



# Development Assessment Panel of City of Prospect

(Presiding Member: Mr David Cooke)

The meeting of the Development Assessment Panel will be held in the Civic Centre,  
128 Prospect Road, Prospect at **5.30pm Monday 9 November 2015.**

**Nathan Cunningham**  
Director Community, Planning & Communications

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**Members:** Mr David Cooke, Ms Alison Bowman, Mr Sam Green,  
Ms Monica Lee, Mr Darren Starr, Mr Simon Weidenhofer

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## A G E N D A

1. **On Leave**
2. **Apologies**
3. **Confirmation of the Minutes of the Development Assessment Panel held on 12 October 2015.**
4. **Protocol**
  - 4.1 The Panel has adopted the protocol that only those agenda items on the Panel reports reserved by Members on a callover by the Presiding Member will be debated and the recommendations of all other items will be adopted without further discussion.

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**5. Development Applications for Decision**

- 5.1 130 Churchill Road, Prospect – Four Storey Residential Flat Building comprising 18 dwellings (DA 050/248/2014)

*(Pages 1 - 63, Recommendation pages 12 - 15 )*

- 5.2 185 Main North Road, Nailsworth – Removal of a Significant Tree – *Corymbia citriodora* (Lemon Scented Gum) (DA 050/80/2015)

*(Pages 64 - 119, Recommendation pages 68 - 69)*

- 5.3 60-76 Main North Road Prospect – Seven Storey Mixed Use Building (comprising motel, commercial tenancies and dwellings), with associated Basement Car Parking, Driveway and Landscaping (DA 050/438/2015)

*(Pages 120 - 202, Recommendation page 125)*

**6. Other Reports**

- 6.1 Summary of Development Assessment Commission (DAC) Decisions and Proposals Greater than \$3 Million called in by the Coordinator-General

*(Pages 203 - 204)*

**7. Matters Before the Environment, Resources and Development Court**

- 7.1 Summary of Court Appeals

*(Page 205)*

**8. Time, date and place of next meeting**

5.30pm Monday 14 December 2015 – Civic Centre, 128 Prospect Road, Prospect

**9. Closure**

**AGENDA ITEM:** 5.1

**To:** Development Assessment Panel (DAP) on 9 November 2015

**From:** Susan Giles, Development Officer Planning

**Proposal:** Four Storey Residential Flat Building comprising 18 dwellings (DA 050/248/2014)

**Address:** 130 Churchill Road, Prospect (CT 5176/284)

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**SUMMARY:**

**Applicant:** Architects Ink

**Owner:** Yanbo Li

**Planning Authority:** Council

**Mandatory Referrals:** Department of Planning, Transport and Infrastructure

**Independent Advice:** Lumen Studio

**Public Notification:** Category 1

**Representations/Submissions:** Nil

**Respondent:** Nil

**Development Plan Version:** Consolidated 12 February 2015

**Zone and Policy Area:** Urban Corridor Zone (Boulevard Policy Area)

**Key Considerations:** Design and Appearance, Side Setbacks, Vehicular Access

**Recommendation:** **Approval**

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**ATTACHMENTS:**

Attachment 1 Development Application Form

Attachments 2-3 Certificate of Title

Attachments 4-5 Locality plans

Attachment 6 Photo of site

Attachments 7-16 Proposal plans

Attachments 17-20 Preliminary civil plan

Attachments 21-28 Supportive correspondence prepared by Future Urban Group

Attachments 29-31 Comments from Lumen Studio (Design Review)

Attachments 32-34 Response from Department of Planning, Transport and Infrastructure

Attachments 35-37 Turning path diagrams prepared by Frank Siow & Associates

Attachments 38-48 Superseded plans

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## **1. EXECUTIVE SUMMARY**

- 1.1 The applicant proposes a four storey residential flat building comprising 18 self-contained apartments and 23 ground floor car parking spaces. The development is proposed on one allotment within the Boulevard Policy Area.
- 1.2 The proposal was referred to the Department of Planning, Transport and Infrastructure as the site fronts an arterial road. The application was also referred to the Design Review Panel for comment. No public notification was undertaken as the proposal is a Category 1 form of development.
- 1.3 The key considerations of the application are with regard to the design and appearance, setbacks, private open space and vehicular access.
- 1.4 The proposal generally achieves the minimum housing density, private open space, car parking, setbacks, and minimises the potential of overlooking to the rear adjoining properties. The design and amenity is of sufficient quality to be in keeping with the variety of buildings anticipated in the Urban Corridor Zone.
- 1.5 Overall the proposal would provide a building that would reasonably satisfy the Development Plan requirements.

## **2. LOCALITY AND SUBJECT LAND**

### **2.1 Locality**

- 2.1.1 The locality comprises a mix of residential and commercial land uses incorporating dwellings, shops, restaurants, offices and Charles Cane Reserve (Parndo Yerta) to the south and a railway corridor to the west of the subject land.
- 2.1.2 Churchill Road is a primary arterial road under the control of the Department of Planning, Transport and Infrastructure and is a major transport corridor which links the inner northern metropolitan area with the central Adelaide region. There is a bus stop 11.5m north of the subject site in front of 132 Churchill Road (north bound), and a south bound bus stop directly opposite the subject site.
- 2.1.3 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan, is described in **Attachment 4**.

### **2.2 Subject Land**

- 2.2.1 The subject land is located on the western side of Churchill Road, approximately 78m north of Belford Avenue and 64m south of Totness Street. The land comprises one allotment with a total area of 833m<sup>2</sup>, with a frontage of 16.8m to Churchill Road and a depth of approximately 49m.
- 2.2.2 Existing site improvements include a single-storey detached dwelling and two outbuildings in the rear yard. Vehicular access to the site is via two single crossovers, one located in the north-east and one in the south-east corner. There are no significant trees on the subject land or within close proximity on adjoining allotments.
- 2.2.3 The site is not affected by the Metropolitan Adelaide Road Widening Plan. The subject land is illustrated on **Attachment 5**. Photographs of the subject land are also include for the DAP's reference (refer **Attachment 6**).

### **3. PROPOSAL**

- 3.1 The applicant proposes the construction of a four storey residential flat building comprising 18 self-contained dwellings and 23 ground floor car parking spaces.
- 3.2 Minimal earthworks would be required to level the site and landscaping is proposed to the front and rear of the site.
- 3.3 No other works are proposed. The proposal plans are attached (refer **Attachments 7-16**). Civil plans prepared by SCA Engineers are attached (refer **Attachments 17-20**) and supporting documentation and description of the proposal from Future Urban Group on behalf of the applicant is attached (refer **Attachments 21-28**).

### **4. REFERRALS**

#### **4.1 Internal (Advisory) Referrals**

4.1.1 The proposal was referred to Lumen Studio to review the proposal as per Council's Design Review Procedure.

4.1.2 The feedback provided was generally supportive of the development, however noted that some areas could be more adequately addressed. Specifically, the comments (refer **Attachments 29-31**) were as follows:

- The proposal mostly complies with the minimum setbacks;
- The proposal is well articulated to the most prominent facades;
- Achieves the desired density anticipated;
- Well-proportioned openings and use of materials;
- The rear (west) façade is largely blank;
- Reasonable access to northern light for main living areas;
- Good potential for cross ventilation;
- Minimal landscaping proposed, however limited opportunity available because of building footprint;
- Possible overlooking issues to the north;
- Internal layouts less than ideal as some bedrooms would rely on borrowed light;
- Good amount of passive surveillance to street;
- Secure entry and exit points which would prevent unauthorized access;
- Aesthetically the building form goes part way beyond the minimum requirements and creates a positive precedent for future developments.

4.1.3 The applicant has not made any amendments to the proposed plans as a result of the above comments. It is noted however, that the applicant advises that the solid west elevation has been adopted for energy efficiency purposes and would be softened through the use of trees.

4.1.4 The applicant further advises that the intent is to moderate overlooking impacts through good design techniques and the provision of 1.2m high vertical angled balustrading to the balconies would provide some level of privacy when occupants are sitting in the balcony space.

#### **4.2 External (Legislated) Referrals**

4.2.1 The proposal was referred to the Commissioner of Highways as required by Schedule 8 of the Development Regulations 2008. In response (refer

**Attachments 32-34**), the Department of Planning, Transport and Infrastructure (DPTI) advised that:

- The use of a single shared access point to serve the proposed dwellings is supported as it reduces the number of crossovers onto Churchill Road.
- The crossover is located 10.8 metres from the bus stop, and a standard 12 metre bus will block a portion of the crossover/driveway. An 18 metres articulated bus will block the entire crossover/driveway. Accordingly, DPTI suggest the access point should desirably be located adjacent the southern property boundary in order to minimise the potential for buses to block the access point.
- The Public Transport Operations and Planning Division has advised that the bus stop and indented bus bay cannot be relocated.
- The department raises no objection in-principle to the proposed 6.0m wide access and 7.0 metres wide crossover, provided it is recognised that buses are likely to block the crossover/driveway.
- All redundant crossovers should be reinstated at the applicant's cost.
- Vehicles should enter and exit arterial roads in a forward direction in the interest of road safety.

4.2.2 The applicant engaged Frank Siow and Associates who liaised with the Public Transport Operations and Planning Division within DPTI where it was resolved that a regular rigid bus would be able to do so without obstructing the proposed driveway of the development.

4.2.3 Accordingly, the applicant has not amended the proposal and acknowledges that any vehicle exiting the site could occasionally be obstructed by a bus when it is stopped at the bus stop.

4.2.4 If approved, DPTI recommends conditions be imposed (refer **Attachments 33-34**).

4.2.5 No other consultation with agencies was required.

## **5. PUBLIC NOTIFICATION**

5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993*, Schedule 9 of the *Development Regulations 2008* and Urban Corridor Zone Principle of Development Control 22.

5.2 A residential flat building is a Category 1 development unless it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone and if it would be three or more storeys, or 11.5 metres or more in height, and would exceed the 'Building Envelope - Interface Height Provisions' (UCZ PDC 22).

5.3 The subject land is not located adjacent either the Residential Zone or the Historic (Conservation) Zone.

## **6. PLANNING COMMENTARY**

6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

## **7. PLANNING ASSESSMENT**

### **7.1 Land Use**

- 7.1.1 The Desired Character Statement for the Urban Corridor Zone states that development within the Zone would enable a high quality mixed use environment that contributes to the economic vitality of the City of Prospect by increasing the density of housing, as well as the number and the diversity of businesses and other services offered to residents and the wider community.
- 7.1.2 The above is reiterated by the Objectives of the Urban Corridor Zone which outline that future development should incorporate a mixed of land uses accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor (UCZ Objective 1).
- 7.1.3 Within the Urban Corridor Zone, a residential flat building is one type of development envisaged for Zone (UCZ PDC 1), therefore the proposal is considered to be an appropriate type of land use.

### **7.2 Site area**

- 7.2.1 The Boulevard Policy Area anticipates medium and high density housing, primarily in the form of apartment and terrace style dwellings, which would accommodate a range of dwelling sizes to encourage diversity in household types within the precinct. In order to achieve this, the minimum residential site density for residential development within the Boulevard Policy Area is 100 dwellings per hectare net, unless varied by the Concept Plan (UCZ PDC 5).
- 7.2.2 The subject site which has an area of 833m<sup>2</sup> is not identified within the Concept Plan, therefore the minimum net residential site density would be achieved through the provision of 8 dwellings. The proposal is for 18 dwellings within the residential flat building, therefore satisfying the minimum desired residential site density.

### **7.3 Design and Appearance**

- 7.3.1 It is anticipated that development within the Urban Corridor Zone will achieve a high standard of architectural design through careful building articulation and fenestration to all visible sides. The design of building facades should contribute positively to the street by articulating the built form and accentuating the building's functions, emphasising the distinction between the base, middle and top of buildings and providing vertical elements that create a strong vertical rhythm (UCZ Desired Character Statement).
- 7.3.2 Buildings on allotments that have a frontage greater than 10m should be well articulated through variations in forms, materials, opening and colours (UCZ PDC 8). Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise the visual impact of the building as viewed from adjoining properties (Council-wide PDC 132).

- 7.3.3 The design relies on variation in materials to articulate the building and modulation of solid elements with the window and door openings.
- 7.3.4 The walls are proposed to be rendered concrete, with aluminium composite cladding, aluminium louvers, steel balustrades and high performance glazing to the windows and doors. The western elevation would have rebated masonry sections and is proposed to be soften through the use of landscaping. A canopy is provided to the building entrance, which would extend along the front of the building.
- 7.3.5 The building materials could consist of white render and black and grey frames and finishes. No highly reflective materials would be used that would result in glare to neighbouring properties, drivers or cyclists (Council-wide PDC 133).
- 7.3.6 Balconies have been designed to integrate within the building form and include balustrades that enable line of sight to the street (Council-wide PDC 135).
- 7.3.7 Storage areas should be provided to all dwellings within the Urban Corridor Zone. It is desired that the area should be covered and be not less than 8 cubic metres (Council-wide PDC 168). It is noted that each dwelling would be provided with sufficient storage, by way of individual storage units located on the ground floor at the rear of the car park and storage units located above each car park (refer **Attachment 8**).
- 7.3.8 Overall the architectural features of the proposed building would provide an appropriate level of visual interest and built form and the proposal would be a satisfactory design response to the desired future character of the Urban Corridor Zone.

#### **7.4 Setbacks**

- 7.4.1 Within the Boulevard Policy Area, the minimum setback from the primary road is 3m. The building would be setback 3 metres from Churchill Road, with a canopy projecting 900mm forward of the building. Louvres located to the front of the building would project approximately 400mm forward of the building. While the louvres and canopy would be located closer than the desired minimum setback, they would provide additional articulation to the appearance of this façade and would not impact the area designated for landscaping.
- 7.4.2 The minimum setback from the rear allotment boundary should be 3m (UCZ PDC 18). The building would be setback 3.0m therefore satisfying this provision.
- 7.4.3 The subject land is 16.8m wide. For allotments with a frontage width of 20 metres or less, there is no minimum setback for the first 2 levels of a building from a side boundary when adjoining another allotment, and a minimum 2m setback is required for all levels above this height (UCZ PDC 18).
- 7.4.4 The ground floor is proposed to be built adjacent the northern and southern boundary. Level 1, 2 and 3 would be setback 2m from the northern and southern boundary, with the exception of the lift which is proposed to be located adjacent the southern boundary.
- 7.4.5 While the common walkway located on the southern side of the building would be setback 2m from the boundary, the wall of the lift would be located on the boundary for a length of 4.7m. The wall would be setback 5.9m from the front boundary and adjacent the common driveway for the dwellings located at 128 Churchill Road.

- 7.4.6 The setback of the lift would be less than the minimum desired to a side boundary. When considering its location, its setback from the road, and the articulation it provides to the building overall however, the wall is unlikely to have an unreasonable impact to the streetscape or adjoining allotment. Overall the siting of the building on the allotment is therefore considered appropriate

## 7.5 Private open space provision

- 7.5.1 Private open space areas located above ground level should have a minimum width of 2 metres and be directly accessible from a habitable room (Council-wide PDC 153). Dwellings that would have two bedrooms should have a minimum of 11m<sup>2</sup> (Council-wide PDC 152).
- 7.5.2 Council Wide PDC 148 outlines that the area should be designed to enable domestic functions for each dwelling, such as:
- a) be accessed directly from the internal living areas of the dwelling;
  - b) be screened for privacy;
  - c) minimise overlooking from adjacent buildings;
  - d) achieve separation from bedroom windows on adjoining sites;
  - e) have a northerly aspect to provide for comfortable year round use;
  - f) minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality; and,
  - g) have sufficient area and shape to be functional, including the provision for external clothes drying areas .
- 7.5.3 Each dwelling would be provided with a north facing balcony. The balconies would be directly accessible from the living areas and bedroom 1 and have a total area of 11.4m<sup>2</sup>. It is noted that a portion of the private open space would be 1m wide, however it is acknowledged that the area could still be functional. Therefore the private open space for the dwellings is considered appropriate.

## 7.6 Traffic and Vehicular Movements

- 7.6.1 It is anticipated that new developments minimise the number of access points onto arterial roads, by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas (UCZ PDC 11).
- 7.6.2 Vehicular access to the site would be via a two-way crossover that would be 6.2m wide. The site currently has two single crossovers onto Churchill Road and which are proposed to be reinstated to kerb and gutter.
- 7.6.3 A roller door is proposed to secure the car park which would be setback 7m from the Churchill Road boundary. DPTI have advised that any gate should be a minimum of 6m from the boundary therefore the setback of the roller door would be satisfactory.
- 7.6.4 The proposed crossover would be located in the middle of the site and approximately 10.8m from the existing bus stop pole and DPTI have advised that occupants may be blocked from exiting the site occasionally. It is noted that the existing crossover is located in the north-east corner of the site, thus vehicles currently entering or exiting the site are affected by any bus parked at the bus bay. While DPTI would prefer the crossover be located adjacent the southern boundary to minimise the conflict with the bus bay, the Department has no objection to the proposal as currently presented.

- 7.6.5 The applicant engaged Frank Siow and Associates who has provided a turning path diagram based on a B99 car which demonstrates that two-way vehicle movement can occur simultaneously from the site (refer **Attachment 35-37**).
- 7.6.6 Accordingly, while occupants may be hindered occasionally by a bus, the proposed access point to the site is considered to provide safe and convenient traffic movement.

## **7.7 Energy Conservation Measures**

- 7.7.1 It is desired that all dwellings provide adequate thermal comfort for occupants through passive design features such as orientation of windows, living areas and private open space, and cross-ventilation (Council-wide PDC 79).
- 7.7.2 The applicant advises that the building will incorporate energy conservation features, and will have full compliance with the Energy Efficiency report which would be undertaken during the Building Rules assessment. It is noted however, that the dwellings would have a north-south orientation, each with separate balconies facing north. The balconies would be suitably shaded by overhangs formed by each level. The location of windows and doors would enable natural light to all rooms while permitting natural cross ventilation.
- 7.7.3 Heating and cooling would be provided to each dwelling and the applicant proposes that all plant would be designed to meet, if not exceed, the best practice requirements for apartment buildings. While the location of the plant has not been illustrated, a condition should be applied reinforcing that the plant should be adequately screened from view, if the application is supported.
- 7.7.4 Accordingly, the building design would incorporate features to provide adequate thermal comfort to occupants which should not impact on adjoining properties.

## **7.8 Noise Attenuation**

- 7.8.1 The subject land is identified within Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. Principle of Development Control 1 of the Noise and Air Emissions Overlay outlines that noise and air quality sensitive development located adjacent to high noise and/or air pollution sources should be appropriately shielded away from the emissions.
- 7.8.2 The above is reiterated by Urban Corridor Zone Objective 1, which states that noise and air quality impacts should be mitigated through appropriate building design and orientation. Residential development on sites abutting roads with traffic volumes exceeding 3000 vehicles per day should be sited and designed to reduce the impact of traffic noise on occupants (Council-wide PDC 111).
- 7.8.3 The bedrooms for the dwellings adjacent Churchill Road would be sufficiently separated from the arterial road to minimise possible noise impacts. Nevertheless, the building would need to be constructed in accordance with the Minister's Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister's Specification would be required as part of the Building Code of Australia (BCA).

## **7.9 Affordable housing**

- 7.9.1 Development within the Urban Corridor Zone which proposes 20 or more dwellings should have a minimum of 15% affordable housing (Affordable Housing Overlay PDC 1). The proposal is for 18 dwellings and as such the affordable housing provision does not apply.

## 7.10 Car and Bicycle Parking

- 7.10.1 Within the Urban Corridor Zone, it is anticipated that the provision of car and bicycle parking would be in accordance with Tables Pr/5 and Pr/6 of Council's Development Plan.
- 7.10.2 Table Pr/6 suggests that one bicycle park should be provided for every four dwellings, and one bicycle park should be provided per visitor for every ten dwellings. Therefore 6.5 bicycle parks should be provided within the development. The applicant has advised that 8 bicycle parks would be accommodated on the site, located to the rear of the car park adjacent the storage units. Accordingly, the proposal is considered to satisfy the Development Plan provision.
- 7.10.3 Table Pr/5 suggests that one car parking space is desired for each 1-2 bedroom dwelling and an additional 0.25 space is desired per dwelling for visitor parking. Consequently, the anticipated car parking rate for the 18 dwellings would be 22.5 car parking spaces, comprised of 18 for occupants and 4.5 for visitor parking.
- 7.10.4 The proposal would accommodate a total of 23 car parks, providing a single car park for each dwelling and 4 car parks for visitors. A disabled car park would also be provided (refer **Attachment 8**). Therefore the proposed development would provide a sufficient number of car parks for the occupants.

## 7.11 Overshadowing

- 7.11.1 Generally, the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space areas while minimising the overshadowing of windows of main internal living areas, upper-level private balconies that provide the primary open space area for a dwelling and solar collectors (Council Wide PDC 138).
- 7.11.2 The subject site, along with properties directly north, south, east and west of the subject site, are identified to be developed at a greater intensity than that of the existing built form.
- 7.11.3 Given that the adjoining sites are not located adjacent a different zone, the overshadowing provisions that apply generally within the Council are less relevant to the proposed development. The proposed building would be adjacent the common driveway of the adjoining property to the south, however it is anticipated that the overshadowing impact would be consistent with that expected for new development in the Urban Corridor Zone.

## 7.12 Visual Privacy

- 7.12.1 It is anticipated that a variety of measures should be used to minimise direct overlooking into adjacent internal living and private open space areas. Such measures should be integrated into the overall building design and should have minimal negative effect on the amenity enjoyed by the occupants of neighbouring dwellings (Council Wide PDC 139).
- 7.12.2 It is noted that the commonly used 1.7m and 1.8m high privacy screens for windows and balconies to prevent overlooking as referred to in Council Wide PDC 90, are specifically excluded for buildings that are three or more storeys in height in the Urban Corridor Zone.

- 7.12.3 Horizontal louvres are proposed along the southern façade and any ability to look through the fins would be directed to the driveway of the adjoining allotment.
- 7.12.4 Vertical louvres at 1.2m high are proposed to the balconies along the northern façade and which would only provide privacy to occupants while seated.
- 7.12.5 It can be anticipated that future development on adjacent northern allotments would adopt a similar approach to building scale and internal layout, and would be similarly capable of screening the southern facade without impact to the internal amenity enjoyed by occupants.
- 7.12.6 To this end, it is recommended that a condition be imposed specifying the height of balcony privacy screens at 1.5m, to the northern facade of the building. It is anticipated that this extent of screening strikes an appropriate balance between the amenity of future occupants and neighbouring residents.

### 7.13 Landscaping

- 7.13.1 It is anticipated that landscaping would be provided in the form of low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies to provide visual softening of the built form and reflect the scale of landscaping in the public realm (BA PA Desired Character Statement).
- 7.13.2 The location of the building on site would enable landscaping to be provided to the front and rear of the site. A total of six Gingko Biloba trees are proposed to the site. Gingko Biloba trees normally reach heights between 20-35m.
- 7.13.3 Four Gingko Biloba trees proposed to the west of the building to soften the appearance of the western elevation. Two Gingko Biloba trees are proposed to the front of the site, one either side of the driveway, along with low level shrubs (refer **Attachment 8**).
- 7.13.4 No detailed landscaping plan has been provided, however the proposed landscaping is considered to be appropriate.

### 7.14 Stormwater Management

- 7.14.1 The provisions of Council's Development Plan suggest that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties (Council-wide PDC 97) and that all proposed developments should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council-wide PDC 98).
- 7.14.2 All rainwater would be directed to a 5,000 litre detention tank through a series of sumps, and which would be designed to discharge to the street water table via a sealed system. The tank would be located to the rear of the building. It is proposed that the water would be recycled to irrigate the landscaping areas and/or the wash down area within the bin storage area.
- 7.14.3 Finished floor level details and a stormwater management plan has been prepared by SCA Engineers (refer **Attachments 18-20**) and while the calculated flow rates have not been provided, the expected discharge would be limited to ensure no localised flooding would occur. It is recommended that if the proposal is supported, a condition be applied reinforcing that a detailed stormwater management plan shall be provided that provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and that

post-development outflow rates from the site will match pre-development rates in 1 in 20 ARI storm events.

- 7.14.4 Finished floor levels would be a maximum of 600mm above existing natural ground levels. This would enable the entrance to the building to be 150mm above top of street kerb. Retaining walls are proposed between 15mm-600mm along the northern and southern boundaries. It is noted that none of these retaining walls requires development approval, each being lower than 1m in height.

## 7.15 Waste Management

- 7.15.1 Council's Development Plan outlines that new development incorporates opportunities for minimising waste and enable waste management options that provide adequate storage while screening these areas from public view (Council-wide PDC 147). The design of driveway crossovers, parking areas, accessways and elements that interact with the public realm should also safely and efficiently accommodate the collection of waste and recycling materials (Council-wide PDC 169).
- 7.15.2 Additionally, new developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is consistent with the following:
- (a) easily and safely accessible to the collection point;
  - (b) easily and safely accessible to residents and collection service providers;
  - (c) well screened to prevent vandalism and theft; and
  - (d) designed to reduce odour and discourage vermin (Council-wide PDC 170).
- 7.15.3 A communal waste system would be available for the provision of waste, green waste and recycling within a designated area of the car park, and managed by a private contractor (refer **Attachment 27**).
- 7.15.4 The method of bin collection would require the contractor to move each bin from the bin store to the Churchill Road. It is expected that the collection would be at off peak times to prevent any conflict with traffic movements.
- 7.15.5 The garbage and recyclable material, including putrescibles (organic) waste, collection areas should be located for efficient collection (Council-wide PDC 109). Pursuant to the *Zero Waste South Australian Better Practice Guide – Waste Management in Residential or Mixed Use Developments* guidelines, anticipated waste demand is calculated with reference to the 36 bedrooms within the development.
- 7.15.6 General waste demand is anticipated at 35 litres of waste per room a week, providing a weekly total of 1260 litres of waste. Recycling waste is anticipated at 30 litres per bedroom, providing a total of 1080 litres weekly demand, and 20 litres of green organics per bedroom would result in an anticipated demand capacity of 720 litres each week (refer **Attachment 8**).
- 7.15.7 Sufficient communal bins would be provided which would comfortably accommodate the expected amount of waste. The bin store would be fitted with washing amenities to control the odour and vermin. A condition reinforcing the ongoing management of waste should be applied if the application is supported.

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 The proposal seeks to establish a medium density residential land use on the subject land. The building would be four storeys in height as anticipated within the Boulevard Policy Area.
- 8.2 The proposal would achieve the desired density, car parking, provide adequate private open space, storage facilities, waste collection, and passive surveillance in accordance with the development plan provisions. The building would achieve the minimum setbacks, with the exception of the lift proposed along the southern boundary. The internal dwelling layout would provide usable living spaces for occupants, while the external appearance would be reasonably articulated and incorporate design features that would provide an aesthetic built form.
- 8.3 Vehicular access would be provided by a shared access that would allow simultaneous two-way vehicle movement in a forward direction, which satisfies DPTI requirements.
- 8.4 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to appropriate conditions.

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/248/2014 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/248/2014 from Architects Ink for a Four Storey Residential Flat Building comprising 18 dwellings at 130 Churchill Road Prospect (CT5176/284), subject to the following conditions and notes:

### **Conditions:**

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/248/2014, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving and maintained to the reasonable satisfaction of Council. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse. The obsolete crossover and/or any portion of crossover that is not required for the subject development shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to occupation of the completed development.
3. The paving located at the front of the site adjacent Churchill Road, shall be re-laid to distinguish between the crossover and on-street parking areas. All work shall be completed to the reasonable satisfaction of Council and at the applicant's cost.
4. Prior to the grant of Development Approval a detailed stormwater management plan shall be provided that, to the satisfaction of Council, provides evidence that all dwellings are suitably protected from 1 in 100 year ARI storm events and that post-development outflow rates from the site will match pre-development rates in 1 in 20 ARI storm events. The location and capacity of any on-site detention tanks shall be clearly described.

5. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
  - a) Flow or discharge onto adjoining properties;
  - b) Flow across the surface of footpaths or public ways;
  - c) Affect the stability of any building; or
  - d) Create unhealthy or dangerous conditions on the site or within any building.
6. Prior to the grant of development approval, detailed plans of the north-facing balcony privacy screens shall be provided to the satisfaction of Council and that shall result in screens being a minimum of 1.5m in height above the finished floor level of the related balconies and which maximise views of the adjoining property by the use of vertical louvres as appropriate.
7. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view from neighbouring properties and public land (roadways) to the reasonable satisfaction of Council.
8. The Community Corporation shall ensure that the waste storage area is cleaned and maintained to the satisfaction of Council. General, recyclable and green organic wastes shall be co-mingled, with the Community Corporation maintaining responsibility for transporting bins between the collection point and the storage area in a timely fashion to the satisfaction of Council.
9. A minimum of 3 x 1100 litre mobile garbage bins shall be provided and collected 3 times a week for general and recyclable waste; or alternatively 6 x 1100 litre mobile garbage bins shall be provided and collected once a week. Collection of the waste shall occur outside of peak traffic periods.
10. To maximise the efficiency of waste recycling:
  - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
  - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and
  - c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
11. Any difference in finished ground levels between the subject site and adjoining sites at the boundary shall be retained by an appropriate wall or plinth of masonry, concrete or similar construction. Retaining walls must be designed to accepted engineering standards and will not be of timber construction if retaining a difference in ground levels exceeding 200 mm.
12. The landscaping shall be planted prior to occupancy of the development, and maintained at all times to the reasonable satisfaction of Council and to ensure appropriate lines of sight for vehicles and pedestrians. Mature trees shall be no less than 2.0m in height at time of planting. The applicant or the persons making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.

13. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

***The following conditions have been imposed by the Department of Planning, Transport and Infrastructure in accordance with Section 37(7) of the Development Act 1993:***

1. The 6.0 metres wide access and 7.0 metres wide crossover shall be in accordance with Drawing reference: FSA – 281015.
2. Any gate across the driveway shall be located at least 6.0 metres from the Churchill Road property boundary.
3. The carpark and bicycle parks shall be designed in accordance with the relevant Australian Standards (AS/NZS 2890.1-2004, AS 2890.6-2009 and AS 2890.3-1993).
4. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Churchill Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**Advisory Notes:**

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

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

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

- (5) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.
- (6) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).
- (7) During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
  - A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
  - Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
  - Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
  - The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
  - All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
- (8) To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities should only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.
- (9) The construction of the building shall be undertaken in accordance with the Ministers Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister's Specification would be required as part of the Building Code of Australia (BCA).
- (10) Occupants/owners of the dwellings should be advised that the crossover/driveway is likely to be blocked by buses stopping at the adjacent bus stop and that the adjacent bus stop cannot be relocated.
- (11) All vehicles shall enter and exit the site in a forward direction.



