



# 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 10 July 2017.**

**Nathan Cunningham**  
Director Community & Planning

---

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

---

## A G E N D A

1. **On Leave** – Nil
2. **Apologies** - Mr S Green, Mr J Rutt
3. **Confirmation of the Minutes of the Development Assessment Panel held on 5 June 2017.**
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.

---

## **5. New Development Applications for Decision**

5.1 67 Prospect Road, Prospect - Change of Use to Childcare Centre with associated Car Parking, Landscaping and Fencing (DA 050/61/2017)

*(Pages 1-45, Recommendation page 8)*

5.2 14 Flora Terrace, Prospect - Removal of a Significant Tree (Norfolk Island Pine) (DA 050/54/2017)

*(Pages 46-78, Recommendation page 53)*

5.3 13 Asquith Street, Nailsworth - Removal of two Significant Trees (Cotton Palms) (DA 050/407/2016)

*(Pages 79-113, Recommendation page 86)*

## **6. Information Reports**

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

*(Page 114)*

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

7.1 Summary of Court Appeals

*(Page 115)*

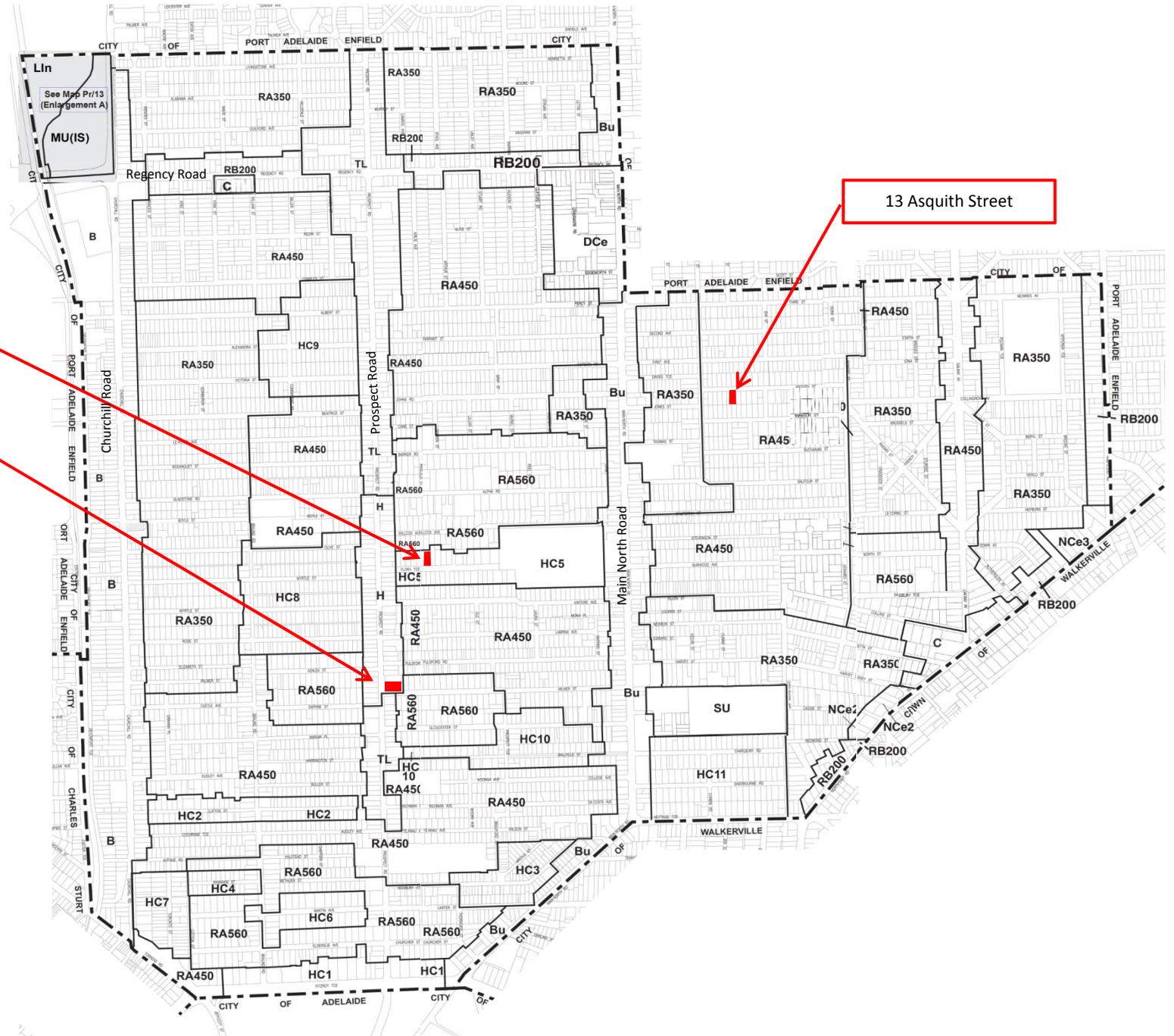
## **8. Time, date and place of next meeting**

