbody>
</table>

| Mr Colin Thornton         | • The tree is showing good overall health and there were no indications of disease or defect at the time of inspection that would support that the tree has a short life expectancy | Yes       |

expectancy is greatly compromised by the poor class of structural integrity within the trunk

- Minor borer activity was present within the trunk
- Evidence of abnormal bark texture/colour was also documented within the bark sections of the main scaffolding limbs
- The tree imposes a high risk to private safety which coincides with the overall structural integrity of some branch union and trunk
and interruptions to the power supply

- Structural damage to the support and feeder root system is considered probable if invasive encroachment of the tree protection zone was to occur
- Tree was identified as suffering from minor infestation of borer pathogen in conjunction with a history of minor branch failures

| Mr Colin Thornton | • The tree exhibited good vitality with the tree supporting a wide spreading framework of branches which supported good foliage density
| | • The tree was exhibiting atypical architecture having a crown form that is displaying a compact shape and form supported on three tree leaders
| | • The tree showed no apparent defect at the time of inspection to suggest it had an increased potential for failure
| | • The results show that in a risk assessment calculation that it is within the broadly acceptable category of risk that deems it to be posing a level of risk that is considered to be acceptable

Yes

8.6.2 Within the two arborist reports there are differing opinions as to whether or not the subject tree proposes an immediate risk. Mr Peter Zimmerman cites that as the tree has a potential failing structure partially due to the minor borer pathogen and bark on subject tree. The report stated that these factors could ultimately lead to branch failure.

8.6.3 Mr Colin Thornton’s report refutes the notion that the tree was exhibiting defects at the time and went on to note that the tree is within the broadly acceptable category of risk. The report also notes that the risk assessment undertaken by the applicants arborist appears to be based on the conclusion that the main stem unions have included bark and due to those inaccuracies in this assessment the risk assessment is overly exaggerated.

8.6.4 In regards to the potential effect the tree may have on SA Power Networks
infrastructure Mr Colin Thornton has noted that this is inconsequential to the assessment and isn’t a factor within the assessment. In any event, SA Power Networks are afforded exemptions relevant to the pruning of such infrastructure.

8.7 Other Considerations

8.7.1 As detailed within the background of the report Council approached owners of the property to consider the alternative of pruning the subject tree as opposed to its removal. The applicant has elected to proceed with seeking the removal of the subject tree.

8.1 Summary of Assessment

8.8.1 The tree is highly visible and forms a notable element of the landscape, it is a large specimen and in the officers opinion provides a much needed contrast to the built form that exists within the immediate area. Due to the visual amenity that the subject tree accounts for the officer considers that the proposal is at variance with the criteria outlined within the Gawler (CT) Development Plan and therefore cannot be supported.

8.8.2 The independent arborist report states that there are no defects within the tree that would result in an unacceptable risk to public and private safety; minor pruning of the canopy would prevent any possible risk. The independent arborist also notes that there are inaccuracies within the applicants report relating to assumptions made regarding structural issues with the subject tree.

8.8.3 Property owners have decided against the possibility of pruning the subject tree as opposed to its removal citing damage to the properties front fence, the continued maintenance of the subject tree and the damage caused to the property. The front fence is not considered to represent a substantial building or structure of value for the purposes of Council Wide PDC 324 (a) (1) (iv).

9. CONCLUSION

9.1 While the arborist report supplied by the applicant recommended the removal of the subject tree the independent arborist report received by Council suggested that the tree should be retained.

9.2 The original report outlined risk associated with the tree however the independent report does not share the same concerns and does not list any potential defects with the tree. The validity of the original report has since been questioned by the independent arborist report which noted that the risk assessment had been overly exaggerated. The opinion of the independent arborist was favoured due to the above reasons.
9.3 The subject tree contributes to the immediate locality’s visual amenity and bares low risk in terms of the possibility of failure due to defect. The subject tree also provides potential habitat for native fauna. It is considered that when assessed against the criteria outlined within the Gawler (CT) Development Plan that the removal of the tree cannot be supported.

9.4 It is therefore recommended that Development Plan Consent be refused for the removal of the subject Significant Tree.

10. RECOMMENDATION

It is recommended that the Town of Gawler Council Assessment Panel resolves:

1. That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan.

2. That DEVELOPMENT PLAN CONSENT be REFUSED to Development Application 490/360/2019 by S A WORRALL for Tree Damaging Activity - Removal of a Significant Tree at 1C Rice Avenue GAWLER SOUTH 5118, subject to the following conditions/for the following reasons:

1. The subject tree provides an important environmental benefit and also provides an aesthetic benefit for the immediate locality and therefore would be at variance with Council Wide Objective 88.

2. The tree provides an important visual juxtaposition within the amenity of the area, due to its highly visible location offering contrast to the built form within the locality. Therefore the removal of the subject tree would be in variance with Council Wide Procedure of Development Control 322(a).

3. The tree provides a habitat for native fauna and its removal would be at variance with Council Wide Procedure of Development Control 322(c).

4. The subject tree also provides a notable visual element to the landscape of the local area and would therefore be at variance with Council Wide Procedure of Development Control 322(f).

5. The tree is not diseased or has a short life expectancy, nor does it pose an unacceptable risk to public/private safety, it is not located within a Bushfire Protection Area and is not causing substantial damage to a substantial building or structure of value. Due to this the removal cannot be justified by Council; Wide Principle of Development Control 324(a)(1).
## DEVELOPMENT APPLICATION OVERVIEW

<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application</td>
<td>490/264/2019</td>
</tr>
<tr>
<td>Applicant</td>
<td>QUICKDRAW DRAFTING</td>
</tr>
<tr>
<td>Owner</td>
<td>IMMANUEL LUTHERAN SCHOOL Gawler ASSOC. INC.</td>
</tr>
<tr>
<td>Subject Land</td>
<td>11 Lyndoch Road Gawler East 5118</td>
</tr>
<tr>
<td>Certificate of Title</td>
<td>LOT: 101-103 PLN: D55745 CT: 6055/308</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Expansion of existing Education Facility - construction of a new three (3) storey Education Building, cut Retaining Walls (maximum height 3 metres) and earthworks in a Local Heritage Place</td>
</tr>
<tr>
<td>Zone</td>
<td>Residential Historic (Conservation) Zone</td>
</tr>
<tr>
<td>Policy Area</td>
<td>Gawler East Historic (Conservation) Policy Area</td>
</tr>
<tr>
<td>Nature of Development</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category</td>
<td>Category</td>
</tr>
<tr>
<td>Representations</td>
<td>1 in support</td>
</tr>
<tr>
<td>Referral Agencies</td>
<td>nil</td>
</tr>
</tbody>
</table>
| Key Issues / Considerations | • Suitability of the land for its intended use;  
• Heritage impacts  
• Built form and visual amenity impacts  
• Interface between land uses  
• Car parking requirements  
• Environmental impacts and stormwater management |
| Previous Motion | nil |
| Lodgement Date | 07 June 2019 |
| Development Plan | 20 February 2018 |
| Attachments Under Separate Cover | Attachment 1 - Development Application Form and Plans  
Attachment 2 - Representation received |
| Author(s) | Development Assessment Planner (Jessica Lewig) |
| Reviewed | Team Leader Development Services (David Bielatowicz) |
| Delegation | Section 33(1)(c)  
The Panel shall only exercise powers and functions associated with applications in respect of applications of the following types:  
Any form of development which the Manager –, Development, Environment and Regulatory Services deems would be more appropriately considered by the Council Development Assessment Panel. |
| Recommendation | Development Plan Consent be Granted with Conditions |
1. DESCRIPTION OF PROPOSAL

1.1. The subject development proposal seeks for the expansion of an existing Education Facility. More specifically, the proposal includes:

1.1.1 Construction of a new three (3) storey Education Building;
1.1.2 Provision of detention and stormwater management for the new building;
1.1.3 No increase to existing student and staff numbers;
1.1.4 No increase to existing hours of operation;
1.1.5 The removal of several non-regulated trees;
1.1.6 Excavation and fill on land containing a Local Heritage Place;
1.1.7 Retaining walls supporting cut internal to the site (maximum height 3metres)

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

2. BACKGROUND

2.1. There have been several Development Approvals previously granted on the subject land. It is noted that none of these previous applications are relevant to the assessment of the subject proposal.

2.2. Following preliminary discussions meeting between Council staff, Council’s Heritage Advisor and the applicant’s representatives the subject application was lodged.

2.3. As a result of discussions during the assessment process, the proposal has varied slightly following feedback from Council’s Heritage Advisor.

2.4. However, the nature of development has not changed and thus the variations and amendments did not constitute a new development application.

2.5. The final design is presented to the Council Assessment Panel for determination due to the scale of the proposal within a Local Heritage Place at the discretion of the Manager.

3. RELEVANT DEVELOPMENT APPLICATION HISTORY

3.1. The school situated on site was built in 1915 as Gawler’s first purpose-built high school serving as a joint high and technical school. In 1964 the technical school (School of Mines) vacated the site to occupy the previous TAFE site situated on Finniss Street (now Big W
and Woolworths) and the high school relocated to Barnet Street (current Gawler High School).

3.2. In 1985 the school was transformed into Gawler East Primary School until the primary school relocated to its current location on Cheek Avenue in 1985. Since this time the subject site has operated under the ownership of the Immanuel Lutheran School, which continues to operate today.

3.3. The site has been subject to multiple Development Applications lodged on the subject site in the past, however these previous applications are not relevant to the current proposal.

4. LOCALITY

4.1. The main characteristics of the locality are as follows:

Table 1:

<table>
<thead>
<tr>
<th>NORTH</th>
<th>Lyndoch Road, dwellings on large allotments located within the Residential Historic (Conservation) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>EAST</td>
<td>Detached dwellings on large allotments located within the Residential (Historic) Conservation Zone. Mostly Contributory heritage items. Further east lies East Terrace.</td>
</tr>
<tr>
<td>SOUTH</td>
<td>School Lane which forms the boundary of Residential Historic (Conservation) Zone and Residential Zone. Residential dwellings</td>
</tr>
<tr>
<td>WEST</td>
<td>Daly Street. Residential dwellings within both the Residential Historic Conservation Zone and the Town Centre Historic (Conservation) Zone</td>
</tr>
</tbody>
</table>

4.2. A locality plan, zone plan and structure plan are included below:
Image 1: Locality Plan

Image 2: Zoning Plan
Image 3: Structure Plan
5. SUBJECT SITE

5.1. The subject site is located at 11 Lyndoch Road, Gawler East;

5.2. The site is legally recognised as forming part of the following Certificate of Titles:

   5.2.1. Volume 6055 Folio 308
   5.2.2. Volume 6002 Folio 568

5.3. The site has a frontage to Lyndoch Road of approximately 130 metres and a secondary frontage of approximately 93 metres to Daly Street. The total area of the site is 19,650 m².

5.4. The site has a gradual slope grading from east to west. There is a substantial difference in ground level from the Lyndoch Road footpath level to the Northern frontage of the site.

5.5. The site comprises of a number of buildings, recreational and car parking areas forming the overall educational establishment (school) land use operating on site. The site also contains a number of sporadic Regulated Trees of varying sizes forming notable elements in the landscape.

6. NATURE OF DEVELOPMENT

6.1. The proposed development is not listed as either Complying or Non-Complying within the Residential Historic (Conservation) Zone as delineated within the Gawler (CT) Development Plan or within Schedule 4 of the Development Regulations 2008.

6.2. Therefore the application is assessed as a Merit form of development.

7. CATEGORISATION (PUBLIC NOTIFICATION)

7.1. The proposal is not listed within Schedule 9 of the Development Regulations 2008 as either Category 1 or 2 development. It is also not categorised within the Procedural Matters for the Residential Historic (Conservation) Zone within the Gawler (CT) Development Plan.

7.2. The proposal therefore defaults to a Category 3 form of development as the proposal is not considered to be minor under Schedule 9 Clause 2(g) of the Development Regulations 2008.