**Susan Giles**  
Development Officer, Planning



CITY OF PROSPECT

SCANNED

22 JUN 2015

CITY OF PROSPECT

CITY OF PROSPECT  
Development Services

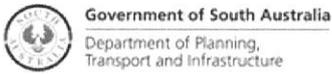
128 Prospect Road, Prospect SA 5082

Telephone (08) 8269 5355 Facsimile (08) 8269 5834

## Development Application Form

Application no.: 050 / 248 / 15 (Office Use Only)

<b>1. Application Type (select one)</b>		
<input checked="" type="checkbox"/> Development Plan Consent only	<input type="checkbox"/> Building Rules Consent only	<input type="checkbox"/> Full Development Approval
<b>2. Location of Proposed Development</b>		
Unit #:	House #: 130	Street: CHURCHILL ROAD.
Suburb: PROSPECT.	Postcode: 5082	CT Volume & Folio:
<b>3. Details of Parties</b>		
<b>Applicant</b> MLADEN ZUJIC		
Name: ARCHITECTS INK.	Address: LI / 77 KING WILLIAM ST KENT TOWN.	
Contact No.: 8363 4244	Email: mladen@architectsink.com.au.	
<b>Owner</b> <input type="checkbox"/> as applicant		
Name: YANBO LI	Address: c/o ARCHITECTS INK / AS ABOVE.	
Contact No.: 0433 358 168	Email: yanbo19@hotmail.com.	
<b>Builder</b> <input type="checkbox"/> owner builder <input type="checkbox"/> as applicant <input type="checkbox"/> to be advised <input type="checkbox"/> other		
Name: T.B.A.	Address:	
Contact No.:	Email:	
Builders Licence Number:		
<b>4. Proposal Details</b>		
Description of proposal: 4 STOREY RESIDENTIAL APARTMENT BUILDING (18 UNITS)		
Existing use of property: DWELLING.		
Estimated cost of development: \$ 2.5 million.		
<b>5. Declarations</b>		
• Building Rules Classification sought:	Present Class:	
• Proposed number of employees (for Class 5, 6, 7, 8 or 9):		
• Proposed number of persons for whom accommodation is provided (Class 9a only):		
• Proposed number of occupants on the premises (Class 9b only):		
• Does Schedule 21 or Schedule 22 of the <i>Development Regulations 2008</i> apply (activities of environmental or major environmental significance)?	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
• Has the Construction Industry Training Board (CITB) levy been paid?	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
I acknowledge that Council may make copies of this application and documentation in accordance with the <i>Development Regulations 2008</i> and <i>Development Act 1993</i> . Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.		
If published, I request that Council obscures my telephone number and email address. <input type="checkbox"/> yes <input type="checkbox"/> no		
I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties. <input type="checkbox"/> yes <input type="checkbox"/> no		
Name: MLADEN ZUJIC	Signature:	Date: 15.6.15.
<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Builder		



<b>Product</b>	Title Details
<b>Date/Time</b>	17/07/2015 10:22AM
<b>Customer Reference</b>	lgi2p
<b>Order ID</b>	20150717002667
<b>Cost</b>	\$9.60

## Certificate of Title

**Title Reference** CT 5176/284  
**Status** CURRENT  
**Easement** NO  
**Owner Number** 70968236  
**Address for Notices** 57 WINDERMERE CRES MAWSON LAKES 5095  
**Area** NOT AVAILABLE

## Estate Type

Fee Simple

## Registered Proprietor

BRIGHT VALLEY PTY. LTD.  
OF 57 WINDERMERE CRESCENT MAWSON LAKES SA 5095

## Description of Land

ALLOTMENT 6 FILED PLAN 106826  
IN THE AREA NAMED PROSPECT  
HUNDRED OF YATALA

## Last Sale Details

**Dealing Reference** Transfer (T) 12225640  
**Dealing Date** 04/11/2014  
**Sale Price** \$615,000.00  
**Sale Type** Transfer for full monetary consideration

## Constraints

### Encumbrances

NIL

### Stoppers

NIL

## Valuation Numbers

Valuation Number	Status	Property Location Address
0527652005	CURRENT	130 CHURCHILL ROAD, PROSPECT, SA 5082

## Notations



<b>Product</b>	Title Details
<b>Date/Time</b>	17/07/2015 10:22AM
<b>Customer Reference</b>	lgi2p
<b>Order ID</b>	20150717002667
<b>Cost</b>	\$9.60

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**Dealings Affecting Title**

NIL

**Notations on Plan**

NIL

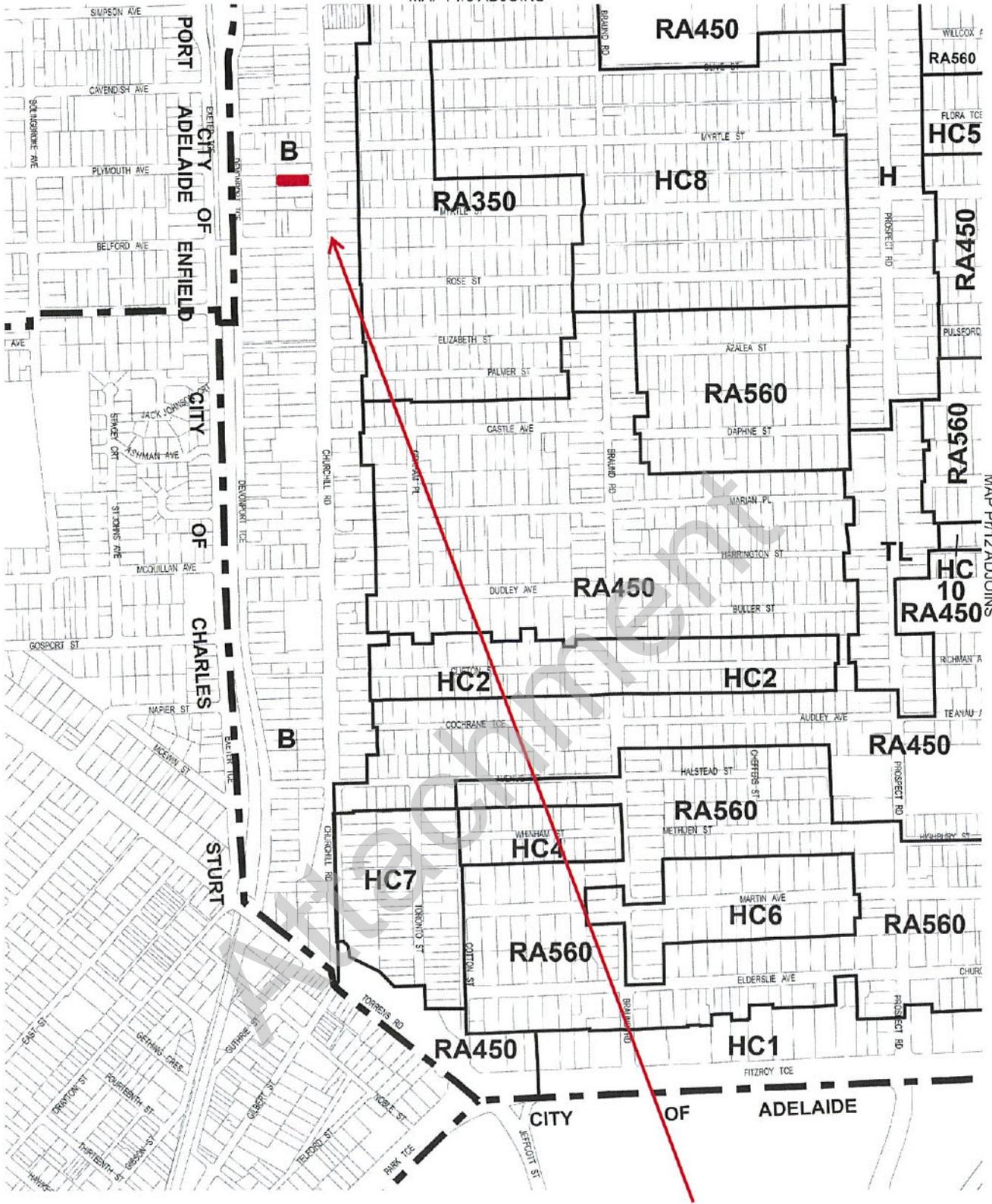
**Registrar-General's Notes**

NIL

**Administrative Interests**

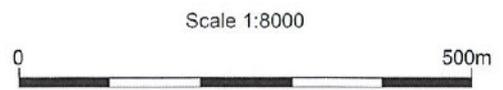
NIL

Attachment



- RA560 Residential Policy Area A560
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- HC1 Historic Conservation Area 1 Policy Area
- HC2 Historic Conservation Area 2 Policy Area
- HC4 Historic Conservation Area 4 Policy Area
- HC5 Historic Conservation Area 5 Policy Area
- HC6 Historic Conservation Area 6 Policy Area
- HC7 Historic Conservation Area 7 Policy Area
- HC8 Historic Conservation Area 8 Policy Area
- HC10 Historic Conservation Area 10 Policy Area
- B Boulevard Policy Area
- H High Street Policy Area
- TL Transit Living Policy Area
- Policy Area Boundary
- - - - - Development Plan Boundary
- Area not covered by Policy

**Subject Land**



**PROSPECT COUNCIL  
POLICY AREAS  
MAP Pr/11**



Civic Centre  
 128 Prospect Road  
 Prospect SA 5082 AUSTRALIA  
 Telephone: 08 8269 5355  
 Email: admin@prospect.sa.gov.au

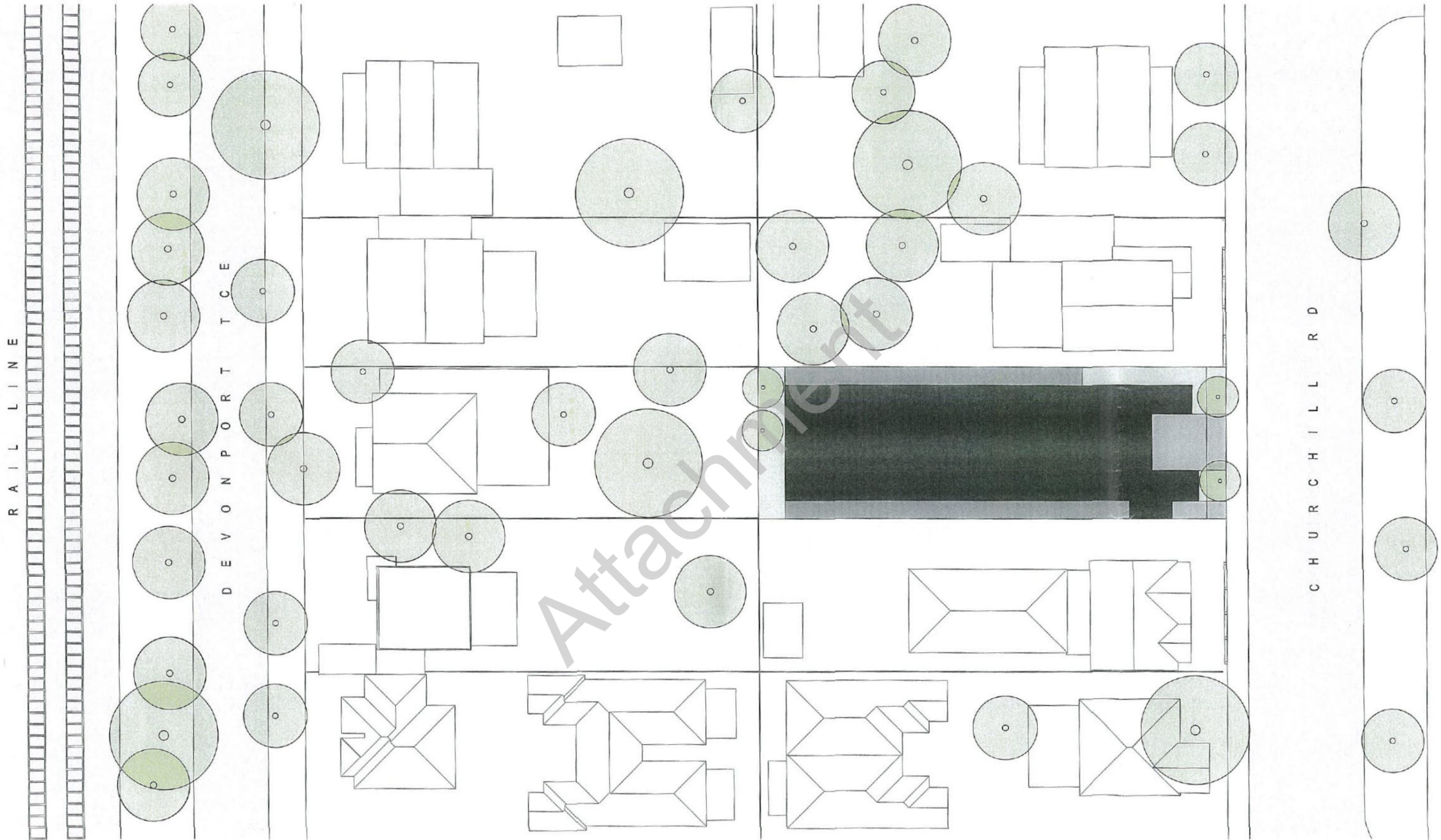
**130 Churchill Road, Prospect**



Notes	Disclaimer
	This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

**Subject site**



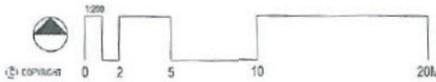


SITE PLAN

AREAS	
SITE AREA	933 m <sup>2</sup>
APARTMENTS	1,280 m <sup>2</sup>
BALCONIES	210 m <sup>2</sup>
LOBBY LIFT STAIR	101 m <sup>2</sup>
PUBLIC TERRACE	189 m <sup>2</sup>
REFUSE STORE SERVICES	87 m <sup>2</sup>

DA ISSUE

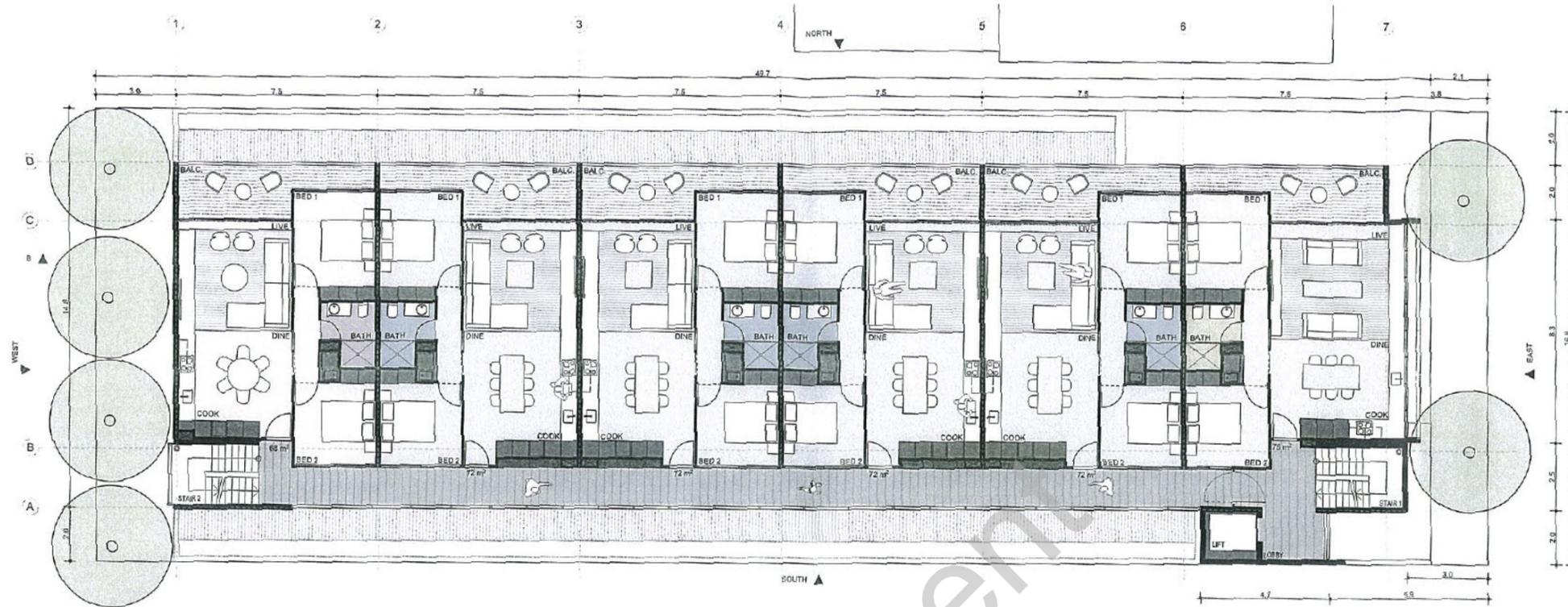
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A	PROVISIONAL DEVELOPMENT APPROVAL	11.05.15	MZ



# AMENDED PLAN

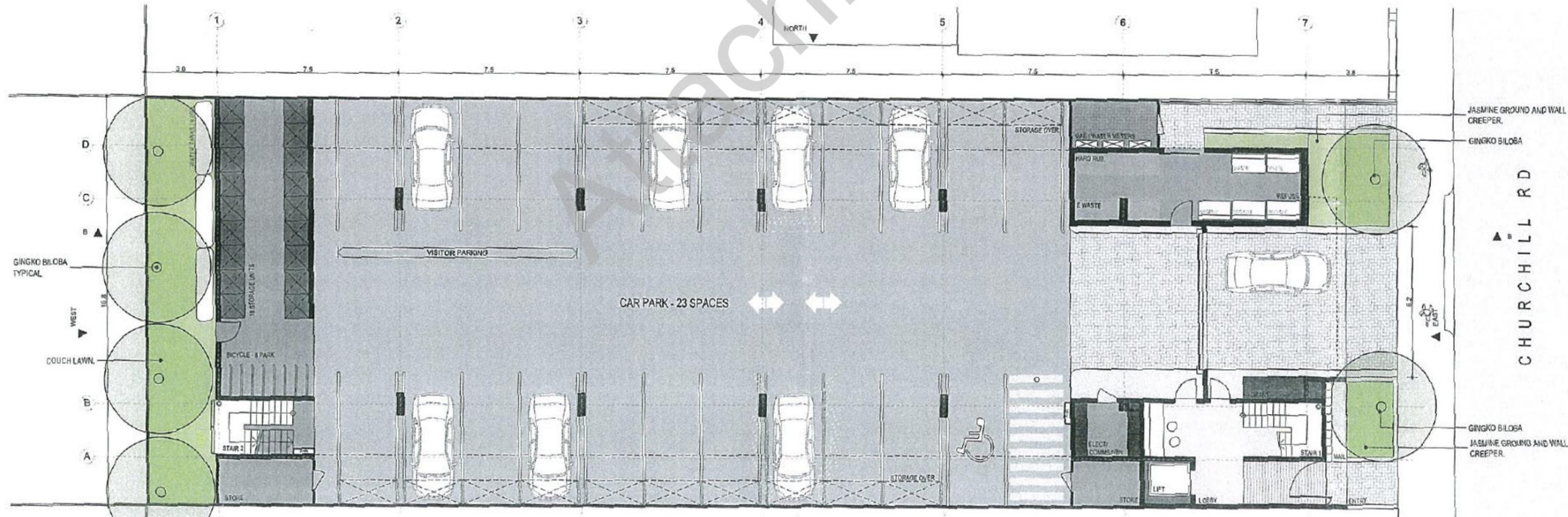
130 CHURCHILL RD  
 SITE PLAN / CONCEPT DESIGN  
 3/09/2015 / 14-1160 / SK0100 / B

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 INK



LEVEL 1

AREAS	AREA
APARTMENTS	433 m <sup>2</sup>
BALCONIES	73 m <sup>2</sup>
LIFT STAIR	22 m <sup>2</sup>
LOBBY / TERRACE	63 m <sup>2</sup>
GROSS	591 m <sup>2</sup>



LEVEL 0

AREAS	AREA	PARKING	QTY	SEC.	WASTE MANAGEMENT	QTY	FREQ.	PROVIDER
SITE AREA	301 m <sup>2</sup>	APARTMENTS & BLDG	18	18	GENERAL WASTE	100L	WEEKLY	1540L (08/70L)
STAIRS	11 m <sup>2</sup>	PRIVATE PARKING	5	5	RECYCLING	100L	WEEKLY	1540L (08/70L)
LOBBY	35 m <sup>2</sup>	VISITOR PARKING	5	4.6	ORGANIC	20L	WEEKLY	770L (10/70L)
REFUSE	31 m <sup>2</sup>	PARKING TOTAL	23	22.6	COLLECTION	WEEKLY		
ELECT/COINM	7 m <sup>2</sup>	BICYCLE PARK	4					
STORAGE	49 m <sup>2</sup>							
					HARD RUBBISH COLLECTION	4.2m <sup>3</sup>	MONTHLY	

DA ISSUE

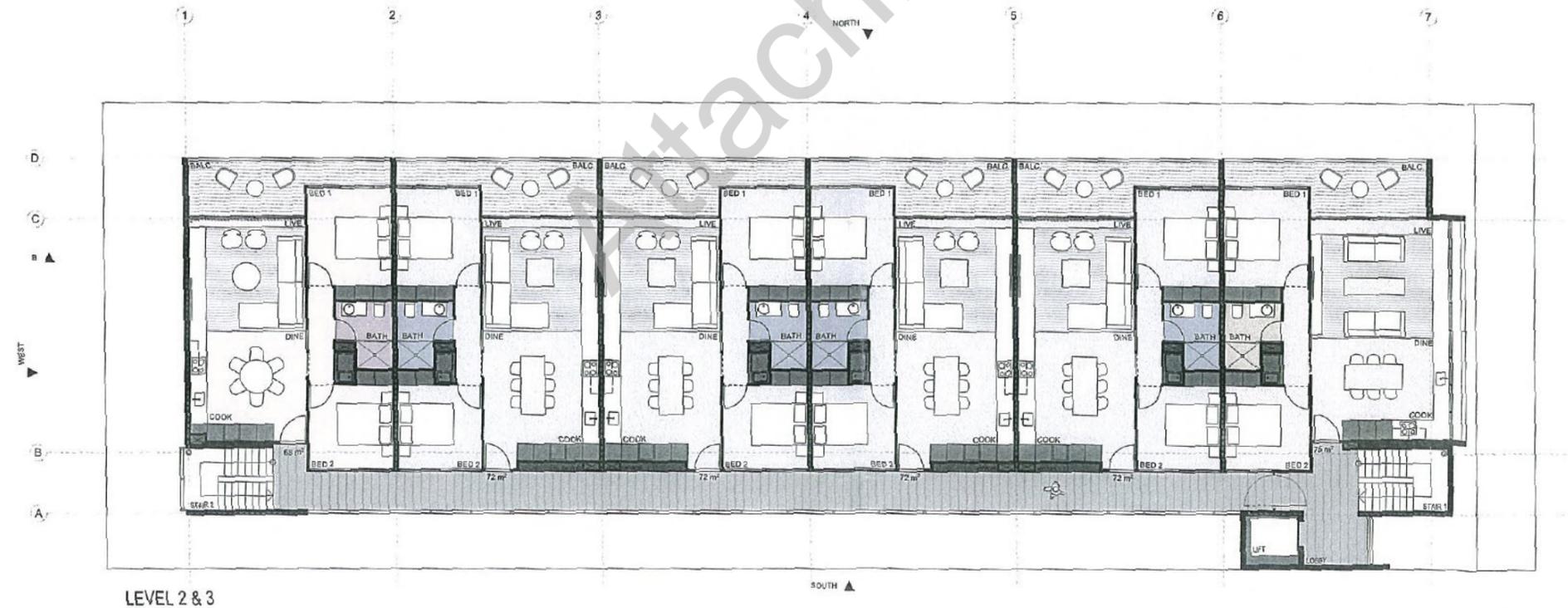
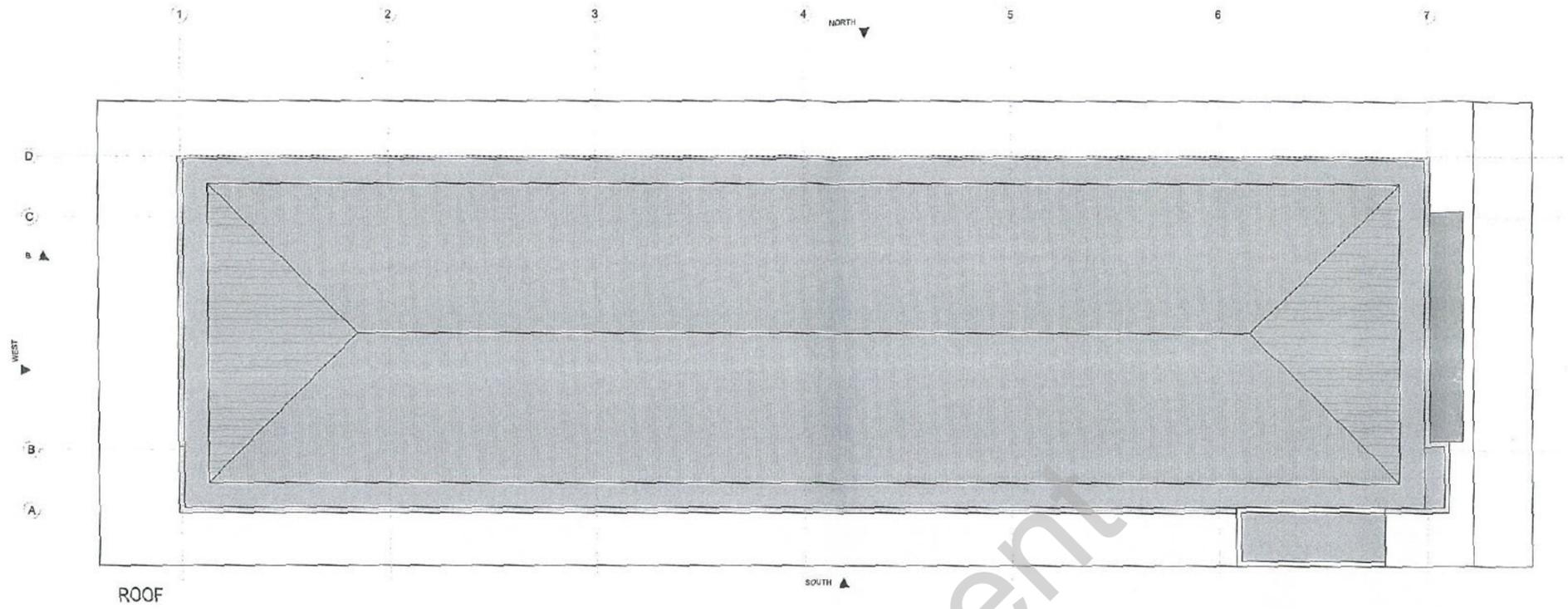
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A	PROVISIONAL DEVELOPMENT APPROVAL	11.08.15	NZ



130 CHURCHILL RD  
LEVEL 0 - LEVEL 1 / CONCEPT DESIGN  
3/09/2015 / 14-1160 / SK0101 / B

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AMENDED PLAN



AREAS	
APARTMENTS	433 m <sup>2</sup>
BALCONIES	18 m <sup>2</sup>
LIFT STAIR	22 m <sup>2</sup>
LOBBY / TERRACE	63 m <sup>2</sup>
GROSS	591 m <sup>2</sup>

DA ISSUE

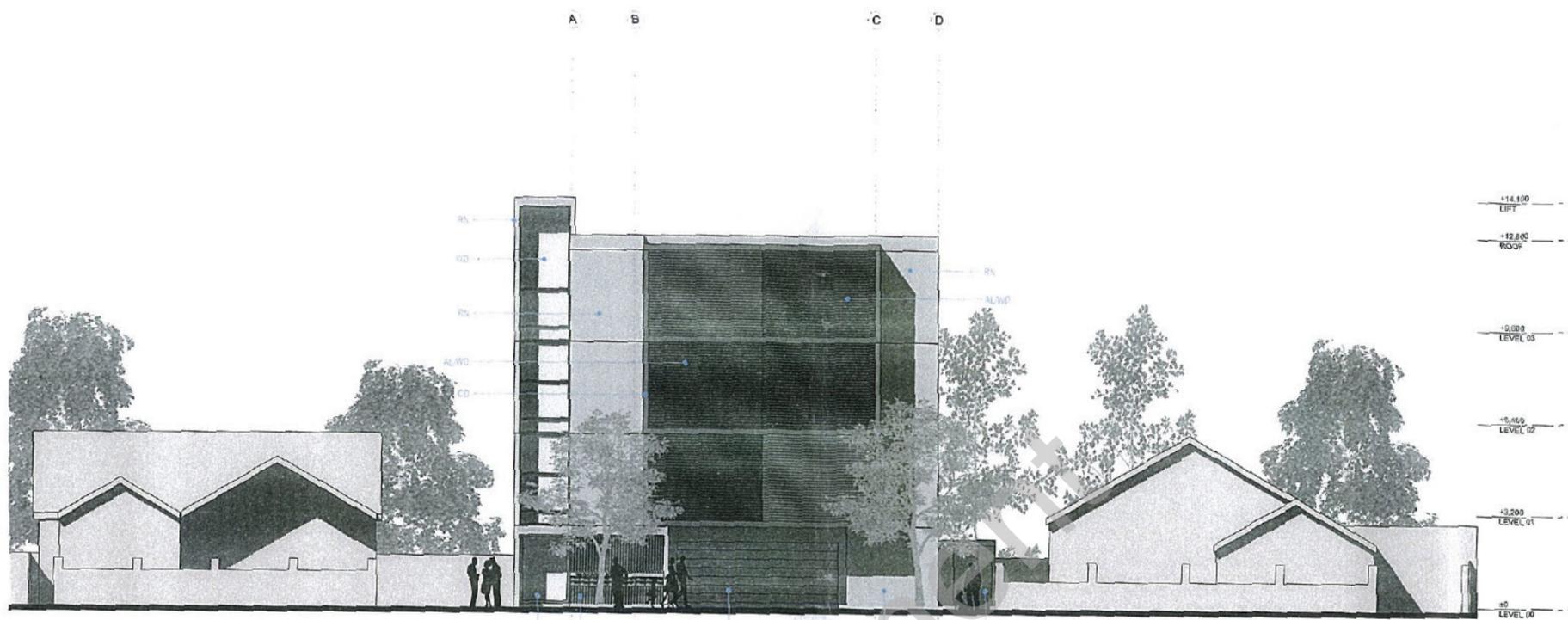
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A	PROVISIONAL DEVELOPMENT APPROVAL	11.04.16	MZ
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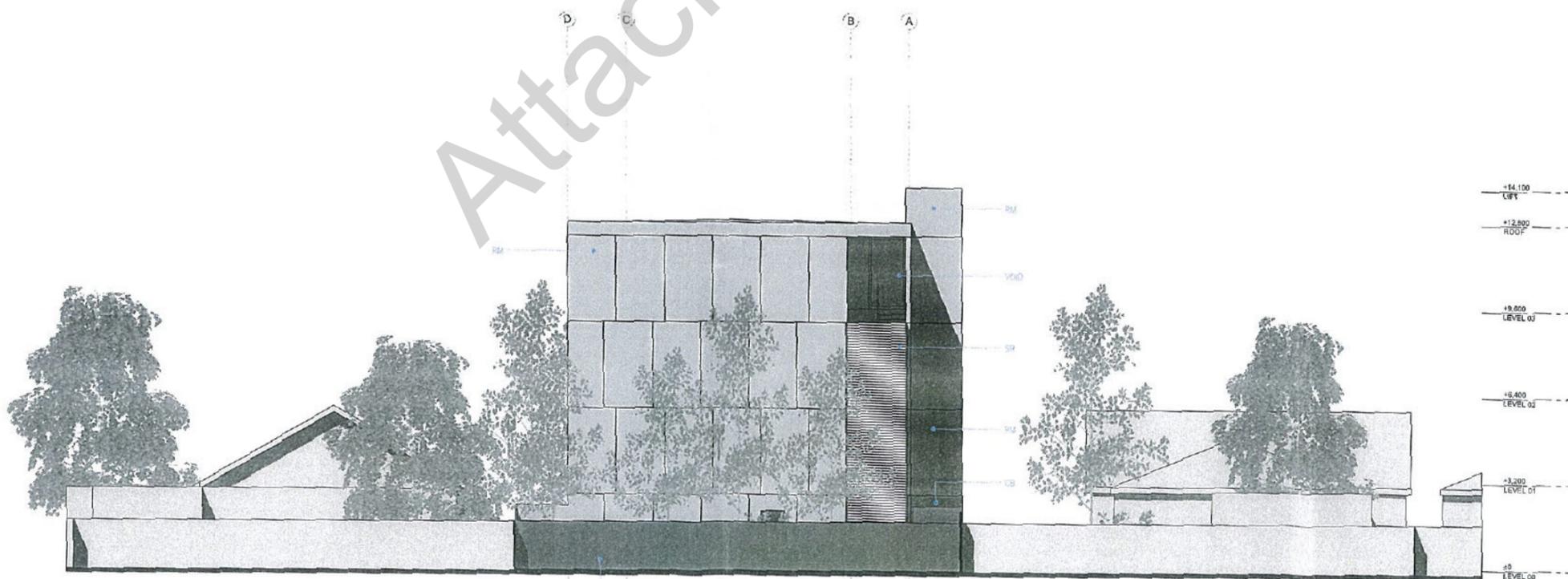
AMENDED PLAN

130 CHURCHILL RD  
 LEVEL 2 - LEVEL 4 / CONCEPT DESIGN  
 3/09/2015 / 14-1160 / SK0102 / B

ARCHITECTS  
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EAST ELEVATION

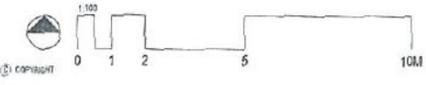


WEST ELEVATION

- 10200
- 01 ALUMINUM CLADDING PANELS
  - 02 BRUSHED STEEL FINISH CLADDING PANELS
  - 03 SOLID BRUSHED ALUMINUM CLADDING PANELS
  - 04 ALUMINUM CLADDING PANELS WITH GLASS
  - 05 ALUMINUM CLADDING PANELS WITH GLASS AND SOLID
  - 06 ALUMINUM CLADDING PANELS WITH GLASS AND SOLID
  - 07 ALUMINUM CLADDING PANELS WITH GLASS AND SOLID
  - 08 ALUMINUM CLADDING PANELS WITH GLASS AND SOLID
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DA ISSUE