5.30pm Monday 14 August 2017 - Civic Centre, 128 Prospect Road, Prospect

## **9. Closure**

**Zones and Policy Areas**

- B:** Urban Corridor Zone Boulevard Policy Area
- Bu:** Urban Corridor Zone Business Policy Area
- C:** Commercial Zone
- DCe:** District Centre Zone
- H:** Urban Corridor Zone High Street Policy Area
- HC1:** Historic Conservation Zone Policy Area H1
- HC2:** Historic Conservation Zone Policy Area H2
- HC3:** Historic Conservation Zone Policy Area H3
- HC4:** Historic Conservation Zone Policy Area H4
- HC5:** Historic Conservation Zone Policy Area H5
- HC6:** Historic Conservation Zone Policy Area H6
- HC7:** Historic Conservation Zone Policy Area H7
- HC8:** Historic Conservation Zone Policy Area H8
- HC9:** Historic Conservation Zone Policy Area H9
- HC10:** Historic Conservation Zone Policy Area H10
- HC11:** Historic Conservation Zone Policy Area H10
- Lin:** Light Industry Zone
- MU(IS):** Mixed Use (Islington) Zone
- NCe2:** Neighbourhood Centre Zone Policy Area NCe2
- NCe3:** Neighbourhood Centre Zone Policy Area NCe3
- RA350:** Residential Zone Policy Area A350
- RA450:** Residential Zone Policy Area A450
- RA560:** Residential Zone Policy Area A560
- RB200:** Residential Zone Policy Area B200
- SU:** Special Uses Zone
- TL:** Urban Corridor Zone Transit Living Policy Area



14 Flora Terrace

67 Prospect Road

13 Asquith Street

**AGENDA ITEM:** 5.1

**To:** Development Assessment Panel (DAP) on 10 July 2017

**From:** Scott McLuskey, Senior Development Officer, Planning

**Proposal:** Change of Use to Childcare Centre with associated Car Parking, Landscaping and Fencing (DA 050/61/2017)

**Address:** 67 Prospect Road, Prospect (CT 5103/887)

---

**SUMMARY:**

**Applicant:** Parolin Pty Ltd

**Owner:** Wendy's ELC Holdings No 2 Pty Ltd

**Planning Authority:** Council

**Mandatory Referrals:** Nil

**Independent Advice:** Traffic and Parking

**Public Notification:** Category 1

**Representations:** Nil

**Respondent:** Nil

**Development Plan Version:** Consolidated 21 April 2016

**Zone and Policy Area:** Urban Corridor Zone (High Street Policy Area)

**Key Considerations:** Land Use, Car Parking, Traffic Movements

**Recommendation:** **Approval, Subject to conditions**

---

**ATTACHMENTS:**

<u>Attachment 1</u>	Development Application Form
<u>Attachments 2-4</u>	Certificate of Title
<u>Attachments 5-6</u>	Locality plans
<u>Attachment 7</u>	Proposal plan
<u>Attachments 8-12</u>	Supporting Statement
<u>Attachments 13-30</u>	Applicant's Traffic Report
<u>Attachments 31-34</u>	Independent Traffic Report