7.3. The application has therefore been advertised pursuant to Section 38 of the Development Act 1993, as a Category 3 application for public notification:
Table 2:

<table>
<thead>
<tr>
<th>Properties notified:</th>
<th>Twenty-six (26) properties were notified during the public notification process and an advertisement was placed in the Bunyip Newspaper.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representations in support of application:</td>
<td>One (1) representations were received in support of the application.</td>
</tr>
<tr>
<td>Representations opposed to application:</td>
<td>Zero (0) representations were received opposing the application.</td>
</tr>
<tr>
<td>Persons wishing to be heard:</td>
<td>The representor has not identified that they wish to be heard by the Panel</td>
</tr>
<tr>
<td>Summary of Representations:</td>
<td>The comments contained in the representations can be briefly summarised as follows:</td>
</tr>
</tbody>
</table>

- Proposal is in a good location within the school area and is visually appealing

7.4. A copy of the representations and the applicant’s response is contained in Attachment 2.

8. REFERRALS

8.1. No external referrals were required to be undertaken.

8.2. The following internal referrals were undertaken:

Table 3:

<table>
<thead>
<tr>
<th>Internal Departments</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Advisor</td>
<td>Heritage review</td>
</tr>
<tr>
<td>Comments</td>
<td>The proposal poses no heritage or Zone streetscape character issues for the following reasons:</td>
</tr>
<tr>
<td></td>
<td>• sufficient setback from Daly Street;</td>
</tr>
<tr>
<td></td>
<td>• screening offered by existing buildings on Lyndoch Road;</td>
</tr>
<tr>
<td></td>
<td>• separation distance from LHP;</td>
</tr>
<tr>
<td></td>
<td>• traditional roof forms and materials palette;</td>
</tr>
<tr>
<td></td>
<td>• visually cohesive design language.</td>
</tr>
<tr>
<td>Engineering</td>
<td>Stormwater review</td>
</tr>
<tr>
<td>Comments</td>
<td>• The general stormwater layout is acceptable, however further detail is required regarding the grated pipe system/. This system needs to be sized to take to overland overflow between the 1-100year and 1-20 year flood.</td>
</tr>
<tr>
<td></td>
<td>• Piping size and calculations are required.</td>
</tr>
</tbody>
</table>

9. ASSESSMENT

9.1. The zoning of the land and relevant provisions
9.1.1. 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>20 February 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Residential Historic (Conservation) Zone</td>
</tr>
<tr>
<td>Policy Area</td>
<td>Gawler East Residential Historic (Conservation) Policy Area</td>
</tr>
</tbody>
</table>

<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>Appearance of Land, Buildings and the Public Environment</td>
<td>1</td>
<td>1, 2, 4, 5, 6, 7, 8, 9, 10</td>
</tr>
<tr>
<td>Aviation and Building Safety</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Conservation</td>
<td>17</td>
<td>36</td>
</tr>
<tr>
<td>Energy Efficiency</td>
<td>21, 22</td>
<td>54</td>
</tr>
<tr>
<td>Form of Development</td>
<td>23, 24, 25</td>
<td>58, 62, 63</td>
</tr>
<tr>
<td>Interface Between Land Uses</td>
<td>42, 43, 44</td>
<td>107, 108, 109, 110, 112,</td>
</tr>
<tr>
<td>Sloping Land</td>
<td>89</td>
<td>328, 331</td>
</tr>
<tr>
<td>Tables</td>
<td>Ga/1, Ga/5</td>
<td></td>
</tr>
<tr>
<td>Structure plan</td>
<td>Map Ga/1 (Overlay 1) Enlargement B</td>
<td></td>
</tr>
</tbody>
</table>

| Zone:                                        |            |                                   |
| Residential Historic (Conservation) Zone     | 1, 2, 3, 4 | 1, 2, 3, 4, 5, 8, 9               |

| Policy Area:                                 |            |                                   |
| Gawler East Residential Historic (Conservation) Zone | Desired Character Statement, 1, 2 | 1, 2, 5 |

9.1.2. The key aspects pertaining to the assessment of the application are:

9.1.2.1. Suitability of the land for its intended use;

9.1.2.2. Heritage impacts

9.1.2.3. Built form and visual amenity impacts of the proposed building, the proposed earthworks and associated retaining walls

9.1.2.4. Interface between land uses

9.1.2.5. Car parking requirements

9.1.2.6. Environmental impacts and stormwater management
9.2. Appropriateness of Land Use

9.2.1. The existing use of the site is as an educational facility. The proposed development does not seek to change this use, rather proposes an expansion of the existing use in the form of a new 3 storey building.

9.2.2. The subject site is located in the Residential Historic (Conservation) Zone (RH(C)Z) which is identified in Objective 1 for the Zone as being primarily for residential development together with local facilities that support a health and convenient living environment. Local facilities is considered to include schools.

9.2.3. The Desired Character Statement (DCS) of the Policy Area lists local services including schools as appropriate uses. Additionally, Structure Plan GA/1 (Overlay 1) Enlargement B identifies the subject land for Education purposes.

9.2.4. In light of the above, the proposed expansion of the existing education facility is considered to be both envisaged and appropriate within the Zone as per Zone Objective 1 and Policy Area PDC 1.

9.2.5. The site is located within Sector C of the Helipad Flightpath and Building Heights overlay as identified by Figure Hel/1. The proposed height is well below 20metre acceptable height above ground level outlined by this figure, therefore Council Wide PDC 11 and Objective 2 are satisfied.

9.3. Visual Amenity Impacts and Heritage Assessment of Education Building

9.3.1. A heritage assessment of the proposal has been undertaken by Council’s heritage advisor. This is due to the site containing a Local Heritage Place, and its location within a Historic (Conservation) Zone.

9.3.2. The Town of Gawler Development Plan via Table Ga/5 (Local Heritage Places) outlines the extent of the Local Heritage Place listing relevant to the subject site as being:

9.3.2.1. The historic form and fabric of the former High School and School of Mines building and stone wall on Lyndoch Road but not including the other more modern buildings and additions.
9.3.3. As part of the heritage assessment of the application, the proposal was amended to reduce the 3 storey impacts to Daly Street by simplifying the roof form and reducing the roof pitch.

![Image 4: Original proposal]

9.3.4. The amendments reduced the dominance of the gable facing Daly Street. This has resulted the proposal in better meeting the provisions outlined in Policy Area PDC 2 and Zone Objective 3 regarding the appearance of development along Daly Street.

9.3.5. Objective 1 seeks for development complementary to the historic character, which in the opinion of the heritage advisor has been achieved through the incorporation of traditional roof forms and a reasonable plan-form articulation. It is also important to note that the proposal is associated with modern development which screens and separates is from the Local Heritage Place.

9.3.6. In the opinion of the heritage advisor, the proposal has adopted a visually cohesive language, and the amended heights, proportions and compositions of design elements represent an improvement. Zone PDC’s 5, 8 and 9 regarding respectful development in proximity to a Local Heritage Place is therefore satisfied.
9.3.7. The proposed wall materials have a rendered finish with anodised aluminium window frames, dark painted posts and cream render. The roof form is a visible corrugated profile and dark grey form that partially roofs the upper level and middle level. Zone Objective 3 regarding materiality is satisfied.

9.3.8. In summary, the proposal is satisfactory from a heritage perspective due to the following:

9.3.8.1. sufficient setback from Daly Street;
9.3.8.2. screening offered by existing buildings on Lyndoch Road;
9.3.8.3. separation distance from LHP;
9.3.8.4. traditional roof forms and materials palette;
9.3.8.5. visually cohesive design language.

9.3.9. In light of the above, it is considered that the proposal satisfies the relevant provisions within the Gawler CT Development Plan regarding heritage.

9.4. Visual Amenity Impacts of Earthworks and Retaining Wall

9.4.1. As outlined above, Council’s heritage advisor has no concerns with regards to the design of the proposed education building.

9.4.2. In order to accommodate the proposal, earthworks and associated retaining walls are proposed. Given the earthworks will exceed 9 cubic metres and is located on the site of a Local Heritage Place, the earthworks constitute development as per Schedule 2, Clause 2 Development Regulations 2008.

9.4.3. Additionally development approval is required for the proposed retaining walls given they exceed 1 metre in height as per Schedule 3 Section 4 Clause 1(f)(iv) of the Development Regulations 2008.
9.4.4. The proposed bench level of the pad to accommodate the building is 68.0 with the existing site level sloping down towards the west from 70.97 to 68.4.

Image 6: Southern elevation demonstrating level of cut proposed

9.4.5. Whilst it is noted that a retaining wall of maximum height 3 metres is proposed, this is a cut retaining wall and will not be visible from the immediate locality due to the positioning of the existing and proposed educational building. This is demonstrated in the below elevation drawing:

9.4.6. The cut retaining wall enables the proposed floor levels to match with the existing floor levels and to work with the slope of the land. The proposed ground floor will align with the finished floor level (FFL) of the ground level of the existing Senior Primary and Administration buildings, with the proposed lower FFL aligning with the Senior Primary lower ground FFL. This is demonstrated in the below section drawing:

Image 7: Section showing corresponding finished floor levels
9.4.7. Given that the proposed earthworks will not be visible from the immediate locality and relationship of the site topography relative to street level will remain visually unchanged, it is considered that the proposal satisfies the intent of Policy Area PDC 5.

9.5. Interface Between Land Uses

9.5.1. The proposed education building is located only 5 metres closer to western boundary (Daly Street) than the existing buildings. It is located centrally to the site from other site boundaries. It is well shielded from residential properties by existing buildings, car parking and roads.
9.5.2. Therefore it is considered that any amenity impacts (acoustic, overshadowing, glare etc) resulting from the existing lawful use of the site as a school will not be exacerbated as per Council Wide PDCs 107, 109, 110, 112.

9.5.3. The hours of operation with generally be within normal school hours which are identified as 7am to 6pm. Given there is no increase the existing operating hours, Council Wide PDC 107 (g) is considered to be satisfied.

9.6. Car parking

9.6.1. The proposed development is not seeking to increase the number of students or employees that can be accommodated on site. Rather, the new facilities are an upgrade to what was existing on the site.

9.6.2. There are currently 130 carparks on site, with current enrolments at 336 students. The maximum capacity of the school is 378 students.

9.6.3. The car parking rate for ‘education institutions’ is calculated based on the number of employees and students and no increase to student or staff numbers are proposed. It is therefore considered that no additional car parking is required as part of the subject application. Council Wide PDC 62 is considered to be met.

9.7. Environmental Impacts and Stormwater Management

9.7.1. The proposed education building will be partially constructed on what is an existing sealed courtyard. The applicant has provided a concept stormwater management plan which proposed 45KL of stormwater detention, with the overflow directed to the existing landscaping.

9.7.2. This concept plan has been reviewed by Council’s engineers who have determined the proposal to be generally appropriate. It is recommended that the detailed design for stormwater management be provided as a Reserved Matter. Council Wide PDC 58 and 63 are considered to be met.

9.7.3. Whilst the proposal is seeking to remove several trees as part of the subject application, these trees are not Regulated as defined by the Development Act 1993 and therefore their removal is not defined as development. The proposal is not proposing any tree damaging activity to a Regulated tree.
10. CONCLUSION

10.1. The land is identified on Map Ga/1 (Overlay 1) Enlargement B within the Gawler (CT) Development Plan for education purposes, with the proposed expansion located within the existing site boundaries of the school.

10.2. The proposed education building is not considered to detract from the character of the area or detrimentally affect the amenity of the locality.

10.3. The proposed retaining walls are screened from view by the building itself, and do not pose any visual amenity concerns. As per the comments from Council’s heritage advisor, he is satisfied with the proposal and has not raised any heritage concerns.

10.4. Council’s engineering department are satisfied with the proposed stormwater management plan.

10.5. There is no increase in student or staff number proposed, therefore the existing car parking situation is not expected to be exacerbated.

10.6. Accordingly, the proposal does not offend the relevant provisions of the Town of Gawler Development Plan and warrants the granting of Development Plan Consent subject to Conditions.

11. RECOMMENDATION

It is recommended that the Town of Gawler Council Assessment Panel resolves:

1. That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan.

2. That DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/264/2019 by QUICKDRAW DRAFTING for Expansion of existing Education Facility - construction of a new three (3) storey Education Building, cut Retaining Walls (maximum height 3metres) and earthworks in a Local Heritage Place at 11 Lyndoch Road GAWLER EAST 5118, subject to the following reserved matter and conditions:

Reserved Matters – Council

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 to the reasonable satisfaction of Council staff:

1. A detailed Stormwater Management Plan shall be prepared and submitted to Council for approval demonstrating but not limited to the following:
COUNCIL ASSESSMENT PANEL
AGENDA

Wednesday 23 October 2019

a. Stormwater detention for the site to limit the 100-yr post development flow to the 10-yr ARI pre development flow;
b. Water quality treatment to be provided for stormwater runoff from the whole site;
c. Detail of surface and roof water management (inlet locations, pipe sizes);
d. The finished levels of the site (including any subsequent retaining walls required).

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

Development Plan Consent Conditions:

1. That the development is undertaken in accordance with Development Application No. 490/264/2019, the approved plans and details therein.
   
   **REASON:** To ensure the development is undertaken in accordance with the approved plans.

2. Except where varied by this consent, all other conditions relating to previous Development Applications on site continue to apply.
   
   **REASON:** To ensure the development is undertaken in accordance with previously approved plans.

3. The subject land shall be maintained to the reasonable satisfaction of Council at all times.
   
   **REASON:** To protect the amenity of the locality

4. The structure shall be maintained to the reasonable satisfaction of Council at all times.
   
   **REASON:** To protect the amenity of the locality

5. 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 development does not detrimentally impact neighbouring properties

6. 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 protect the amenity of the locality

7. 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 protect the amenity of the locality
8. Prior to Development Approval being issued, full engineering details and specifications for any retaining wall over one (1) metre in height or combination of retaining wall and fence exceeding the height of 2.1 metres shall be submitted to Council for approval or privately certified with building documents.

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

9. The number of students shall be limited to 378 students.

**REASON:** To ensure that existing capacity for students is not exceeded.

**Development Plan Consent Notes:**

1. Materials capable of polluting water including paint, waste, wash water, concrete residue, brick cutting, waste sediment and other construction waste or contaminants shall not be allowed to enter the stormwater system or any other surface or underground water resource.

2. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

3. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*. 
## DEVELOPMENT APPLICATION OVERVIEW

<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application</td>
<td>490/271/2019</td>
</tr>
<tr>
<td>Applicant</td>
<td>KEVIN BURGESS &amp; ASSOCIATES</td>
</tr>
<tr>
<td>Owner</td>
<td>N &amp; W A PEZZANITI</td>
</tr>
<tr>
<td>Subject Land</td>
<td>426 Angle Vale Road HILLIER 5116</td>
</tr>
<tr>
<td>Certificate of Title</td>
<td>LOT: 53 PLN: D92001 CT: 6133/536</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Land Division by Torrens Title – 1 into 2 Allotments</td>
</tr>
<tr>
<td>Zone</td>
<td>Rural Zone</td>
</tr>
<tr>
<td>Policy Area</td>
<td>n/a</td>
</tr>
<tr>
<td>Nature of Development</td>
<td>Merit</td>
</tr>
<tr>
<td>Public Notification Category</td>
<td>Category 1</td>
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<td>Representations</td>
<td>Nil</td>
</tr>
<tr>
<td>Referral Agencies</td>
<td>SCAP, SA Water, DPTI</td>
</tr>
<tr>
<td>Key Issues / Considerations</td>
<td>Consistency with Desired Character, Vehicle Access/Egress, Regulated and Significant Trees, Site Contamination, Suitability of Allotment for Future Use</td>
</tr>
<tr>
<td>Previous Motion</td>
<td>Nil</td>
</tr>
<tr>
<td>Lodgement Date</td>
<td>14 June 2019</td>
</tr>
<tr>
<td>Development Plan</td>
<td>20 February 2018</td>
</tr>
<tr>
<td>Attachments Under Separate Cover</td>
<td>Attachment 1 - Proposed Plan of Division, Attachment 2 - External Referral Responses, Attachment 3 - Applicant Correspondence</td>
</tr>
<tr>
<td>Author</td>
<td>Senior Development Assessment Planner (Scott Twine)</td>
</tr>
<tr>
<td>Reviewed</td>
<td>Team Leader Development Services (David Bielatowicz), Manager Development, Environment &amp; Regulatory Services (Ryan Viney)</td>
</tr>
<tr>
<td>Delegation</td>
<td>Any form of development which the Manager – Development, Environment and Regulatory Services deems would be more appropriately considered by the Council Development Assessment Panel.</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Development Plan Consent and Land Division Consent be Granted</td>
</tr>
</tbody>
</table>
1. DESCRIPTION OF PROPOSAL

1.1. The applicant seeks Development Plan Consent and Land Division Consent for the creation of an (1) additional Torrens Title Allotment.