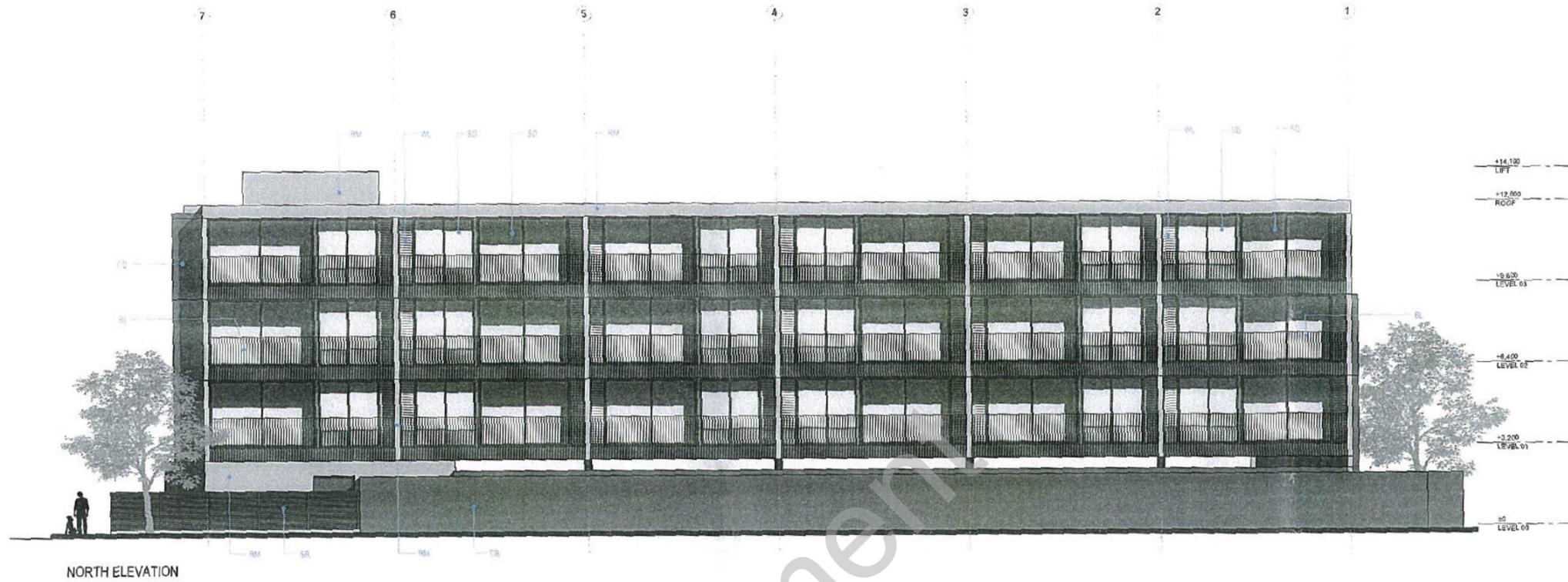
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A	PROVISIONAL DEVELOPMENT APPROVAL	11.05.15	VZ



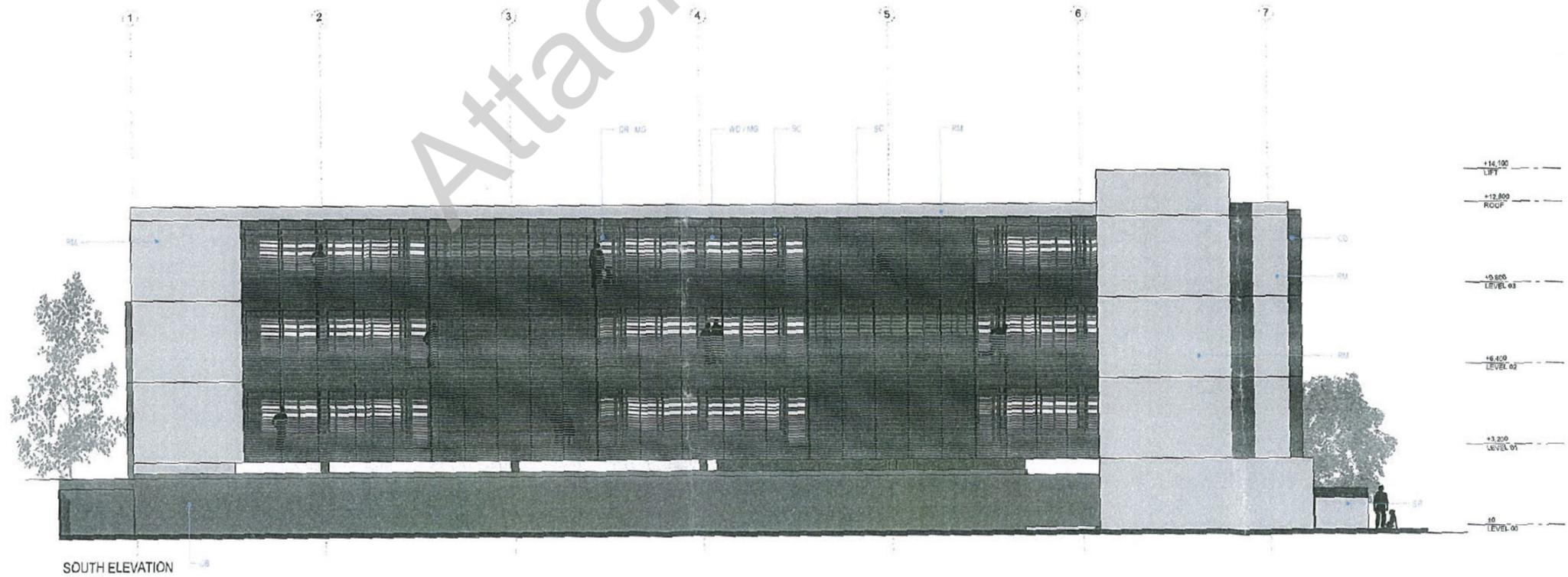
AMENDED PLAN

130 CHURCHILL RD  
 EAST WEST ELEVATIONS / CONCEPT DESIGN  
 3/09/2015 / 14-1160 / SK0103 / B





NORTH ELEVATION



SOUTH ELEVATION

AMENDED PLAN

- 1. ALUMINUM CURTAIN WALL SYSTEM
- 2. BRUSHED ALUMINUM FINISH
- 3. SPLIT FACE CONCRETE CURTAIN WALL SYSTEM
- 4. ALUMINUM CURTAIN WALL SYSTEM
- 5. ALUMINUM CURTAIN WALL SYSTEM
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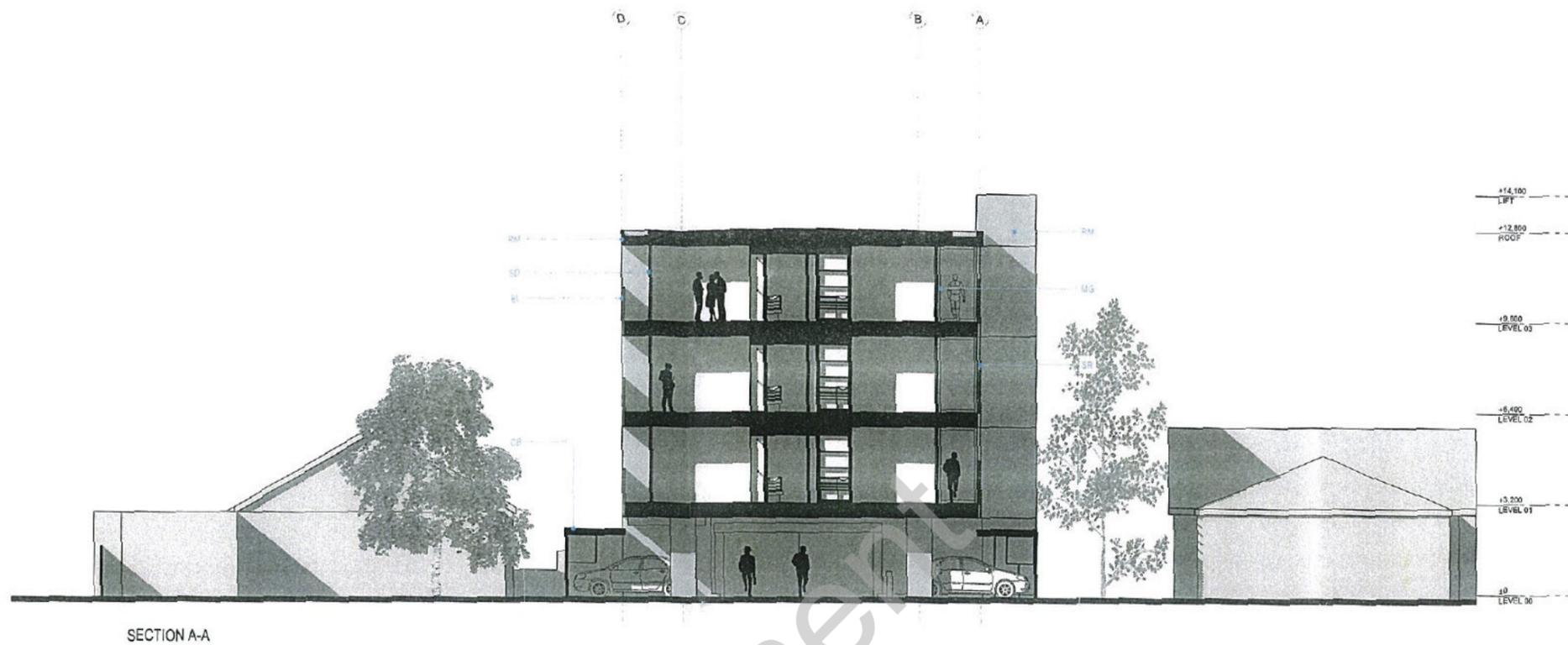
DA ISSUE

B	PROVINCIAL AMENDMENT DA - COUNCIL RESPONSE	21.08.15 MZ
A	PROVINCIAL DEVELOPMENT APPROVAL	11.05.15 MZ
Rev	Revisions	08/15

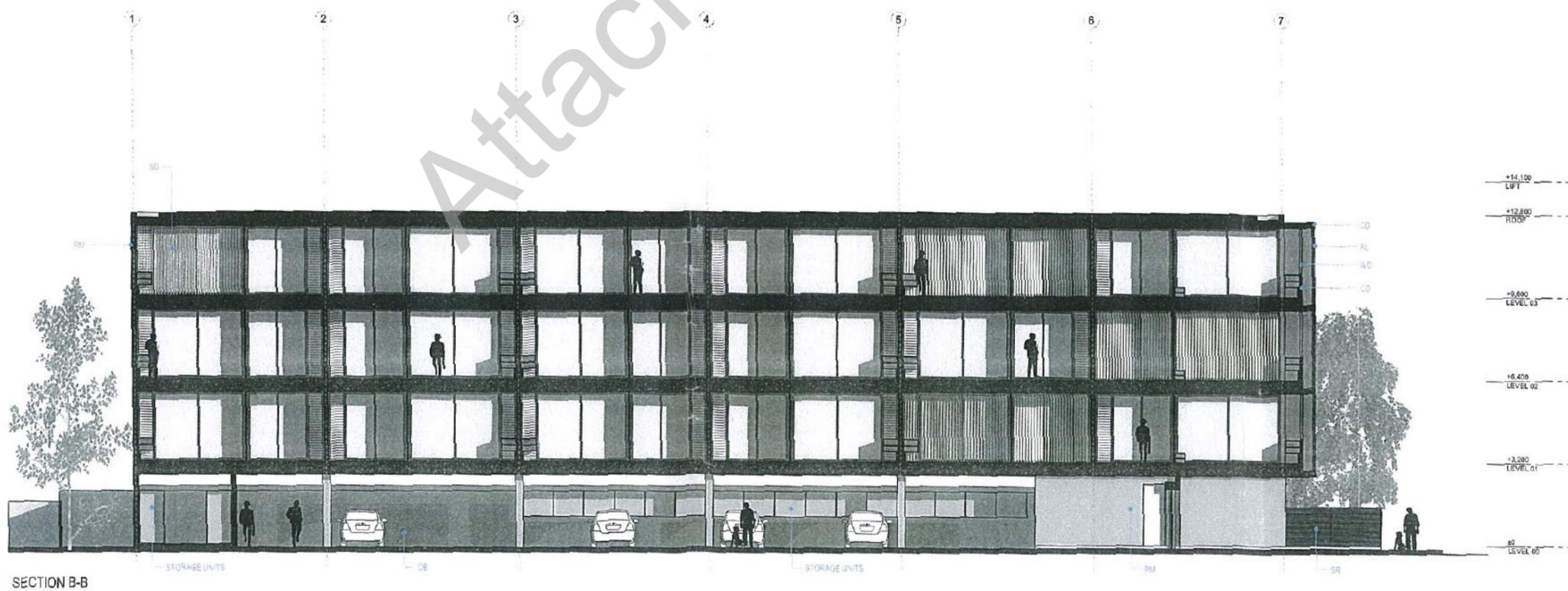


130 CHURCHILL RD  
 NORTH SOUTH ELEVATIONS / CONCEPT DESIGN  
 3/09/2015 / 14-1160 / SK0104 / B

ARCHITECTS  
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SECTION A-A



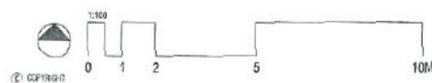
SECTION B-B

- REVISED
- 1. KULLUUN SUURENEN KULTUUR
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AMENDED PLAN

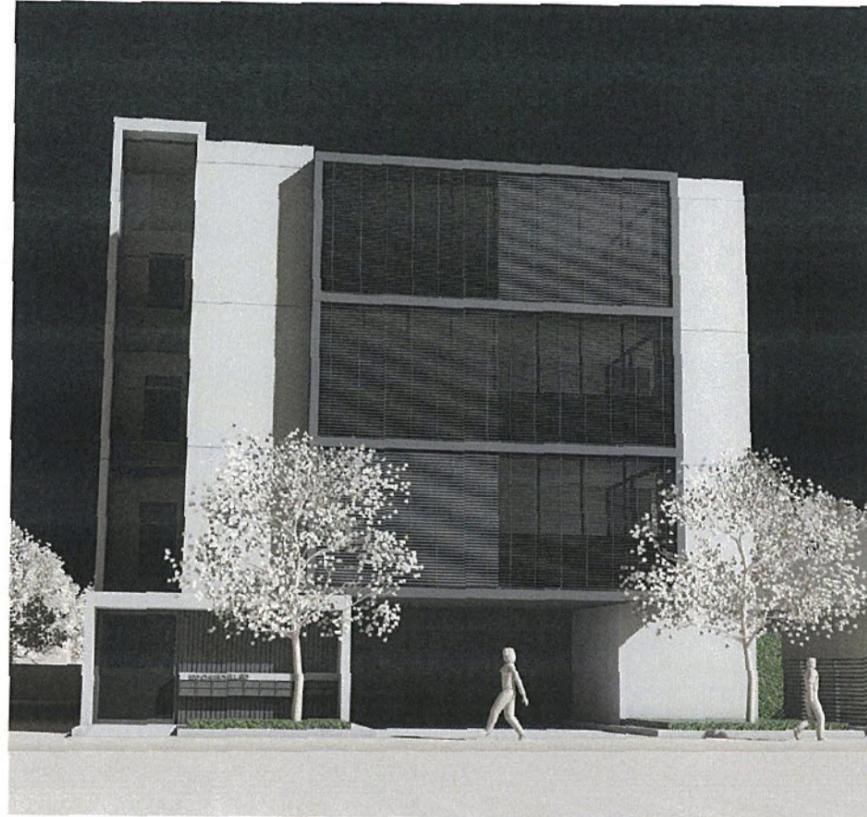
DA ISSUE

B	PROVISIONAL AMENDMENT DA / COUNCIL RESPONSE	21.06.15	MZ
A	PROVISIONAL DEVELOPMENT APPROVAL	11.05.15	MZ
Pre	Revised		



130 CHURCHILL RD  
SECTIONS / CONCEPT DESIGN  
3/09/2015 / 14-1160 / SK0105 / B

ARCHITECTS  
INK



GINGKO BILOBA



JASMINE CREEPER



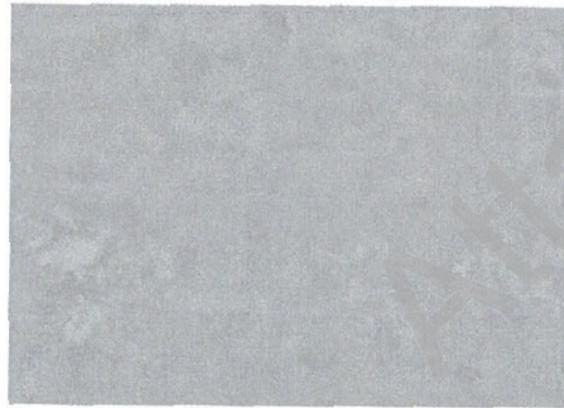
PV - PAVING



SR - SCREENING ALUM. BATTENS



RC - RENDER



AL - ALUMINIUM LOUVRE



SD / WD - SLIDING DOOR & WINDOWS

LEGEND

- AL ALUMINIUM LOUVRE POWDER COAT FINISH
- BL BALUSTRADE STAINLESS STEEL FINISH
- CB COLORBOND CLADDING AND CARPENTRY MOUNTING FINISH
- CD ALUMINIUM COMPARTMENT CLADDING CHARCOAL FINISH
- DR ALUMINIUM FRAMED ENTRY DOOR TRANSLUCENT GLAZING
- LP ALUMINIUM LETTER BOXES AND INQUIRY CHARCOAL FINISH
- MG MIRROR GLAZING TO INTERIOR GLAZING
- PD ALUMINIUM FRAMED PIVOT DOOR CLEAR GLAZING
- PV HERRINGBONE SHOWERAY FINISH
- RC RENDERED CONCRETE MASONRY WALLS BRICKON LITE FINISH
- RS ROLLSHUTTER ALUMINIUM POWDER COAT FINISH
- SD SLIDING DOOR ALUMINIUM FRAME POWDER COAT FINISH HIGH PERFORMANCE GLAZING
- SR SCREENING ALUMINIUM LOUVRE BATTENS ON STEEL FRAME CHARCOAL POWDER COAT FINISH
- TS TIMBER SIDING 19MM V-GROOVE BLACK MAT FINISH
- WD WINDOWS ALUMINIUM FRAME POWDER COAT FINISH HIGH PERFORMANCE GLAZING



TS - TIMBER SIDING BLACK



MG - MIRRORED GLASS

DA ISSUE

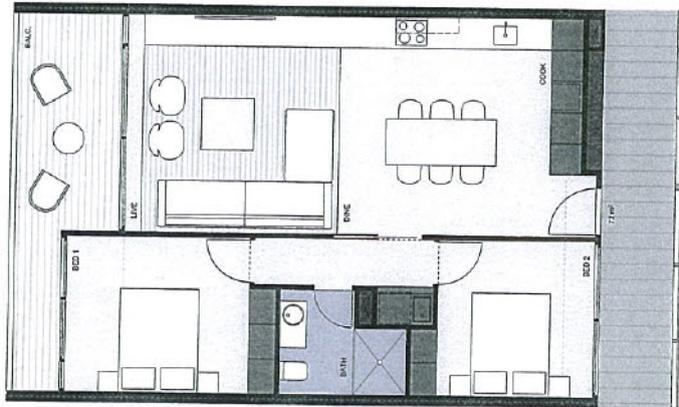
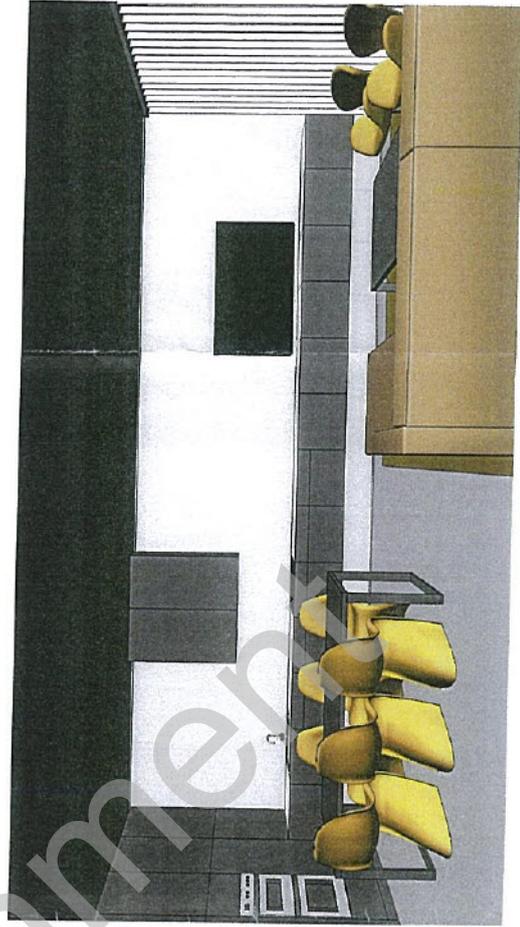
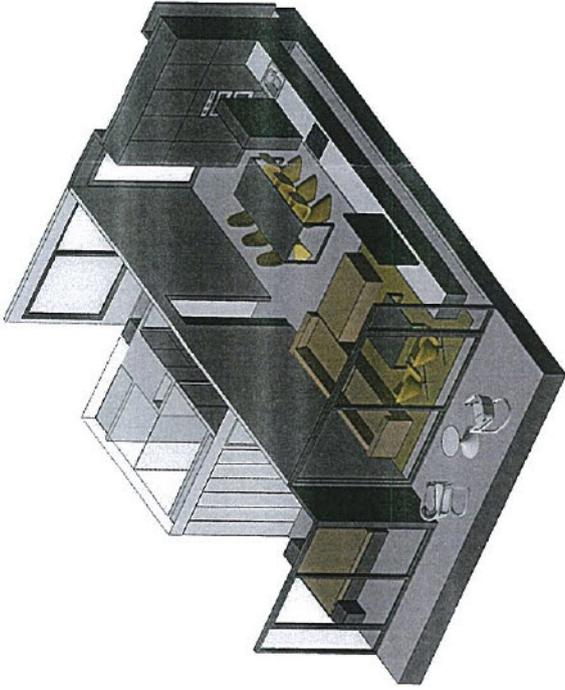
B	PROVISIONAL AMENDMENT DA - COUNCIL RESPONSE	31.08.16	MZ
A	PROVISIONAL DEVELOPMENT APPROVAL	11.05.15	MZ



130 CHURCHILL RD  
FINISHES / CONCEPT DESIGN  
3/09/2015 / 14-1160 / SK0109 / B

ARCHITECTS  
TS INK





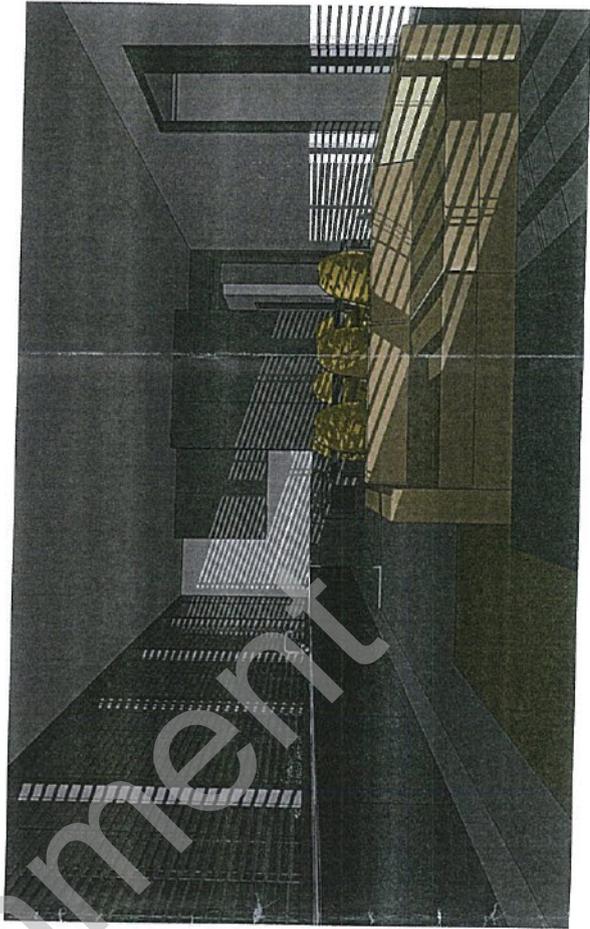
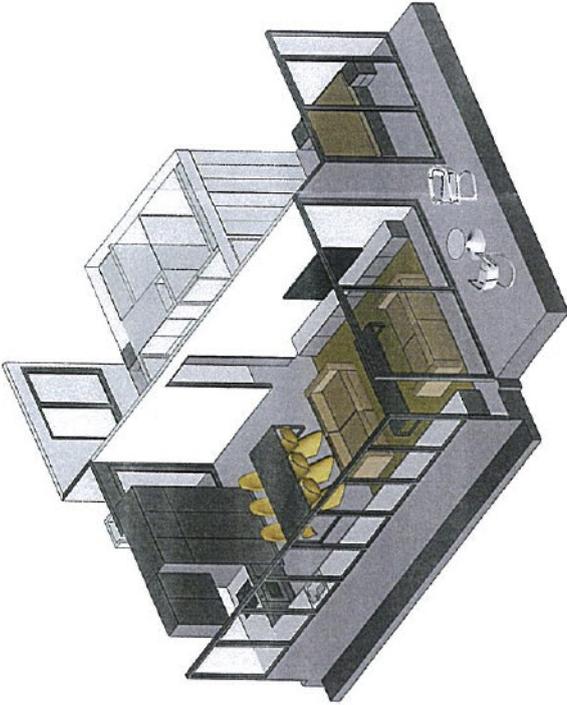
CENTRE - 2 BED

APARTMENT 72m<sup>2</sup>  
BALCONY 22m<sup>2</sup>  
TOTAL 94m<sup>2</sup>

DA ISSUE

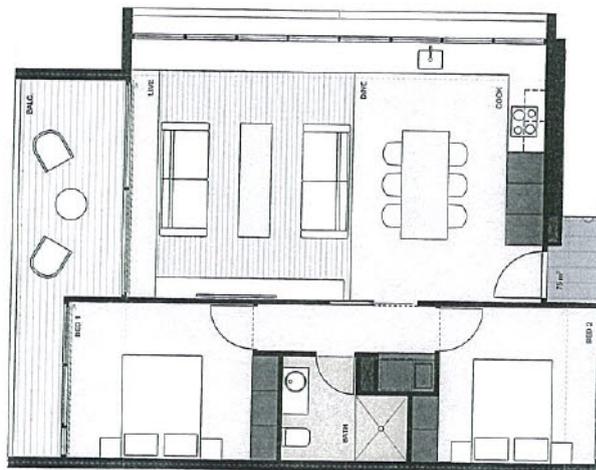
DATE	DESCRIPTION
15/01/17	PROVISIONAL APPROVAL
14/11/16	PROVISIONAL APPROVAL
30/07/15	PROVISIONAL APPROVAL

Scale: 1:50



EAST ELEVATION

Attachment

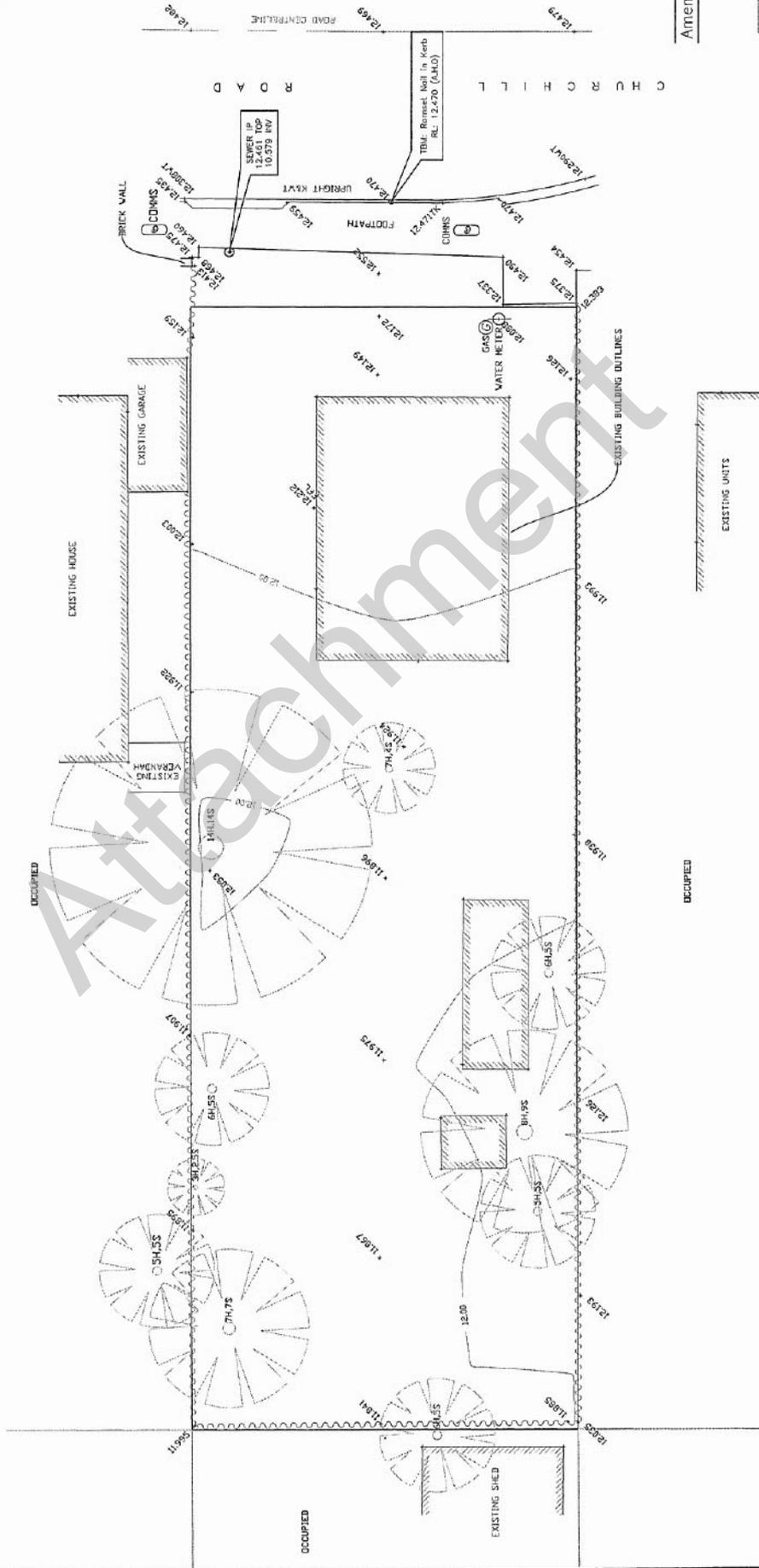


EAST - 2+ BED

APARTMENT  
25.4  
20.0  
2.0  
TOTAL



DA ISSUE	25.4	20.0	2.0	28.4
APARTMENT	25.4	20.0	2.0	28.4
PROFESSIONAL AMENDMENT BY CONSULTANT DESIGNER	25.4	20.0	2.0	28.4
PROFESSIONAL DEVELOPER/CLIENT APPROVAL	25.4	20.0	2.0	28.4



NOTE: SMALL TREES AND SHRUBS WITHIN ALLOTMENT HAVE NOT BEEN SHOWN.

\* ALLOTMENT NOT PEGGED AT TIME OF SURVEY

SURVEY LAYOUT PLAN  
1:100



Amend	Date	Description

**SCA ENGINEERS**  
 PTY.LTD  
 SUITE 3, 75 OSMOND TERRACE, NORWOOD SA 5067  
 T:08 83310126 E:office@scaengineering.com.au

**PROPOSED RESIDENTIAL DEVELOPMENT  
 AT 130 CHURCHILL RD PROSPECT  
 FOR BRIGHT VALLEY**

Title:	SURVEY DETAIL - 1	32
Design:	MC	Scale: SHOWN
Drawn:	JS	Dwg No:
Date:	JUL 15	150415-C1

**NOTES:**

1. All downpipe connections are to be ø90 uPVC and are to be provided with cleaning eyes.
2. All Stormwater pipes shall be ø90 UNO.
3. All Stormwater pipes shall be laid as per AS 3500 to achieve minimum cover and grade U.N.O. If cover can not be achieved encase pipe in 100 thick concrete.
4. Sumps, gratings & MH's shall be 300sq (UNO) with walls & floors of 100 thick concrete, reinforced with SL72 fabric central + on approved cover/grate & frame.
5. Where sumps/grates or the like are cast into a concrete slab, provide 2-N12 crack control bars at the corners of such cast-in items. Bars are to be 1000 long and tied to the top layer of slab reinforcement.
6. Bedding and back-filling around stormwater pipes shall conform to AS 3725-1989.
7. Bedding sand for stormwater pipes shall be coarse, free flowing pit sand, with a plasticity index less than 5. The material shall be clean with 100% passing the 6.7mm sieve and not greater than 10% passing a 0.075mm sieve. It shall have a minimum compacted depth of 75mm.
8. Boundary Locations are based on fences/stakes only. It is recommended that an identification survey be done to establish true boundaries.
9. Provide 40mm thick lagging to all pipe penetrations through footing beams.
10. \*  tank \* Denotes combination detention/retention tank in accordance with the amended requirements of the BCA ensure tank water. The inlet and overflow of the tank must be fitted with mosquito-proof, non degradable screens formed from ø0.315mm material & have a min of 6x7 openings sqcm.