## **1. EXECUTIVE SUMMARY**

- 1.1 The proposal is for the change of use of an existing Residence to a Childcare Centre, with associated car parking, landscaping and fencing. The development is proposed on one allotment within the High Street Policy Area of the Urban Corridor Zone.
- 1.2 The proposal was not required to be referred to a State agency, and no public notification was undertaken (as the proposal is a Category One form of development). A review of the proposal by two suitably qualified traffic engineers concluded that parking would be appropriately catered for on-site, while traffic movements within the locality would not unreasonably impact the amenity of the predominantly residential locality. Revisions to the proposal plans were made by the applicant in response to recommendations provided within the traffic reports.
- 1.3 While the proposed land use (Childcare Centre) is an expected land use within the Urban Corridor Zone generally, it is not considered to be particularly desirable at this low scale within the High Street Policy Area. The intent of the High Street Policy Area is to facilitate the creation of a clearly defined activity hub comprising intensive, pedestrian-focussed activities, which will be unable to be achieved through approving low intensity developments such as the proposed Childcare Centre land use within an existing built form.
- 1.4 The fact that the existing building is to be retained however means that the planning assessment is unable to consider the desirability of the built form. Further, the land use is one that is expected within the zone and the site is located at the South-Eastern interface of the High Street Policy Area with two policy areas that anticipate lower intensity development. Given this, the use of land is considered to be acceptable despite the site development not achieving the overall intent of this policy area. It is therefore recommended that the proposed development is supported.

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

### **2.1 Locality**

- 2.1.1 The locality comprises a mix of commercial and residential land uses, with single and two storey commercial uses being common along Prospect Road to the North and South of the subject land, and single storey dwellings on larger allotments common of Milner Street to the East of the subject land. The adjoining properties are atypical of the locality; including a single storey, but nonetheless reasonably substantial, church building as well as a medium density, single storey unit development.
- 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 5**.

### **2.2 Subject Land**

- 2.2.1 The subject land is located on the North-Eastern corner of Prospect Road and Milner Street. The land comprises one allotment with a total area of 1765m<sup>2</sup>, with a frontage of 30.48m to Prospect Road and a depth of 57.9m. The land is relatively flat.
- 2.2.2 Existing site improvements include a two storey dwelling, that would be retained as part of the proposal, as well as a swimming pool and tennis court that would be demolished. There are no regulated or significant trees within close proximity to the proposed building works that could be impacted by such works. An existing crossover exists to Milner Street that would be reinstated to kerb and gutter.

2.2.3 The subject land is illustrated on **Attachment 6**.

### **3. PROPOSAL DESCRIPTION**

- 3.1 The proposal comprises the change of use of an existing Residence to a Childcare Centre, which anticipates receipt of a license to care for up to 80 children of mixed pre-school ages. An existing swimming pool and tennis court would be removed, and replaced with outdoor play areas and a landscaped car park. 1.8m high masonry fencing would be established to the front and sides of the site abutting play areas.
- 3.2 An existing crossover would be reinstated to kerb and gutter while a new double-width vehicular crossover would serve the car park and would be located towards the eastern boundary of the site, requiring the relocation of Council street infrastructure (at the applicant's cost).
- 3.3 Landscaping is proposed within the carpark and abutting the existing eastern boundary fence with the adjoining residential property. Existing landscaping to the Prospect Road and Milner Street frontages would be retained. The car park and driveway would be paved.
- 3.4 No other works are proposed. The proposal plans are attached (refer **Attachment 7**). Supporting documentation including a statement in support of the proposal from a town planner (refer **Attachments 8-12**), and a traffic and parking report prepared by a traffic consultant (refer **Attachments 13-30**) is also attached.

### **4. REFERRALS**

- 4.1 No consultation with external agencies was required.
- 4.2 Independent traffic and parking advice (refer **Attachments 31-34**) was obtained in relation to the proposal. Briefly, the traffic and parking engineer considered that the proposed car parking provision would appropriately cater to demand, while additional traffic volumes would not unreasonably impact safety or residential amenity within Milner Street. This matter is discussed in greater detail later in this report

### **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 the relevant provisions of Council's Development Plan, as it involves a use of land (pre-school) that is assigned to Category 1.

### **6. PLANNING COMMENTARY**

- 6.1 The application involves a change in the use of land, but does not involve external building work that would affect the size, appearance or position of the existing building on the land. Given the limited extent of building work involved, no design review has been undertaken in relation to the proposal and the following planning assessment refers only to landscaping, car parking and access points in relation to design.