1.2. The parameters of the existing and proposed allotment contained within the division is provided within Table 1 below.

Table 2:

<table>
<thead>
<tr>
<th>ALLOTMENT</th>
<th>AREA</th>
<th>FRONTAGE</th>
<th>SHAPE</th>
<th>FEATURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Allotment</td>
<td>27.41 ha</td>
<td>Angle Vale Road – 291.51 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wingate Road – 197.38 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Harris Road – 193.03 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Irregular</td>
<td></td>
<td>Single storey detached dwelling, orchard</td>
</tr>
<tr>
<td>Proposed Allotment</td>
<td>23.4 ha</td>
<td>Angle Vale Road – 291.51 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wingate Road – 197.38 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Harris Road – 193.03 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Irregular</td>
<td></td>
<td>Single storey detached dwelling, orchard</td>
</tr>
<tr>
<td>Proposed Allotment</td>
<td>4 ha</td>
<td>Angle Vale Road – metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outbuilding, orchard</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

2. BACKGROUND AND RELEVANT APPLICATION HISTORY

2.1. Council records indicate a number of previous development applications that relate to the subject land. These previous applications vary from farm buildings, verandahs to outbuildings and are of no consequence to the subject application.

2.2. One of the previous applications considered by Council included a non-complying land division (490/D015/12) in the form of a boundary re-alignment seeking to consolidate three allotments into two allotments. This division resulted in the creation of the allotment that is subject of the current proposal and an allotment 1 hectare in size fronting Wingate Road (being allotment D92001 indicated on the proposed plan of division). In essence, this
application was considered appropriate as it created an allotment consistent in size with an adjoining allotment, the land already contained an existing dwelling and would consolidate land utilised for the purposes of horticulture satisfying the Rural Zones intent.

2.3. Following the lodgement of the application on the 14 June 2019, an additional information request was sent to the applicant seeking clarification on the proposal. This clarification included the recommendation to further consider the frontage widths of the resulting allotments to Angle Vale Road to ensure greater compliance with Rural Zone Principle of Development Control 2.

2.4. The above recommendation was not pursued by the applicant and the balance of the outstanding information was provided to enable a determination on the land division to be made. The application is now presented to the panel for consideration and determination.

3. LOCALITY

3.1. The locality is primarily rural in character, comprising of low scale farming and horticultural activities and low-density dwellings with associated hobby farming.

3.2. Allotments in the locality are mixed in size and range from 0.9 hectare allotments within the south-east to 4 hectares. The subject land forms the largest allotment within the locality.

A Locality Plan is provided below:
4. SUBJECT SITE

4.1. The subject site is legally recognised as Lot 53 within Deposited Plan 92001 and Certificate of Title Volume 6133 Folio 536. The land is more commonly known as 426 Angle Vale Road, Hillier.

4.2. The site has a total area of 27.41 hectares and provides for three road frontages, those being:

- 4.2.1 Angle Vale Road – 291.51 metres
- 4.2.2 Wingate Road – 197.38 metres
- 4.2.3 Harris Road – 193.03 metres

4.3. The land is the beneficiary of an existing right of way situated over the abutting land to the northwest.

4.4. The site is relatively flat, with a slight slope falling towards the north-west/Wingate Road frontage of the land.
4.5. The site consists of a single storey detached dwelling, associated outbuildings and an orchard.

4.6. A number of regulated (17) and significant (9) trees are situated on the land within close proximity to the Angle Vale Road frontage.

**Image 1:** Central vehicle access point to Angle Vale Road

**Image 2:** Eastern vehicle access point to Angle Vale Road (farmer’s gate)

**Image 3 and 4:** Southern Frontage to Wingate Road
5. NATURE OF DEVELOPMENT

5.1. The proposed division achieves the minimum allotment size outlined within Rural Zone Principle of Development Control 17 and as such, does not constitute a non-complying form of development. The proposal therefore represents an on-merit form of development.
6. CATEGORISATION (PUBLIC NOTIFICATION)

6.1. Pursuant to Schedule 9 Clause 2(f) the division of land represents a Category 1 form of Development that does not require public notification pursuant to Section 38 of the Development Act, 1993.

7. REFERRALS

7.1. The following comments were provided for the purposes of Section 33 of the Development Act 1993 and Schedule 8 of the Development Regulations 2008:

Table 3:

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Planning, Transport and Infrastructure (DPTI)</td>
<td>Schedule 8 of the Development Regulations 2008 (Regard)</td>
</tr>
</tbody>
</table>

**Comments**

- Angle Vale Road is an arterial road under the care and control of DPTI.
- Two existing access points to Angle Vale Road exist on site – one to each existing allotment.
- Preference would be for vehicle access to be rationalised to a single shared access point, the existing access points are acceptable if the nature of vehicle movements through these access points is not altered.
- The division is supported subject to the following conditions:
  1.

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Commission Assessment Panel (SCAP)</td>
<td>Section 33 (1)(c) of the Development Act 1993</td>
</tr>
</tbody>
</table>

**Comments**

- 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 State Commission Assessment Panel for Land Division Certificate purposes.

<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>SA Water</td>
<td>Section 33 (1)(c) of the Development Act 1993</td>
</tr>
</tbody>
</table>
The financial requirements of SA Water shall be met for the provision of water supply.

Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

A copy of the referral comments are contained within Attachment 2.

8. **ASSESSMENT**

8.1 The zoning of the land and relevant provisions

8.1.1 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>12</td>
</tr>
<tr>
<td>Building Set-backs from Arterial Roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bushfire Protection</td>
<td>3, 4</td>
<td>13, 14, 18, 19</td>
</tr>
<tr>
<td>Contaminated Land</td>
<td>18, 19</td>
<td>41</td>
</tr>
<tr>
<td>Form of Development</td>
<td>23, 24, 25</td>
<td>57, 59, 61, 63</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>36, 37</td>
<td>93, 94, 96, 97, 99</td>
</tr>
<tr>
<td>Interface Between Land Uses</td>
<td>42, 44</td>
<td>107, 108, 119, 122</td>
</tr>
<tr>
<td>Land Division</td>
<td>45</td>
<td>125, 126, 127</td>
</tr>
<tr>
<td>Regulated Trees</td>
<td>73, 74</td>
<td>224, 225</td>
</tr>
<tr>
<td>Rural Development</td>
<td>86</td>
<td>313, 315, 318, 319, 320</td>
</tr>
<tr>
<td>Rural Living</td>
<td>87</td>
<td>-</td>
</tr>
</tbody>
</table>
8.2 Consistency with Desired Character

8.2.1 The subject land is situated wholly within the Rural Zone (Zone) which via Objective 1, seeks for a zone comprising land to be retained in use primarily for agricultural purposes. This objective is supported by Zone Principle of Development Control (PDC) 1.

8.2.2 PDC 2 of the Zone speaks directly to land division, and provides for the following:

Other than in the Gawler East Policy Area, land division should create allotments that have a frontage to a public road of at least 25 percent of the average depth of the allotment, and are greater than 4 hectares (except on land identified as ‘Affected Area’ on Figure Ru/1, where allotments should be greater than 0.9 hectares).

8.2.3 PDC 2 provides for minimum allotment sizes to ensure allotments remain of a sufficient size to enable the desired agricultural activity. This minimum allotment size however, does not represent a minimum standard that must be accepted. This notion has been considered and upheld by the Supreme Court in the matter between the City Of Mitcham V Terra Equities Pty Ltd [2007] SASC244.

8.2.4 Accordingly, it is important (when assessing a proposal against the Development Plan) to distil, from the relevant provisions of the Plan, the overall intent and purpose and the desired character of the Zone in which it is sought to locate the proposal (City of Mitcham V Freckman [1999] SASC 234). As such, the minimum allotment size should be considered with regards to the primary intent of the Rural Zone.

8.2.5 As the primary intent of the Zone via Objective 1 is for land to be retained in use primarily for agricultural purposes, the division of rural land would generally be at odds with this Objective. This occurs as the division results in the fragmentation of rural land thus typically reducing the productivity of the land for agricultural purposes. To
this effect, the provision for minimum allotment sizes within PDC 2 is contradictory to the intent of Objective 1 and PDC 1 of the Rural Zone.

8.2.6 This inconsistency was considered more recently by the Environment, Resource and Development Court in the matter between Zweck V Town of Gawler (No 2) [2016] SAERDC 33. In the Zweck (No 2) matter, the Court noted the following:

8.2.6.1 **Objective 1 and Principle of Development Control (PDC) 1 for the Zone speak of land in the Zone being retained in use primarily for agricultural purposes and development on that land being undertaken primarily for agricultural purposes.**

8.2.6.2 **These provisions may be contrasted with Principle 10 which lists a number of kinds of development as complying, which kinds of development are clearly not agricultural such as airfield, golf course or recreation area. It may be that, in so doing, the authors of the Plan recognised that there were parts of the Rural Zone where the principal Objective cannot, for practical purposes, now be attained given existing circumstances.**

8.2.6.3 **In a similar way PDC 2 [sic], which contemplates that land division may result in allotments of no more than four hectares, appears to be in conflict with land being retained for agricultural purposes.**

8.2.6.4 **Such a provision may have been inserted to reflect the fact that land in parts of the Zone has already been divided into smaller allotments and that the character of the Zone in that part of the locality may no longer be suitable for agricultural uses.**

8.2.6.5 **It is perhaps in recognition of these factors that both Objective 1 and PDC 1 are couched in terms which use the word ‘primarily’.**

8.2.6.6 **As White J said in Wakefield Regional Council v Evans:**

8.2.6.6.1 **The Development Plan makes it reasonably plain, in my opinion, that developments within the Primary Industry Zone should primarily be those associated with farming purposes. That does not mean that they must be only for farming purposes but, ordinarily, developments within the Zone are intended to be those which have an association with such purposes. I agree with the judge that the Development Plan is not to be construed as permitting only those developments which by themselves make a direct and substantial contribution to agricultural**
production... Instead what the Development Plan requires is that developments be primarily (that is, principally or chiefly) those with a direct association with agricultural production and livestock raising, or be required for the proper and efficient management of farming activities... (my emphasis)

8.2.6.7 Despite a difference in the wording, used in the provisions under consideration here from that used in Wakefield, his Honour’s observations are instructive when considering the relevant provisions of the Rural Zone.

8.2.6.8 It needs also to be acknowledged that despite the reference to a four hectare minimum in Principle 2 [sic], such a minimum should not be treated as some sort of norm. On the contrary, as the Court said in City of Mitcham v Terra Equities Pty Ltd:[10]

8.2.6.8.1 This is to distort the plain meaning and intent of the Development Plan. Prescribed minimum standards are not a statement of desired standards. They are no more than minimum standards. Had the Council intended that the prescribed minimum standards should be the norm, it would have said so in the Development Plan. ... The Commissioner has approached the issue on the footing that, if a proposal complies with minimum quantitative standards, it must be approved. That is not necessarily so. Compliance with minimum standards rarely leads to a grant of development consent. Regard must be also had to the qualitative provisions in the Plan when deciding whether it is proper planning to grant development consent.

8.2.6.9 Despite these apparent inconsistencies, I am satisfied that the overall intent and purpose of the Rural Zone is tolerably clear, namely that, ordinarily, land in the Zone is to be retained and used for agricultural purposes. So understood, the proposal does not accord with the primary purpose of the Zone. However, I accept that this does not mean that land is to be retained and used only for agricultural purposes but rather that, generally speaking, it will be for such purposes. Depending upon the particular circumstances under consideration (including e.g. the conditions of the subject land, existing use rights, the purpose of the use of surrounding land and potential impacts on the amenity and character of the locality), a specific proposal which is inconsistent with the primary purpose for the Zone may, nevertheless, be acceptable.
Whether, ultimately, it is or is not acceptable will depend not only on the Zone provisions but also on a reading and application of all the relevant provisions in the Plan as a whole.

8.2.7 Accordingly, in light of the court’s judgement above, the intent and purpose of the Rural Zone is such that ordinarily, land in the Zone is to be retained and used for agricultural purposes. The proposed development is therefore not consistent with the primary objective of the zone as it seeks to fragment rural land thus prejudicing its potential to be used for such purpose.

8.2.8 Notwithstanding the above, the inconsistency with Objective 1 and PDC 1 of the zone is not considered to be fatal to the application. As outlined by the Court within the Zweck matter, consideration of the particular circumstances of the application (including the conditions of the subject land, the purpose of the use of surrounding land and potential impacts on the amenity and character of the locality) also needs to be considered.

8.2.9 The character of the locality with regards to allotment pattern, configuration and size is relatively diverse. The pattern and configuration of division does not follow a consistent character. The variety sizes is attributed to the localities interface with the ‘affected area’, which contemplates allotments of 0.9ha in size. The pattern, configuration and size of allotments within the locality is depicted below.
8.2.10 Accordingly, whilst the proposal would result in the fragmentation of rural land, the resulting allotment is consistent with the size provided for within Zone PDC 3 and is not at variance with the prevailing character of the locality. As such, the division is not considered to be detrimental to the character of the area. Furthermore, the balance allotment retained would continue to operate as an orchard, an activity which is consistent with Objective 1 and PDC 1 of the Zone.