**LEGEND**

- ..... uPVC SEWER PIPE
- ..... ø100 uPVC STORMWATER SEALED SYSTEM
- ..... uPVC STORMWATER PIPE
- ..... uPVC PUMP CHAMBER DISCHARGE PIPE
- ..... EXISTING SURFACE SPOT LEVEL
- ..... EXISTING WATER TABLE LEVEL
- ..... EXISTING TOP OF KERB LEVEL
- ..... TOP OF RETAINING WALL LEVEL
- ..... NEW PAVEMENT LEVEL
- ..... STORMWATER INSPECTION POINT
- ..... STORMWATER ø90 PVC GRADE
- ..... 300 GRATED SUMP (U.N.O)
- ..... ø90 DOWNPIPE
- ..... SPREADER DRAIN
- ..... EISA PIT/CABLE
- ..... TELSTRA SERVICES
- ..... STOBE POLE
- ..... GAS METER
- ..... WATER METER
- ..... EXISTING TREE
- ..... 100" DRAIN 4300s WITH GALVANISED GRADE (1500A)
- ..... PAVING
- ..... 100 KERB AND GUTTER
- ..... CONCRETE SPOON DRAIN
- ..... RETAINING WALL

Amend	Date	Description

**SCA** PTY.LTD  
**ENGINEERS**  
 SUITE 3, 78 OSMOND TERRACE NORWOOD SA 5067  
 T:08 83310125 E:office@scaengineering.com.au

**PROPOSED RESIDENTIAL DEVELOPMENT  
 AT 130 CHURCHILL RD PROSPECT  
 FOR BRIGHT VALLEY**

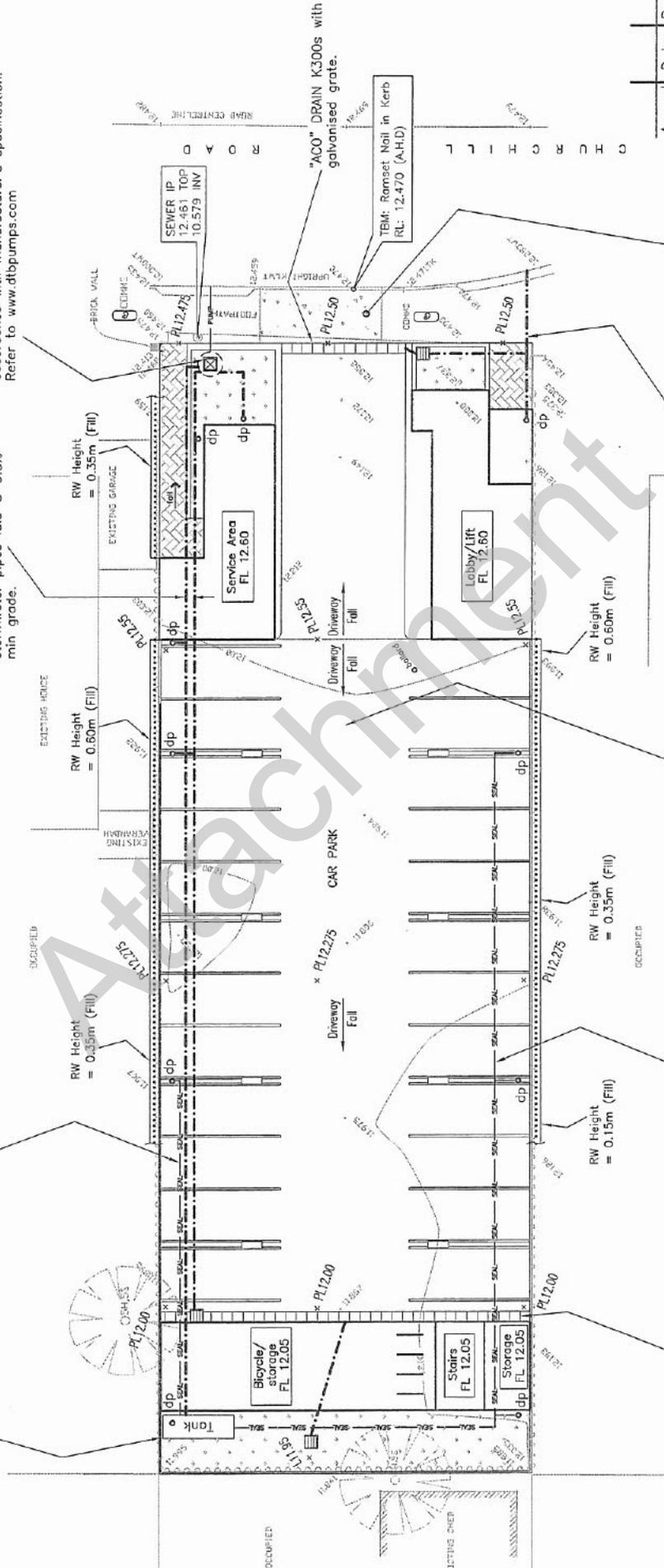
Title:	CIVIL DETAIL - 1
Design:	MC
Drawn:	JS
Date:	JUL 15 150415-C2

Pump 1:- Stormwater pump  
 Underground Pump Chamber with Dual Pumps:  
 Pit =  $\phi 1120 \times 1700\text{mm}$  Reinforced Polyethylene.  
 (1200L Capacity, 1670L Critical Capacity).  
 Pump = DTB Pumps DTB0PPE1200SW77055M  
 = (240V, 0.59KW, 4.5Amps, 50 $\phi$ outlet)  
 Alarm = Audio and visual pump failure alarm.  
 Cover = Class C Galvanised grate.  
 Discharge rate = 3L/s.  
 Controller = Cable extensions required.  
 Pump installation + pit construction to be in accordance with manufacturer's specification.  
 Refer to [www.dtbpumps.com](http://www.dtbpumps.com)

Roof stormwater from tank overflow and surface stormwater to stormwater pump via separate uPVC stormwater pipes laid @ 0.5% min grade.

Roof stormwater to detention/retention tank via stormwater sealed system as shown.

5000L detention/retention tank:  
 3180L X 1080W X 2100H



Proposed crossovers to council standard and specifications.

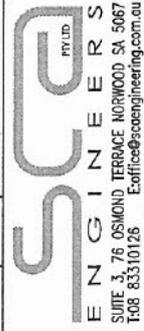
All stormwater outlet pipes discharging to kerb & gutter to be in accordance with council standard and specifications.

All pipes subject to vehicular loads to be class S18.

Roof stormwater to detention/retention tank via stormwater sealed system as shown.

"ACO" DRAIN K3000s with galvanised grate.

Amend Date Description



SUITE 3, 76 OSMOND TERRACE NORWOOD SA 5067  
 t:08 83310126 E:office@scaengineers.com.au

PROPOSED RESIDENTIAL DEVELOPMENT  
 AT 130 CHURCHILL RD PROSPECT  
 FOR BRIGHT VALLEY

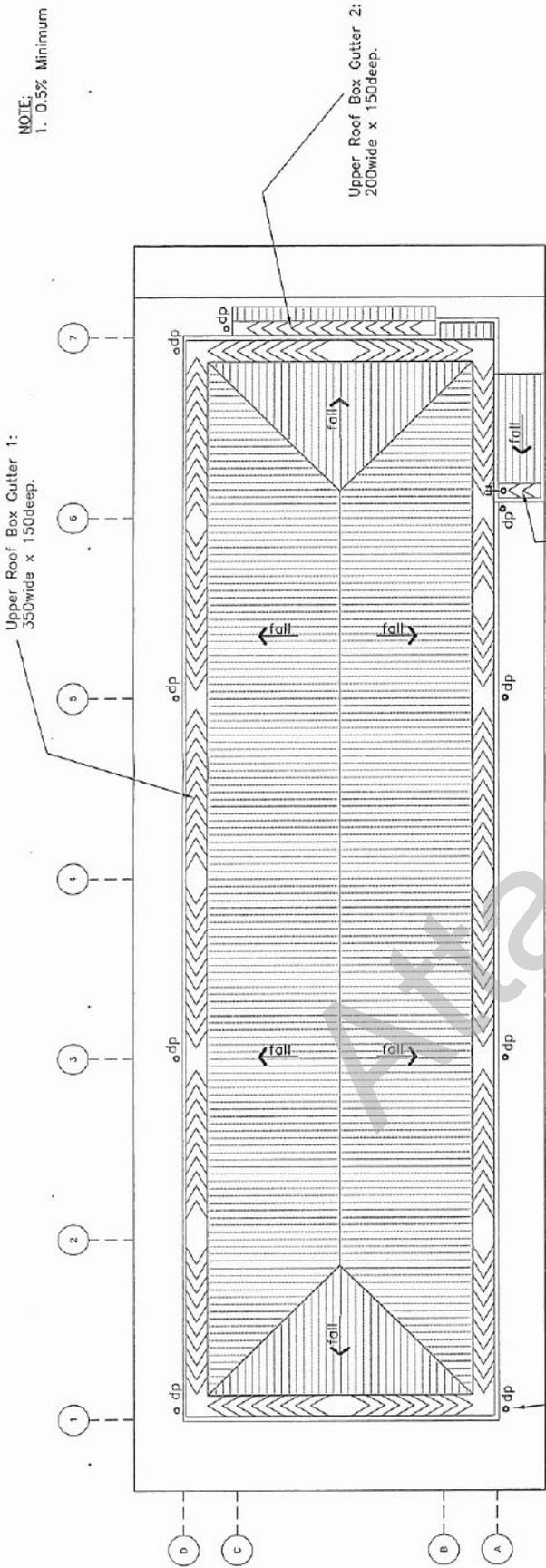
Title:	CIVIL DETAIL - 2
Design:	MC
Scale:	SHOWN
Drawn:	JS
Dwg No:	
Date:	JUL 15 150415-C3

SITE LAYOUT PLAN

1:200



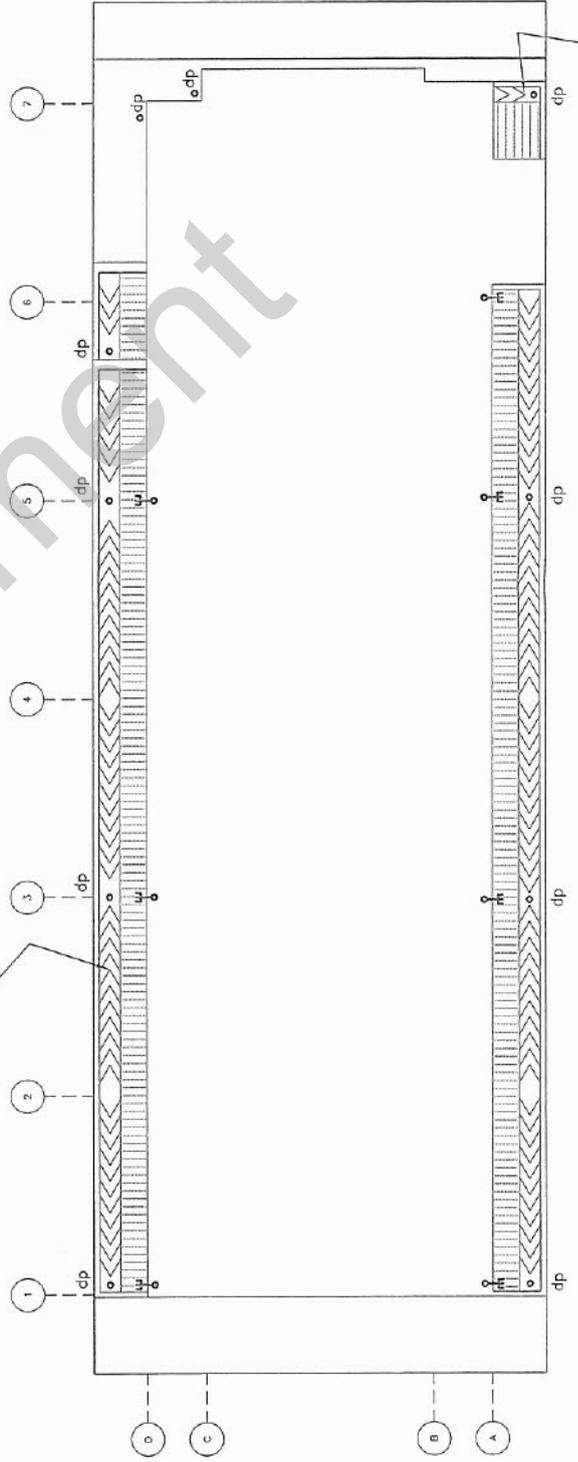
NOTE:  
1. 0.5% Minimum gutter fall.



UPPER ROOF DRAINAGE PLAN  
1:100



Lower Roof Box Gutter 1:  
350wide x 150deep.



LOWER ROOF DRAINAGE PLAN



Lower Roof Box Gutter 2:  
200wide x 150deep.

Amend	Date	Description

**SCA** PTY LTD  
**ENGINEERS**  
SUITE 3, 76 OSKOND TERRACE NORWOOD SA 5067  
T:08 83310126 E:office@scengineering.com.au

PROPOSED RESIDENTIAL DEVELOPMENT  
AT 130 CHURCHILL RD PROSPECT  
FOR BRIGHT VALLEY

Title:	CIVIL DETAIL - 3
Design:	MC
Drawn:	JS
Date:	JUL 15
Scale:	SHOWN
Dwg No:	150415-C4

REF:0028-1-130 Churchill



3 September 2015

Ms Susan Giles  
 Development Officer - Planning  
 City of Prospect  
 PO Box 171  
 PROSPECT SA 5082

Level 1, 89 King William Street  
 GPO Box 2403  
 Adelaide SA 5001  
 PH: 0447 029 088  
 info@futureurbangroup.com  
 ABN: 34 452 110 398

Dear Susan,

**130 CHURCHILL ROAD, PROSPECT (DA/050/248/2015)**

We write in response to your correspondence dated 21 July 2015 and our meeting at Council on 24 August 2015.

In your correspondence a number of matters were raised. We understand that the amendments made and presented at our meeting in addition to the further information accompanying this response address the matters identified in your correspondence. As promised, we provide the following response to those matters with reference to the relevant provisions of the Prospect (City) Development Plan.

### Built Form

With respect to built form, the desired character statement seeks to reinforce the boulevard character of Churchill Road and create a high quality building appearance by providing:

- space for landscaping such as low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies to not only soften the appearance of the built form but to reflect the scale of landscaping in the public realm;
- a uniform front setback;
- articulated facades through the use of elements such as balconies, verandahs and a diversity of building materials; and
- shelter at a human scale to building entrances.

The desired character statement for the Urban Corridor Zone also recognises that as one of the key Zones in the Council where there will be a built form transformation, new buildings will be recognised for their design excellence. Generally speaking, the desired character seeks:

- a linear corridor that frames Churchill Road;



- a high standard of architectural design through careful building articulation and fenestration to all visible sides;
- a positive contribution to the street by articulating the built form and accentuating the building's functions such as entrances;
- a distinction between the base, middle and top of building and providing vertical elements that create a strong vertical rhythm; and
- the establishment of landscaping between the building and the street to create a high level of amenity.

In addition, PDC 8 encourages buildings on sites with a frontage greater than 10 metres to be well articulated through variations in forms, materials, openings and colours.

In our opinion, the proposal strikes a chord with the desired character statements of both the Boulevard Policy Area and Urban Corridor Zone and PDC 8 in that:

- low-lying shrubs and grass plantings, together with appropriate tree species are provided between the building and Churchill Road in a manner that will soften the appearance of the built form and achieve a human scale and improved visual amenity;
- the building is setback 3m from Churchill Road which is consistent with other recently approved development and development under construction to achieve a uniform front setback that will also assist in creating a 'frame' along Churchill Road;
- the building façade is articulated through varied setbacks and the use of diverse building materials and treatments which are also incorporated along the north and south facades of the building. A solid west elevation has been adopted for energy efficiency purposes however is softened through the use of landscaping (i.e. trees) and rebated masonry sections. Overall, the appearance represents a high quality which has regard to energy efficiency;
- a canopy is provided at the building entrance and along the mail boxes which also extends along the frontage of the building to the waste store area achieving a human scale along the street frontage;
- the building entrance and mail box structure accentuates the building's functions towards Churchill Road contributing positively to the street and pedestrian experience; and
- the design has been amended to provides a strong vertical element around the lift and stairwell which also articulates the façade.



## Setbacks

Within the Boulevard Policy Area the minimum setback from the primary road frontage and rear boundary should be 3m.

The plans have been amended to satisfy the 3m setback guideline from both the front and rear boundaries. As discussed in our meeting, the street facing louvres slightly encroach within this setback however given that these louvres form a lightweight design treatment it was considered and agreed that this minor encroachment was not fatal.

We also note that for allotments with a frontage width of 20m or less, there is no minimum setback for the first two levels of the building from a side boundary and any storey above two levels should be setback a minimum of 2m when adjoining another allotment.

As pointed out in our meeting, the building complies with side setback guidelines with the exception of the lift and stairwell components of the development which are sited on the common boundary. We have reconfigured the layout of these two areas to reduce the length of the boundary wall by just under 1m with the effect of enhancing the articulation along the street through the glazed vertical element. Furthermore, the small portion of boundary development above two storeys is sited towards the front of the allotment and adjoins the common driveway of the adjacent southern property. For this reason, we have formed the opinion that the location of the small portion of boundary development above two storeys will not result in any detrimental impact upon the adjacent property or the existing or desired future streetscape character of Churchill Road.

## Private Open Space

We note that two bedroom dwellings should have a minimum of 11 square metres of private open space with a minimum dimension of 2m directly accessible from a habitable room. The balconies have a total area of 12 square metres however only 8 square metres of the area has a minimum dimension of 2m.

As discussed in our meeting, and ultimately agreed by you once we clarified the bedroom door/balcony design, the 4 square metres provided adjacent to the bedroom (forming an extension to the larger area adjacent room) would be useable for a variety of functions. The large sliding door design of the bedroom window will enable a more seamless integration between the inside and outside – similar to how a Juliette style balcony works however larger in area so as to be more useable. The dimension and area provided is sufficient in width to enable an occupier to place pots and plants, vegetable garden etc that could also provide a greening element to the building. These particular uses are typically attractive to occupiers of apartments.



It is also important to note that the location and form of private open space is also consistent with many other relevant private open space provisions of the Development Plan in that the proposed balconies will:

- be accessed directly from the internal living areas of the dwellings contained within the building;
- have a northerly aspect to provide for comfortable year round use;
- be shaded in summer by virtue of the upper level balconies/overhangs; and,
- be sufficient in area and appropriately dimensioned so as to be functional.

Whilst it is possible to make the balconies deeper to achieve the minimum 12 square metres (with a minimum dimension of 2m), the extent of balcony depth increase will prohibit natural light penetration to the living areas. This would then contravene other energy efficiency provisions.

Further, we have formed the opinion that the size of the balconies when compared to other examples of recently approved residential flat buildings in the Urban Corridor Zone will be functional to meet likely occupant needs.

### Overlooking and Privacy

As discussed in our meeting, Council Wide PDC 90 which prescribes the typical requirements in relation to minimum sill heights or screening devices does not apply to development in the Urban Corridor Zone.

Given the scale of development anticipated in the Zone, the intent as stated in the desired character statement is to 'moderate' overlooking impacts through good design techniques. In our opinion, the provision of 1.2m high angled fin balustrading to the balconies will achieve the intent of the desired character statement as it will minimise, or more than likely prevent, overlooking of the adjacent property to the north when sitting down in the balcony space. A similar approach has been adopted along the walkways of the southern elevation where the same fin treatment is proposed albeit in a horizontal form.

It is also important to recognise that the adjacent southern property contains a communal driveway along the common boundary therefore any ability to through the horizontal fins will be predominantly onto the driveway area which we note is also visible from Churchill Road.

### Energy Conservation Measures

The following passive features have been incorporated into the architectural design of the building:



- all apartments have living areas with a northern aspect and have suitably sized shaded overhangs formed by the outdoor balcony spaces which shield the high summer sun while the low winter sun is able to penetrate the glazing for 'free' heating;
- all apartments are able to be naturally ventilated;
- all living areas and bedrooms have direct access to natural ventilation and daylight;
- the provision of covered open balconies and walkways provide natural ventilation and daylight but also protect the occupants from rain and wind. This design feature allows cross ventilation to be achieved in the apartments and additional natural light penetration as opposed to conventional design with access to apartments from internal corridors that generally cannot achieve this outcome;
- maximised use of natural light without compromising thermal loads;
- modest ratio of fenestration to facade areas (including canopies) for east and west exposures;
- incorporation of high performance glazing;
- incorporation of high performance insulation throughout; and
- airtight design will minimise infiltration of outside air and migration of conditioned air.

With the incorporation of all the above features, full compliance with the Building Code of Australia, Section J Energy Efficiency will be achieved.

With respect to more technical matters, we can confirm the following advices from BCA Engineers for mechanical, electrical, hydraulic and vertical transportation systems.

#### *Mechanical*

Air conditioning systems will be designed to meet, if not exceed the minimum performance parameters defined by Section J of the National Construction Code 2015. In addition, all plant will be designed to meet, if not exceed best practice requirements for apartment buildings.

Air Conditioning systems may be equipped with Inverter Driven or Digital Scroll Compressor Technology resulting in more energy efficiency at part loads compared with constant speed compressor systems.

Non Ozone Depleting Refrigerants (ODP = 0) will be used in accordance with the Montreal protocol and Australian legislation.

All ventilation systems will be designed to meet, if not exceed the minimum performance parameters defined by Section J of the National Construction Code 2015.



In addition all plant will be designed to meet, if not exceed best practice requirements for apartment buildings.

### *Electrical*

Lighting systems will generally comprise of combinations of LED technology and T5 fluorescent solutions to maximise energy efficiency and to suit aesthetics, function and costs.

Target illumination power density will exceed the performance parameters defined by Section J of the National Construction Code 2015.

Lighting controls will fundamentally comprise motion-sensor-on with delay-timer-off facilities where practical to prevent lighting fixtures left on for extended durations when not in use in common areas.

Photoelectric-switch on/off for any lighting installation where natural illumination permits will also be incorporated.

### *Hydraulic*

The development will be provided with highly efficient water tapware in order to minimise water consumption and to reduce wastewater loading on the sanitary drainage infrastructure.

In accordance with the best practice for the industry, the following WELS ratings are proposed for the following fixtures:

- Sink / Hand Basin Mixer Tapware: 6 Star (Less than 4.5 Litres per Minute);
- Laundry Outlet: 5 Star (4.5 to 6 Litres per Minute);
- Shower: 3 Star (7.5 to 9 Litres Per Minute); and
- Water Closet: 4 Star (3.5 Litre Average Flush).

In order to ensure efficient operation of the Hydraulic Services installation, the Hydraulic equipment is to be commissioned in accordance with CIBSE Commissioning codes, in particular Code M. Equipment to be commissioned in this manner may include but not limited to Domestic Hot Water Plant and Thermostatic Mixing Valves.

### *Vertical Transportation*

The lift will incorporate Variable Frequency Drive lift motors; energy recovery systems via lift-car breaking systems; and, LED lighting and timer controls to ensure lift lighting is turned off when the lift in use for a five minute period.



## Refuse Storage and Collection

We can confirm that a private contractor will service the development.

The bin storage area is proposed in the undercroft car park and has been assessed by a private contractor. The bin storage area is sufficient in area to contain the required number of general waste, recycling and green organics bins.

In summary, the private contractor could either provide a total of 3 x 1100 litre MGB's which will be collected 3 times a week (Monday, Wednesday and Friday) for general and recyclable waste, or alternatively, 6 x 1100 litre MGB's which could be collected once a week. Additional bins are also provided for green organics and/or overflow (if required).

The bin store will be fitted with washing amenities to control odour and discourage vermin. The community scheme description will include provision for maintenance and cleaning of common areas such as the bin store.

Residents will be responsible for the emptying of their respective bins as needed and the private contractor will be responsible for moving bins to and from the bin storage area to the street where the waste truck will collect the waste outside of peak traffic periods.

## Stormwater and Rainwater

A stormwater management plan has been prepared by SCA Engineers and is included in the additional information provided.

In summary, all rainwater will be directed to a 5000L detention/retention tank and through a series of sumps will be discharged to the kerb and gutter in accordance with Council's specifications. The opportunity to use stormwater from the tank for irrigation of the rear lawn area and front landscaping and possibly the wash down area within the bin store will be explored during detailed design.

## Landscaping Plan

The ground level plan identifies a lawn area to the rear of the building with four Gingko Biloba trees that will also soften the appearance of the western elevation. The front setback is also landscaped with a Jasmine Creeper providing low level greening and two further Gingko Biloba trees either side of the driveway.

The desired character statement for the Boulevard Policy Area encourages space landscaping such as low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies to not only soften the appearance of the built form but to reflect the scale of landscaping in the public realm. In our opinion, the proposed landscaping is consistent with this desired landscaped character.



We trust our response is consistent with the matters raised in our meeting and that all the additional information meets your needs to progress the assessment of the application.

Overall, we have formed the opinion that the proposal satisfies the majority of Development Plan provisions and is consistent with the desired character statement of both the Urban Corridor Zone and the Boulevard Policy Area. We believe this is the type of development that is clearly contemplated along Churchill Road and should be granted Development Plan Consent by the Development Assessment Commission.

We understand that the application has been referred to DPTI in relation to traffic and that Council's Design Advisor will assess the design merits of the proposal. We respectfully request that comments are sought from Council's Design Advisor as soon as is practically possible as we wish for this application to be considered at Council's Development Assessment Panel on 12 October 2015.

In the meantime if you require any further information or if you receive any comments internally within Council or from DPTI that require our attention please contact the undersigned on 0447 029 088 or forward them directly to us for our urgent response.

Yours sincerely

A handwritten signature in black ink that reads 'Chris Vounasis'.

Chris Vounasis  
Director

**LUMENSTUDIO****Julian Rutt**B.Arch (hons), AIA  
jrutt@adam.com.au  
0422 305 099

15 October 2015

By email: susan.giles@prospect.sa.gov.au

**City of Prospect**Development Services  
128 Prospect Road  
Prospect SA 5082**Attention: Susan Giles****PRIVATE AND CONFIDENTIAL**

Dear Susan

**DESIGN REVIEW: 130 CHURCHILL RD, PROSPECT**

Regarding the information provided on Architects link drawings SK0100 – SK0108 (B) for the proposed multi-residential dwelling at 130 Churchill Road, Prospect, and in the framework of providing design review advice, I offer the following comments;

At four storeys the proposal meets the desire to increase density along major thoroughfares, and as noted is (currently) at odds with local precedent though meets the desired density of 1 dwelling per 100m<sup>2</sup> being 18 dwellings on 833 m<sup>2</sup> of site area.

The building's scale is well broken down and provides significant visual interest to the streetscape though there are concerns regarding the lack of set back of the 45 degree plane from 3m off the rear boundary.

The units make reasonable use of ideal solar orientation for access to northern light and passive solar design to main living areas in all units and there is some ability to make use of cross breezes. Consideration of sustainable design ideals has not been highlighted though there would be some ability to incorporate some strategies to minimise water and energy consumption on site.

Landscaping has been only partly detailed though there is space available for treatment and consideration. Increased passive surveillance to the street from units facing street is desirable. Aesthetically, the building form goes well beyond the minimum or purely functional response to create a positive precedent for future developments.

Yours sincerely

**Julian Rutt**  
Architect, AIA

**LUMENSTUDIO****Julian Rutt**B.Arch (hons), AIA  
jrutt@adam.com.au  
0422 305 099

15 October 2015

**DESIGN REVIEW: 130 CHURCHILL RD, PROSPECT****Context***Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.*

Little information provided on surrounding/local context though an additional review of Google Streetview indicates predominantly detached, single storey buildings, a mix of commercial and residential along Churchill Road. As expected the proposal is at odds with the local precedent noting that it is however aimed at the desired future character for increased densities along major 'Urban Corridors'.

**Scale***Good design provides an appropriate scale in terms of the building height relative to the width of the street and height of the surrounding buildings.*

The proposal appears to comply with the 3m setback to the street, mostly provides a 2m set back along the northern and southern boundaries though does not meet the requirements of the 45 degree plane from 3m above the rear boundary. Despite the set backs, the height and scale of the proposal is generally appropriate given the desired increase in density for the site, the proposed 4 storeys meet the desired provision of maximum of four storeys.

**Built form***Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*

The proposal is well articulated to the most prominent facades through significant material changes and modulation of solid elements, and window/door openings, in good measure to the North and South facades. Although the rear west façade is largely blank, this is perhaps a response to a high privacy concerns.

**Density***Good design has a density appropriate for a site and its context, in terms of dwelling yields (or number of units or residents).*

The proposal meets the desired density of 1 unit per 100m<sup>2</sup> for the new urban corridor provisions though provision of 18 units on an 833m<sup>2</sup> site.

**Resource, Energy & Water efficiency***Good design makes efficient use of natural resources, energy and waste throughout its full life cycle, including construction.*

Little information provided regarding sustainability of materials, structure, energy use or generation, water harvest or reuse, waste or similar. Dwelling orientation allows reasonable access to northern aspect for main living areas to all dwellings and double open sided design will allow good potential for use of cross breezes, including through bedrooms.

**Landscape**

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.*

The near-maximised footprint and vehicle access requirements do not provide much area to allocate for landscaping and very little has been provided beyond buffers along the street frontage and at the rear boundary. Minimal additional detail on scheme or plantings has been provided.

**Amenity**

*Good design provides amenity through the physical, spatial and environmental quality of a development.*

It is not clear if overlooking issues to the North have been fully addressed – the provided drawings did not have legible notes. The internal layouts are less than ideal requiring several bedrooms to rely on borrowed light.

**Safety and security**

*Good design optimises safety and security, both internal to the development and for the public domain.*

Passive surveillance to the Churchill Road greatly improved by the proposal through additional openings overlooking. Secure gate and entry to site prevents unauthorised (and hidden) site access.

**Social Dimensions**

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to the social facilities.*

Little variation between dwelling layouts, all being two bedroom units, though short of the 20 dwelling number where varied types and sizes are required. Increased density and reduced size of dwellings are in themselves a variation to the existing dominant housing precedent.

**Aesthetics**

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.*

The proposal's form and massing has been well treated through the use of modulated faces and forms, changes in materials, well proportioned openings in solid to void proportions and has minimised large expanses of blank walls.

Though there are some issues that need to be more adequately addressed, the proposal sets a positive precedent for future developments.

In reply please quote 2015/00161/01, Process ID: 358731  
 Enquiries to Vittorio Varricchio  
 Telephone (08) 8226 8383  
 Facsimile (08) 8226 8330  
 E-mail dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,  
 Transport and Infrastructure

28 October 2015

Ms Susan Giles  
 City of Prospect  
 PO Box 171  
 PROSPECT SA 5082

**SAFETY AND SERVICE –  
 Traffic Operations**

GPO Box 1533  
 Adelaide SA 5001

Telephone: 61 8 8226 8222  
 Facsimile: 61 8 8226 8330

ABN 92 366 288 135

Dear Ms Giles,

### SCHEDULE 8 - REFERRAL RESPONSE

<b>Development No.</b>	050/248/15
<b>Applicant</b>	Architects Ink / Mladen Zujic
<b>Location</b>	130 Churchill Road, Prospect
<b>Proposal</b>	Four-storey residential flat building comprising 18 dwellings

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

#### THE PROPOSAL

The application proposes to construct a four-storey residential flat building incorporating a total of 18 dwellings.

#### CONSIDERATION

It is DPTI's policy to minimise the number of access points on the arterial road network in the interests of road safety. The use of a single shared access point to serve the proposed dwellings is therefore supported in-principle. To cater for simultaneous two-way vehicle movements, the shared access to/from Churchill Road and adjacent driveway should be a minimum of 6.0 metres in width. Any gate in the driveway will need to be located at least 6.0 metres from the Churchill Road property boundary in order to allow a car to stand clear of the adjacent footpath.

It should be noted that the proposed central access onto Churchill Road is located within an indented bus bay and that buses stopping at the adjacent bus stop are likely to block the crossover/driveway. Given that the crossover is located 10.8 metres from the bus stop, a standard 12 metres bus will block a portion of the crossover/driveway and an 18 metres articulated bus will block the entire crossover/driveway. Accordingly, the access point should desirably be located adjacent to the southern

property boundary in order to minimise the potential for buses to block the access point.

The Public Transport Operations and Planning Division has advised that the bus stop and indented bus bay cannot be relocated. Accordingly, the occupants/owners of the dwellings should be advised that buses are likely to block the crossover/driveway and that the bus stop cannot be relocated.

This department raises no objection in-principle to the proposed 6.0m wide access and 7.0 metres wide crossover, as depicted on Drawing reference: FSA – 281015 (copy attached) provided it is recognised that buses are likely to block the crossover/driveway and that the bus stop cannot be relocated. All redundant crossovers to/from Churchill Road should be reinstated to Council's standard kerb and gutter at the applicant's cost.

DPTI's policy is that vehicles should enter and exit arterial roads in a forward direction in the interest of road safety. The carpark design should therefore meet the relevant Australian Standards.

It should be noted that a 2.13 metres strip of land has been acquired and transferred to road. Utilisation of this land for landscaping and other uses associated with the proposed development will need the approval of the Council given that this land is road reserve vested in the Council and under the care, control and management of the Council.

### **Car parking**

Policy contained within Council's Development Plan, particularly Principle of Development Control 236 (*Vehicle Parking for Mixed Use and Corridor Zones*) states that development should provide off-street vehicle parking in accordance with *Table Pr/5 – Off Street Vehicle Parking Requirements for the Urban Corridor Zones*. Council should ensure that the proposed development provides sufficient on-site parking given that on-street parking is restricted adjacent the site.

### **CONCLUSION**

DPTI does not object in-principle to the proposed development, subject to the following conditions and note.

### **ADVICE**

The planning authority is advised to attach the following conditions to any approval:

1. The 6.0 metres wide access and 7.0 metres wide crossover shall be in accordance with Drawing reference: FSA – 281015.
2. Any gate across the driveway shall be located at least 6.0 metres from the Churchill Road property boundary.
3. All vehicles shall enter and exit the site in a forward direction.
4. The carpark and bicycle parks shall be designed in accordance with the relevant Australian Standards (AS/NZS 2890.1-2004, AS 2890.6-2009 and AS 2890.3-1993).
5. All obsolete crossovers on Churchill Road (existing northern and southern crossovers for the existing dwelling) shall be reinstated to Council's standard kerb and gutter at the applicant's cost.