## **7. PLANNING ASSESSMENT**

### **7.1 Land Use**

- 7.1.1 The Urban Corridor Zone is envisioned to become a high quality mixed use urban 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. A number of types of development are specifically envisaged within the zone, including pre-school (child care) developments (UCZ Desired Character, PDC 1).
- 7.1.2 The subject land is located within the High Street Policy Area (HSPA), which is a policy area intended to comprise destination attractions and land uses that generate high frequency pedestrian activity within the street and enhance the area's vibrancy. In order to achieve this, the policy area aims to contain a variety of land uses through new development; including shops, offices, community and civic facilities, consulting rooms, and medium-to-high density residential development that support the economic vitality of the area (HSPA DCS, Objective 1).
- 7.1.3 Notably, the policy area desires new development with well-lit and engaging shop fronts facing Prospect Road, within an intimate public realm created from narrow tenancy footprints, a continuous built edge, shade canopies and alfresco dining areas (HSPA Objectives 2, 4 and 5).
- 7.1.4 The High Street Policy Area is intended to be a clearly defined activity hub, distinguished from the remaining policy areas of the Urban Corridor Zone. Achieving this distinction requires new buildings to be of fine-grained design quality, supported by land uses of an appropriate scale and intensity. While this planning assessment cannot consider the desirability of the built form, it is apparent that the proposal does not achieve the intended built form outcome.
- 7.1.5 The proposal would involve a land use that serves a highly valued community purpose, but is not one that would support the clear distinction of the High Street Policy Area as a central activity hub. It is noted that childcare centres of this intensity exist within Council's Residential Zone, within which Council envisages the maintenance of a low density residential environment. To this end, the use of a large parcel of land within the High Street Policy Area for a low intensity type of use is considered to impact detrimentally on the future vision for this locality.
- 7.1.6 Notwithstanding this, it is notable that the zone specifically encourages the development of this type of land use, and the policy area does not include provisions which speak against or guide the intensity of the proposed land use (or similar community uses). The likely intent of the policy is to see activities of a lower intensity nature, such as this proposal, occur within new integrated developments which achieve the built form intent of the High Street Policy Area.
- 7.1.7 As discussed in the planning commentary, the fact that the existing building is to be retained means that the planning assessment is unable to consider the desirability of the built form. Further, the land use is one that is expected within the zone, the policy area does not provide guidance regarding a desired minimum intensity of community land uses, and the site is located at the South-Eastern interface of the High Street Policy Area with two policy areas that anticipate lower intensity development. Given this, the use of land is considered to be acceptable despite the site development not achieving the overall intent of this policy area.

## 7.2 Car Parking

- 7.2.1 It is noted that the Development Plan does not prescribe a car parking rate specific to a child care centre type of development. Development within the Urban Corridor Zone should provide car and bicycle parking in accordance with Tables Pr/5 and Pr/6 of Council's Development Plan. In accordance with Table Pr/5 (Table 1) the minimum number of vehicle parking spaces for the non-residential part of the proposal is 3 spaces per 100m<sup>2</sup> of gross leasable floor area, while the maximum number is 5 spaces per 100m<sup>2</sup>.
- 7.2.2 The applicant has advised within their supporting statement an intention to seek a license for up to 80 places within the centre, while the existing building comprises a total floor area of 480m<sup>2</sup>. The proposal would establish a paved drive way and car park providing 15 on-site parking spaces, including one disabled space.
- 7.2.3 To assist in consideration of this matter the applicant has provided a report by a traffic and parking engineering firm, GTA Consultants ('the GTA report'). The GTA report concludes that with reference to Table Pr/5 of the Development Plan, the minimum parking requirement would be 15 spaces, which would be achieved by the proposal.
- 7.2.4 To assist Council in its assessment of this matter, an independent traffic and parking expert, Frank Siow, was engaged to review both the proposal and the GTA report. Mr Siow considered the GTA report's findings appropriate, though undertook a further analysis car parking in the context of the capacity of the centre and drawing reference to commonly applied car parking demand rates outside of the Urban Corridor Zone. Mr Siow concluded that the car parking proposed would cater to anticipated demand when assessed against either of these assessment methodologies.
- 7.2.5 Mr Siow does note within his report however that the proposal would desirably include bicycle parking facilities notwithstanding that Table Pr/6 of the Development Plan does not require such facilities for the proposed land use. The applicant has indicated support for the inclusion of such facilities, and has invited the DAP to impose a condition to this effect.
- 7.2.6 The provision of car parking proposed on-site is commensurate with that anticipated by the Development Plan, and has been considered appropriate when reviewed by two suitably qualified experts. It is therefore considered that the provision of car parking proposed is satisfactory.