**Allotment Frontage**

8.2.11 Whilst the allotment sizes achieve the quantitative value assigned to Zone PDC 2, proposed allotment 2 does not accord with the second component of the provision relating to the frontage requirements. It is acknowledged that due to the existing irregular nature of the allotment and the three existing road frontages, the administration of this provision will vary depending on the frontage in question.
8.2.12 Notwithstanding the above, the applicant was encouraged by Council administration to increase the frontage width of allotment 2 to Angle Vale Road by decreasing the width and increasing the depth of allotment 1. The increased width was desired to closer align with the intent of the provision, being to avoid long and narrow land holdings.

8.2.13 It was further recommended that the rear boundary cadastre of allotment 1 align with first irregular alignment of the existing eastern side boundary of the existing allotment boundary. This approach was suggested to assist in reducing the irregular shape of the allotment, which is encouraged by CW PDC 57.

8.2.14 The applicant elected to maintain the proposed allotment configuration and frontages originally proposed. In responding to Council administration’s request, the applicant noted the following in electing not to amend the proposal:

8.2.14.1 Desire to build home on site of previous dwelling location;

8.2.14.2 Unacceptable to applicant to not have the regulated/significant trees on one allotment;

8.2.14.3 Maintain orchard planting;

8.2.14.4 A long-term master plan has been prepared which achieves the Council’s requirements for when the orchard is no longer viable.

A copy of the applicant’s response and a copy of the master plan is contained within Attachment 3.

8.2.15 It is noted that whilst the master plan provided by the applicant is not a formal consideration of the subject land division application, the indicated pattern of division and the frontage of allotment 3 to Harris Road would generally be considered inappropriate. As such, a reduction in allotment yield would typically be encouraged to ensure greater consistency with the desired character of the Rural Zone. The provision of the masterplan does not adequately justify the deviation from the frontage requirement of PDC 2 as the masterplan does not seek to create any additional allotments fronting Angle Vale Road.

8.2.16 Whilst the rationale provided by the applicant is not considered to represent sufficient planning justification, the shortfall in frontage width of proposed allotment 2 is not considered fatal to the proposal due to the nature of the existing character.
8.2.17 As demonstrated in Figure 1 above, the pattern, configuration and subsequent allotment frontages vary. The existing allotment frontages within the immediate locality of the subject land

**Figure 2:**

8.2.18 The frontages along Angle Vale Road in the immediate locality range from 83 metres to 446 metres. The proposed 200 and 91.51 metre frontage falls within this range. As such, the resulting frontages are not considered to be to the detriment of the existing character of the area.

8.2.19 Accordingly, whilst the allotment configuration and frontage widths could be improved to provide for greater consistency with CW PDC 57 and Rural Zone PDC 2, the proposed allotments are considered appropriate when having regard to the existing character of the locality.

8.3 Vehicle Access/Egress

8.3.1 The subject land provides three road frontages to Angle Vale Road (Arterial Road), Wingate Road (Local Road) and Harris Road (Local Road). Vehicle access from the subject site currently exists to each of the public roads abutting the land, including two access points to Angle Vale Road.

8.3.2 As Angle Vale Road represents an Arterial Road in which will provide vehicle access to the proposed allotment, the application was referred to the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Schedule 8 of the *Development Regulations 2008.*
8.3.3 DPTI in their response to Council have advised that whilst the coordination of a singular vehicle access point from Angle Vale Road to the proposed allotments would be preferred, the use of the existing vehicle access points would be appropriate.

8.3.4 The size of the two proposed allotments is sufficient to enable the manoeuvring of vehicles onsite to ensure that egress from the site can occur in a forward direction. The egress of vehicles in a forward direction will ensure that vehicles entering Angle Vale Road from the subject land will not be against the flow of traffic.

8.3.5 Given the existing nature of the vehicle access points and ability to achieve egress from the two proposed allotments in a forward direction, the proposed division is considered to satisfy Council Wide Principle of Development Controls 354, 355, 357 and 376.

8.3.6 It is noted that the appropriateness of the vehicle access/egress arrangements will be further considered within the assessment of a future built form/land use application should the Panel approve the subject application.

8.5 Regulated and Significant Trees

8.4.1 The existing allotment contains a number of regulated and significant trees situated within close proximity to the Angle Vale Road frontage and line the primary access point to the subject land. One regulated tree is also present adjacent to the Harris Road frontage.

8.4.2 The existing vegetation (inclusive of the regulated/significant trees) has not been proposed to be removed in order to accommodate the proposed division. The proposal therefore does not offend Council Wide Principle of Development Controls 225 and 324.

8.4.3 Given the size of proposed allotment 1 and the established nature of the balance allotment, an appropriate building envelope exists for each allotment that can accommodate future development outside the tree protection zones associated with the regulated/significant trees.

8.4.4 The division of land is not considered to prohibit the future ability of the regulated and significant trees to be retained and as such, complies with Council Wide Principle of Development Control 326.

8.5 Site Contamination
8.5.1 The land is currently used for horticultural purposes with an existing almond orchard situated on the land.

8.5.2 Given the orchard use was likely to include the administration of chemicals, the applicant was requested to provide a site and chemical history to determine the likelihood of any potential site contamination.

8.5.3 Accordingly, the applicant has confirmed the chemicals used in association with the almond orchard have been limited to primarily fertilisers, fungicides and weedicides.

8.5.3 As proposed Allotment 1 contains a building envelope free of orchard plantings (being the site of a previous dwelling demolished in 1983), the establishment of a more sensitive land use in the form of a detached dwelling is not considered to give rise to site contamination concerns at the land division stage. It is noted that should a built form/land use application be lodged seeking a more intense residential use (which the Rural Zone does not seek to accommodate) that the provision of a site contamination report may need to be further considered.

8.5.3 Notwithstanding the above and given the existence of a residence on Allotment 2 and the ability to accommodate a building envelope free of the orchard plantings on allotment 1, the proposed division is considered to accord with CW Objective 18, 19 and PDC 41.

8.6 Suitability of Allotment for Future Use

8.6.1 As required under Section 33 of the Development Act 1993, the applicant will be required to provide the necessary water supply and sewerage services. As Angle Vale Road contains of Mains Water the provision of such a service will not be problematic. Angle Vale Road currently does not contain a Sewer Main and should the resulting allotment be proposed for residential purposes, the future dwelling will require an on-site waste water system. The provision of an on-site system is readily achievable given the size of the proposed allotment.

8.6.2 The existing dwelling will be serviced via existing infrastructure which traverses proposed allotment 1 and an onsite waste water system. This infrastructure connection will be maintained by a proposed private easement, which will legally secure the infrastructure encroachment following the completion of the division.

8.6.3 Details of future stormwater management from the site will be reviewed as part of a future built form/land use application to ensure the proposal provides for appropriate
management. Given the size of the allotments contained within the division, the management of stormwater will be able to be accommodated on site.

8.6.4 The existing structures located on the allotments resulting from the division will not prejudice the future development of the allotments.

8.6.5 Accordingly, given the size, serviced nature of the existing allotment and accessibility to infrastructure for the proposed allotment, the subject division is not considered to be at variance with CW PDC 126 and 127.

9. CONCLUSION

9.1 When assessed against the relevant provisions of the Town of Gawler Development Plan and having regard to the context of the locality, it is considered that although the proposal could have provided for a more balance allotment frontage and will result in the fragmentation of rural land, the proposed division is in keeping with the existing character of the locality.

9.2 Upon a balanced assessment, the proposal warrants the Granting of Development Plan Consent.

10. RECOMMENDATION

It is recommended that the Town of Gawler Council Assessment Panel resolves:

1. That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan.

2. That DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/271/2019 by KEVIN BURGESS & ASSOCIATES for Land Division at 426 Angle Vale Road HILLIER 5116, subject to the following conditions:

Development Plan Consent:

Council Conditions:

1. That the development is undertaken in accordance with Development Application number 490/271/2019 (EDALA 490/D021/19), the approved plans, conditions and details therein.

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

1. The subject consent does not convey any approval for the pruning, removal or any tree 
damaging activity (including substantial root damage) of any regulated/significant trees that 
may be present on the subject land. Please be advised that a separate Development 
Application must be lodged for such works.

Department of Planning Transport and Infrastructure (DPTI) Conditions:

2. All access onto Angle Vale Road shall be gained via the existing access locations only. No 
additional access points to Angle Vale Road will be supported.

3. All vehicles must enter and exit Angle Vale Road in a forward direction.

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

Land Division Consent:

Council Conditions:

5. Prior to Section 51 Clearance, all obsolete pipes, building material, rubbish and deleterious 
material shall be removed from the site.

    *REASON: to achieve a safe residential environment.*

State Commission Assessment Panel (SCAP) Conditions:

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

SA Water Conditions:

7. The financial requirements of SA Water shall be met for the provision of water supply.

8. Subject to our new process, on receipt of the developer details and site specifications an 
investigation will be carried out to determine if the connections to your development will be 
standard or nonstandard fees

9. On approval of the application, it is the developers/owners responsibility to ensure all 
internal pipework (water and wastewater) that crosses the allotment boundaries has been 
severed or redirected at the developers/owners cost to ensure that the pipework relating to 
each allotment is contained within its boundaries.
## DEVELOPMENT APPLICATION OVERVIEW

<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>SPRINGWOOD DEVELOPMENT NOMINEES PTY LTD LEYTON PROPERTIES PTY LTD</td>
</tr>
<tr>
<td>Owner</td>
<td>FIVE AMES FARMING PTY LTD</td>
</tr>
</tbody>
</table>
| Subject Land | • Lot 2046 within 490/D026/19  
• Lot 2048 within 490/D026/19  
• Lot 1006 within 490/D025/19 |
| Certificate of Title | LOT: 9010 PLN: D114845 CT: 6205/146 |
| Description of Development | 1) Construction of a Sales Centre (two storey) comprising Showroom, Office and Cafe with associated car park and signage;  
2) Construction of a shopping centre comprising supermarket and six (6) specialty shops, two (2) standalone shops, associated car parking and signage; and  
3) Construction of a single-storey child-care centre (preschool) |
| Zone | Residential (Gawler East) Zone |
| Policy Area | Mixed Use Policy Area |
| Key Issues / Considerations | • Appropriateness of land use  
• Earthworks and Retaining  
• Design  
• Stormwater  
• Traffic  
• Carparking  
• Landscaping  
• Signage  
• General Infrastructure Provision  
• External referrals to SEA Gas and ElectraNet |
| Previous Motion | Nil |
| Lodgement Date | 26/09/2019 |
| Development Plan | 18/07/2019 |
| Attachments Under Separate Cover | Attachment 1 - Application Documents 490/440/2019 – 490/E005/19  
Attachment 2 - Application Documents 490/441/2019 – 490/E006/19  
Attachment 3 - Application Documents 490/446/2019 – 490/E009/19  
Attachment 4 - Submission to SCAP outlining Council comments  
Attachment 5 - Councils Procedural Concerns |
ATTACHMENT 6 - RECOMMENDED CONDITIONS FOR DEVELOPMENT PLAN CONSENT

**Authors**
- Team Leader Development Services (David Bielatowicz)
- Senior Development Assessment Planner (Scott Twine)

**Reviewed**
- Manager Development, Environment & Regulatory Services (Ryan Viney)

**Delegation**
Any form of development which the Manager – Development, Environment and Regulatory Services deems would be more appropriately considered by the Council Development Assessment Panel.

**Recommendation**
It is recommended that the Town of Gawler Council Assessment Panel resolves to:


3. Authorise the Presiding Member and Assessment Manager to amend the endorsed submission based on the outcomes of these deliberations, and where otherwise considered necessary, prior to forward to SCAP by 7 November 2019.

4. Authorise staff to continue to work collaboratively with SCAP as the Relevant Authority and the developer to reach agreement on all outstanding matters in order to achieve a quality planning outcome for the community.
1. DESCRIPTION OF PROPOSAL

1.1. Three (3) development applications have been lodged with the State Commission Assessment Panel (SCAP) and include:

1.1.1. **490/440/2019** – 490/E005/19 - Construction of a Sales Centre (two storey) comprising Showroom, Office and Cafe with associated car park and signage;

1.1.2. **490/441/2019** – 490/E006/19 - Construction of a shopping centre comprising supermarket and six (6) specialty shops, two (2) standalone shops, associated car parking and signage; and


1.2. The above proposals have been lodged with SCAP and are all part of a 'call-in package' by the State Coordinator General within the Springwood Development.

1.3. Given that all three proposals share the same background, relevant history and similar development issues, the proposals are presented within one report, which will form part of Councils official referral comments.

1.4. Copies of the application documents are contained within Attachments 1 (490/440/19), 2 (490/441/19) and 3 (490/446/19).

2. PURPOSE OF REPORT

2.1. This report has been prepared for the purposes of providing Councils formal referral comments to SCAP relating to the three (3) commercial development applications that have been lodged. The following report provides the assessment conducted by Council administration and includes Council comments and recommendations in relation to the applications presented before the Gawler Council Assessment Panel.

3. RELEVANT DEVELOPMENT APPLICATION HISTORY

3.1. The subject applications form part of the overall master planned Springwood Development, which once completed will feature an approximately 220ha residential community including a mixed use Town Centre and educational precinct and vast areas of public open space.

3.2. To date, approximately 350 residential allotments have already been created or approved, while an additional (approximate) 1,400 residential allotments have been sought to be created via four (4) separate land division applications.
3.3. These four (4) land division applications were presented to the Council Assessment Panel for consideration in August 2019 and are to be determined by SCAP at a later date.

3.4. Included with the proposed 1400 lots, is approximately a dozen allotments that are proposed to be created for future commercial or educational purposes.

3.5. Three (3) of the proposed commercial allotments, although not yet approved or created are subject to the three built form applications presented before the CAP.