3

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

The planning authority is advised to attach the following note to any approval:

- Occupants/owners of the dwellings should be advised that the crossover/driveway is likely to be blocked by buses stopping at the adjacent bus stop and that the adjacent bus stop cannot be relocated.

Yours sincerely,



*for* **A/GENERAL MANAGER, OPERATIONAL SERVICES**

For **COMMISSIONER OF HIGHWAYS**

A copy of the decision notification form should be forwarded to [dpti.developmentapplications@sa.gov.au](mailto:dpti.developmentapplications@sa.gov.au)

## Susan Giles

---

**From:** Frank Siow <frank@franksiow.com.au>  
**Sent:** Wednesday, 28 October 2015 11:02 AM  
**To:** Morias, George (DPTI)  
**Cc:** Susan Giles; Marcus Chin  
**Subject:** 130 Churchill Road Prospect Driveway and Bus Stop layout  
**Attachments:** 130 Churchill Road Driveway and Bus Stop layout turning paths.pdf; 130 Churchill Road Driveway and Bus Stop layout.pdf

Hi George,

I refer to our discussions this morning concerning the additional information for the layout plan that you have requested:

- Dimension of the 6m driveway width
- Drawing reference number
- Turning path diagrams to show the left in left out

Following our discussion, the designer has provided me with the CAD drawing of the layout with dimensions this morning. I have overlaid my turning path diagrams (based on the B99 design car) onto this CAD drawing and included a drawing reference number to it.

As requested, I have also copied this email to Susan.

Thank you very much for your help and I trust that this issue has now been fully addressed.

Kind Regards,

**Frank Siow**

*Frank Siow & Associates*

**P** : (08) 8364 1351

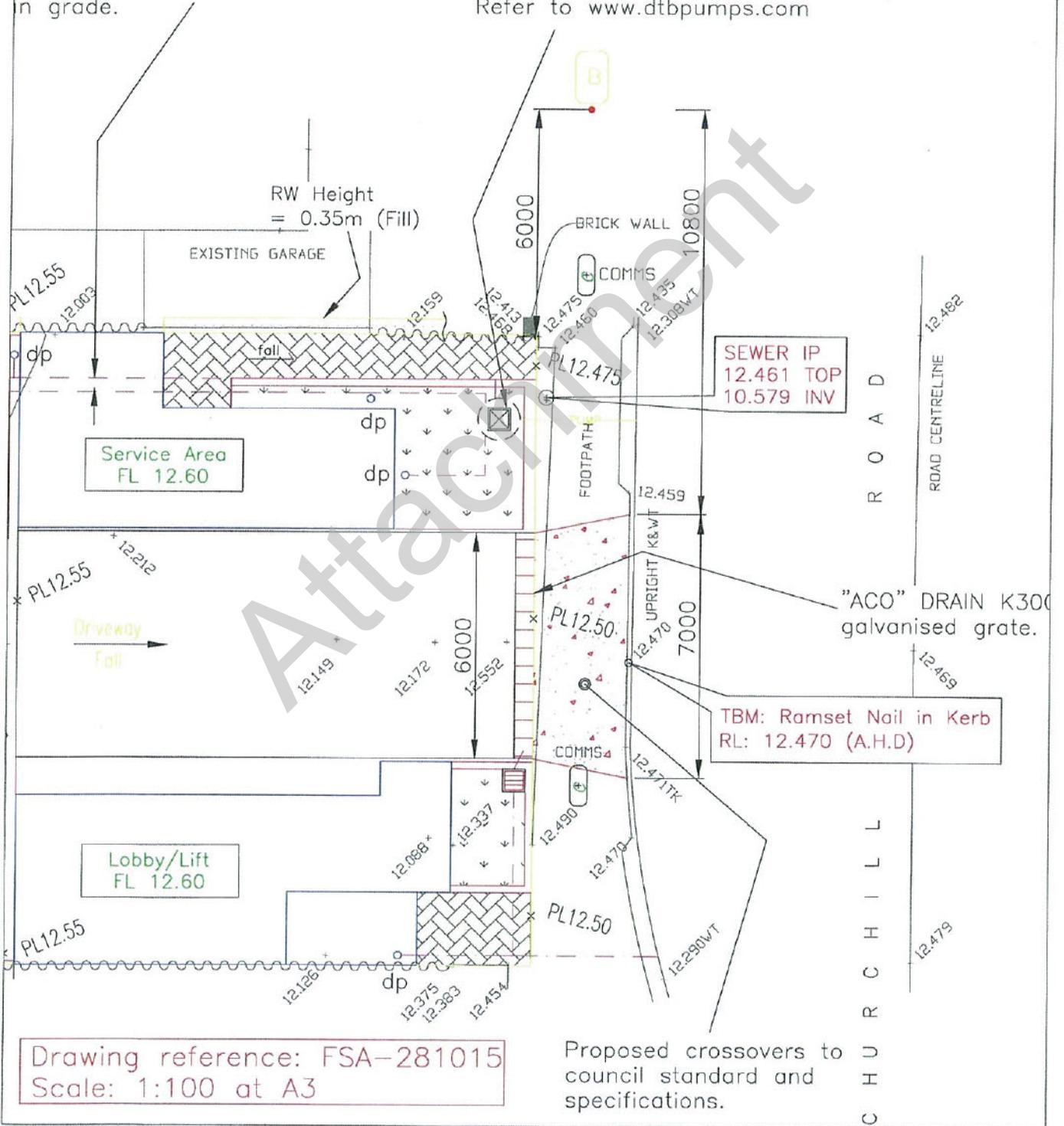
**M** : 0411 445 438

**E** : [frank@franksiow.com.au](mailto:frank@franksiow.com.au)

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of stormwater from tank  
 erflow and surface  
 ormwater to stormwater  
 mp via separate uPVC  
 ormwater pipes laid @ 0.5%  
 n grade.

Underground Pump Chamber with Dual Pumps:  
 Pit =  $\varnothing 1120 \times 1700$ mmH Reinforced Polyethy  
 (1200L Capacity, 1670L Critical Capacit  
 Pump = DTB Pumps DTBDPPE1200SW77055M  
 (240V, 0.55KW, 4.5Amps, 50 $\varnothing$ outlet)  
 Alarm = Audio and visual pump failure alarm.  
 Cover = Class C Galvanised grate.  
 Discharge rate = 3L/s.  
 Controller = Cable extensions required.  
 Pump installation + pit construction to be in  
 accordance with manufacturer's specification.  
 Refer to [www.dtbpumps.com](http://www.dtbpumps.com)

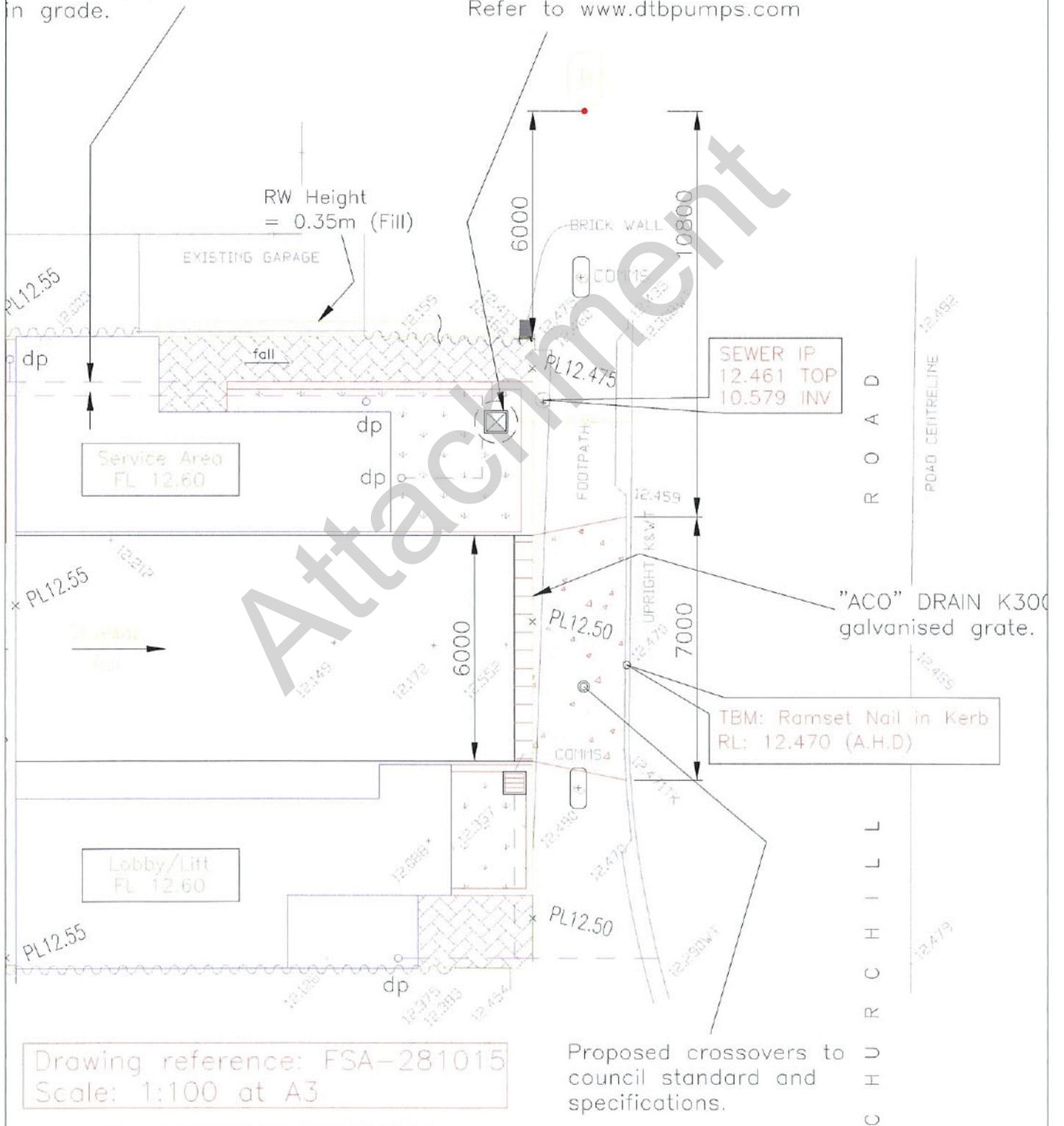


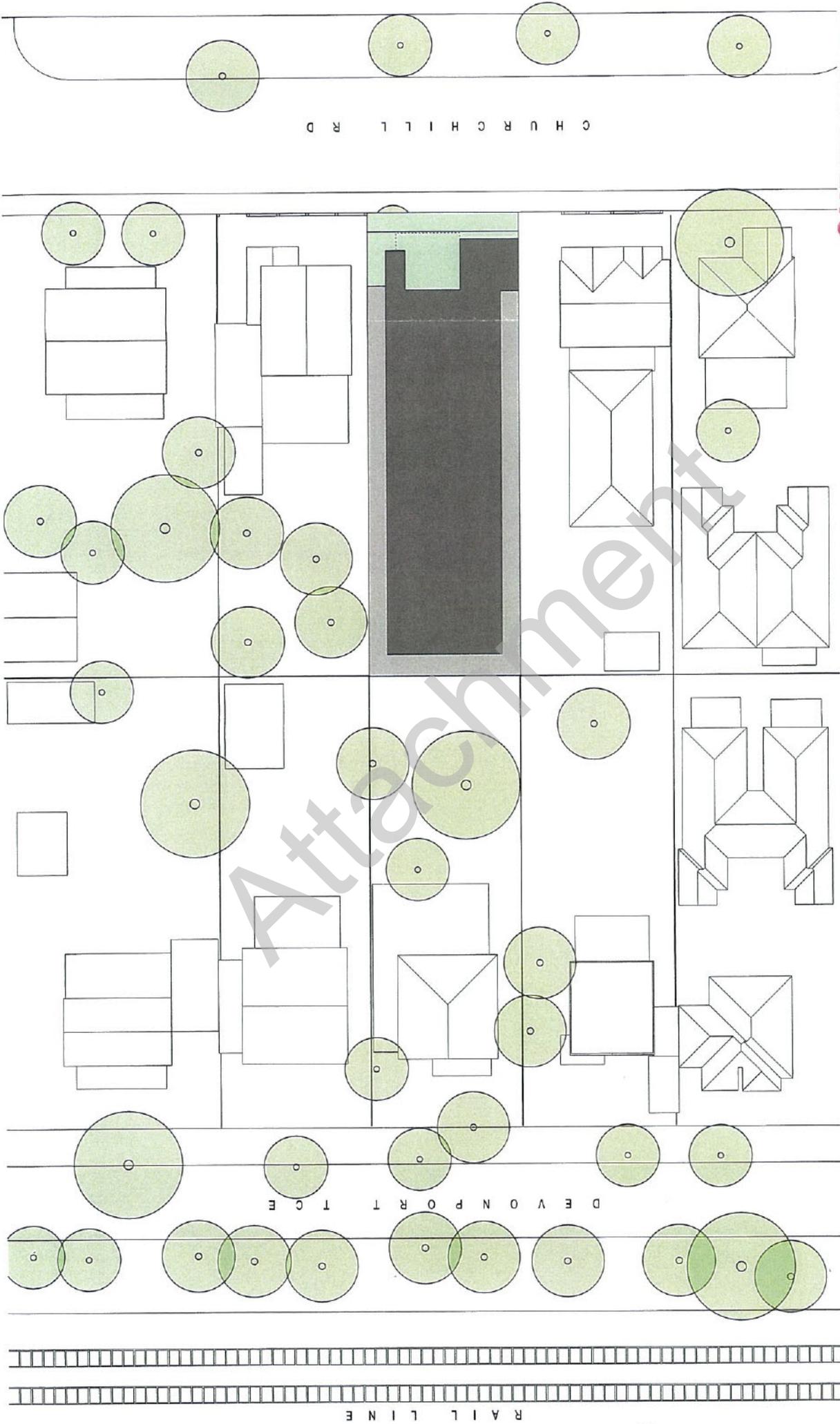
Drawing reference: FSA-281015  
 Scale: 1:100 at A3

Proposed crossovers to  
 council standard and  
 specifications.

of stormwater from tank  
 erflow and surface  
 stormwater to stormwater  
 mp via separate uPVC  
 stormwater pipes laid @ 0.5%  
 in grade.

Underground Pump Chamber with Dual Pumps:  
 Pit =  $\phi 1120 \times 1700\text{mmH}$  Reinforced Polyethy  
 (1200L Capacity, 1670L Critical Capacit  
 Pump = DTB Pumps DTBDPPE1200SW77055M  
 (240V, 0.55KW, 4.5Amps, 50 $\phi$ outlet)  
 Alarm = Audio and visual pump failure alarm.  
 Cover = Class C Galvanised grate.  
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 Controller = Cable extensions required.  
 Pump installation + pit construction to be in  
 accordance with manufacturer's specification.  
 Refer to [www.dtbpumps.com](http://www.dtbpumps.com)





**REVISED**

Attachment

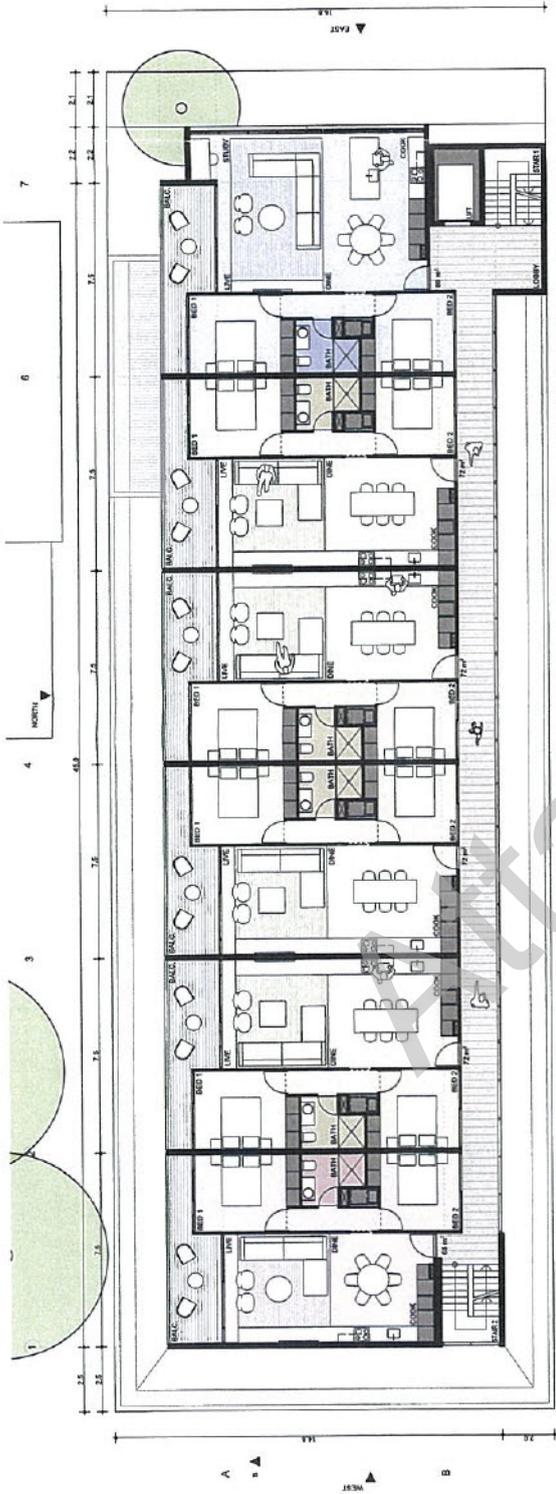
SITE PLAN

AREA	655 m <sup>2</sup>
SITE AREA	1382 m <sup>2</sup>
APARTMENTS	10
OFFICE	1
LIFT STAIR	80 m <sup>2</sup>
PUBLIC TERRACE	198 m <sup>2</sup>
CONTRIBUTOR	100 m <sup>2</sup>
PERFORMANCE	41 m <sup>2</sup>

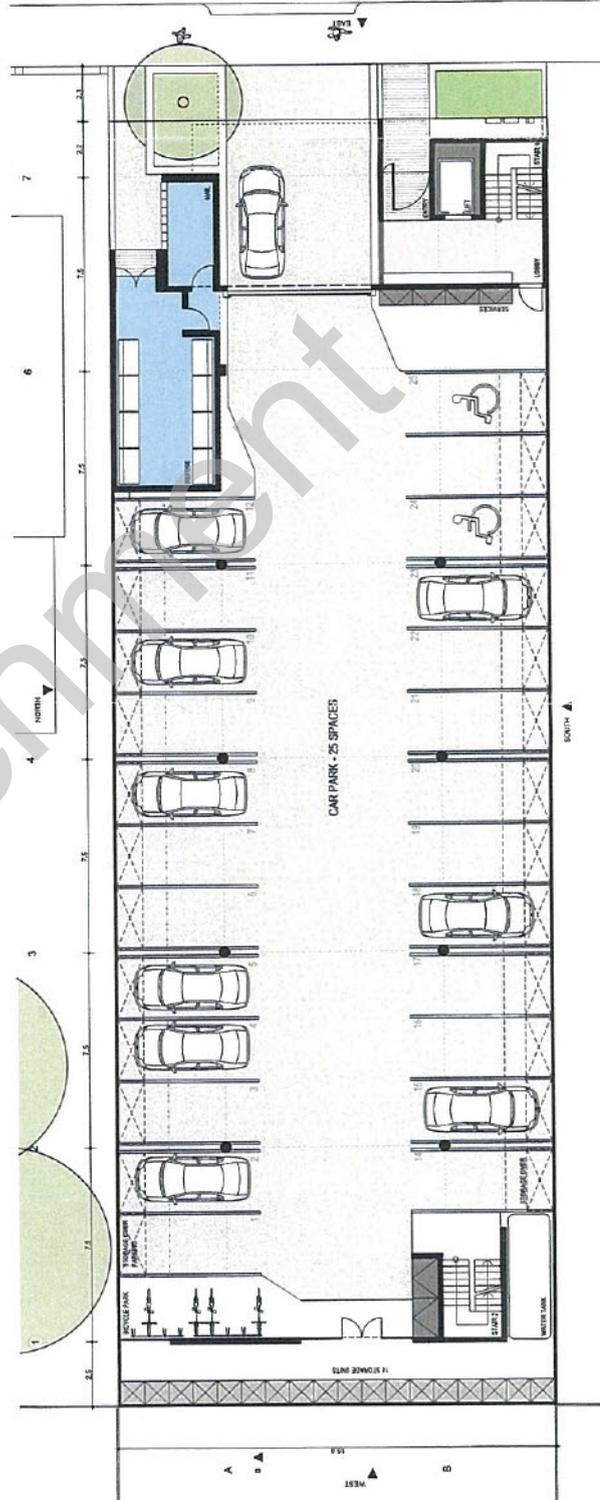


PROVISIONAL DEVELOPMENT APPROVAL  
DATE: 15/06/2015

SEALING



LEVEL 1



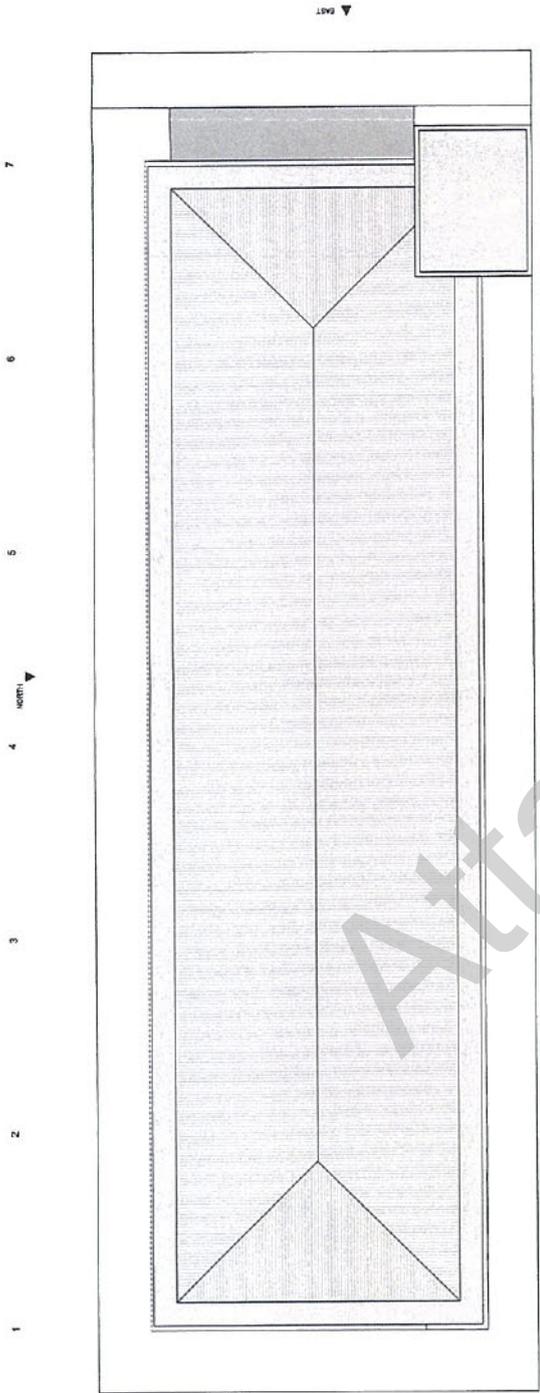
LEVEL 0

AREAS	EST. SQ. FT.	REQ.
APARTMENTS 2 BED	18	18
PRIVATE PARKING	21	18
WHEELCHAIR PARKING	4	4.5
<b>PARKING TOTAL</b>	<b>25</b>	<b>22.5</b>

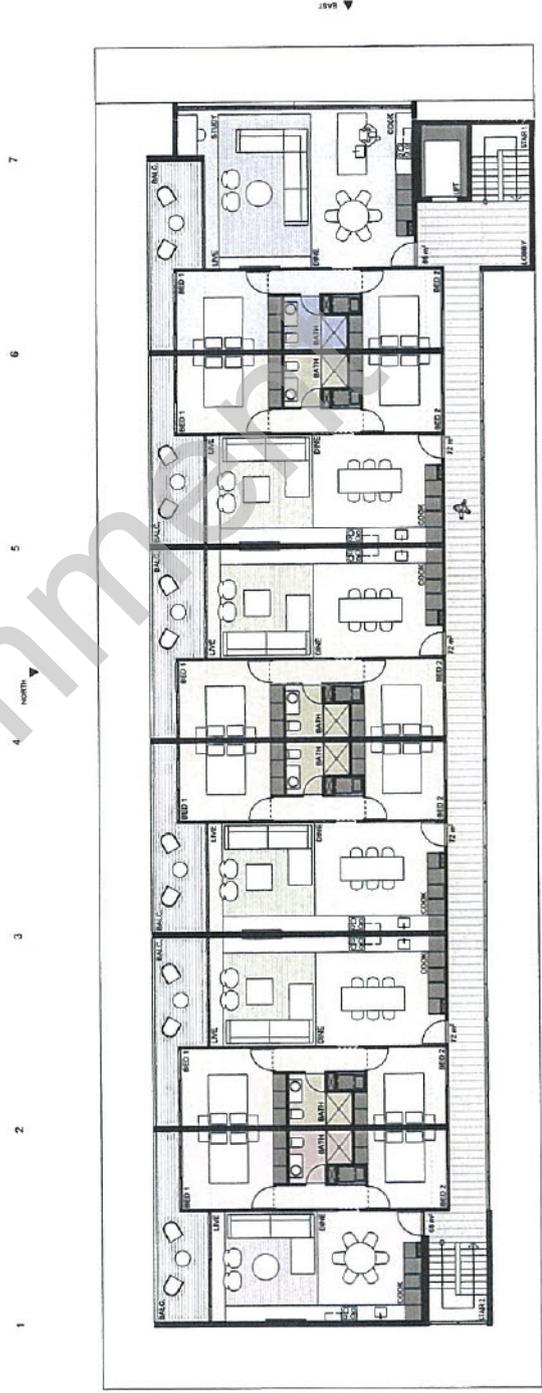


PROFESSIONAL DEVELOPMENT APPROVAL  
DATE: 15/06/2015

SKETCHED



ROOF



LEVEL 2 & 3

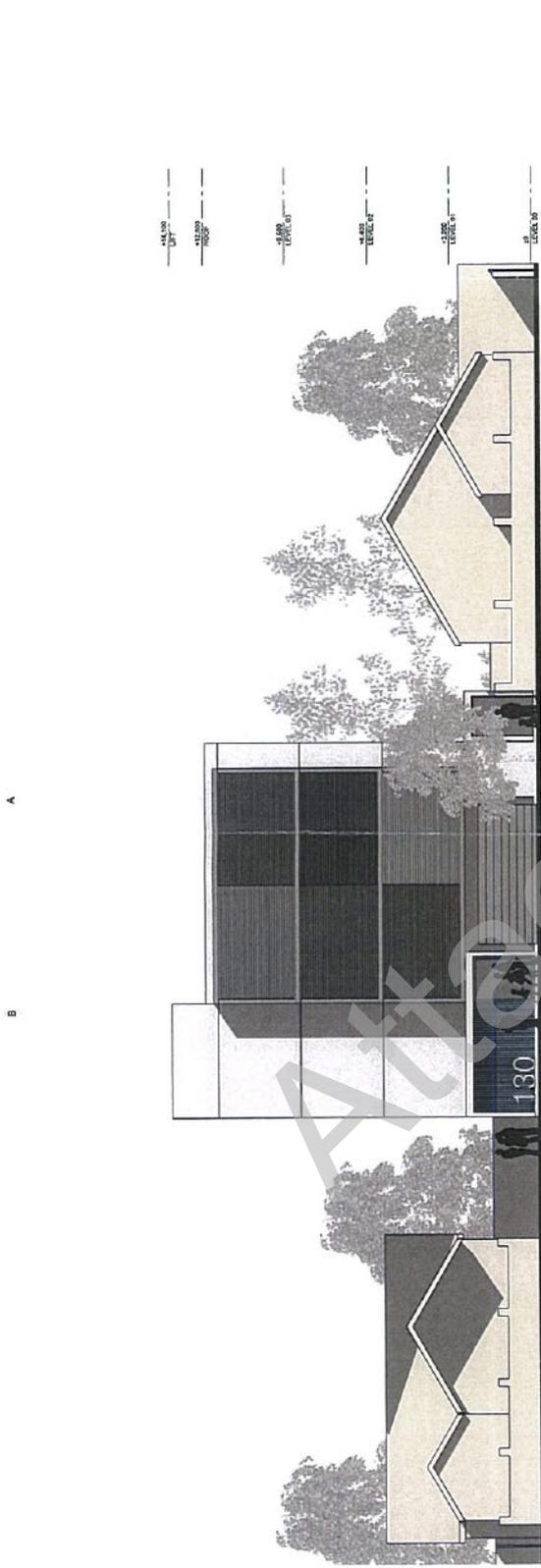
AREAS	445 m <sup>2</sup>
APARTMENTS	27 m <sup>2</sup>
BALCONIES	85 m <sup>2</sup>
PUBLIC TERRACE	696 m <sup>2</sup>
CIRCLES	



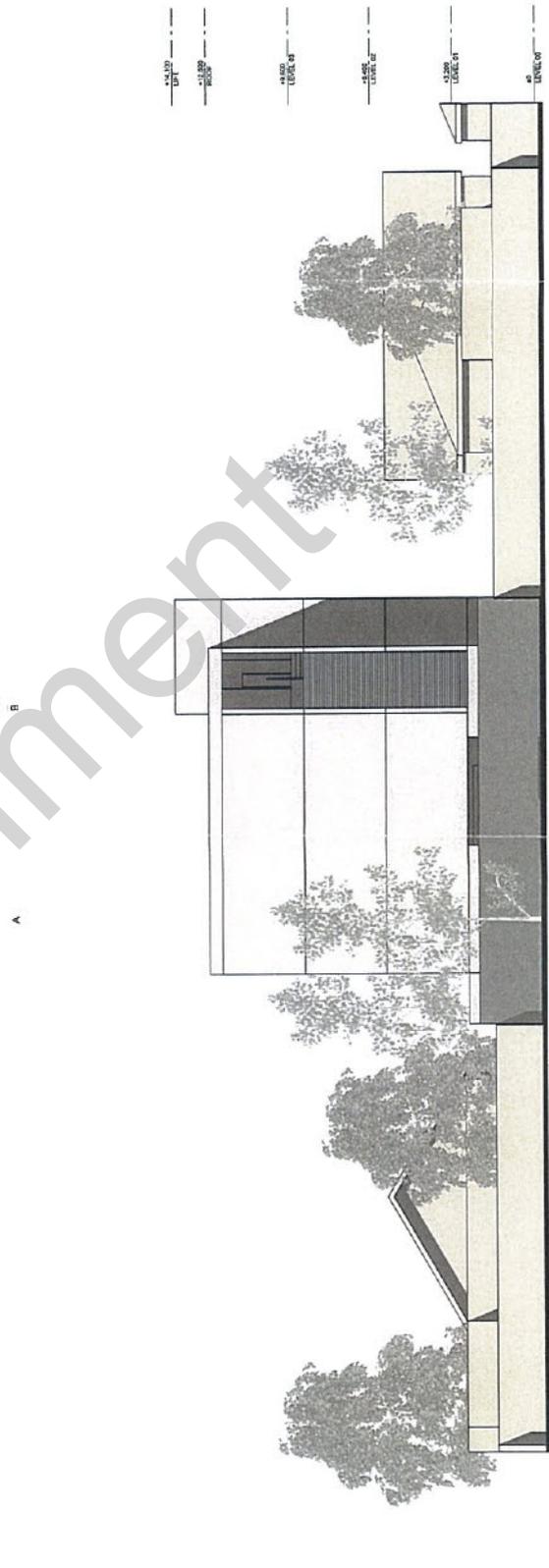
PROFESSIONAL ENGINEER APPROVAL  
DATE: 15/06/2015