3.6. By letter dated 15 November 2018, the State Coordinator General advised that the State Commission Assessment Panel (SCAP) would be the relevant authority to assess all of the remaining portions of the Springwood development (excluding Residential development).

3.7. In accordance with Schedule 10(20) of the Development Regulations 2008, the State Coordinator General determined that the overall land division and associated commercial development met specific ‘call-in’ criteria including that once all stages are completed, the project will exceed $5 million and will not solely be for residential purposes (i.e. The development will contain a commercial and educational precinct).

3.8. In making the determination for SCAP to be the relevant authority, it is noted that the determination does not constitute a form of advocacy nor imply a favourable assessment outcome. It is noted that an assessment must still be made against the provisions of the Town of Gawler (CT) Development Plan consolidated 18 July 2019.

3.9. This 'call-in' by the State Coordinator General was conditional on the development proceeding via a series of 'Development Packages' as follows.

3.9.1. **Development Package 1** comprising the following elements:

   3.9.1.1. Land division for all of the remaining portions of the Springwood development (including residential areas, retail areas, community areas and school precinct);

   3.9.1.2. Retail area (supermarket, speciality shops and associated car parks); and

   3.9.1.3. Sales Centre with retail component

3.9.2. **Development Package 2** comprising the following elements:

   3.9.2.1. Retirement village;

   3.9.2.2. Childcare Centre; and

   3.9.2.3. Additional retail.

3.9.3. **Development Package 3** comprising the following elements:
3.9.3.1. School precinct.

3.10. The subject three applications are seeking Development Plan Consent for:

3.10.1. Construction of a Sales Centre (two storey) comprising Showroom, Office and Cafe with associated car park and signage;

3.10.2. Construction of a shopping centre comprising supermarket and six (6) specialty shops, two (2) standalone shops, associated car parking and signage; and

3.10.3. Construction of a single-storey child-care centre (preschool).

3.11. These developments cover Parts 2 and 3 of Development Package 1 and Part 2 of Development Package 2, with the land division for all remaining portions of Springwood already being lodged with SCAP in June 2019 and Council providing commentary back to the Department of Planning, Transport and Infrastructure back in August 2019.

3.12. A petrol filing station and car wash is proposed to complete the remainder of Development Package 2 and will be lodged with SCAP in the near future.

3.13. It is important to note, that at the time of this report no decision had been made on either of the four land division applications lodged and furthermore, no public consultation had yet be undertaken.

3.14. A history of the development of the site inclusive of the lands rezoning is provided below within table 1.

Table 2:

<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></td>
<td>Minister Rezones land within Gawler East from Rural to Residential</td>
<td></td>
</tr>
<tr>
<td>490/D054/2010</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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>One Stage remaining to be constructed (consent still operative)</td>
</tr>
<tr>
<td>490/D038/2013 –</td>
<td>Variation to configuration of stages and allotments within 490/D054/2010</td>
<td>Stages constructed and complete.</td>
</tr>
<tr>
<td>490/D050/2013</td>
<td></td>
<td>Subsequent dwellings approved and built</td>
</tr>
</tbody>
</table>
### Council Assessment Panel Agenda

**Wednesday 23 October 2019**

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>490/D064/2012</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/D038/2014</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/D014/2016, 490/D015/2016, 490/D016/2016</td>
<td>Creation of 10 (total) residential lots at the end of existing cul-de-sacs</td>
<td>DPC and LDC Granted, stages currently under construction</td>
</tr>
<tr>
<td>490/D009/2017</td>
<td>Land Division by Torrens Title creating a total of 62 Residential Allotments with associated public roads, open space reserves and infrastructure</td>
<td>DPC and LDC Granted, Construction commenced</td>
</tr>
<tr>
<td>490/D010/17</td>
<td>Land Division by Torrens Title creating a total of 74 Residential Allotments with associated public roads, open space reserves and infrastructure</td>
<td>DPC and LDC Granted</td>
</tr>
<tr>
<td>490/D025/2019, 490/D026/2019, 490/D027/2019, 490/D028/2019</td>
<td>4 Separate Land Divisions by Torrens Title creating 1,415 with associated public roads, infrastructure, public open space, bulk earthworks and the removal of 87 Regulated (40 Significant) Trees</td>
<td>Currently under assessment by SCAP as the relevant authority</td>
</tr>
<tr>
<td>490/440/2019, 490/E005/19</td>
<td>Construction of a Sales Centre (two storey) comprising Showroom, Office and Cafe with associated car park and signage;</td>
<td>Currently under assessment by SCAP as the relevant authority</td>
</tr>
<tr>
<td>490/441/2019, 490/E006/19</td>
<td>Construction of a shopping centre comprising supermarket and six (6) specialty shops, two (2) standalone shops, associated car parking and signage; and</td>
<td>Currently under assessment by SCAP as the relevant authority</td>
</tr>
<tr>
<td>490/446/2019, 490/E009/19</td>
<td>Construction of a single-storey child-care centre (preschool)</td>
<td>Currently under assessment by SCAP as the relevant authority</td>
</tr>
</tbody>
</table>

### 4. Relevant Authority

4.1. As mentioned earlier and pursuant to Schedule 10, clause 20 of the *Development Regulations 2008*, the applicant (the Developer) has made a request to the State Coordinator-General to assign the SCAP as the Planning Authority for the Springwood...
development, in particular in relation to the balance of the land division and commercial development.

4.2. Given that the proposal satisfies criteria mentioned previously, the applications have been deemed by the Coordinator-General as of State Significance.

4.3. As the SCAP has been assigned as the relevant authority, the planning assessment process ordinarily undertaken by Council is now the responsibility of the SCAP. Accordingly, the Council’s responsibility with regard to this proposal is one solely of a referral agency.

4.4. The process for SCAP is similar to that of Council, in that SCAP is also governed by the Development Act 1993 and the Development Regulations 2008. All three subject applications will be required to be assessed against the Town of Gawler Development Plan consolidated 18 July 2019 and undertake public notification if required.

4.5. In accordance with 38(2)(B) of the Development Regulations 2008, Council have the opportunity to provide a report and recommendations to SCAP relating to the matters under section 33(1) of the Development Act 1993 within a six (6) week period from the time the application was referred to Council.

4.6. The date for Council to provide official comments and its recommendations is no later than 7 November 2019.

4.7. It is important to note, that Council’s role is as a referral body is to raise concerns, key issues or make recommendations to the SCAP given its local knowledge base. Further it is noted that Council has the opportunity to provide recommendations to the SCAP and additional conditions should the SCAP resolve to approve the development proposal. These conditions and recommendations will be considered at SCAP’s discretion.

4.8. Given Council is only a referral agency, the Panel is advised that the applications cannot be deferred until a later date (meeting) for further consideration and all Council concerns and comments must be received by the SCAP by no later than the specified timeframes.

4.9. In accordance with Regulation 38 (2)(a)(ii)(B) of the Development Regulations 2008, SCAP may as it considers fit disregard or reject any recommendation or comments by Council.

4.10. It must be further noted, that Council and the Council Assessment Panel do not have the ability to request further information or amendments directly from the applicant in respect of the proposal.
5. **LOCALITY**

5.1. The existing locality for the subject proposals is the most eastern edge of the former quarry where excavated sand was processed (including washed) and stockpiled for sale.

5.2. The locality especially within the location of the proposed shopping centre and sales and information centre was extensively excavated as part of quarry operations and now is also within the area of heavy civil activity for the Gawler East Link Road that is currently under construction.

5.3. Generally speaking, the locality for the current proposals comprises of Calton Road to the north with existing residential development beyond, the initial stages of Springwood (stages 1-10) to the east, the former quarry to the west and farmland and undulating hills which increase in gradient towards the South Para River to the south.

5.4. The locality will be transformed over the coming years with the completion of the Gawler East Link Road and through the delivery of housing and the proposed Town Centre as part of the associated land division applications.

5.5. An aerial image of the current locality and future town centre as proposed within land division 490/D025/19 and 490/D026/19 is provided below.
6. SUBJECT SITE(S)

6.1. The subject three (3) development applications are proposed on three allotments anticipated as part of land division 490/D026/19 and 490/D025/19, which both have yet been determined and therefore do not legally exist.

6.2. The subject proposed allotments for the following three proposals are depicted below within figure 1 within the proposed Town Centre as part of the two mentioned land divisions and include:

6.2.1. Lot 2046 within 490/D026/19 for the proposed Shopping Centre (Supermarket)

6.2.2. Lot 2048 within 490/D026/19 for the proposed Childcare Centre

6.2.3. Lot 1006 within 490/D025/19 for the proposed Sales Centre
6.3. Given that the above allotments have not yet been legally be created (or approved) as part of any land divisions, all three applications legally comprise on Allotment 9010 within Deposited Plan 114845, Certificate of Title Volume 6205 Folio 146.

6.4. The current and proposed allotments are contained within the Residential (Gawler East) Zone, and more specifically within the Mixed Use Centre Policy Area.

6.5. The subject land and subsequent Certificate of Title contains a number of easements registered across the land, including:

6.5.1. A 15 metre wide easement registered to the Minister for Infrastructure containing a High Pressure Gas transmission pipeline owned and operated by SEA Gas.

6.5.2. A 10 metre wide easement registered to the Minister for Infrastructure containing a potable water main owned and operated by SA Water.

6.5.3. A 100 metre wide easement containing a 275kv high power electricity transmission line owned and operated by ElectraNet.
6.5.4. A 30 metre wide easement containing a 132kv high power electricity transmission line operated by ElectraNet

6.5.5. Two (2) Land Management Agreements (LMA) are registered against the land, one with Renewal SA (South Australian Housing Trust) for the provision of a minimum 15% Affordable Housing. The second being 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.

6.6. Whilst neither land division has yet been approved nor easements determined on each allotment, it is anticipated that proposed allotment 2046 (shopping centre) will retain an existing easement to ElectraNet as the 275kv High power transmission line traverses this allotment.

6.7. All three proposed allotments are located within vicinity of the former quarry where significant earthworks has previously occurred as a consequence of quarry activities. Whilst a site inspection has been unable to be undertaken, it is understood that some minor vegetation in the form of trees, shrubs and ground covers are evident.

6.8. All three proposed allotments seek access onto the Gawler East Link Road which is currently under construction and furthermore is resulting in additional and substantial civil and earthworks occurring within the locality.

7. NATURE OF DEVELOPMENT

7.1. Whilst the nature of the development for each application will be determined by SCAP, neither of the three proposals are 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, Council administration considers that all three development applications will assessed as a merit form of development.

8. CATEGORISATION (PUBLIC NOTIFICATION)

8.1. The Categorisation of the applications will be undertaken by SCAP as the relevant authority.

8.2. In accordance with the Public Notification provisions within Principle of Development Control (PDC) 45 of the Residential (Gawler East) Zone, all three applications are considered to be Category 2 forms of Development.

8.3. As per PDC 45 which states:

Further, all development listed within Principle of Development Control 1 of the Residential
(Gawler East) Zone, Mixed Use Policy Area 3 and/or Local Centre Policy Area 19 are designated category 2 (except where the development is classified as Category 1 or non-complying).

All three applications are listed within PDC 1 envisaged land uses within the zone:

**Land Use**

1. The following forms of development are envisaged in the zone:
   - Affordable housing
   - Aged persons’ accommodation
   - Community facilities
   - Domestic outbuilding in association with a dwelling
   - Domestic structure
   - Dwelling
   - Dwelling addition
   - Dwelling with associated home based business uses
   - Land division
   - Non-residential use that serves the local community, for example:
     - child care facility
     - health and welfare service
     - open space
     - pre-school
     - primary and secondary school
     - recreation area
     - shop, office or consulting room
   - Retirement village
   - Supported accommodation

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9. **PROCEDURAL MATTERS**

9.1. Legal advice has been sought with regards to procedural matters in processing the subject three applications without each corresponding allotment existing for each of the proposals (including lack of legal road access) and further the need to consider earthworks.

9.2. The legal advice received in summary included:

   9.2.1. Each of the respective land divisions cannot and should not be assessed and determined unless and until the divisions which create the relevant public roads from which access will be taken, are approved. Until this occurs, none of the proposed
developments in the 3 development applications have a lawful means of access. The 3 development applications cannot be granted a Development Plan consent on this basis. To do so would be contrary to the Gawler (CT) Development Plan and would, be against general practice (see, e.g. Rohrlach & Anor v City of Unley [2011] SAERDC 19).

9.2.2. Further, fundamental aspects of the 3 development applications, being floor levels stormwater management and retaining wall heights are uncertain and are subject on as-yet undetermined development applications. It would be inappropriate and contrary to the Development Plan to grant Development Plan consent to the 3 development applications without certain information in this regard. Specifically, floor levels and retaining wall heights are significant planning merit considerations such that they cannot be dealt with as reserve matters for the reasons expressed in the Supreme Court judgment of Mar Mina (SA) Pty Ltd v City of Marion & Anor [2008] SASC 120.

9.2.3. The lack of lawful access does not render the 3 development applications hypothetical. The test for a “hypothetical” development is whether there is a reasonable prospect of the development proceeding (see Hackney Hotel Pty Ltd v Corporation of the Town of St Peters (1983) 32 SASR 145 and Rampling v City of Holdfast Bay [2010] SAERDC 60).

9.2.4. Once the relevant land division applications are approved and plans deposited at the Land Titles Office (LTO) such that the proposed public roads are sufficiently certain so as to facilitate future developments relying on them for access, and so that levels and retaining wall heights can be confirmed, the 3 development applications may then be granted Development Plan consent.

9.2.5. In conclusion neither of the 3 development applications can be determined until:

9.2.5.1. The divisions creating the public roads for which each of the 3 development applications are reliant for access are approved and the relevant plans of division deposited at the LTO; or

9.2.5.2. Each of the 3 development applications is amended to provide access to an existing public road and to remove all uncertainty concerning levels and retaining walls (which are currently specified as being contingent on the outcome of the relevant land division applications).
10. REFERRALS

10.1. Whilst neither of the proposed applications trigger any referrals under Schedule 8 of the Development Regulation 2008, the following informal referrals are highly recommended by the Town of Gawler:

10.1.1. SEAGas to ensure compliance with AS2885 and Zone PDC 36 (b) given that all three applications contain high concentrations of people within close proximity to the SEA Gas high pressure pipeline.

10.1.2. ElectraNet given that the proposed Shopping centre is encroaching within the transmission line corridor and in particular is currently at variance with Zone PDC 19(c) which seeks a 100metre wide corridor within the existing ElectraNet easement and transmission corridor.

11. ASSESSMENT COMMENTS TO SCAP

11.1. Council administration have undertaken a review of the proposed three development applications.

11.2. Councils overall key concerns have been provided within the following table(s) below which will form part of Council’s submission to SCAP (Attachment 4).

11.3. Further general comments which provide additional and supporting commentary to the key issues (tabled below).

11.4. Councils procedural comments mentioned above will be included to SCAP as per Attachment 5.

11.5. Recommended conditions of approval should SCAP resolve to approve the three applications are provided within Attachment 6.

11.6. The following assessment includes consideration of:

11.6.1. Appropriateness of land use

11.6.2. Earthworks and Retaining

11.6.3. Design

11.6.4. Stormwater

11.6.5. Traffic

11.6.6. Carparking

11.6.7. Landscaping
11.6.8. Signage

11.6.9. General Infrastructure Provision

11.6.10. External referrals to SEA Gas and ElectraNet

11.7. It must be reiterated that Council's role is only that of a referral agency for the purposes of the assessment of the subject proposals and to provide comment in relation to specific areas of expertise or in a general sense to the overall proposals. The actual assessment (planning) and determination of the merits of the application will be undertaken by SCAP who do so taking into account Council’s (and other referral agencies) comments and recommendations.

11.8. The following assessment was based on the current documents that have been lodged, and it should be noted that no requests for further information or amendments have been made by the Relevant Authority (SCAP) thus far.
# Land Use

1. The proposed land use has been defined by the applicant as a Sales Centre and will consist of a number of associated elements which include:
   
   - A sales Centre (132.55m²)
   - A Café (79.4m²)
   - Office with Amenities (159.93m²)
   - 35 Car parks

2. The Mixed Use Centre Policy area contemplates a wide range of land uses that serve the local community. The proposed use is in keeping with this intent and therefore satisfies Objective 1, 3 and PDC 1 and 6 of the policy area.

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# Earthworks and Retaining

1. No site civil plans have been provided as part of the application. The existing and finished levels of the land are dependent on the final design and approval of the associated land division applications and completion of the Gawler East Link Road.

2. Depending on the level of earthworks that result in both the associated land division and Gawler East Link Road works, there
may be a need for additional earthworks and retaining walls.

3. At this stage of the proposal, there is insufficient information to properly assess the development against the following PDC’s:

   **PDC 7 (Policy Area)**

   Filling of land and retaining walls exceeding 1.0 metre in height are appropriate where they are associated with the remediation and development of the former quarry site.

   **PDC 29 (Zone)**

   Retaining walls greater than 1.0 metre in height should: (a) not be directly visible from a public road or the public realm (b) where located between a building and a road frontage, be stepped in increments of not more than 1.0 metre (c) not cause significant adverse impacts on the amenity of adjacent properties, particularly in relation to overshadowing, cutting off light or views.

   **PDC 31 (Zone)**

   Development should be designed and sited to relate to the slope of the land, so that:

   (a) the bulk and scale of the buildings do not dominate the landscape;

   (b) the amount of cut and fill is minimised.

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**Design**

1. The desired character statement of the Policy Area seeks to create a ‘main street’ environment with buildings addressing the street and car parking located primarily to the rear. The appearance of siting of buildings is encouraged to be within close proximity to street frontages and be of an architecturally high standard to create diversity of interest through the appearance of an aggregation of smaller buildings.

2. This intent is achieved through the siting of the building being closely aligned with the intersection of the Gawler East Link Road and the intersecting north-south collector road and rear located car parking area. The built form comprises of a high standard
façade incorporating protruding elements and features which provide for visual interest and promote a pedestrian-friendly environment.

3. The two-storey building addresses both street frontages and incorporates paving, street furniture and landscaping that integrate the adjoining public spaces with the subject development.

4. Zone Objective 7, PDC 22(b) and Policy Area Objectives 2, 3 and PDC's 3, 4, 5 and 6 are considered to be satisfied by the proposal.

5. The sales centre is considered to achieve a strong design outcome which sets a positive benchmark for future development within the Policy Area.

### Stormwater

1. The applicant has noted that a site specific Stormwater Management Plan will be prepared for the subject development. The plan will build upon the overall Stormwater Management Plan for the entire Springwood development which has been submitted with the concurrent land division applications.

2. Whilst a Reserved Matter or at the very least a condition would generally be appropriate for the provision of the final design, a concept plan demonstrating the high level method of stormwater management should be provided for the purposes of the planning assessment prior to the issuing of any Development Plan Consent.

3. The stormwater system should incorporate adequate detention, water quality control (i.e. Gross Pollutant Trap to separate oils and other pollutants) for the carparking area and encourage the use of Water Sensitive Urban Design (WSUD) principles.

4. Applicable WSUD principles that could be adopted within the design are identified with CW PDC 148, 150, 151, 152, 154, 155, 157 and 158.

### Traffic

1. The traffic volume associated with the site is considered to be in keeping with the traffic volumes proposed as part of the associated land division application 490/D025/19 and 490/D026/19 for the adjoining road network. Accordingly, the traffic network proposed
as part of the associated land division applications is not considered to be exceeded by the proposal.

2. Access and egress from the subject land to the adjoining public road network will be obtained via two two-way simultaneous crossovers. These crossovers are situated upon a Local Road and the North-South Collector Road proposed as part of the associated land division 490/D025/19. The car parking area is configured in a manner to accommodate on-site vehicle manoeuvring to enable vehicles to egress the site in a forward direction. As such, the movement of vehicles in association with the site will not conflict with the flow of traffic on adjoining roads.

3. The traffic impact has been considered by Cirqa, the applicant’s independent traffic consultant and Council’s traffic engineers. Both of which, consider this element of the proposal to be acceptable.

4. Should waste collection not be achieved via kerb side collection, additional consideration should be given to the manner in which waste is collected from the site.

5. The current plans do not provide for the construction site levels (including existing or design levels) of the adjoining roads (including the Gawler East Link Road) compared to proposed finished levels of the site and proposed development. Without this level of detail, there is concern relating to access and gradients between the subject site and the external roads (some being partially constructed or not yet approved).

6. The proposal also lacks detail with regards to any required works relating to access into the site from any external roads (including the Gawler East Link Road) and the need for alterations to traffic devices such as any median strips, or access arrangements. Whilst it is acknowledged that not all external road infrastructure has been constructed, the associated designs may already exist and may require refinement to accommodate the proposal.

7. Any works or refinements to roads that are required to accommodate the proposed development should be completed as
part of the associated land division applications and secured via an Infrastructure Agreement (being as part of external infrastructure works) for the subject application to ensure such works (if required) are provided.

Car Parking

1. The proposal seeks to provide for 35 car parking spaces to service the proposed use(s) in a manner that is consistent with AS2890.1:2004 and AS2891.6:2009 (being the Australian Standard for off street parking and off street parking for people with disabilities).

2. A car parking assessment has been undertaken for the Sales Centre and associated Office and Café use with consideration to the car parking rates outlined within the Gawler East Residential Zone and Table Ga/1. Based on the carparking requirements outlined within the Development Plan, a total of 31 car parks is required to service the proposed development. Therefore a surplus of four carparks exists.

3. It is noted that the provided Cirqa Traffic Consultant report further discusses the provision of car parking on site for a Display Village comprising of approximately 33 display homes. This Display Village and associated display homes has not been formally proposed as part of the subject application and as such, is not a consideration at this point in time. When/if a display village is lodged, then the provision of carparking can be further considered in this regard.

4. The indicative layout of the car parking area is sufficient to demonstrate that the appropriate amount of car parking has been provided to service the proposed use. Final detail however, is required for the design levels of the car parking area, to confirm gradients comply with both the Disability Discrimination Act 1992 (DDA) and AS2890.

Landscaping

1. Landscaping is provided adjacent to all four road frontages servicing the subject land. This landscaping is provided in the following forms:
| **Signage**          | 1. The proposed development includes signage at the upper level of the northern and western elevations which reflect the intended use of the site as a Sales Centre. Directional signage will provided around the site.  
2. The proposed signage does not amount to proliferation and will not conceal any architectural elements and is in keeping with the scale of the building.  
3. Signage contained within the proposal aligns with Table Ga/4 of the Town of Gawler Development Plan and does not offend CW Objectives 69, 70 nor PDC’s 199, 200, 201, 202 and 204. |
|---------------------|-------------------------------------------------------------------------------------------------|
| **General Infrastructure Provision** | 1. Zone PDC 42 outlines that development should only occur if the required physical and community infrastructure has been provided or secured via a legally binding agreement.  
2. The physical and community infrastructure outlined within this provision includes:  
   a) Gawler East Link Road as illustrated on Structure Plan Map Ga/1 (Overlay 1) Enlargement G, and associated traffic interventions (road and intersection upgrades); |
3. To date this infrastructure has not been completed/provided nor secured. As such, the proposal does not satisfy Zone PDC 42 (being all elements a to d).

|   | b) public lighting, pedestrian and bicycle paths and associated landscaping treatments associated with the Gawler East Link Road;  
|   | c) community facilities (including recreation facilities); and  
|   | d) stormwater management systems. |
CONSTRUCTION OF A SHOPPING CENTRE COMPRISING SUPERMARKET AND SIX (6) SPECIALTY SHOPS, TWO (2) STANDALONE SHOPS, ASSOCIATED CAR PARKING AND SIGNAGE

<table>
<thead>
<tr>
<th>Element</th>
<th>Discussion</th>
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<tbody>
<tr>
<td>Land Use</td>
<td>1. The proposed development comprises of the following components:</td>
</tr>
<tr>
<td></td>
<td>• A Shopping Centre, including:</td>
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<tr>
<td></td>
<td>o One (1) Supermarket (2600m²)</td>
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<tr>
<td></td>
<td>o Six (6) Specialty Shops (totalling 780m²)</td>
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<tr>
<td></td>
<td>• Two (2) Standalone Shops (680m2)</td>
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<td></td>
<td>• 217 car parks and loading dock</td>
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<tr>
<td></td>
<td>• Associated signage including two (2) Pylon Signs</td>
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<tr>
<td></td>
<td>2. The Mixed Use Centre Policy area contemplates a wide range of land uses that serve the local community. The proposed use is in keeping with this intent and therefore satisfies Objective 1, 3 and PDC 1 and 6 of the policy area. Furthermore, the scale of the proposed the proposed retail facility is in keeping with the 10,000 square metre retail capacity provided for within the Desired Character Statement of the Policy Area.</td>
</tr>
</tbody>
</table>
| Earthworks and Retaining | 1. No site civil plans have been provided as part of the application. The existing and finished levels of the land are dependent on the final design and approval of the associated land division applications and completion of the Gawler East Link Road.

2. Depending on the level of earthworks that result in both the associated land division and Gawler East Link Road works, there may be a need for additional earthworks and retaining walls.

3. At this stage of the proposal, there is insufficient information to properly assess the development against the following PDC’s:

   **PDC 7 (Policy Area)**

   Filling of land and retaining walls exceeding 1.0 metre in height are appropriate where they are associated with the remediation and development of the former quarry site.

   **PDC 29 (Zone)**

   Retaining walls greater than 1.0 metre in height should:
   a) not be directly visible from a public road or the public realm
   b) where located between a building and a road frontage, be stepped in increments of not more than 1.0 metre (c) not cause significant adverse impacts on the amenity of adjacent properties, particularly in relation to overshadowing, cutting off light or views.

   **PDC 31 (Zone)**

   Development should be designed and sited to relate to the slope of the land, so that:
   a) the bulk and scale of the buildings do not dominate the landscape;
   b) the amount of cut and fill is minimised. |
| Design | 1. The subject development comprises of three detached buildings, comprising of the shopping centre and two (2) standalone shops with car parking situated centrally and to the side of the site. |
2. The shopping centre generally presents of a high architectural standard and incorporates a variety of building materials that promote visual interest. Although improvements could be sought to the East Street elevation of the shopping centre to assist in softening the buildings bulk. Whilst the proposed feature steel frames may be appropriate in achieving this intent, additional clarification on the detail of the structures should be provided (i.e. location shown on site plan).

3. Similarly, to further align with the Desired Character statements intent to provide for a main street environment, provision of a pedestrian link from the eastern roadway to the shopping centre could be provided. This link could be achieved in the area situated between the Main Shopping Centre and specialty shops indicated as ‘Retail E’ and ‘Retail F’.

4. Whilst the location of the rear loading dock is generally supported, there is potential for improved frontage to the adjoining north eastern road. A frontage treatment inclusive of feature screening and dense landscape plantings or similar would be encouraged by Council. Greater pedestrian linkage from this portion of the site would also be encouraged.

5. The two proposed standalone shops consist of a form and of materials that reflect and complement the proposed shopping centre building. The buildings provide for articulation and visual interest to the adjoining public realm and achieve strong pedestrian connectivity with the provision of the centrally located plaza. This pedestrian connectivity is improved via the provision of a designated link from the plaza to the shopping centre.

6. The proposed car parking area is generally well screened by the proposed built form and satisfies the Policy Area’s intent for car parking to be located to the rear.

7. Notwithstanding the above, with minor improvements to the design, the proposal is considered to satisfy Zone Objective 7, PDC 22(b) and Policy Area Objectives 2, 3 and PDC’s 3, 4, 5 and
### Stormwater

1. The applicant has noted that a site specific Stormwater Management Plan will be prepared for the subject development. The plan will build upon the overall Stormwater Management Plan for the entire Springwood development which has been submitted with the concurrent land division applications.