Attachment 40

SUPERSEDED



EAST ELEVATION



WEST ELEVATION

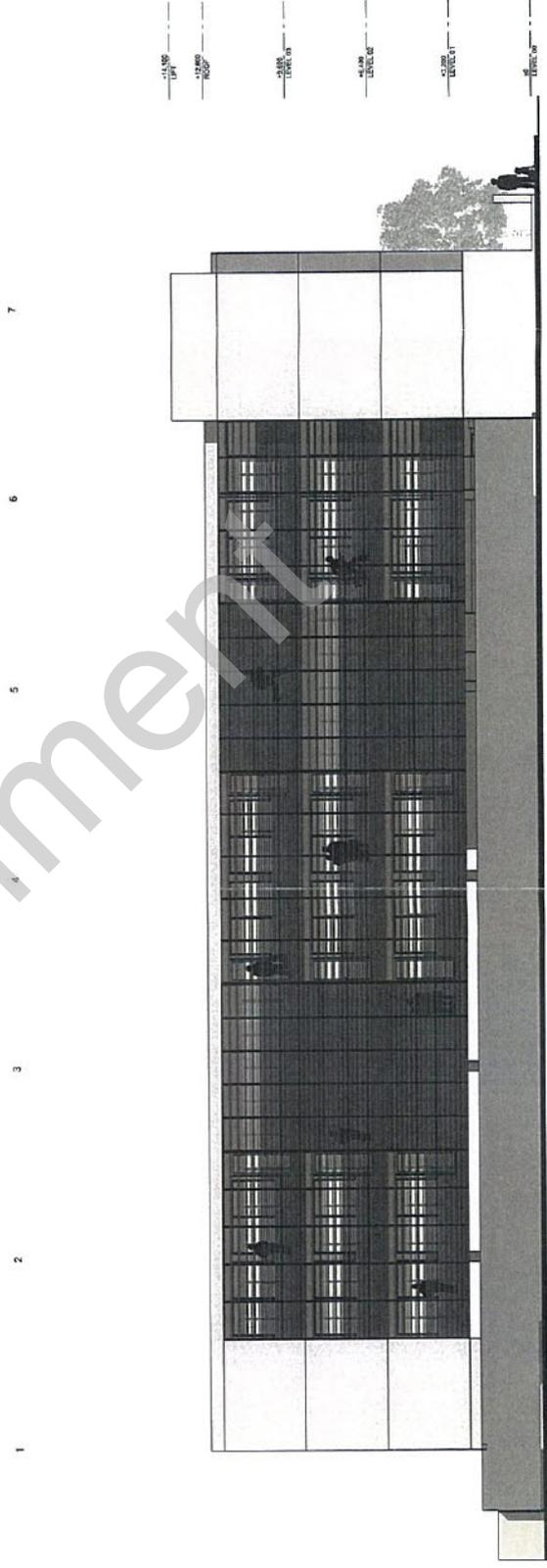


PROFESSIONAL DEVELOPMENT APPROVAL  
 DATE: 15/06/2015  
 DRAWING NO: SK0103

SUPERSEDED



NORTH ELEVATION



SOUTH ELEVATION

130 CHURCHILL RD  
NORTH SOUTH ELEVATIONS / CONCEPT DESIGN  
15/06/2015 / 14-11-00 / 590304 / -

PROFESSIONAL DEVELOPMENT APPROVAL

DATE: 15/06/2015

SCALE: 1:100

10M

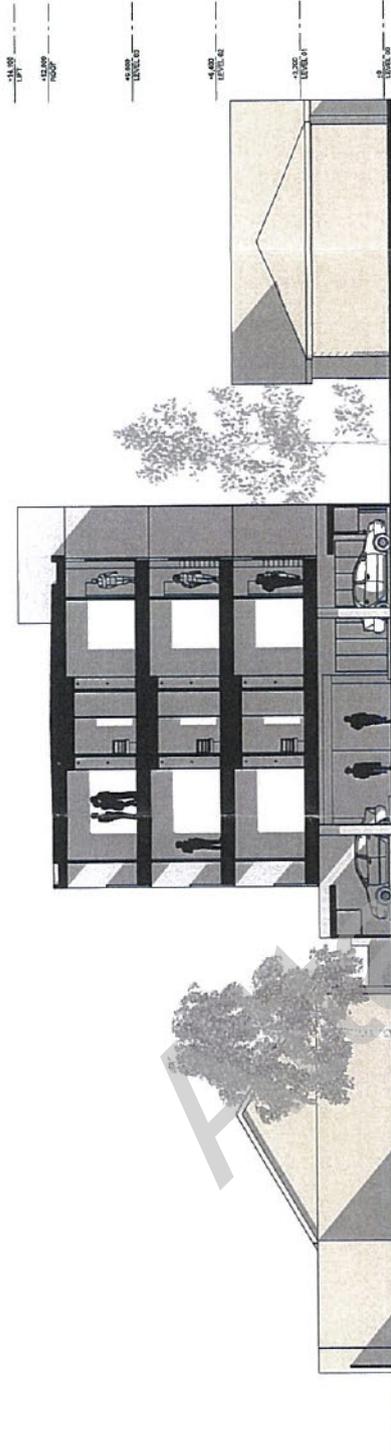
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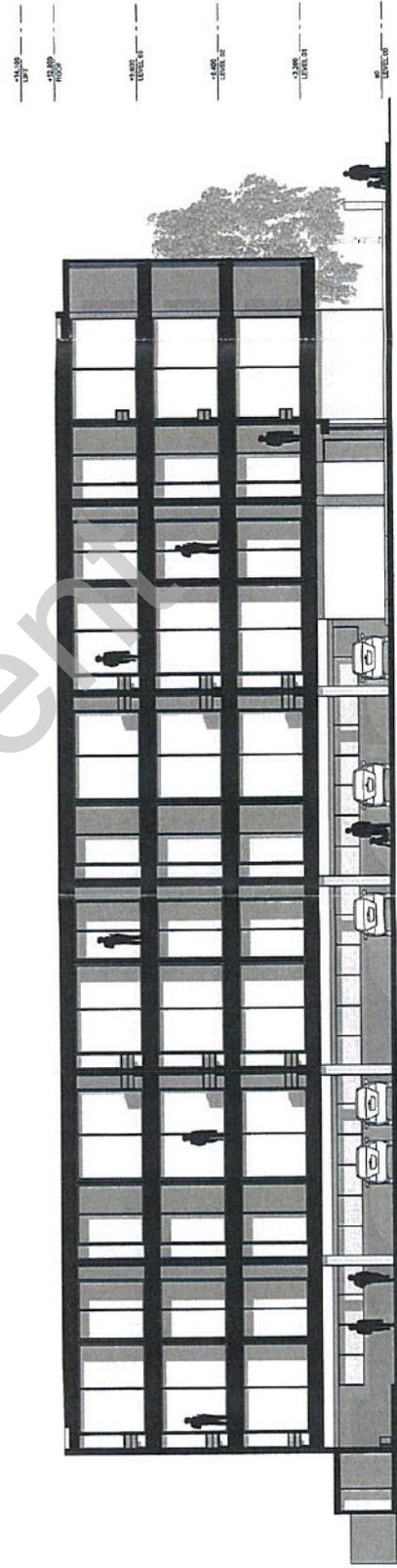
SUPERSEDED

A B



SECTION A-A

1 2 3 4 5 6 7



SECTION B-B



A PROFESSIONAL DEVELOPMENT APPROVAL  
 DATE: 15/06/2015  
 DRAWING NO: 14-1162 / SK0105 / -  
 PROJECT: 130 CHURCHILL RD

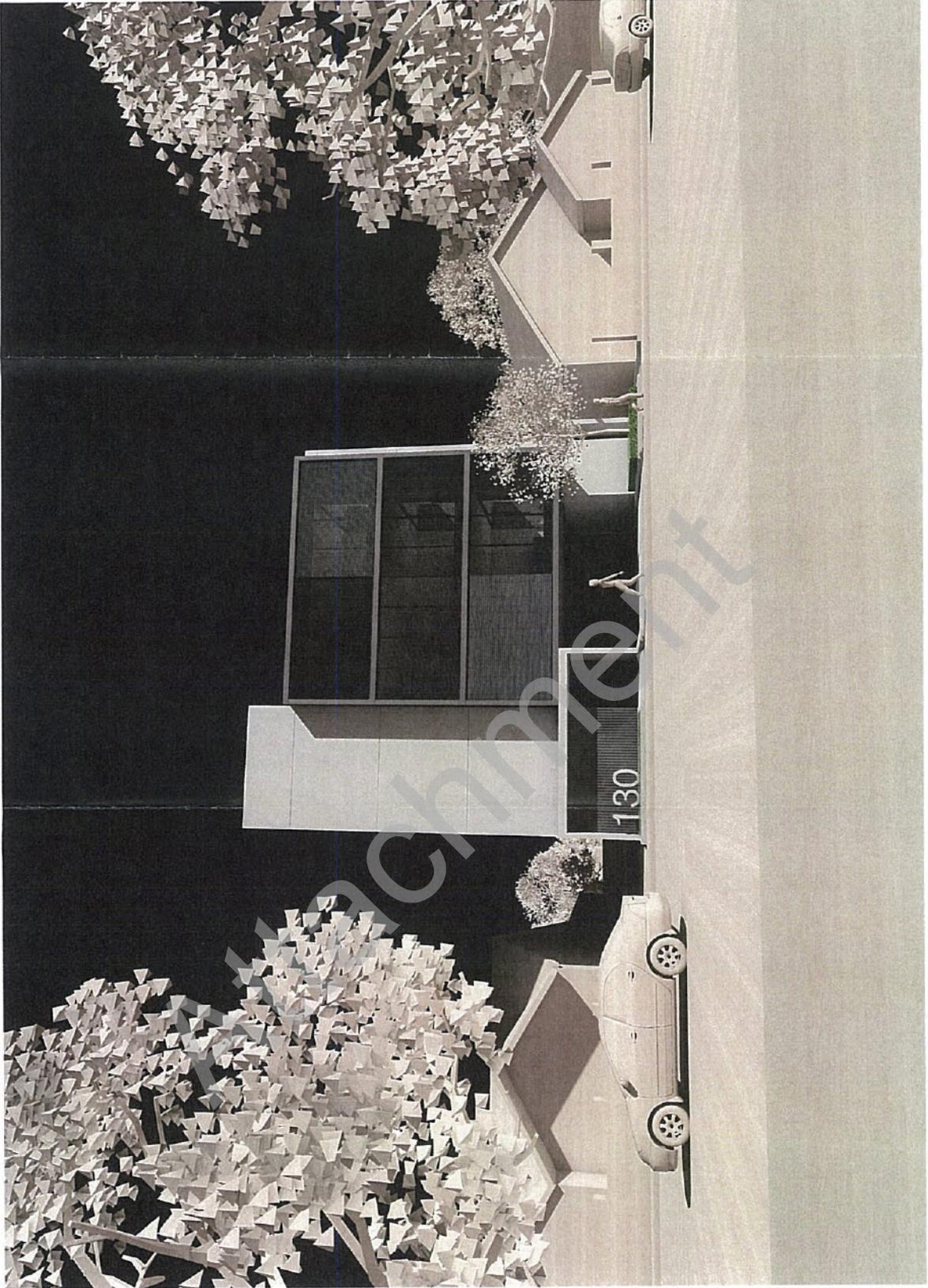


**SUPERSEDED**

130 CHURCHILL RD  
NORTH EAST STREET VIEW / CONCEPT DESIGN  
15/06/2015 / 14-1160 / 5001087-



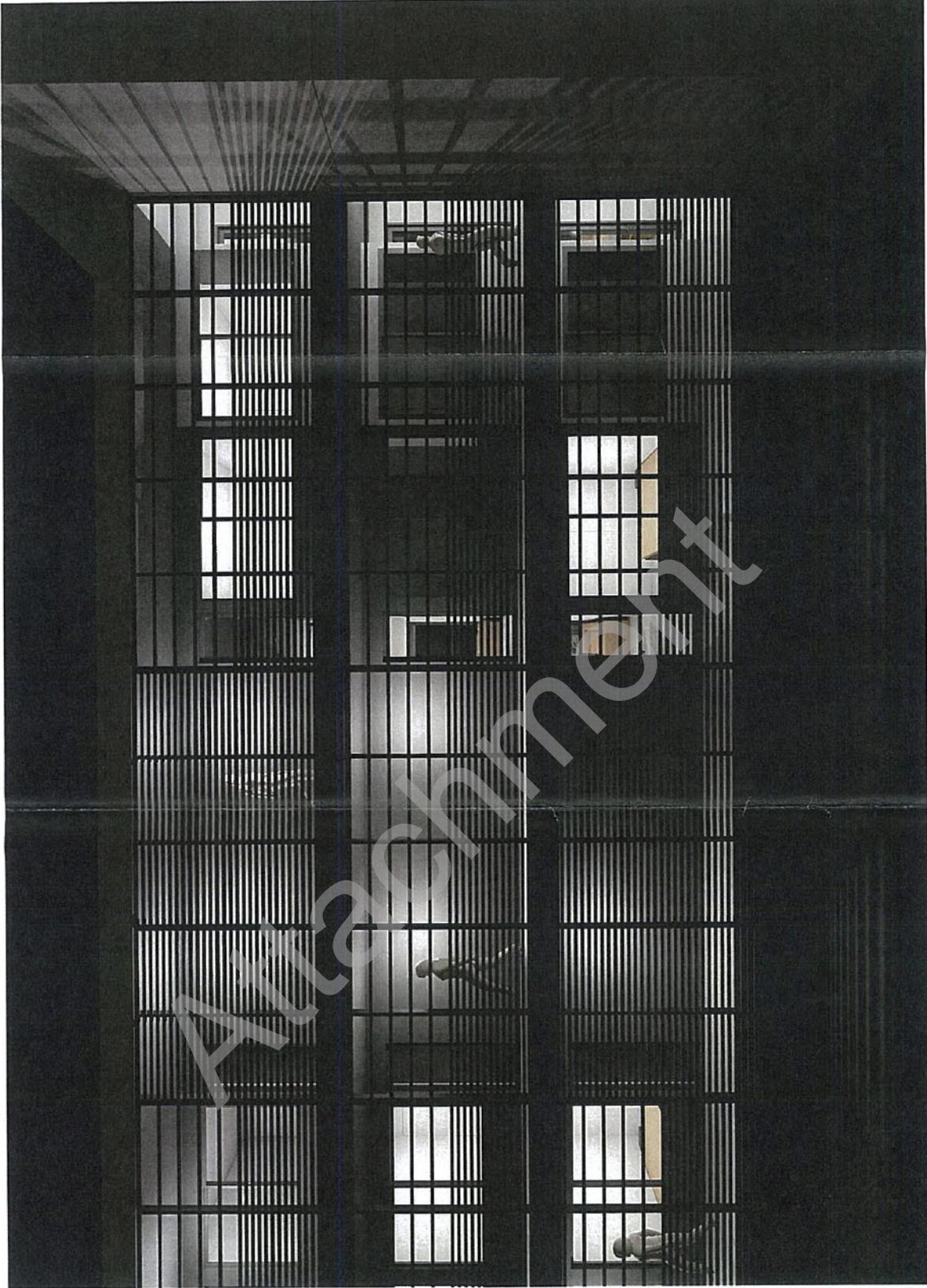
# SUPERSEDED



SURRENDERED







**AGENDA ITEM:** 5.2

**To:** Development Assessment Panel (DAP) on 9 November 2015

**From:** Susan Giles, Development Officer, Planning

**Proposal:** Removal of a Significant Tree – *Corymbia citriodora* (Lemon Scented Gum) (DA 050/80/2015)

**Address:** 185 Main North Road, Nailsworth (CT 5571/50)

---

**SUMMARY:**

Applicant: Mr Mohan Nathan

Owner: Mr Andrew Steiner

Planning Authority: Council

Mandatory Referrals: Nil

Independent Advice: Nil

Public Notification: Category 1

Representations/Submissions: Nil

Respondent: Nil

Development Plan Version: Consolidated 12 February 2015

Zone and Policy Area: Urban Corridor Zone (Business Policy Area)

Key Considerations: Causing or threatening to cause substantial damage to public and private safety; development potential

**Recommendation:** **Notify the Environment, Resources and Development Court that the proposal is supported**

---

**ATTACHMENTS:**

Attachments 1-3 Notice of Appeal

Attachments 4-11 Correspondence prepared by Campbell Law dated 22 August and 22 October 2015

Attachment 12 Correspondence in support from land owner

Attachments 13-50 Report and Attachments from DAP Meeting 11 May 2015

---

**1. EXECUTIVE SUMMARY**

1.1 The proposal is for the consideration of additional details submitted for deliberation in respond of a development application that was refused by Council's Development Assessment Panel at its meeting on 11 May 2015. The applicant appealed the decision

and has subsequently presented the additional information for consideration during the conciliation proceedings.

- 1.2 The appellant seeks the Council's Development Assessment Panel to reconsider the proposal with the view that remedial measures and ongoing maintenance of the subject tree is not found favourable. The documentation is being considered as part of the appeal process and no referrals or public notification is required. A Conciliation Conference is set down for Wednesday 11 November 2015 where it is anticipated that Council's planning staff would provide feedback to the Court.
- 1.3 The key considerations of the appeal are the potential hazard to the public and private safety, remedial treatments and measures, ongoing maintenance of the tree and long term use of the subject land. The appellant requests that the future use of the site as anticipated by the provisions of Council's Development Plan is also considered.
- 1.4 The appellant has provided additional information which outlines that the removal of the tree is in the best interest of the site for future development potential but more importantly that the retention of the tree is not viable, thus the safety of the occupants is of serious concern. Therefore it is recommended that the compromise proposal is supported.

## **2. BACKGROUND**

- 2.1 The Development Assessment Panel (DAP) at its meeting of 11 May 2015 considered a proposal for the Removal of Significant Tree *Corymbia citriodora* (Lemon Scented Gum) at 185 Main North Road, Nailsworth. The application was refused as the proposal was considered to:
  - Result in the removal of a significant tree that is worthy of retention, without giving due regard to all reasonable remedial treatments available.
- 2.2 The applicant lodged an appeal against the decision to the Environment, Resources and Development Court. Council received a copy of the notice of appeal which outlines that having regard to the circumstances and the relevant provisions of the Development Plan, the applicant believes the proposed development warranted development plan consent (refer **Attachments 2-3**).
- 2.3 The applicant has engaged Mr Tim Campbell of Campbell Law to assist in providing expert advice and assistance. Accordingly Mr Campbell, on behalf of the owner, has provided additional information for consideration as part of the appeal process. This approach is usual of Environment, Resources and Development Court proceedings, where the parties seek to resolve the appeal without proceeding to a hearing.
- 2.4 The report and attachments from the 11 May 2015 DAP meeting is attached for the DAP's reference (refer **Attachments 13-50**).

## **3. PROPOSAL**

- 3.1 The applicant requests that the DAP reconsider its decision for the removal of the Significant Tree, a *Corymbia citriodora* (Lemon Scented Gum), at 185 Main North Road, Nailsworth. No other detail is proposed (refer **Attachments 6-11**).

## **4. REFERRALS**

### **4.1 Internal (Advisory) Referrals**

- 4.1.1 No external referral was required.

## 4.2 External (Legislated) Referrals

4.2.1 No external referral was required.

## 5. PUBLIC NOTIFICATION

5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 of the *Development Regulations 2008* as it involves a tree-damaging activity on private land. No public notification was undertaken.

## 6. PLANNING COMMENTARY

6.1 Pursuant to Section 86(1)(a)(i) of the Development Act 1993, an applicant may appeal to the Environment Resources and Development Court (Court) against a refusal to grant authorisation to a development proposal.

6.2 As part of the appeal proceedings with the Court, an appellant has an opportunity to submit material or other relevant evidence as necessary. Typically a revised proposal is provided to Council as a compromise proposal, however no revised plans have been provided with this appeal. The appellant has submitted correspondence outlining reasons why the application should have been granted consent and requesting that the Panel reconsider its decision and agree to the removal of the tree.

6.3 If the additional information alters the Panel's view, then an order to that effect would be issued by the Court and approval granted to the application.

6.4 If the additional information is not supported, the appellant has the right to proceed to a hearing before the Court on the matter.

## 7. PLANNING ASSESSMENT

### 7.1 Removal of tree

7.1.1 The removal of a significant tree is supported by the Development Plan on the proviso that the tree demonstrates it is diseased and its life expectancy is short; or it represents an unacceptable risk to public or private safety; and other reasonable remedial treatments and measures have been determined to be ineffective.

7.1.2 The decision to refuse the application was made with regard to the relevant provisions of the Development Plan, and as such the pertinent aspects at the time were:

- The tree is free from notable pests and diseases and it is in good stable health. The tree has some minor dead wood at various points throughout the crown and while there is evidence of some yellowing of foliage, both arborists note that the tree is expected to have a long useful life given the existing environmental and site conditions.
- In its current form, the tree has been determined by both Mr Nicolle and Mr Cassar to present a low to medium risk to public or private safety. Mr Nicolle suggests that the tree is currently an acceptable but increasing risk to personal safety. Mr Cassar is of the view that with on-going management and maintenance of the tree, the tree will continue to maintain a low risk to the public or private safety.
- It was anticipated (by both arborists) that remedial measures such as maintenance pruning would be required to satisfactorily reduce the risk of future branch failures.

- 7.1.3 The remedial treatments and measures were suggested, which included installing shade-sails, or similar structures, to protect any vehicle located beneath the canopy; or locate vehicles outside of the central crown. At the time, the applicant did not provide any information or demonstrate that all reasonable remedial treatments and measures have been determined ineffective.
- 7.1.4 In support of the appeal, the owner of the land, Mr Steiner, has provided correspondence with reiterates his concern of the unacceptable risk that the tree poses to the public and private safety and the financial imposition upon any future owner or business to maintain the tree (refer **Attachment 12**).
- 7.1.5 In addition, Campbell Law has provided correspondence for the DAP's consideration (refer **Attachment 4-5**), suggesting that:
- The tree is impeding the development of the site;
  - Prospective buyers are put off by the tree;
  - Council should support the removal of the tree to realise its desire for economic development;
  - The tree has caused damage to a car;
  - The tree poses a risk to the safety of staff;
  - The tree has damaged the adjacent building (Brenton's Mechanical Workshop);
  - The tree is located in an inappropriate place;
  - There is no reasonable remedial treatment available that would address these issues.
- 7.1.6 Mr Campbell advises that providing remedial treatments as suggested by the consulting arborists to prevent potential damage to the public or private would be unreasonable. For shade sails to be installed beneath the canopy of the tree to catch any falling branches, the said canopy would cover an area of approximately 250m<sup>2</sup>. This would be expensive and reduce the space available for parking vehicles. Furthermore, Mr Campbell suggests that the appearance of the shade sails would be unlikely to satisfy the relevant principles stated in Council's Development Plan (refer **Attachments 9-10**). The shade sails would surround the tree and be highly visible from Main North Road.
- 7.1.7 Regular pruning imposes significant financial cost to the owner of the site, who is currently not in a financial position to uphold. Mr Campbell also suggests that regular pruning of the tree would affect its visual amenity contribution and moreover there is no guarantee that regular pruning would stop all unexpected branch failures.
- 7.1.8 The tree has some defective branches that are likely to fail in the future, as outlined by the consulting arborists. Mr Campbell suggests that no consideration has been given to the frequency of these expected failures and his concern is reinforced by way of the branch that failed unexpectedly.
- 7.1.9 Mr Campbell in his correspondence refers to the matter of *Prestige Wholesale Pty Ltd v City of Burnside [2005] SAERD 12* which concerned a Lemon Scented Gum of similar size and appearance (refer **Attachments 9-10**). The remedial measures were the same as for the subject tree, where it has been suggested that shade sails be installed to prevent damage occurring by unexpected branch failures.

7.1.10 Within this matter, the Commissioner stated:

*“Whether the risk is unacceptable depends in this case not on tree failure, but on the likelihood of reasonably large branches sufficient to cause injury, from the tree”.*

With regard to the remedial measures, the Commissioner stated:

*“To be sufficiently adequate, the sail structure would have to extend under most of the canopy of the tree and be supported by steel posts or columns in addition to any support or anchor point provided by the building with the sail sufficiently tensioned to take the weight of branches of the tree. Accordingly, there would need to be more than one sail structure. I do not accept that the provision of sails is a reasonable measure to prevent risk to private or public safety, particularly because of the consequential visual impact of them, under the canopy, at the front of the building.”*

7.1.11 The Commissioner concluded that while the tree made an important contribution of the character of the local area and that it formed a notable visual element of the landscape, this was outweighed by the risk the tree presented to the safety of employees and did not accept that shade sails were considered to be reasonable measure for the appellant given the size required to be covered, nor was it reasonable for the appellant to rearrange the use of the area such that cars were not parked beneath the canopy.

7.1.12 Accordingly, the additional information provided demonstrates that there would be no reasonable remedial treatments and measures available that would be reasonable for the ongoing management and maintenance of the tree or the site.

## **7.2 Future development of site**

7.2.1 The site is located in the Urban Corridor Zone, Business Policy Area. The owner intends to sell the subject site with a view that it would be future developed in accordance with the principles of the zone and policy area. Mr Campbell advises that the presence of the tree has thus far deterred potential purchases because it severely limits the area available for development and limits future development from achieving the relevant Development Plan provisions.

7.2.2 The potential redevelopment of the site would be a relevant consideration, but only if such redevelopment was proposed by way of a development application (including the removal of the tree). While the attitude of prospective purchasers is not a relevant planning consideration, it is noted that the location of the tree would restrict the layout of the redevelopment as anticipated by the provisions of Council’s Development Plan.

## **8. CONCLUSION AND RECOMMENDATION**

8.1 The appellant requests that the DAP reconsider the proposal for the removal of the tree as it has determined that the remedial measures are found to be unreasonable in this circumstance. Without the remedial measures, the appellant has concern with regard to possible branch failures. While the risk of branch failures may be low to moderate, there is still a chance that such failure could occur and cause serious injury to the public and private safety.

8.2 The provisions of Council’s Development Plan anticipate the preservation of significant trees which provide important aesthetic and environmental benefits and it is desirable that significant trees be preserved and tree-damaging activity avoided if possible. However, the removal of a significant tree is supported by the Development Plan on the

proviso that the tree demonstrates one or more of the criteria listed in Council-wide PDC 349. The applicant has provided further information which outlines that there are no reasonable remedial treatments and measures that could be implemented to retain the tree in a reasonable manner.

It is recommended:

That the Environment, Resources and Development Court be advised that Council's Development Assessment Panel is supportive of the proposal having given further consideration to the proposal for the removal of the Significant Tree at 185 Main North Road, Nailsworth.



**Susan Giles**  
Development Officer, Planning

Suite 7, Level 1, 118 Halifax Street,  
Adelaide, SA 5000

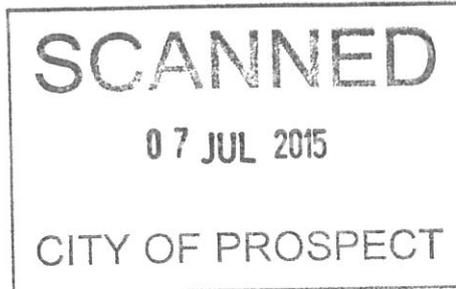
Ph (08) 8227 1223  
Mobile 0438 639 552

Email [tim@campbelllaw.com.au](mailto:tim@campbelllaw.com.au)  
[www.campbelllaw.com.au](http://www.campbelllaw.com.au)



6 July 2015

City of Prospect  
PO Box 171  
PROSPECT SA 5082



**By mail**

Dear Sir/Madam

**Nathan v City of Prospect ERD 15-163 (185 Main North Road, Nailsworth, SA)**

We refer to the above matter.

We advise that we act for Mr Andrew Steiner, on whose behalf Mr Mohan Nathan of First National Commercial lodged Development Application 050/80/2015.

Please find enclosed, by way of service, a copy of the Notice of Appeal filed in the Environment, Resources and Development Court on even date.

We would be grateful if you address any future correspondence in relation to this matter to us.

Yours sincerely  
**CAMPBELL LAW**

A handwritten signature in cursive script, appearing to read 'Caitlin Hartvigsen-Power'.

**Caitlin Hartvigsen-Power**  
Solicitor

*Liability limited by a scheme approved under Professional Standards Legislation.*

Enc ERD Court Notice of Appeal filed 6 July 2015

**ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT****NOTICE OF APPEAL** (*Development Act only*) File No: **ERD-15-163**

(ERD Court to allocate later)

NAME OF APPELLANT(s): Mohan Nathan of First National Commercial

(Real Estate Agent for Andrew Steiner, owner of the property)

RESIDENTIAL ADDRESS: First National Commercial, 469 Regency Road, Prospect SA 5082

ADDRESS FOR SERVICE OF DOCUMENTS &amp; NOTICES: Campbell Law, Suite 7, Level 1, 118 Halifax Street, Adelaide SA 5000

Ph: 8227 1223

WHAT ARE YOU APPEALING AGAINST (*planning decision, enforcement notice, etc.*): Refused Development Application number 050/80/2015

DATE OF DECISION/NOTICE Etc: 11 May 2015

DATE YOU RECEIVED DECISION/NOTICE Etc: 12 May 2015

NAME &amp; ADDRESS OF AUTHORITY: City of Prospect

PO Box 171, Prospect SA 5082

NATURE OF PROPOSED DEVELOPMENT: Remove Significant Tree (*Corymbia citriodora* (Lemon Scented Gum))

LOCATION OF PROPOSED DEVELOPMENT: 185 Main North Road, Nailsworth, SA

CATEGORY OF PROP. DEVELOP. (*1/2/3*): Category 1

NAME OF THE APPLICANT WHO RECEIVED APPROVAL/REFUSAL FOR DEVELOPMENT:

Mr Mohan Nathan

ARE YOU THE APPLICANT OR REPRESENTOR? Legal Representative

REASONS FOR APPEAL:

Having regard to the circumstances and all relevant provisions of the Development Plan, the proposed development warranted consent.

DO YOU SEEK AN **EARLY/URGENT** HEARING – PLEASE STATE YOUR REASONS:

No



INDICATE HERE IF YOU WOULD *PREFER* A HEARING BY **WRITTEN SUBMISSION ONLY**, REQUIRING A VIEW BUT NOT ATTENDANCE IN COURT (see attached fact sheet)

PREFERENCE TO RECEIVE JUDGMENT/DECISION:  Email  Fax  
X Post

SIGNED: *A. Campbell* DATED: 6/7/15  
*Solicitor for Andrew Steiner* **CAMPBELL LAW**  
**Suite 7, 1st Fl. 118 Halifax St**  
**Adelaide SA 5000**

**PLEASE NOTE: You must immediately provide a copy of the "Notice of Appeal" to the relevant Planning Authority (ie. Council OR Development Assessment Commission)**

Attachment

Suite 7, Level 1, 118 Halifax Street,  
Adelaide, SA 5000

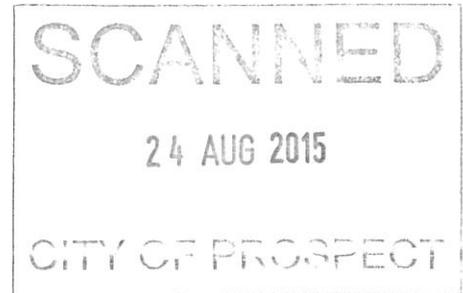
Ph (08) 8227 1223  
Mobile 0438 639 552

Email [tim@campbelllaw.com.au](mailto:tim@campbelllaw.com.au)  
[www.campbelllaw.com.au](http://www.campbelllaw.com.au)



22 August 2015

Ms. Susan Giles  
City of Prospect  
PO Box 171  
Prospect SA 5082



**By email & mail**

Dear Ms. Giles

**Andrew Steiner ERD 15-163**

We act for Mr. Steiner who owns a commercial property at 185 Main North Rd, Nailsworth.

He wishes to remove a significant tree and we refer to his development application (050/80/2015), the decision of the DAP, and his appeal to the ERD Court.

The tree is impeding the development of the site. We are instructed that prospective buyers of the property are put off by the tree, believing that it would be an impediment to development of the site.

In line with Council's zoning for this area, it is appropriate that the Council should be encouraging development in this zone. The Council, in its desire to see economic development in this area along a main road, should be supporting removal of this tree.

The site is currently used to store cars by a tenant – Pace Care Sales.

The director of Pace Car Sales, Mr. Pasquale Pacecca, has told us that in about June or July last year, a large branch fell off the tree and extensively damaged a car.

Pace Car Sales has about 20 cars at the site. Staff visits twice a week to wash the cars and cars are shifted frequently.

Mr. Pacecca believes that his staff are at risk when working under the tree and that for health and safety reasons, it should be removed.

The Council is aware that a neighbour, Brentons Mechanical Workshop (letter dated 18 February 2015), has stated that branches from the tree have caused damaged to property.

It appears that the tree has also caused cracking to the building of Brentons Mechanical Workshop.

The tree is located in an inappropriate place. Any remedial treatment would be ineffective. There is no reasonable remedial treatment which will adequately address all the concerns and issues with this tree.

We ask that the DAP to consider its response to the appeal to the ERD Court by Mr. Steiner and agree to the removal of the tree.

Removal of the tree is not significantly at variance with the Development Plan. Due consideration needs to be given to the location of the site and the tree, the best use of the site, the economic use of the site, the intended use of the site, and the need of the owner to sell the site for development.

We thank you for your attention to this.

Yours sincerely  
**CAMPBELL LAW**



**Tim Campbell**  
**Principal**

*Liability limited by a scheme approved under Professional Standards Legislation.*

Attachment



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[www.campbelllaw.com.au](http://www.campbelllaw.com.au)

22 October 2015

Ms Susan Giles  
City of Prospect  
PO Box 171  
PROSPECT SA 5082

**By mail & email**

Dear Ms Giles

**Andrew Steiner ERD 15-163 – 185 Main North Rd, Nailsworth**

1. We refer to our letter dated 22 August 2015 and discussions between the writer and you. The purpose of this letter is to provide further submissions for reconsideration of this matter by the Council's Development Assessment Panel.

#### Background

2. Our client, Mr Joseph Andrew Steiner ("**the Applicant**"), owns a property at 185 Main North Rd, Nailsworth, South Australia ("**the Site**").
3. Approximately 40 years ago the Applicant planted a *Corymbia citriodora* lemon scented gum ("**the Tree**") on the Site. The species *Corymbia citriodora* is not native to South Australia, and is not a eucalypt.
4. Since it was planted, the Tree has grown to a height of approximately 18 metres with a spread of approximately 16 metres. The Tree covers an area of approximately 200m<sup>2</sup>. It has a trunk circumference at one metre of 3.10m.
5. The Tree has previously had its lower branches pruned so that the crown of the Tree sits approximately 7m above ground level.
6. While *Corymbia citriodora* were commonly planted in metropolitan Adelaide and are generally successful, some individual specimens have problems with sudden branch failure. The Tree is known to have such problems. In June or July 2014, a large branch dropped suddenly from the Tree and damaged a car parked below the Tree.
7. The Site is currently leased to Pace Car Sales, which uses the Site for the storage and display of used cars for sale. Staff of Pace Car Sales visit the Site twice a week to wash and maintain the cars. The director of Pace Car Sales, Mr Pasquale Pacecca, believes that staff are at risk of falling branches when working under the Tree.