2. Whilst a Reserved Matter or at the very least a condition would generally be appropriate for the provision of the final design, a concept plan demonstrating the high level method of stormwater management should be provided for the purposes of the planning assessment prior to the issuing of any Development Plan Consent.

3. The stormwater system should incorporate adequate detention, water quality control (i.e. Gross Pollutant Trap to separate oils and other pollutants) for the carparking area and encourage the use of Water Sensitive Urban Design (WSUD) principles.

4. Applicable WSUD principles that could be adopted within the design are identified with CW PDC 148, 150, 151, 152, 154, 155, 157 and 158.

### Traffic

1. The traffic volume associated with the site is considered to be in keeping with the traffic volumes proposed as part of the associated land division application 490/D025/19 and 490/D026/19 for the adjoining road network. Accordingly, the traffic network proposed as part of the associated land division applications is not considered to be exceeded by the proposal.

2. Vehicle access to the site will be provided via the following locations:
   - a two-way access point on the Gawler East Link Road (which will accommodate left-in, left-out, right-in and right-out movements);
   - a two-way access point on the north-south collector road (which will accommodate left-in, left-out, right-in and right-out movements); and
• a two-way access point on the local road to the north which will primarily provide access for commercial vehicle movements, albeit customers will also be able to utilise the access point.

3. The car parking area is configured in a manner to accommodate on-site vehicle manoeuvring to enable vehicles to egress the site in a forward direction. As such, the movement of vehicles in association with the site will not conflict with the flow of traffic on adjoining roads.

4. The traffic impact has been considered by Cirqa, the applicant’s independent traffic consultant and Council’s traffic engineers. Both of which, consider this element of the proposal to be acceptable.

5. Commercial vehicle access will be accommodated via the loading area located at the rear (north) of the shopping centre. Cirqa Traffic Consultants have demonstrated this area can appropriately accommodate the manoeuvring of a semi-trailer. Minor deliveries associated with the specialty shops will be achieved internally through the car parking area provided. Accordingly, deliveries to the proposed supermarket is not considered to result in conflict with the adjoining roadway.

6. The current plans do not provide for the construction site levels (including existing or design levels) of the adjoining roads (including the Gawler East Link Road) compared to proposed finished levels of the site and proposed development. Without this level of detail, there is concern relating to access and gradients between the subject site and the external roads (some being partially constructed or not yet approved).

7. The proposal also lacks detail with regards to any required works relating to access and manoeuvrability into the site from any external roads (including the Gawler East Link Road) and the need for alterations to traffic devices such as any median strips, or access arrangements. Whilst it is acknowledged that not all external road infrastructure has been constructed, the associated designs may already exist and may require refinement to
accompany the proposal.

8. Any works or refinements to roads that are required to accommodate the proposed development should be completed as part of the associated land division applications and secured via an Infrastructure Agreement (being as part of external infrastructure works) for the subject application to ensure such works (if required) are provided.

Car Parking

1. The proposal seeks to provide for 217 car parking spaces to service the proposed retail uses. The car parking is proposed in a manner that is consistent with AS2890.1:2004 and AS2891.6:2009 (being the Australian Standard for off street parking and off street parking for people with disabilities). It is noted that the width of the car parking spaces proposed exceed the minimum requirements of the associated user class under AS2890. This approach is encouraged by Council.

2. The Development Plan within the Mixed Use Centre Policy Area identifies car parking to a rate of 5.5 spaces per 100m² is required for the proposed shop/retail uses. Subsequently, a total of 224 car parking spaces are required resulting in a shortfall of 7 car parking spaces.

3. Cirqa Traffic Consultants engaged by the applicant undertook an empirical assessment of car parking and noted that recent surveys of shopping centres indicate peak parking demands are more commonly in the range of 3.0 to 5.0 spaces per 100 m² of floor area. These rates equate to a peak demand in the range of 122 to 203 spaces. This demand is accommodated by the proposal. Notwithstanding, the theoretical 7 park shortfall can be accommodated within the adjoining road network servicing the proposed development.

4. It is further noted that the car parking shortfall could be reduced via the removal of the designated pedestrian linkage within the site connecting the proposed plaza with the shopping centre. Such an approach however, would be to the detriment of the proposal and the minor shortfall is considered acceptable and inconsequential.
to the provision of car parking on site.

5. Whilst typically considered during the Building Rules Assessment of such an application, Council would encourage the consideration of the provision of disabled car parking spaces within close proximity to both the Shopping Centre and the two detached specialty shops proposed on site. The current car parking configuration is limited to the provision of disabled car parking adjacent to the shopping centre.

6. The indicative layout of the car parking area is sufficient to demonstrate that the appropriate amount of car parking has been provided to service the proposed use. Final detail however, is required for the design levels of the car parking area, to confirm gradients comply with both the DDA and AS2890.

| Landscaping | 1. The proposal includes a conceptual landscaping plan which depicts the provision of landscaping around the perimeter of the site and within the proposed car parking area. These landscaped areas are to comprise of a range of species of trees, shrubs and groundcovers, including:
|             | • Trees:
|             |   • Callery Pear; and
|             |   • Japanese Elm
|             | • Shrubs:
|             |   • Agapanthus Small Cultivars;
|             |   • Distichlis Distichophylla;
|             |   • Lomandra Cultivars; and
|             |   • Nandina
|             | • Groundcovers:
|             |   • Aesperula Conferta; and
|             |   • Leptospermum Lanigerum
|             | 2. Whilst the provision of landscaping is generally appropriate,
increased landscaping could be provided to the road frontage adjacent to the rear loading dock and within the proposed car parking area (i.e. shading trees).

**Signage**

1. The proposed architectural plans demonstrate indicative locations for signage at the main entrances to the site. Whilst this location and form of signage (flat wall) is generally appropriate, clarification on dimensions should be provided.

2. Similarly, there is currently insufficient detail to consider the proposed pylon signs. However from the limited extent of information provided, it is noted that the pylon signage is detached form and in keeping with the scale of the proposed building. Notwithstanding, Table Ga/4 of the Development Plan seeks to limit such signs to a maximum height of 6.0 metres with a maximum advertisement area of 5.0 square metres. A reduction in the 8 metre pylon sign height would be encouraged to satisfy this provision.

3. Consideration should also be given to whether the proposed pylon signs will maintain appropriate driver sight lines as a result of their close association with vehicle access/egress points.

4. Signage contained within the proposal aligns with Table Ga/4 of the Town of Gawler Development Plan and does not offend CW Objectives 69, 70 nor PDC’s 199, 200, 201, 202 and 204.

**General Infrastructure Provision**

1. Zone PDC 42 outlines that development should only occur if the required physical and community infrastructure has been provided or secured via a legally binding agreement.

2. The physical and community infrastructure outlined within this provision includes:

    a) *Gawler East Link Road as Illustrated on Structure Plan Map Ga/1 (Overlay 1) Enlargement G, and associated traffic interventions (road and intersection upgrades)*;
| **SEAGas and ElectraNet informal referral** | **1.** Whilst the proposed application does not trigger any referrals under Schedule 8 of the Development Regulation 2008, it is highly recommended that following informal referrals are sought to ensure public safety and compliance by the following utility providers:

1.2 SEAGas to ensure compliance with AS2885 and Zone PDC 36 (b) given that the proposed shopping centre will contain high concentrations of people within close proximity to the SEA Gas high pressure pipeline.

1.3 ElectraNet given that the proposed Shopping centre is encroaching within the transmission line corridor and in particular is currently at variance with Zone PDC 19(c) which seeks a 100metre wide corridor within the existing ElectraNet easement and transmission corridor. |

**Visual Representation of Recommendations as per above comments.**
CONSTRUCTION OF A SINGLE-STOREY CHILD-CARE CENTRE (PRESCHOOL)

<table>
<thead>
<tr>
<th>Element</th>
<th>Discussion</th>
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<tbody>
<tr>
<td><strong>Land Use</strong></td>
<td>1. The proposed land use consist of a preschool being a child-care centre, which comprises</td>
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<tr>
<td></td>
<td>• A single storey building (913.89m²)</td>
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<tr>
<td></td>
<td>• Two external Play yards (513.2m² and 326m²)</td>
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<tr>
<td></td>
<td>• Capacity of maximum of 110 children</td>
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<tr>
<td></td>
<td>• Operation Hours between 6:00am and 6:30pm</td>
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<tr>
<td></td>
<td>• Car Park comprising 26 spaces</td>
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<td>2. The Mixed Use Centre Policy area contemplates a wide range of land uses that serve the local community. The proposed use is in</td>
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<td>keeping with this intent and is listed as an envisaged use therefore satisfying Objective 1 and 3 and PDC 1 and 6 of the Policy Area.</td>
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<tr>
<td><strong>Earthworks and Retaining Walls</strong></td>
<td>1. No site civil plans have been provided as part of the application. The existing and finished levels of the land are dependent on the</td>
</tr>
<tr>
<td></td>
<td>final design and approval of the associated land division applications and completion of the Gawler East Link Road.</td>
</tr>
</tbody>
</table>
2. The applicants Planning Report states that retaining walls and earthworks will be required to accommodate the proposed development. This notion is supported by the “Site & Floor Plan” which depicts a retaining wall along the northern (rear) and western (Gawler East Link Road frontage) boundary.

3. At this stage of the proposal, there is insufficient information to properly assess the development against the following PDC’s:

**PDC 7 (Policy Area)**

Filling of land and retaining walls exceeding 1.0 metre in height are appropriate where they are associated with the remediation and development of the former quarry site.

**PDC 29 (Zone)**

Retaining walls greater than 1.0 metre in height should:

a) not be directly visible from a public road or the public realm

b) where located between a building and a road frontage, be stepped in increments of not more than 1.0 metre (c) not cause significant adverse impacts on the amenity of adjacent properties, particularly in relation to overshadowing, cutting off light or views.

**PDC 31 (Zone)**

Development should be designed and sited to relate to the slope of the land, so that:

a) the bulk and scale of the buildings do not dominate the landscape;

b) the amount of cut and fill is minimised.

4. The proposal identifies the need for retaining walls with the height of these walls currently being unknown until such time as the Gawler East Link Road has been constructed and the associated land division detailed design completed and approved. Indicative levels provided as part of the current application demonstrate
| **Design** | potential retaining walls up to 1.76 metres (for fill) maybe required above natural ground level in order to accommodate the proposed development. The height of retaining may represent development in its own right and as such, be subject to development approval. Accordingly, the provision of such retaining walls should be considered within the subject assessment.  

5. Notwithstanding, the provision of a fill retaining wall for the duration of the Western Road frontage would be discouraged by Council, particularly if such retaining exceeded a height of 1 metre. It would be recommended that a more balanced approach to earthworks be undertaken (combination of excavation and fill) to encourage greater interaction of the site with the Western frontage and to minimise the resulting visual bulk on the future public realm. This approach is supported by Zone PDC 29 and 31. The material utilised in the wall’s construction should also be considered to provide for visual interest and to align with the desired character of the zone to achieve high architectural standard outcomes. |

| **Design** | 1. The desired character statement of the Policy Area seeks to create a ‘main street’ environment with buildings addressing the street and car parking located primarily to the rear. The appearance of siting of buildings is encouraged to be within close proximity to street frontages and be of an architecturally high standard to create diversity of interest through the appearance of an aggregation of smaller buildings.  

2. Whilst it is acknowledged that the provision of carparking to the rear of the subject site is difficult to achieve given its dual road frontage, improvements to the built form would be encouraged to further align with the intent of the Desired Character.  

3. The building has been designed and sited to provide for the primary frontage to the western road. This approach is supported and the close siting of the building aligns with the intent of the Desired Character Statement. Notwithstanding, this approach is somewhat diminished by the provision of the fill retaining wall |
along this frontage which isolates the adjoining public realm from the subject site. The provision of feature steps and a DDA compliant ramp to the western frontage of the site would be encouraged to further assist in reducing the impact of retaining and accommodate a pedestrian focused link to the site. This approach could be complimented with the provision of landscaping.

4. The northern elevation of the building incorporates the feature clad wall as a continuation of the western frontage. This approach is encouraged and provides for articulation and visual interest for the building when travelling north to south on the adjoining road.

5. The southern elevation forms the extent of the building visible from the carparking area and abutting southern public road. A portion of the feature cladding of the western elevation is visible as a side return and is complimented by the provision of an additional feature wall central to the southern elevation. Of concern however, is the untreated provision of a brick wall between the feature claddings. As this wall is highly visible from the adjoining public road inclusive of the intersection, additional consideration and treatment should be considered. The provided feature bulkhead above is not considered sufficient to offset the extent of untreated wall provided below. This element of the proposal in its current form is not considered to align with the intent to achieve high standard architectural outcomes and further consideration should be given.

6. Whilst the design of the building with minor design improvements would be considered to satisfy the desired character of the Policy Area and Zone, a departure from a building generally of residential appearance would be encouraged.

7. Zone Objective 7, PDC 22(b) and Policy Area Objectives 2, 3 and PDC’s 3, 4, 5 and 6 are considered to be satisfied by the proposal.

**Stormwater**

1. Whilst the proposed stormwater design is dependent on the approval and construction of the adjoining public stormwater system associated with the land division proposals, the subject
COUNCIL ASSESSMENT PANEL
AGENDA

Wednesday 23 October 2019

development seeks to manage stormwater on-site via the following:

- Collection of roof and surface water;
- Provision of an underground detention system;
- Provision of a Gross Polluant Trap;
- Discharge to Future Side Entry Pit located in adjoining public road.

2. Whilst this general approach for stormwater management is appropriate, further clarification and consideration on the details of the design are required. This has been reviewed by Council’s engineering staff whom noted the following:

- The pre-development flow rate of 37.8L/s within the provided calculations appears to be too high as it has been calculated for a developed site. The flow rate should be in the order of approximately 8L/s as the site is currently undeveloped.
- Runoff coefficient calculations appear to be too low and should be increased to the following:
  - From 0.92 to 1.0 for roofed areas; and
  - From 0.75 to 0.9 for hardstand areas.
- The extent of detention provided appears to be undersized based on miscalculation. Council’s engineers have calculated that approximately 70m$^3$ with a 50mm orifice would be required.
- Finished levels of the site would be required to ensure appropriate gradients for stormwater management can be achieved.

3. Whilst the proposal incorporates a Gross Pollutant Trap, further consideration of WSUD principles would be encouraged.

Traffic

1. The traffic volume associated with the site is considered to be in keeping with the traffic volumes proposed as part of the
associated land division application 490/D025/19 and 490/D026/19 for the adjoining road network. Accordingly, the traffic network proposed as part of the associated land division applications is not considered to be exceeded by the proposal.

2. Access and egress from the subject land to the adjoining public road network will be obtained via one two-way simultaneous crossover to the abutting southern road being a Local Road proposed as part of the associated land division 490/D025/19. The car parking area is configured in a manner to accommodate on-site vehicle manoeuvring to enable vehicles to egress the site in a forward direction. As such, the movement of vehicles in association with the site will not conflict with the flow of traffic on adjoining roads.

3. The traffic impact has been considered by Cirqa, the applicant’s independent traffic consultant and Council’s traffic engineers. Both of which, consider this element of the proposal to be acceptable.

4. Given the location of waste refuge within the car parking area, the collection of waste should occur from the site outside of operation hours to ensure no conflict with waste vehicles and vehicles parked within the car parking spaces.

5. The current plans do not provide for the construction site levels (including existing or design levels) of the adjoining roads (including the Gawler East Link Road) compared to proposed finished levels of the site and proposed development. Without this level of detail, there is concern relating to access and gradients between the subject site and the external roads (some being partially constructed or not yet approved).

6. The proposal also lacks detail with regards to any required works relating to access and manoeuvrability into the site from any external roads (including the Gawler East Link Road) and the need for alterations to traffic devices such as any median strips, or access arrangements. Whilst it is acknowledged that not all external road infrastructure has been constructed, the associated
designs may already exist and may require refinement to accommodate the proposal.

7. Any works or refinements to roads that are required to accommodate the proposed development should be completed as part of the associated land division applications and secured via an Infrastructure Agreement (being as part of external infrastructure works) for the subject application to ensure such works (if required) are provided.

### Car Parking

1. The proposal seeks to provide for 26 car parking spaces to service the proposed child care centre in a manner that is consistent with AS2890.1:2004 and AS2891.6:2009 (being the Australian Standard for off street parking and off street parking for people with disabilities).

2. A car parking assessment has been undertaken by Cirqa Traffic Consultants with regard to the car parking requirements outlined within Table Ga/1 of the Development Plan. Based on the carparking requirements outlined within the Development Plan, a total of 28 car parking spaces would generally be required to service the proposed development. Therefore a shortfall of 2 carparks exists when considered against the requirements of Table Ga/1.

3. Cirqa have further considered this shortfall against the proposed provision of carparking within the wider locality (being the future public roads) and consider that this minor shortfall can be absorbed within this future on-street provision. Given the minor shortfall, this notion is supported by Council administration.

4. The indicative layout of the car parking area is sufficient to demonstrate that the appropriate amount of car parking has been provided to service the proposed use. Final detail however, is required for the design levels of the car parking area, to confirm gradients comply with both the DDA and AS2890.

### Landscaping

1. A conceptual landscaping plan has been provided with the application, which demonstrated landscaping in the following
To the perimeter of the site;
• Adjacent to the building; and
• within outdoor play areas;

2. The landscaping is proposed to comprise of a variety of irrigated trees species, shrubs and groundcovers. These specie’s include:

• Trees:
  o Ornamental pear; and
  o Pencil pine.

• Shrubs/Ground Cover:
  o Standard Lilly Pilly;
  o Westringia Fruiticosa
  o Ornimental Grasses

3. Whilst the provision of landscaping is generally appropriate, increased landscaping could be provided to the north-western corner of the site (between play area 2 and the road frontage) and south of play area 1.

**Signage**

1. The proposed development includes signage within the feature cladding indicated on the South, North and elevations.

2. The proposed signage does not amount to proliferation and will not conceal any architectural elements and is in keeping with the scale of the building.

3. Signage contained within the proposal aligns with Table Ga/4 of the Town of Gawler Development Plan and does not offend CW Objectives 69, 70 nor PDC’s 199, 200, 201, 202 and 204.

**Noise**

1. The applicant has engaged Sonus Pty Ltd to undertake an Environmental Noise Assessment for the proposed childcare centre. The assessment seeks to investigate the proposals compliance against CW PDC’s 107, 108, 111, 112 and 113.

2. The report concludes that the development will minimise adverse
impacts and conflict between land uses and the proposal will therefore not detrimentally affect the amenity of the locality or cause unreasonable interference through noise. The proposal therefore satisfies the relevant provisions of the Gawler Council Development Plan.

3. The above recommendation is based on the inclusion of a 2.4 metre colorbond barrier to the boundary of the site to mitigate noise impacts pertaining to future single storey dwellings (if proposed) abutting the subject site. The report further noted that should two storey dwellings be proposed in lieu of single storey, that such dwellings would be required to incorporate reasonable and practicable acoustic treatments to account for the child care centre.

4. Notwithstanding the above, it is noted that there are a few minor inconsistencies with the detail outlined within the report prepared by the applicants planning consultant and that contained within the acoustic report. This detail pertains to the hours of operation of the childcare centre. The acoustic report considers the proposal based on a 7am commencement where the planning report details a proposed opening time of 6am. This is not considered to be of any consequence as the acoustic report considered noise impact in a limited capacity before 7am.

5. Whilst the proposed plan of division demonstrates that the subject land may in fact abut a future commercial property thus further minimising the impact of the proposed use. Further consideration should be given to the mechanism for securing such works relative to future dwellings on adjacent land to ensure the proposal satisfies the relevant Development Plan provisions.

6. It is noted that if balanced earthworks were to be undertaken such as suggested above, the proposal would further reduce potential noise impacts through the provision of a cut retaining wall along the boundaries external to the subject site.

7. Whilst the proposed noise attenuation measure is considered appropriate, Council would encourage the consideration of an
alternative barrier to that of colourbond construction. An acoustic barrier of increased architectural standard would be encouraged given its location within the commercial precinct.

| General Infrastructure Provision | 1. Zone PDC 42 outlines that development should only occur if the required physical and community infrastructure has been provided or secured via a legally binding agreement.

2. The physical and community infrastructure outlined within this provision includes:

   a) Gawler East Link Road as illustrated on Structure Plan Map Ga/1 (Overlay 1) Enlargement G, and associated traffic interventions (road and intersection upgrades);

   b) public lighting, pedestrian and bicycle paths and associated landscaping treatments associated with the Gawler East Link Road;

   c) community facilities (including recreation facilities); and

   d) stormwater management systems.

3. To date this infrastructure has not been completed/provided nor secured. As such, the proposal does not satisfy Zone PDC 42 (being all elements a to d).

| SEAGas informal referral | 1. Whilst the proposed application does not trigger any referrals under Schedule 8 of the Development Regulation 2008, it is highly recommended that informal referral is sought by SEA Gas to ensure compliance with AS2885 and Zone PDC 36 (b) given that the proposed childcare centre will contain high concentrations of people including children within close proximity to the SEA Gas high pressure pipeline. |
12. CONCLUSION

12.1. In summary, the three development applications proposed have been assessed by Council and a view on the current proposals has been formed.

12.2. Council has sought legal advice with regards to procedural matters relating to the determination of the three subject applications. Council is of the opinion that a decision on the three applications cannot be made until such time as land divisions 490/D025/19 and 490/D026/19 have been approved and relevant allotments lodged with the Lands Titles Office.

12.3. It is further the opinion of Council, that consideration of site levels and earthworks including the level of retaining is fundamental to the assessment and determination of each of the applications.

12.4. Council has tabled its concerns and recommendations in relation to each of the proposed developments which form part of Council’s official response to SCAP.
12.5. While Council is supportive of the proposed developments in-principle, at this stage and until such time as the appropriate allotments, public road access and associated site levels have been established, together with those matters raised within its tabled comments being resolved, Council is not able to provide its full support.

12.6. Council has further included a number of conditions should the SCAP deem the applications appropriate.

12.7. Council is committed to working collaboratively with both SCAP and the developer in order to resolve Councils initial concerns and ultimately achieve the best possible planning outcome for the developer and both the new and existing community.

13. RECOMMENDATION

It is recommended that the Town of Gawler Council Assessment Panel resolves to:


3. Authorise the Presiding Member and Assessment Manager to amend the endorsed submission based on the outcomes of these deliberations, and where otherwise considered necessary, prior to forward to SCAP by 7 November 2019.

4. Authorise staff to continue to work collaboratively with SCAP as the Relevant Authority and the developer to reach agreement on all outstanding matters in order to achieve a quality planning outcome for the community.
## COUNCIL ASSESSMENT PANEL INFORMATION ITEM

<table>
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<th>Item Number</th>
<th>6.1</th>
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<tr>
<td><strong>Report Title</strong></td>
<td>Planning and Design Code Update Report</td>
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<tr>
<td><strong>Attachments</strong></td>
<td>Attachment 1 – DPTI Community Engagement Plan</td>
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<tr>
<td><strong>Author(s)</strong></td>
<td>Development Assessment Planner (Jessica Lewig)</td>
</tr>
<tr>
<td><strong>Reviewed</strong></td>
<td>Team Leader Development Services (David Bielatowicz)</td>
</tr>
<tr>
<td><strong>Recommendation</strong></td>
<td>Report to be noted</td>
</tr>
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</table>
1. SUMMARY

1.1. As previously reported to the Council Assessment Panel, the state of South Australia is currently in the process of transitioning to a new planning system under the Planning, Development and Infrastructure Act 2016 (the Act). As a result every Development Plan in South Australia will be replaced by a State wide Planning and Design Code (the Code). The Code will replace the Gawler (CT) Development Plan on 1 July 2020.

1.2. This report seeks to advise the CAP that the State Planning Commission released the draft Planning and Design Code (Code) for public consultation on Tuesday 1 October 2019.

1.3. Consultation for both Phase Two (Rural) and Phase Three (Urban) council areas will commence at the same time in order to provide councils and community with a view of the whole Code, however it is important to note that there are different end dates for consultation:

1.3.1. Phase 2 (Rural): 1 October 2019 to 29 November 2019

1.3.2. Phase 3 (Urban): 1 October 2019 to 28 February 2020

1.4. As The Town of Gawler is a Phase Three Council, feedback is required to be submitted by 28 February 2020.

2. BACKGROUND


2.2. The Planning, Development and Infrastructure Act 2016 was formulated with the intent of fulfilling the following goals:

2.2.1. Will enable developments, big and small, to happen quickly and easily.

2.2.2. Promotes design quality at every scale and in every project, and ensures integrated delivery of infrastructure and services to communities.

2.2.3. Places a premium on professionalism and is based on ongoing, meaningful engagement with communities.

2.2.4. Will open the door to investment and help generate jobs.

2.3. The Code will eventually be entirely electronic and available through the e-portal.
2.4. A PDF copy of the Code is available via the SA Planning Portal (Link below):

2.5. The Code will officially replace the Gawler (CT) Development Plan as of 1 July 2020.

3. COMMENTS/DISCUSSION

3.1. Although Council Staff have maintained open correspondence with DPTI and sought to provide feedback at every opportunity, details relating to Code policy have remained minimal up until now. The Code represents a major change to the planning system in South Australia and it is likely to have a significant impact on both Council operations and the local community.

3.2. As The Town of Gawler is a Phase Three Council, feedback is required to be submitted by 28 February 2020.

3.3. An analysis of pertinent zones and land use policy will be undertaken by the administration and presented to Council for consideration. The CAP is invited to provide feedback to Council staff to be incorporated into this submission.

3.4. The Department of Planning Transport and Infrastructure (DPTI) have stated that they will be coordinating community, business and council engagement activities throughout the consultation period, commencing with rural areas in October and moving into metropolitan and greater Adelaide areas in November.

3.5. An engagement plan (Attachment 1) prepared by DPTI is also available on the SA Planning Portal. A number of supporting materials have been produced to help navigate and review the draft Code, including:

3.5.1. Code packages specific to each council area
3.5.2. Common Development Assessment example scenarios
3.5.3. A detailed guide on the code for practitioners
3.5.4. Community materials including a plain English guide, fact sheets and FAQs
3.5.5. An electronic submission form.

3.6. Council staff invite the CAP to review the Planning and Design Code and communicate any concerns which they may have.
4. RECOMMENDATION

It is recommended that the Town of Gawler Council Assessment Panel:

1. Receives and notes the Planning and Design Code Update report.
### Item Number 6.2
### Title INFORMATION ITEM - APPEAL MATTERS
### Date 23 October 2019
### Author(s) Team Leader Development Services

<table>
<thead>
<tr>
<th>Name</th>
<th>Issue</th>
<th>Address</th>
<th>Officer Decision</th>
<th>CAP Decision</th>
<th>Appellant</th>
<th>Status</th>
<th>Next Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>R S Turner</td>
<td>Third Party appeal against the decision of the Council Assessment Panel and State Commission Assessment Panel to grant Development Approval for the demolition of an outbuilding and the construction of replacement masonry wall.</td>
<td>16 Finniss Street, Gawler</td>
<td>Approval</td>
<td>Approval</td>
<td>A Shackley</td>
<td>The matter has been adjourned for 6 weeks as of 16 October 2019 for parties to discuss potential compromise.</td>
<td>Conciliation Conference to resume in 6 weeks.</td>
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</tbody>
</table>

**RECOMMENDATION:**

That the contents of this report be received and noted.
Item Number 6.3
Title INFORMATION ITEM – MATTERS PREVIOUSLY DEFERRED
Date 23 October 2019
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>
</tr>
</thead>
</table>

RECOMMENDATION:

That the contents of this report be received and noted.