8. The Applicant, who is 82 years old, wishes to sell the Site in order to simplify his own affairs and to facilitate the future development of the Site.
9. By Development Application 050/80/2015 dated 23 February 2015, the Applicant applied to the City of Prospect's Development Assessment Panel ("**the DAP**") for permission to remove the Tree. The application in the first instance was made by Mr Mohan Nathan, an agent of the Applicant. Mr Nathan is no longer involved in these proceedings.
10. By way of a Decision Notification dated 11 May 2015, Development Application 050/80/2015 was refused.
11. On 6 July 2015, the Applicant by his agent Mr Nathan filed an appeal in the Environment, Resources and Development Court of South Australia ("**the ERD Court**") against the DAP's refusal of Development Application 050/80/2015.
12. A preliminary conference in the appeal was held before the ERD Court on 3 August 2015. A further conference was held on 21 September 2015.
13. We ask that the DAP consider its response to the ERD Court, taking into account the information set out below.

Development in accordance with the Urban Corridor Zone and Business Policy Area

14. The Site is located within an Urban Corridor Zone which has been designated by the City of Prospect as a Business Policy Area. For the purposes of this application, the relevant zoning and policy requirements are as follows (adapted from the City of Prospect, 'Urban Corridor Zone – Business Policy Area', pages 2-6):
  - 14.1. The policy area has a strong employment focus primarily served by non-residential uses;
  - 14.2. Buildings and associated site works should have frontages creating a strong visual connection and relationship to Main North Rd;
  - 14.3. Parking will be located at the rear of buildings, or underneath buildings, with on-site parking areas screened from the main road or public spaces.
  - 14.4. The high quality appearance of buildings will be complemented by landscaping that establishes a high level of amenity and enhances the relationship of buildings with the street, public spaces, and adjacent residential and commercial areas; and
  - 14.5. Development will create a linear corridor that frames the main road.
15. Each of these points is considered in turn below.

Strong employment focus with non-residential uses

16. The Applicant intends to sell the Site with a view to its future development. It is anticipated that this development will generate business and enable increased employment. The presence of the Tree on the Site has thus far deterred potential purchasers because it severely limits the area available for development and therefore limits the size of the business and consequent employment. It would therefore be in keeping with principles of development in a Business Policy Zone to allow removal of the Tree.

Frontage creating a strong visual connection with Main North Rd

17. The frontage of the existing building on the Site is set approximately 30m back from Main North Rd. The space between the building and the street front is used for parking space for used vehicles for sale. The northern side of this space is dominated by the Tree, whose canopy is 17-20m wide.
18. The Tree and any associated remedial works would be highly likely to detract from any business development on the Site. It would be more consistent with the principles of development identified above to allow removal of the tree to facilitate a strong visual connection between the business frontage and Main North Rd.

Parking screened from main roads and public spaces

19. The current location of the Tree dictates that buildings be located to the rear of the Site. This would also be true for any redeveloped business on the Site. As a result, the only space available for parking is at the front of the Site. This is in conflict with the principle of development requiring parking to be at the rear of the building or otherwise screened from the main road.

3-metre setbacks and linear corridor

20. The current layout of the Site, as dictated by the presence of the Tree, is significantly at odds with the development principle requiring a setback of 3 metres from the main road. This also detracts from the development of a linear corridor along Main North Rd.

Landscaping and visual amenity

21. While the Tree offers significant visual amenity in its current location, we submit that this is outweighed in this case by the factors considered above.

Development Principles 346 and 349

22. In the Reasons for Refusal, particular reference was made to Principles 346 and 349 in the Council-wide Development Principles ("Council-wide PDC"). We submit that on further consideration of these CDPs, the Tree should be removed as its aesthetic contribution is outweighed by the risk it presents to public and private safety. Each of these aspects is considered in detail below.

Aesthetic and Environmental Benefits

23. Council-wide PDC 346 provides, inter alia, that where a significant tree makes an important contribution to the character or amenity of the local area, development should preserve this attribute.
24. It was noted in the Reasons for Refusal at 7.1.7 that the Tree "is a highly visible element within the landscape" and that "It is therefore desirable that the significant tree be preserved and tree-damaging activity be avoided if possible."
25. We refer again to our points above concerning the inconsistency of the tree with the desired character of the Business Policy Area. However, we also submit that any visual amenity of the tree is, in this case, outweighed by the unacceptable risk that the tree poses to public and private safety.

Unacceptable risk to public and private safety

26. Council-wide PDC 349 provides, inter alia, that a significant tree may be removed where:

26.1. The tree represents an unacceptable risk to public or private safety; and

26.2. All other reasonable remedial treatments and measures have been determined to be ineffective.

27. In the Reasons for Refusal, it was found at paragraph 7.2.2(b) that the tree represented “a low to medium risk to public or private safety.” The exact basis of this assessment is unclear from the Reasons for Refusal. For example, it is noted at 7.2.2(e) that the tree has some defective branches that are likely to fail in the future. No consideration is given to the frequency of these expected failures, the size of the branches likely to fail, and the probable consequences of a branch hitting either a person or property in the event of failure.

28. In our submission, these latter factors are crucial to determining whether a tree presents an unacceptable risk to public or private safety. An infrequent risk event may nevertheless be unacceptable where the consequences of that event would be severe to catastrophic.

29. Mr Nicolle notes in his report at page 7 that a moderate-sized (170mm in diameter) branch recently failed unexpectedly. Mr Nicolle points out that the consequence of a branch failure of this type is magnified by both the height of the canopy and the relatively high use of the area. Furthermore, Mr Nicolle points out that the risk of this type of sudden limb failure is likely to increase over time.

30. While Mr Nicolle concludes that the risk tree currently presents an acceptable risk, we submit that this conclusion does not give sufficient weight to the consequences of future limb failures. In particular, there is a substantial risk that a future failure of a moderate size limb could cause severe or fatal injury to any person in the vicinity at the time of the failure.

31. This submission is supported by the findings of Her Honour Judge Trenorden in *Prestige Wholesale v City of Burnside* [2005] SAERDC 12 (“*Prestige*”) (considered in more detail below). In that case, which involved another Lemon Scented Gum of similar size, health and location to the tree in the present case, Her Honour held at [57] that “Whether the risk is unacceptable depends in this case not on tree failure, but on the likelihood of reasonably large branches sufficient to cause injury, falling from the tree.”

32. We submit that in this case, a low to moderate frequency of branch failure combined with severe or catastrophic consequences of such failure amounts to an unacceptable risk to public or private safety.

Reasonableness of remedial treatments and measures

33. Moreover, it was found at paragraph 7.2.4 of the Reasons for Refusal that the Applicant had not demonstrated that all reasonable remedial measures had been ineffective.

34. It was suggested at paragraph 7.2.2(e) that the Applicant install shade sails beneath the canopy of the tree to catch any falling branches, and that the Applicant arrange for regular pruning of the tree to reduce the risk of branch failure.

35. Neither of these measures is reasonable in the circumstances. Regular pruning imposes a significant cost burden on the Applicant, which was not taken into account in the Reasons for

Refusal. It is also likely to affect the visual amenity of the tree. Moreover, there is no guarantee that regular pruning will stop all unexpected branch failures.

36. The installation of shade sails is similarly unreasonable. The canopy of the Tree covers an area of approximately 250m<sup>2</sup>. Installing shade sails throughout this area would be enormously expensive, and would significantly reduce the space available for parking vehicles. The appearance of the shade sails would also be unlikely to comply with the Council's development vision for the area.
37. Our submission that these measures are unreasonable is supported by the finding in *Prestige*, discussed in detail below.

#### Prestige Wholesale v City of Burnside

38. In *Prestige*, the subject land on Glen Osmond Rd was used by a second-hand car dealership for the parking of used vehicle stock.
39. The site featured a significant Lemon Scented Gum of similar proportions and location (relative to the overall site design) to the tree in this case. It was agreed that the tree was generally in good health but had the potential to drop minor branches and to occasionally drop larger branches, particularly in the event of severe weather or drought, and further that severe pruning of the tree would minimise the risk of branches dropping.
40. Her Honour considered the visual amenity of the tree, which was particularly significant given that the location is a main thoroughfare in and out of Adelaide, and concluded that the tree made an important contribution to the character of the local area and that it formed a notable visual element of the landscape of the area. However, Her Honour took the view that this was outweighed by the risk the tree presented to the safety of employees of the appellant car dealership and to members of the public walking in the vicinity.
41. Moreover, and similarly to the present case, Her Honour considered a proposal that sails be installed beneath the canopy to deflect any falling branches, but did not accept that this was a reasonable measure given the size of the canopy and the visual impact of the sails. Her Honour also found that it was not reasonable for the appellant to rearrange use of the area such that cars were not parked beneath the canopy. As such, Her Honour found that there was no reasonable measure (emphasis added) that could be taken to mitigate the risk presented by the tree.
42. The facts of *Prestige* are remarkably similar to the present case. *Prestige* was decided in accordance with the Burnside Development Plan, the relevant principles of which are the same in substance as the relevant principles of the Prospect Development Plan.
43. We therefore submit that great weight should be given to the reasoning in *Prestige* in deciding the present matter.

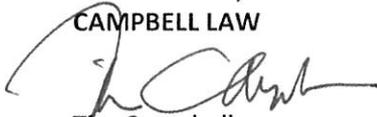
#### Conclusion

44. In summary, we submit that the tree should be removed for the following reasons:
  - 44.1. Firstly, the Site is located in a Business Policy Area within an Urban Corridor Zone. Removal of the Tree would allow for development of the Site in a manner that is consistent with Council's policy in this zone.

- 44.2. Secondly, any visual amenity of the Tree presents an unacceptable risk to private and public safety, particularly to employees of the car dealership and to members of the public walking in the vicinity. While the frequency of branch failures may be low to moderate, there is a significant chance that such failure could cause serious or fatal injury. Consistently with the decision in *Prestige*, the tree should be removed.

Yours sincerely

**CAMPBELL LAW**



**Tim Campbell**

*Liability limited by a scheme approved under Professional Standards Legislation.*

Attachment

Andrew Steiner  
Sculptor

21 October 2015

City of Prospect  
Council's Development Assessment Panel  
PO Box 171  
PROSPECT SA 5082



Attn: City of Prospect DAP

**Removal of a significant tree located at 185 Main North Road Nailsworth**

I, Joseph Andrew Steiner, owner of the above property, respectfully submit to CDAP additional information for their kind consideration at their October 2015 meeting.

Some forty years ago I planted this corymbia citriodora lemon scented gum tree. I am now being disadvantaged and penalised for it.

I am now 82 years of age, in indifferent health, and wish to put my affairs into order.

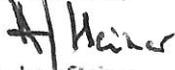
The tree currently obstructs and inhibits any significant development. In addition the tree has caused damage and will potentially cause injury to people due to falling branches. The tree is almost entirely surrounded by bitumen.

The property has been on the market for almost two years. All potential purchases were subject to the tree's removal. The annual outgoings are \$29,500. I have exhausted my reserves and do not have funds to maintain the property. Additionally, I have incurred substantial legal fees disputing this matter.

This ongoing burden has affected my health and has been detrimental to my wellbeing. This year, I have had four operations to date, with two more scheduled later in the year. I suffer from high blood pressure, anxiety, and sleeping difficulties; all of these conditions are exacerbated by the stress associated with this tree.

I appreciate your consideration of this matter.

Yours sincerely

  
Andrew Steiner

**AGENDA ITEM:** 5.7

**To:** Development Assessment Panel (DAP) on 11 May 2015

**From:** Susan Giles, Development Officer, Planning

**Proposal:** Removal of a Significant Tree – *Corymbia citriodora* (Lemon Scented Gum) (DA 050/80/2015)

**Address:** 185 Main North Road, Nailsworth (CT 5571/50)

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**SUMMARY:**

**Applicant:** Mr Mohan Nathan

**Planning Authority:** Council

**Referrals (Schedule 8):** Nil

**Public Notification:** Category 1

**Representations:** Not applicable

**Respondent:** Not applicable

**Development Plan Version:** Consolidated 12<sup>th</sup> February 2015

**Zone and Policy Area:** Urban Corridor Zone, Business Policy Area

**Issues:** Causing or threatening to cause substantial damage to public and private safety

**Recommendation:** Refusal

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**1. EXECUTIVE SUMMARY**

- 1.1 The proposal is for the removal of a significant tree that is located within an existing car yard. An arborist engaged by the applicant identifies that the ongoing retention of the tree would present a low to moderate risk to safety and property. The tenant of the adjoining property identifies that the tree has previously caused damage to vehicles and buildings.
- 1.2 Council's consulting arborist identifies that the tree could be retained and risk minimised through pruning work and ongoing management of the tree. The provisions of the Development Plan seek the retention of significant trees, except where it has been demonstrated that all alternative options have been exhausted.

**2. LOCALITY AND SUBJECT LAND**

**2.1 Locality**

- 2.1.1 The locality is dominated by Main North Road where there is a mix of commercial and light industry land uses such as mechanical workshops, petrol filling station,

car wash, car yards, warehouses, restaurants, takeaway shops, and the Thomas Street Centre. Residential dwellings are located to the east of the subject site.

- 2.1.2 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan, is described in **Attachment 1**.

## **2.2 Subject Land**

2.2.1 The subject land is located on the eastern side of Main North Road, 16m south of the Jones Street intersection. The land comprises one allotment with a total area of approximately 1781m<sup>2</sup>, a frontage of approximately 32m to Main North Road and a depth of 55.6m. The subject tree is located near the north-west corner of the subject land, approximately 13m from Main North Road. The tree's canopy extends over a portion of 187 Main North Road.

2.2.2 A car yard currently operates from the subject site, with the office building and a shed located to the east of the site, with the western portion of the site used to display vehicles. There are no other trees on the subject land.

2.2.3 The subject land is illustrated on **Attachment 2**.

## **3. PROPOSAL**

3.1 The proposal is for the removal of a significant tree, a *Corymbia citriodora* (Lemon Scented Gum). The tree is said to be causing numerous issues with broken branches falling onto the adjacent building roof and property, the car yard and cars, and the gutters of the neighbouring building is constantly full of leaf litter which blocks the downpipes.

3.2 The tree is not listed in Table Pr/4 of the Prospect (City) Development Plan. The tree is approximately 3.17 metres in circumference when measured at 1 metre above the natural ground level. Accordingly, the tree is defined as a significant tree as per the *Development Act 1993*.

3.3 The proposal has been submitted by Mr Mohan Nathan, from First National Real Estate on behalf of the property owner. The applicant has provided an arboricultural report prepared by Mr Dean Nicolle from Calyptra Pty Ltd (refer **Attachments 3-15**) and a letter from the tenant on the adjoining land at 187 Main North Road, in support of the removal (refer **Attachment 16**).

## **4. REFERRALS**

### **4.1 Internal (Advisory) Referrals**

3.1.1 Upon receipt of the development application, Council staff sought an additional arboriculture report to confirm the health, life expectancy and risks associated with the tree, along with any possible remedial options that may be available. This report, prepared by Mr Sam Cassar of Symatree Pty Ltd is attached (refer **Attachments 17-31**).

3.1.2 The reports prepared by Mr Nicolle and Mr Cassar are discussed in further detail during the planning assessment of this report.

## **4.2 External (Legislated) Referrals**

4.2.1 No external referral was required.

## **5. PUBLIC NOTIFICATION**

5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 of the *Development Regulations 2008* as it involves a tree-damaging activity on private land. No public notification was undertaken.

## **6. PLANNING COMMENTARY**

6.1 The proposal constitutes a tree-damaging activity and therefore a development application is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

6.3 Should the removal of the subject tree be supported, then the following requirements under Section 42 of the *Development Act 1993* relevant to significant trees must be complied with:

- For every significant tree that is removed, 3 trees must be planted and maintained thereafter.
- The replacement trees cannot be within 10 metres of an existing dwelling or swimming pool.
- The replacement trees must not be an exempt species.
- If replacement trees are not able to be provided, then a payment of \$82 per tree must be paid to the Planning and Development Fund.

## **7. PLANNING ASSESSMENT**

### **7.1 Aesthetic and Environmental Benefits**

7.1.1 The provisions of Council's Development Plan anticipate the preservation of significant trees which provide important aesthetic and environmental benefits. It is further anticipated that future development will preserve the attributes of significant trees, especially when the significant tree meets the following criteria (Council-wide PDC 346):

- a) it makes an important contribution to the character or amenity of the local area; or
- b) it is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or
- c) it represents an important habitat for native fauna; or
- d) it is part of a wildlife corridor or a remnant area of native vegetation; or

- e) it is important to the maintenance of biodiversity in the local environment; or
- f) it forms a notable visual element to the landscape of the local area.

- 7.1.2 The tree is located in the north-west corner of the site, close to Main North Road. It is approximately 18m in height and has a canopy width of 17-20m. Together with its location, height and crown, the tree is a prominent feature on the subject land and along Main North Road. As a result, Mr Nicolle and Mr Cassar both agree that the tree makes an important contribution to the character and amenity of the locality.
- 7.1.3 Both Mr Nicolle and Mr Cassar have advised that the tree is not indigenous to the local area, nor listed under the National Parks and Wildlife Act as a rare or endangered native species.
- 7.1.4 The tree is not considered to be an important habitat for native fauna, with no nesting sites or hollows identified. Additionally, there is no evidence that the tree is part of a wildlife corridor or part of an area of remnant native vegetation.
- 7.1.5 Mr Nicolle notes that the tree is an exotic species and therefore not important to the maintenance of biodiversity in the local environment. Mr Cassar agrees, advising that the tree is not a local indigenous native species, but comments that the tree does indirectly represent part of the maintenance of biodiversity in the local environment given its age and size.
- 7.1.6 While Main North Road is lined with street trees, the overall size of the subject tree results in the tree having a strong visual presence. Mr Nicolle and Mr Cassar agree that the tree forms a notable visual element to the landscape and can be viewed from several locations within the locality. Mr Cassar has commented that it is clearly visible for some distance when travelling along Main North Road and it would be one of the largest trees located on Main North Road.
- 7.1.7 It is a large mature tree and Council's planning staff concur with Mr Nicolle and Mr Cassar's opinion that the tree is a highly visible element within the landscape. It is therefore desirable that the significant tree be preserved and tree-damaging activity avoided if possible (Council-wide Objective 41).

## 7.2 Level of Risk

- 7.2.1 The removal of a significant tree is supported by the Development Plan however, (Council-wide PDC 349) on the proviso that:
- a) The tree is diseased and its life expectancy is short; or
  - b) The tree represents an unacceptable risk to public or private safety; or
  - c) The tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or
  - d) The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and
  - e) All other reasonable remedial treatments and measures have been determined to be ineffective.
- 7.2.2 With regard to Council-wide PDC 349, both Mr Nicolle and Mr Cassar advise:
- a) The tree is free from notable pests and diseases and it is in good stable health. The tree has some minor dead wood at various points throughout the crown and while there is evidence of some yellowing of foliage, both

arborists note that the tree is expected to have a long useful life given the existing environmental and site conditions.

- b) In its current form, the tree has been determined by both Mr Nicolle and Mr Cassar to present a low to medium risk to public or private safety. Mr Nicolle suggests that the tree is currently an acceptable but increasing risk to personal safety. Mr Cassar is of the view that with on-going management and maintenance of the tree, the tree will continue to maintain a low risk to the public or private safety.
- c) The tree is not within 20 metres of a residential, tourist accommodation or habitable building and is not in a Bushfire Prone Area.
- d) The tree is located approximately 5m to the building on the adjacent site at 187 Main North Road. During his inspection Mr Cassar found no evidence that illustrates the tree is causing or threatening to cause substantial damage to a building or structure of value. Mr Nicolle however, is of the opinion that the tree is likely to occasionally cause damage by way of branch failure, to any vehicle parked under or near the tree. Mr Nicolle also notes that the leaves and debris that fall from the tree are causing stormwater drainage issues for the building at 187 Main North Road. This claim is supported by correspondence from the neighbour.

Mr Cassar noted that there are branches in the lower to mid crown that are horizontal and descending in orientation with excessive end weight distribution. These branches could have contributed to the previous branch failure. Mr Cassar notes that this is repeated elsewhere throughout the crown, however suggests that maintenance pruning, guided by a qualified arborist, could be undertaken to maintain and reduce the risk of any future branch failures (refer **Attachment 25**).

- e) Both Mr Nicolle and Mr Cassar have suggested that there are remedial treatments and measures that could be undertaken to reduce or eliminate damage to any vehicle displayed under or near the tree. The suggestions included the installation of shade-sails, or similar structures, to protect any vehicle located beneath the canopy; or locate vehicles outside of the central crown. Mr Cassar also recommends maintenance pruning could be undertaken. It is noted that the tree does have some defective branches that if left unmanaged are likely to fail in the future. However, given the tree has a good structure, Mr Cassar advises that pruning options are available to address these defects and maintain the risk at acceptable levels. He further suggests that pruning be undertaken to encourage and maintain the tree's natural habit (refer **Attachment 24**).

7.2.3 It is noted that the applicant's arborist identified options that would address the level of risk, but did not identify if these have been demonstrated to be unreasonable or ineffective.

7.2.4 Both arborists have advised that the tree is healthy and has a long life expectancy. The tree does not demonstrate an unacceptable risk to public or private safety and while it is possible that damage could be caused to a vehicle stored underneath the canopy, the applicant has not demonstrated that all reasonable remedial treatments and measures have been determined ineffective.

## 8. **CONCLUSION**

- 8.1 Council-Wide Principle of Development Control 346 of Council's Development Plan suggests that it is desirable for a significant tree to be retained if it makes an important contribution to the character or amenity of the area. The *Corymbia citriodora* (Lemon Scented Gum) is considered to form a notable visual element to the landscape of the local area and as such, makes an important contribution to the amenity of the locality due to its size and visibility.
- 8.2 The tree is in good health and has good structure with no significant structural defects that indicate it poses an immediate unacceptable risk. The tree is expected to offer a long useful life expectancy. It is acknowledged that the level of risk to private and personal safety is likely to increase over time if the branches become heavier and more end-weighted. However, these defects can be addressed via pruning and ongoing tree management.
- 8.3 It has not been demonstrated that the tree warrants removal due to being diseased, having a limited life expectancy, representing an unacceptable risk to public or private safety or causing or threatening to cause substantial damage to a substantial building or structure of value.
- 8.4 The application is therefore considered to be inconsistent with the relevant provisions of the Prospect (City) Development Plan and warrants the refusal of development plan consent.

## 9. **RECOMMENDATION**

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/80/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be refused to DA 050/80/2015 for Removal of Significant Tree *Corymbia citriodora* (Lemon Scented Gum) at 185 Main North Road, Nailsworth (CT 5571/50), as the proposal would:

- Result in the removal of a significant tree that is worthy of retention, without giving due regard to all reasonable remedial treatments available.

As such, the proposed development would be at variance with the relevant provisions of the Prospect (City) Development Plan and in particular:

- Council Wide Objectives 41; and
- Council Wide Principles of Development Control 346, 349.

### **Advisory Notes:**

**Your Appeal Rights:** Pursuant to Section 86(1)(a) of the *Development Act 1993*, you have the right of appeal to the Environment, Resources and Development Court against either:

- a) a refusal of consent; or
- b) any condition(s) that have been imposed on a consent.

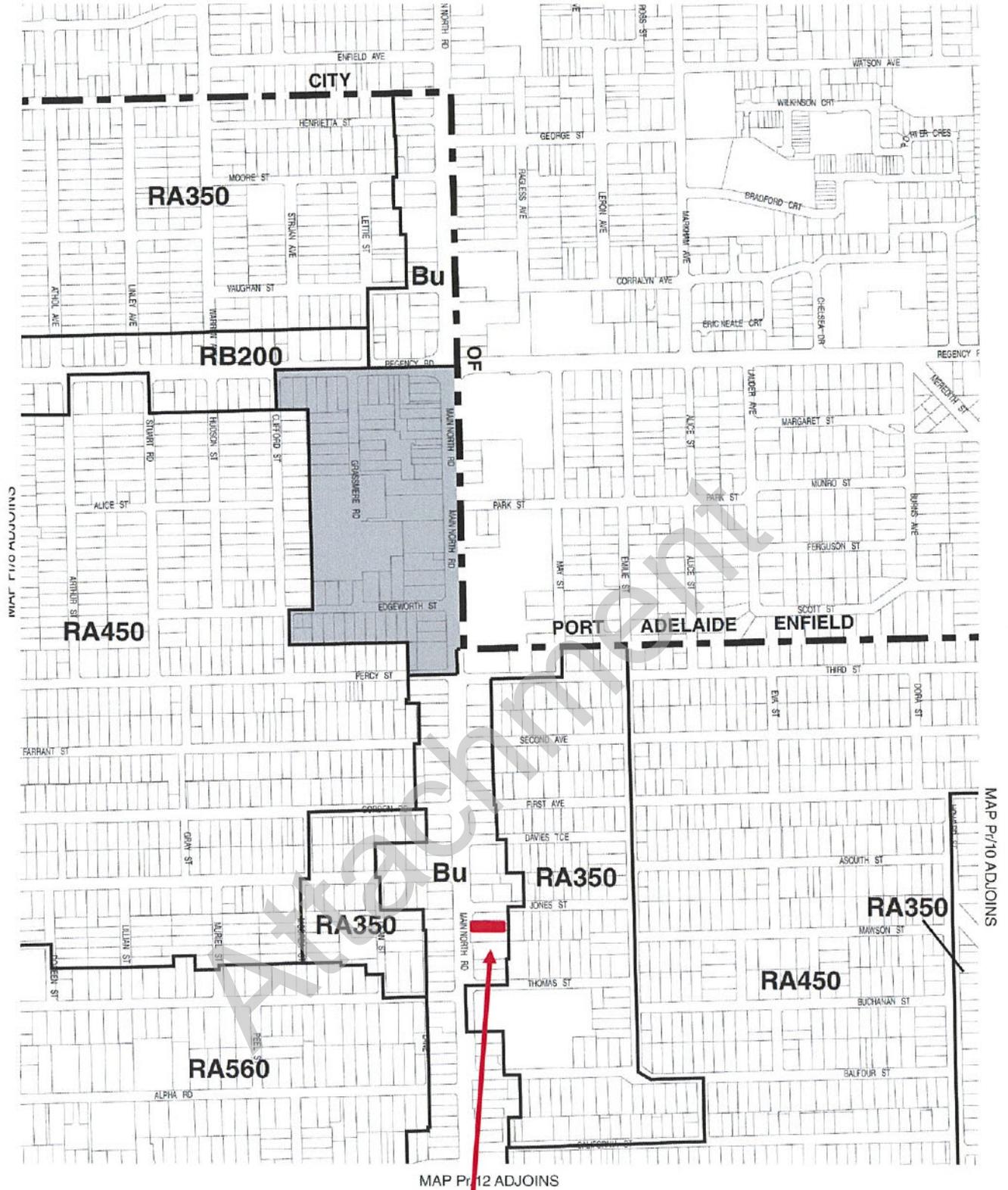
Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

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



**Susan Giles**  
Development Officer, Planning

Attachment



- RA560 Residential Policy Area A560
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- RB200 Residential Policy Area B200
- Bu Business

- Policy Area Boundary
- Development Plan Boundary
- Area not covered by Policy

MAP Pr 12 ADJOINS

Subject Land

Scale 1:8000



**PROSPECT COUNCIL  
POLICY AREAS  
MAP Pr/9**



Civic Centre  
 128 Prospect Road  
 Prospect SA 5082 AUSTRALIA  
 Telephone: 08 8269 5355  
 Email: admin@prospect.sa.gov.au

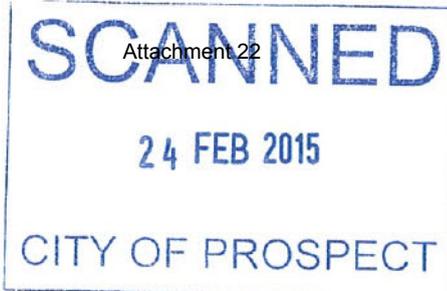
**Subject Site**



**Notes**

**Disclaimer**

This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



**Calyptra Pty Ltd**  
trading as

**Dean Nicolle**

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Arboriculture - Botany - Ecology - Eucalypt Research

**Tree Report – 185 Main North Road, Nailsworth**

**Arboricultural assessment of a significant  
*Corymbia citriodora* (lemon-scented gum) tree**

**Development Application No.** :  
**Proposed Development** :  
**Location of Proposed Development** : Proposed commercial car yard at 185 Main North Road, NAILSWORTH, SA, 5083  
**Property Identification** :

Arboricultural assessment and report requested by John Riggall of *First national Real Estate* on the 15<sup>th</sup> of December 2014.

Arboricultural report prepared by Dean Nicolle following a site visit and tree inspection on the 16<sup>th</sup> of December 2014.

**Report dated the 16<sup>th</sup> of December 2014.**



*Figure 1. The subject tree; looking approximately north from the subject site. Note the relatively large crown-to-ground distance (caused by the previous crown-lifting pruning of the tree), which increases the impact potential (consequence) of any branch failure events from the crown of the tree.*

## GENERIC SPECIES INFORMATION

### *Species:*

*Corymbia citriodora* (lemon-scented gum). Prior to 1995, this species was included in the genus *Eucalyptus*, and known as *Eucalyptus citriodora*.

### *Distribution:*

*Corymbia citriodora* is an evergreen forest and woodland tree native to Queensland, from the Atherton Tableland in north southwards to near the Carnarvon Tableland. The species is not native to South Australia.

*Corymbia citriodora* has been, and continues to be, planted in medium to high rainfall regions across southern and eastern Australia, including much of metropolitan Adelaide. The species is grown as specimen and shade trees in private gardens, parks and roadsides in the Prospect council area, where it has generally proved successful and long-lived, although the species can sometimes be problematic due to certain individual's tendency to be subject to sudden branch failure of small to medium-sized branches.

### *Similar species:*

Closely related to *C. maculata* (spotted gum) and *C. variegata* (northern spotted gum), both of which are also commonly planted in Adelaide. *Corymbia citriodora* differs from both these species in the presence of the essential oil citronella in the leaves, the less mottled bark, and the generally narrower leaves.

### *Maximum size:*

Generally reaches a maximum height of about 25 metres tall in the Nailsworth area. The species may attain a much greater size on more favourable sites, with the tallest measured individual in Adelaide being 34 metres tall (Miegunya Avenue, Unley Park) and the largest-girthed individual being 5.10 metres in circumference at 1.4 metres above ground level (Grove Street, Unley Park). In its natural habitat, the species has been recorded as tall as 44.5 metres tall (Blackdown Tableland, Queensland).

### *Tree health:*

A long-lived species, capable of reaching ages in excess of 200 years. The species is deep-rooted and is generally relatively tolerant of soil disturbances.

### *Risks associated with the species:*

Whole-of-tree structural failure in mature and healthy individuals is very rare.

Mature individuals can be subject to small-diameter sudden limb failure in warm, still, non-storm conditions. Like all trees, the species may also be subject to branch failure in extreme weather conditions. Sudden limb failure in this species often occurs in sound timber. Over-extended and heavily end-weighted branches have a significantly increased likelihood of sudden limb failure, especially in branches.

## TREE LOCATION and DESCRIPTION

### Location:

The tree occurs on a currently vacant commercial allotment, proposed for use as a vehicle display and sales yard, at 185 Main North Road in Nailsworth.

The centre of the tree is located:

- 1) Approximately 6.0 metres from a neighbouring flat-roof commercial building (to the north) with about three metres of crown overhang (Figure 2);
- 2) Approximately 13.0 metres from the front boundary fence of 185 Main North Road (to the west) with no crown overhang; and
- 3) Approximately 15.5 metres from the Main North Road kerb (to the west) with no crown overhang.

### Legal status:

A **significant** tree as defined by the *Development Act 1993* in conjunction with the *Development (Regulated Trees) Variation Regulations 2011*.

- *Species:* *Corymbia citriodora*
- *Trunk circumference at one metre:* 3.10 metres
- *Distance to dwelling or pool:* >10.0 metres from nearest dwelling/pool
- *Bushfire Risk:* Excluded area from bushfire planning provisions
- *Living/dead status:* Alive
- *Exemptions:* Exempt species only if less than 10 metres from a dwelling or pool.

### Age:

The tree is reproductively mature and is estimated to be between 25 and 50 years old. The species is not indigenous to the region and the tree was certainly planted following residential/commercial development in the locality.

### Description:

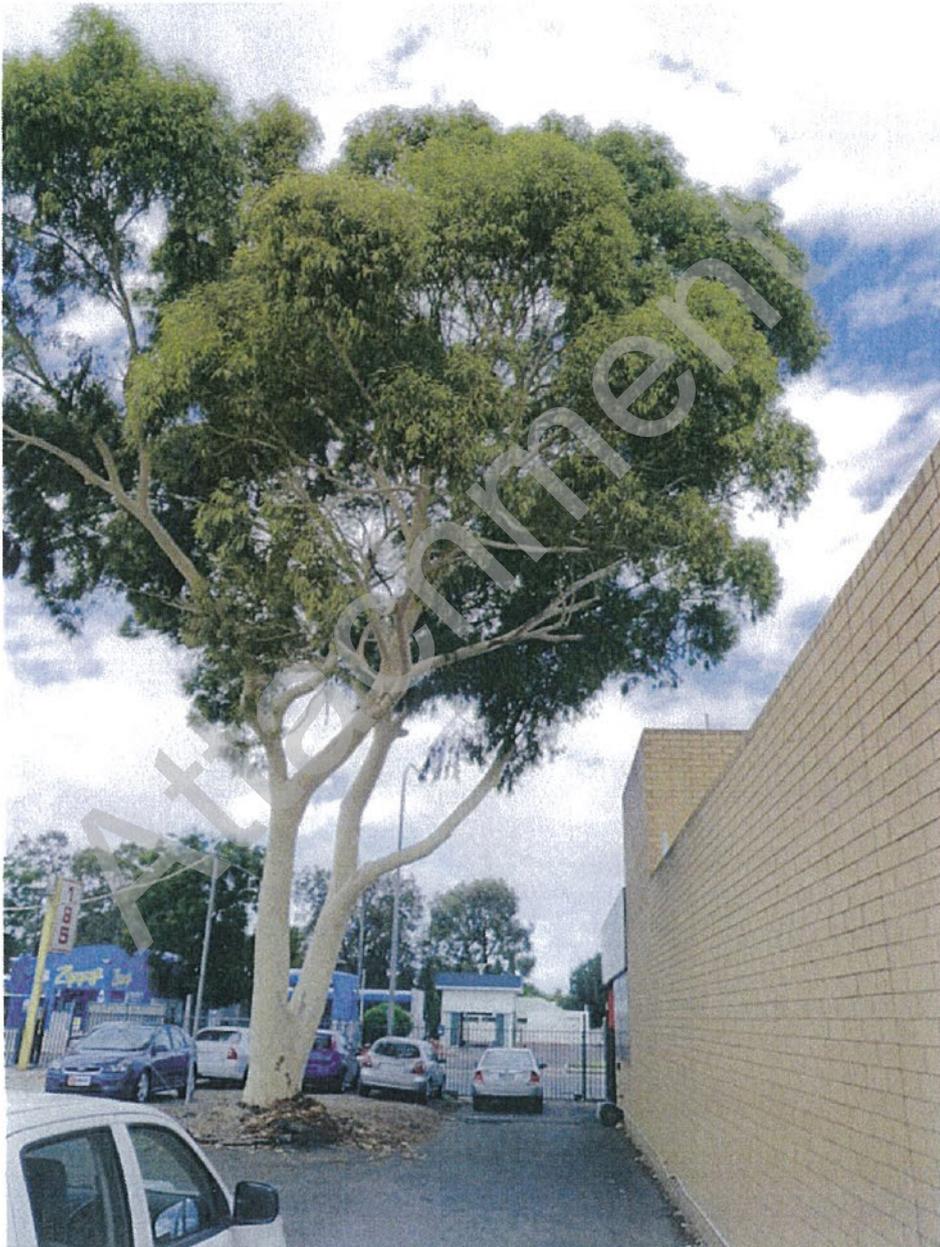
The tree is approximately 18 metres tall by an average of about 16 metres in spread, with a single trunk up to about 1.6 metres above ground level, where the trunk bifurcates into two erect leaders, above which irregularly-spaced, small-sized to slightly heavy branches of medium length and of very spreading tending to drooping habit begins. The crown of the tree is rounded to spreading in shape, moderate in density, and weighted slightly to the north (Figure 1).

### Previous pruning:

The past removal of low branches up to seven metres above ground level and up to 200 mm in diameter is evident, presumably to raise the crown of the tree (Figures 1 and 2).

Future size:

The tree is considered to be near fully-grown under the existing environmental and site conditions and considering the age and structure of the tree. The tree may increase somewhat height and/or spread over the long-term, to an eventual size of about 22 metres tall by 20 metres wide.



*Figure 2. The subject tree; looking approximately west from the subject site. Note the crown extending over the neighbouring flat-roof commercial building.*

## **TREE HEALTH and LONGEVITY**

### General health:

The tree is currently in an above average and a stable state of health. The tree has moderate vigour.

### Pest, diseases and other problems:

The tree has no evidence of any borer activity, termite activity and fungal wood decay.

The foliage of the tree has some slight to moderate and patchy chlorosis (yellowing), possibly caused by limestone-induced iron deficiency in the soil.

No other major pests or diseases were noted in the tree.

### Dead material:

There is a negligible dead material evident in the crown of the tree.

### Environmental conditions:

The tree occurs in a commercial car sales yard, in gravel-surfaced section surrounded by extensive bitumen-sealed surfaces, and with large commercial structures further from the tree.

The environmental and site conditions surrounding the tree are not ideal for tree growth, but nonetheless appear to be conducive to the sound health of this particular tree.

### Life expectancy:

The tree is expected to live for another 30+ years under the existing environmental and site conditions.

The species is not indigenous to the locality but is nevertheless well suited to the local climatic conditions.

## RISKS ASSOCIATED WITH THE TREE

### Whole-of-tree structural failure:

Whole-of-tree structural failure in healthy and mature individuals of *C. citriodora* is very rare. The base of the tree is well buttressed, healthy, and appears to be sound (Figure 3). The primary trunk bifurcation at 1.6 metres above ground level is healthy and is very soundly structured (Figure 3). The likelihood of whole-of-tree structural failure in this individual is currently considered to be **extremely low**.

### Branch failure:

*Corymbia citriodora* is not particularly subject to large-diameter sudden limb failure in calm weather, unlike some eucalypts, although some individuals of the species are known to be variously subject to smaller-diameter sudden limb failure. Over-extended and heavily end-weighted branches have a higher likelihood of sudden branch failure. Like all trees, the species may also be subject to branch failure in extreme (wet and/or windy) storm conditions.

The branch structure of the tree is generally sound but is deteriorating over time, due to the increasing length and end-weight of primary and secondary branches forming the canopy of the tree. Primary branch junctions are healthy and soundly-structured. The tree has evidence of the recent failure of a secondary branch about 170 mm in diameter (a moderate-sized branch) from the north-western canopy of the tree (Figures 4 and 5). This structural failure occurred at an internodal point (between branch junctions) and through sound wood, indicating that this was a sudden limb failure event. Like all trees, the species may also be subject to structural branch failure in high wind conditions. The *likelihood* of branch failure in this individual is currently considered to be **low to moderate, and increasing over time** (associated with the growth of the tree).

The *consequence* (impact potential) of any structural branch failure events in the tree is significantly increased by two factors: 1) The relatively large ground-to-crown distance, partly due to the past removal of low branches from the tree (which increases the impact potential of any branch failure events; see Figures 1 and 2), and 2) The proposed high use of the under-crown area of the tree, due to its proposed use as a commercial site for vehicle sales.

In the case of commercial site use for vehicle sales, branch failure has a high potential to damage vehicles on display in the car yard beneath the crown of the tree.

### Risk to personal safety:

The overall risk to personal safety represented by the tree is considered to be **low to moderate and acceptable, and increasing over time**.

### Future threat:

The threat that the tree represents to both property and personal safety is likely to increase if the size of the tree increases and the branches become heavier and more end-weighted over time, as anticipated over time.

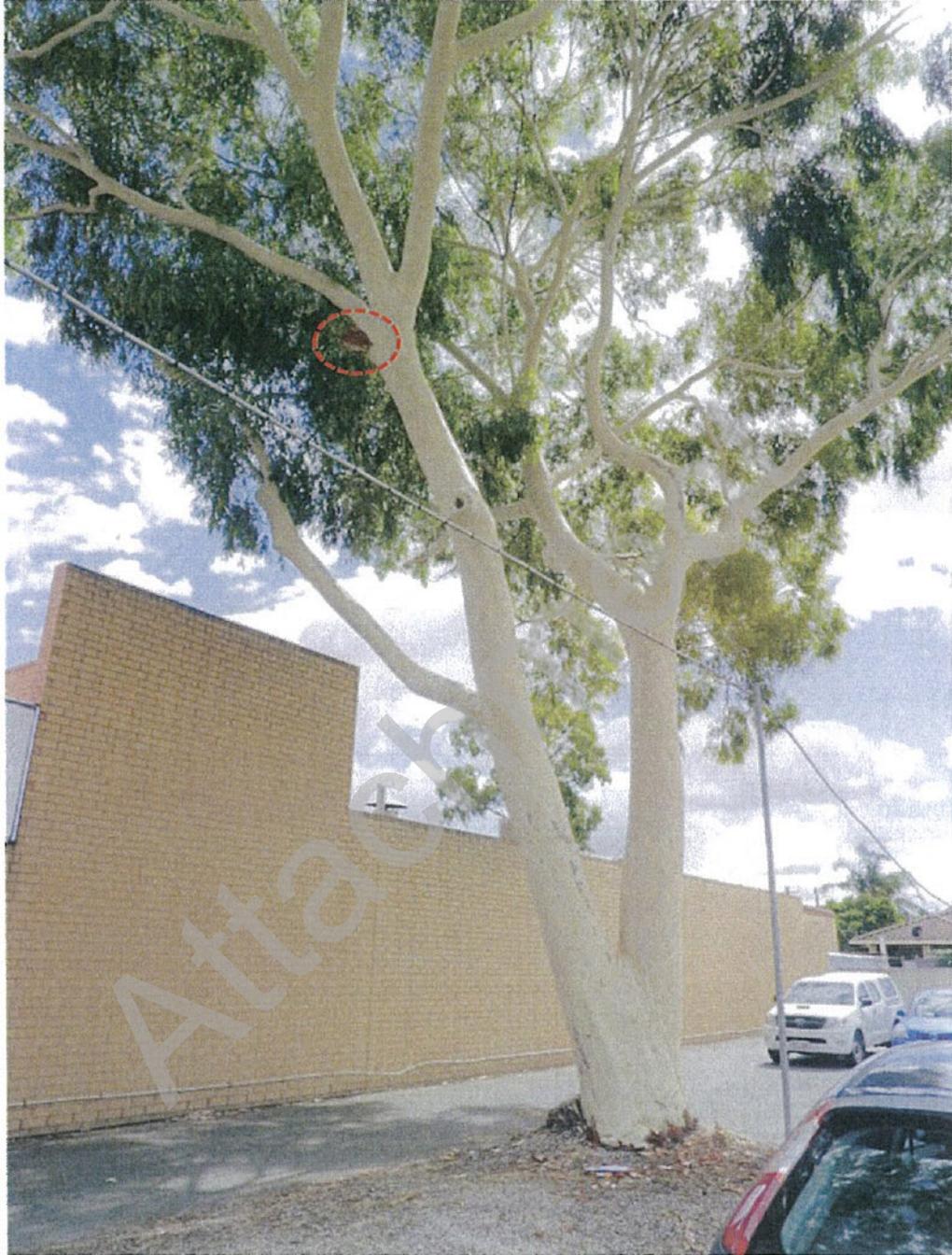
Damage:

Leaves and other debris falling from the tree have allegedly blocked stormwater drainage on the neighbouring flat-roof commercial building.

The tree has not otherwise caused any substantial and visible damage to substantial structures of value.



*Figure 3. The base and primary trunk bifurcation of the tree, which are healthy and well-structured. The tree has an extremely low likelihood of whole-of-tree structural failure.*



*Figure 4. The subject tree; looking approximately north-east from the subject site. The superimposed red ring indicates the scar created by a recent sudden limb failure event (also see Figure 5).*



*Figure 5. The scar created by a recent sudden limb failure event (also see Figure 4). Note the internodal position (between branch junctions) and sound wood in this failure scar.*

## ADDRESSING THE DEVELOPMENT PLAN

### OBJECTIVES

#### SIGNIFICANT TREES (Prospect City Council)

**41 *The conservation of significant trees in Metropolitan Adelaide which provide important aesthetic and environmental benefit.***

The tree provides an important aesthetic benefit to the local area. The tree is highly visible from Main North Road. The tree does not provide an important environmental benefit to the locality, being a locally exotic species.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### SIGNIFICANT TREES (Prospect City Council)

**346 *Where a significant tree:***

**(a) *makes an important contribution to the character or amenity of the local area; or***

The tree is highly visible from Main North Road and makes an important contribution to the character or amenity of the local area.

**(b) *is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or***

The tree is not indigenous to the local area. The tree is not listed under the National Parks and Wildlife Act as a rare or endangered native species.

**(c) *represents an important habitat for native fauna; or***

The tree does not represent an important habitat for native fauna. There are no habitable hollows evident in the tree.

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

The tree is not part of a wildlife corridor of a remnant area of native vegetation.

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

The tree is an exotic species and is therefore not important to the maintenance of biodiversity in the local environment.

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

The tree is highly visible from Main North Road and forms a notable visual element to the landscape of the local area.

***development should preserve these attributes.***

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

**(g) in the case of tree removal;**

**(1) (i) the tree is diseased and its life expectancy is short; or**

The tree is not unusually diseased. The tree has the potential to live for another 30+ years under the existing environmental conditions.

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

The tree currently represents a low to moderate and acceptable (but increasing) risk to personal safety.

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

The tree is may be within 20 metres of a residential dwelling, but the tree is not considered to represent a bushfire hazard and is not located in a bushfire Prone Area.

**(iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and**

The tree is likely to occasionally cause damage to displayed vehicles (through structural branch failure from the tree) if the site is used as a commercial vehicle sales yard.

Leaves and other debris falling from the tree are allegedly causing stormwater drainage problems on the neighbouring flat-roof commercial building.

***all other reasonable remedial treatments and measures have been determined to be ineffective.***

Other than tree removal, the construction of an under-crown, overhead protective barrier, such as engineered shade-sails or similar open-sided canopy structures, has the potential to reduce or eliminate damage to displaced vehicles in branch failure events from the crown of the tree (see *Recommendations*).

Other risk-reduction methods such as pruning, branch cabling, and personal exclusion zones have been considered but are not considered viable in this case.

## RECOMMENDATIONS

The subject tree is worthy of retention. However, the proposed use of the site as a commercial vehicle sales yard may be incompatible with the retention of the tree, due to the likelihood of the tree occasionally causing damage to displayed vehicles, via structural branch failure events from the tree.

In the case of land use as a commercial vehicle sales yard, several options are available:

### Option 1

#### **Tree removal**

Complete removal of the tree will eliminate the risk to safety and to property associated with the tree. Tree removal will require Council development approval, due to the significant status of the tree (*Development Act 1993*).

### Option 2

#### **Construction of an under-canopy protective structure**

The construction of an under-crown, overhead protective barrier, such as engineered shade-sails or similar open-sided canopy structures, has the potential to reduce or eliminate damage to displaced vehicles in branch failure events from the crown of the tree. However, the area required to be covered by such an under-crown protective barrier, and therefore the likely high cost involved in constructing such a structure, may make this option non-viable.

### Option 3

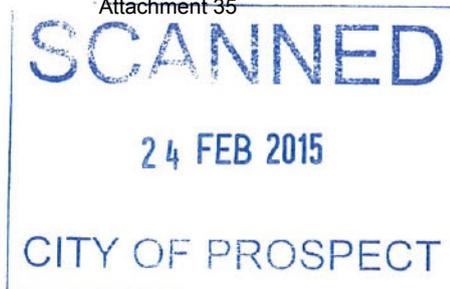
#### **Retain tree with no under-canopy protective structure**

The retention of the tree in the proposed vehicle sales yard, without the construction of an under-canopy protective structure, is likely to result in periodic damage to displaced vehicles, caused by structural branch failures events from the tree.

I thank you for the opportunity to provide this report and trust it meets your requirements. If you require further information or clarification please contact me for assistance.

Dean Nicolle

Ph.D.; B.Sc.(Hons.) Botany; B.App.Sc. (Natural Resource Management).



18 February 2015

To whom it may concern

**RE: Support for Application for Tree Removal – 185 Main North Road Nailsworth**

Dear Sir/Madam,

I, Brenton Williams, of Brenton's Mechanical Workshop, tenant at 187 Main North Road Nailsworth, hereby wish to strongly support the Application for the removal of the gum tree from the premises at 185 Main North Road, Nailsworth.

This tree, over the years, has created numerous problems for us in conducting our business as a mechanical workshop. In particular:

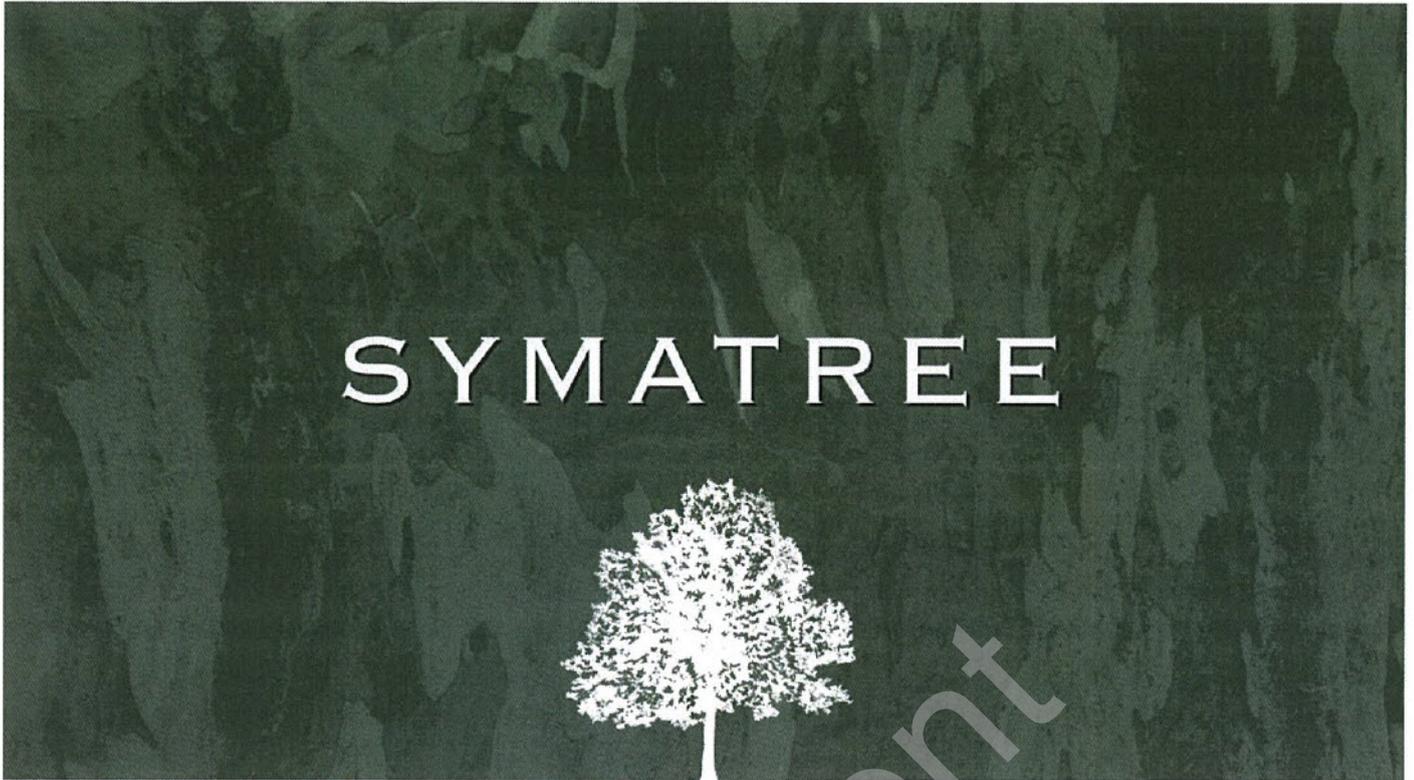
1. Branches have broken and fallen on the roof of our property and car park causing damage which we have had repaired at our own expense.
2. The gutters on our building are constantly clogged with the falling leaves and this also blocks the downpipes, especially during periods of heavy rain and during winter.
3. The falling branches have also damaged customer cars thus holding us liable for the damage and subsequent repair.
4. We have had to engage tradespeople to clear fallen branches on the roof of our premises, pruning half broken branches hanging dangerously on our side of the property, extra cleaning of our gutters, thus incurring additional costs at our expense in running our business.
5. There is also the real possibility of large branches that are weak with age falling and causing major damage to property or people.

We understand Prospect Council is aware of this issue and have taken small measures in the past.

We sincerely hope that this application will be looked at favourably by Council and eliminate the possibility of this tree seriously damaging property or persons in the vicinity.

Yours sincerely

**Brenton Williams**  
Phone: 8342 6888



**Tree Assessment**  
**185 Main North Road, Nailsworth**

File Number: DA 050/0080/2015

**Report prepared for**

Ms Susan Giles  
Development Officer, Planning  
City of Prospect

April 2015

**Report prepared by**

Sam Cassar

Cert. (Hort 3), Dip. (Hort 5), Dip (Arb 5), B.App. Sc (Hort), Grad. Dip. Design (Land.)

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Attachment

## Introduction

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### Instructions

I was instructed by Council to assess a mature Lemon Scented Gum located within a commercial premise at 185 Main North Road, Nailsworth. My brief was to undertake the following:

- Assess the health and structural condition.
- Assess the tree against the relevant provisions of the Development Act.

### Site Visit

I carried out a site inspection on the 8 April 2015.

### Limitations

This report is limited to the time and method of inspection. The tree was inspected from ground level only. Neither a climbing inspection or a below-ground investigation was performed. No soil or plant material samples were taken for laboratory analysis.

This report reflects the state of the tree as found on the day. Any changes to site conditions or surrounds, such as construction works undertaken after the inspection, may alter the findings of the report.

The inspection period to which this report applies is three months from the date of the site visit, on the basis that current site conditions remain unchanged.

### Date of Report

This report was written on the 8 April 2015.

## Observations

---



Figure 1 Subject tree, viewed from the east.

### Location of tree

The tree is located within a slightly raised garden bed, towards the front of the allotment (refer Figure 1). The trunk centre is 5.6 metres from the Commercial building to the north and 13.1 metres from the front boundary fence to the west.

The subject trees' approximate location is identified on the aerial image provided in Appendix B.

## Observations (cont)

---

### Species

*Corymbia citriodora* commonly referred to as a Lemon Scent Gum.

### Crown attributes (approx.)

Height: 17.8 metres (clinometer).

Width (from trunk measured out): south 7.3 metres, north 9.7 metres, west 10.6 metres and to the east 10.4 metres.

### Circumference

Single trunk: 3.17 metres.

The tree is a mature specimen that qualifies as a significant tree under the Development (Regulated Trees Variation) Regulations 2011.

### Tree Age

Approximately 40 to 50 years.

### Structure/Condition

The subject tree divides into two main leaders at 1.65 metres from ground to form a rounded broad spreading crown.

The trunk is vertical and appears to be stable with no evidence of termites or borer activity. A minor woody root is exposed on the tree's northern side.

The canopy is in good health with foliage density and vigour normal and typical of the species. Some chlorotic or yellowing of foliage is noted particularly on the tree's eastern side. The canopy is free from notable pests and diseases. A minor quantity of small diameter dead wood is present at various points throughout the crown. Some epicormic growth is noted along the lower branching framework. This growth is in response to previous lopping of 4 lower northern secondary branches (refer Figure 2).

The primary branch union is well formed. Secondary branch unions also appear to be sound and free of any recognizable significant structural flaws or weaknesses that can be observed from ground.

A number of pruning scars are evident, lower trunk and crown. It appears most of these branches had been removed to crown lift and provide clearances.

Wound wood (callus) has engulfed all the older pruning scars. No significant decay altered wood or termite damage was observed within the face of these pruning scars. There is no evidence of recent pruning to manage the crown.

Only one branch failure of noted was observed. This failure occurred from the tree's north-western side, and occurred 7.9 metres from ground and had a diameter of 150mm approximately (refer Figure 3).

## Observations (cont)

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A number of the secondary branches in the lower to mid crown are near horizontal descending in orientation. The crown is well balanced with a well formed branching structure.



Figure 2. Lopped branches, circled in red.

**Observations** (cont)

Figure 3. Branch failure point, north-western side of the tree, circled in red.

**Property Damage**

No significant damage that can be attributed to the subject tree was observed.

## Appraisal

---

The subject tree is considered Significant under the current provisions of the Development Act, 1993 and in my opinion possesses attributes worthy of retention.

This tree has a strong visual presences/appeal within the locality and is a prominent feature in the landscape. The subject tree has a high aesthetic value and makes an important contribution to the landscape character and amenity of the local area. This tree would be one of the largest located on Main North Road. The importance of this tree is further reinforced due to the overall lack of other mature trees within the immediate locality.

The subject tree is a mature specimen, in good health and reasonable structure with no significant structural defects that indicate to me it poses an unacceptable risk to public safety. This tree is expected to offer a long useful life expectancy. However, this is subject to stable growing conditions being maintained and no additional significant modifications occur that adversely impact the tree's growing environment.

I suggest tree form that is secondary branches in the lower to mid crown that is near horizontal descending in orientation contributed to the recent branch failure. These defects are repeated elsewhere throughout the crown; however these defects can be addressed via pruning to maintain the risks associated with this tree to acceptable levels. The yellowing of foliage is likely to be a response to the alkaline soils located within the locality and does not appear to be significantly impacting the overall health of the tree.

### Hazard Assessment

The subject tree extends over approximately 18% (estimate made from Google maps) of the overall commercial premises. Occupancy under the canopy of the subject tree at the time the tree was assessed was a number of second hand cars.

The applicant's arborist assessed the risks of this tree to be low to moderate and acceptable at this time. He concluded the threat this tree represents to both property and personal safety is likely to increase if the size of the tree increases and the branches become heavier and more end-weighted over time. These defects can be addressed via pruning and ongoing tree management.

The crown of this tree is stable. It is a mature specimen approximately 40 to 50 years old and it has only experienced one failure of note. This failure occurred in recent times and the branch diameter was approximately 150mm. The likelihood of failure of a given tree part is based on my experience as an arborist. Likelihood of failure for a similar defect will vary from tree to tree based on a range of variables, such as tree species, tree age, tree condition, the nature of the condition of concern (defect), the load on the defect, past management practices and the tree's level of exposure to climatic conditions.

In my view reasonable alternatives to tree removal, such as pruning (refer to a subsequent section of this report) are available to address the defects identified and maintain or improve the level of risk associated with this tree to acceptable levels.

The tree has a good branching structure with good pruning options available to address the defects identified. I note the applicant's arborist made no real attempt to explore pruning options or alternate management techniques as an alternative to tree removal. There is no evidence any form of maintenance/hazard management pruning to manage the crown has occurred in the past, except removal of branches to improve clearance.

## Appraisal (cont)

---

I would consider the land use below the tree to be currently low use and if the site was to become another car lot then use would increase to high with used vehicles likely to be located under the crown for extended periods of time. Cars are considered to be mobile not constant targets like a building. These areas are therefore the future use (if used as a car lot) of these areas classified as a medium use target area. No buildings or habitable structures are located under the crown of the subject tree. Pedestrian traffic under the crown would be frequent at best once the site was reoccupied.

To reduce the risk of damage to vehicles consideration could be given to locating vehicles outside of the central crown and utilise the space within the lot more efficiently or reduce the number of vehicles on display within the car yard.

Alternatively consideration could be given to the installation of structure such as a set of reinforced sails or a canopy/roofed structure (designed to sustain branch failure). This structure could be similar to the structure used for the large River Red Gum retained as part of the Burnside Village Development to reduce the trees hazard potential. This structure would be constructed below the existing crown. Only the areas used to display vehicles under the crown would require the structure.

### Pruning Requirements

All trees have an inherent level of risk and the subject tree does exhibit some defective branches that if left unmanaged are likely to fail in the future. Given the tree has a good branching structure pruning options are available to address these defects and maintain risk to levels deemed to be acceptable.

In general, the following pruning guidelines are recommended to address defects within the crown of the subject tree:

- Remove the lopped northern secondary laterals back to suitable reduction points.
- Prune descending/horizontally orientated lateral branches in accordance with the reduction pruning method as defined under Australian Standard, AS 4373-2007 *Pruning of Amenity Trees*. The term descending/horizontally orientated lateral branches refer to those secondary lateral branches that are long descending/horizontal in orientation with excessive end weight distribution. Pruning of these branches is intended to reduce their length, hence their end weight and therefore stress to the branch union. Reduction pruning should be restricted to within the outer third of lateral branch extensions. Assess each lateral branch and prune to reduce and prune back to suitable reduction points. Pruning should be performed to encourage good quality branch structure and maintain or enhance the tree's natural habit
- Remove dead branches over 30mm in diameter, any excess epicormic growth.
- All pruning must be in accordance with Australian Standard, AS 4373-2007 *Pruning of Amenity Trees* and completed by a suitably qualified Arborist (minimum Level 5). The pruning specified should be carried out under the supervision of the project arborist.

The pruning guidelines provided above should be used only as a guide. It is strongly recommended a detailed pruning plan be development by a suitably qualified Arborist (minimum Level 5) and submitted to Council for consideration if greater than 30% of the overall canopy is proposed to be removed. Also I recommend the subject tree be reassessed every two to three years to monitor tree health and stability.

## Conclusion

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I conclude that the subject tree, a mature Lemon Scented Gum possesses attributes worthy of protection. This tree provides a high level of amenity to the locality and forms a notable visual element to the landscape of the local area. It is expected this tree will remain an important community asset for some time to come.

The subject tree is in good health and structure with no significant structural defects that indicate to me it poses an unacceptable risk to private safety. In addition, no evidence exist this tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

I therefore advise that the subject tree does not meet any of the relevant Principles of the City of Prospect's Development Plan (February 2015) that would justify its removal at this time.

An assessment of the subject tree in accordance with the City of Prospect's Development Plan is provided in Appendix A.

On the basis of the factors outlined, I consider the subject tree is worthy of retention.

To reduce the tree's future hazard potential I do recommend pruning to address defective branches is implemented in accordance with Australian Standards AS4373-2007 pruning of amenity trees, with further pruning required as the tree responds to the initial pruning. I also recommend an assessment of tree health, stability and management requirements occurs every two to three years, subject to the growth rate of the tree.

I wish to stress that trees are natural living organisms and it would not be professional or prudent to guarantee the absolute safety of this or any tree. This is not possible unless trees were made from inert substances and most reasonable people would not make that choice.

Even with appropriate canopy management, I cannot give an absolute guarantee that branch failure/s will not occur in the future. However, it is my view that with on-going management and maintenance by a qualified arborist (with recognised level 5 or greater qualifications) including ongoing monitoring, the likelihood of future branch failure is considered low (acceptable) at this time.

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please do not hesitate to contact me.



**Sam Cassar**

**Appendix A**  
**Significant Tree Principles**

Attachment

**Principle 346**

- (a) Does the Significant Tree make an important contribution to the character or amenity of the local area?

Yes: The tree's location, height and spread of crown gives it a strong visual presence within the immediate locality. It is a large, mature tree, making it a prominent feature in the landscape.

- (b) Is the Significant Tree indigenous to the local area and is its species listed under the National Parks and Wildlife Act as a rare or endangered native species?

No: The tree is not indigenous to the local area or listed under the National Parks and Wildlife Act as a rare or endangered native species. The species originates from temperate and tropical north eastern Australia.

- (c) Does the Significant Tree represent an important habitat for native fauna?

No: The subject tree would not be considered an important habitat for native fauna. No hollows suitable for nesting are present within the crown of the subject tree.

- (d) Is the Significant Tree part of a wildlife corridor or remnant area of native vegetation?

No: There is no visual evidence to indicate the tree is part of a wildlife corridor or part of an area of remnant native vegetation.

- (e) Is the Significant Tree important to the maintenance of biodiversity in the local environment?

No: The tree is not important to the maintenance of biodiversity in the local environment as it is not a local indigenous native species. But the tree does indirectly represent part of the maintenance of biodiversity in the local environment given its age and size.

- (f) Does the Significant Tree form a notable visual element to the landscape of the local area?

Yes: The tree can be viewed from a number of vantage points from within the locality. The subject tree forms a notable visual element in the landscape of the local area, it is clearly visible from the street and surrounding properties for some distance as one travels from any direction away from the subject tree. It would be one of the largest trees located on Main North Road.

### Principle 349

Significant trees should be preserved and tree damaging activity should not be undertaken unless one or more of the following applies:

- (1)(i) Is the Significant Tree diseased and its life expectancy short?

No: The tree is not diseased and it is expected to have a long useful life expectancy under existing environmental and site conditions and with on-going management and maintenance by a qualified arborist.

- (1)(ii) Does the Significant Tree represent an unacceptable risk to public or private safety?

No: The tree currently represents a low risk to private safety. It is my view that with on-going management and maintenance by a qualified arborist and ongoing monitoring, the likelihood of future branch failure is considered acceptable at this time.

- (1)(iii) Is the Significant Tree within 20 metres of a residential, tourist accommodation or habitable building and is it a bushfire hazard within a Bushfire Prone Area?

Not applicable

- (1)(iv) Is the Significant Tree shown to be causing or threatening to cause substantial damage to a substantial building or structure of value?

No: No evidence exists this tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

- (2) Have all other reasonable remedial treatments and measures have been determined to be ineffective?

No: It has not been demonstrated that all other reasonable remedial treatments and measures such as pruning have been determined to be ineffective to manage the risks associated with this tree in the future.

**Appendix B  
Aerial Image**

Attachment