## 7.3 Traffic Movements

- 7.3.1 While it is anticipated that access to arterial road facing properties should be obtained from side streets wherever possible, traffic movements generated by within local streets should be safe and convenient, and should not unreasonably detract from the residential amenity of the locality. To achieve this, access points should be suitably separated from intersections, car parking layouts should accord with relevant Australian Standards and vehicles should be able to enter and exit the development site in a forward direction (Council Wide PDCs 212, 225, 228 and 263, Urban Corridor Zone PDCs 11 and 12).
- 7.3.2 To assist in consideration of this matter, the GTA Report and Mr Siow have provided commentary on the number of vehicular movements anticipated to be generated by the proposal, as well as considering layout of the car park and location of the access point. Traffic survey data collected by Council in 2014 on Milner Street was provided to GTA and Mr Siow to assist in their assessment. At

that time traffic movements in Milner Street were measured with an observed average of 1285 vehicle movements per day.

- 7.3.3 The GTA report anticipates peak hour traffic generation rates of 48 vehicles during the AM peak hour, and 40 vehicles during the PM peak hour, resultant from the subject development if established. Mr Siow concluded that the peak hour traffic generation rates anticipated by the GTA report are reasonable.
- 7.3.4 The GTA report concluded that in the context of existing traffic volumes within the locality, the additional traffic generated by the proposal if established would not compromise the safety or function of Milner Street.
- 7.3.5 In order to analyse this further, Mr Siow undertook on-site observations of vehicle movements within the AM and PM peak periods. This included observing vehicle behaviour in relation to a nearby traffic control device on Milner Street, and queuing of vehicles exiting Milner Street onto Prospect Road. Following this more detailed analysis, Mr Siow notes that some traffic impact is likely to occur, but concludes that neither traffic safety nor residential amenity would be unreasonably affected by the proposal.
- 7.3.6 It is noted both reports concluded that the layout of the car park achieved relevant Australian Standards and was considered suitable. Mr Siow's observations included helpful consideration of the proximity of the access point to both the intersection and the nearby traffic control device. Ultimately, Mr Siow concluded that both setback distances would be appropriate.
- 7.3.7 Given the above, it is considered both in terms of peak and total vehicle generation from the subject land that the proposal would not unreasonably detract from the residential amenity of the locality. Further, the location of the access point and configuration of the car park would allow for safe and convenient access to the subject land.

#### 7.4 **Noise at Zone Interface**

- 7.4.1 It is anticipated that development should not materially impair residential amenity by way of the creation of noise. Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when measured at the nearest existing noise sensitive premises (Council Wide PDCs 263 and 269).
- 7.4.2 Three distinct play areas would be created, with two of these facing North and South (towards other properties within the Urban Corridor Zone) and one facing East (towards the Residential Zone). The East-facing play area would be setback from the nearest residential property by a minimum distance of 16m, with this area including hedge plantings, car parking and a 4.3m right of way (currently used as a driveway for 2 Milner Street). A 1.8m high colorbond fence and landscaping within the right of way would be maintained except where affected by the removal of tennis court fencing.
- 7.4.3 Given the high intensity of land uses desired within the High Street Policy Area, and in the context of significant background noise from Prospect Road during periods of use of the centre, it is considered that the proposal would not materially impair adjoining residential amenity.

#### 7.5 **Waste Management**

- 7.5.1 New developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is easily and safely

accessible to the collection point, well screened, and designed to reduce odours and other external impacts (Council-wide PDC 170).

- 7.5.2 Council staff are not aware of any published guidelines describing an anticipated on-site storage capacity for waste in respect of child care centre uses. Anecdotally, Council staff are aware that existing child care centres within Prospect manage waste differently, with some using private collection and other accessing at least two of Council's waste collection streams.
- 7.5.3 The proposal would involve the use of mixed collection service, through which nappy waste would be collected privately (using short wheel based vehicles) and remaining waste would be collected through Council's ordinary waste system. Such an approach is considered to be consistent with existing child care centre operators with similar child capacities.
- 7.5.4 It is recommended that conditions should be imposed which require screening and ongoing maintenance of the waste storage area to ensure that it does not unreasonably impact the amenity of neighbouring residents.

## 7.6 Crime Prevention

- 7.6.1 In order to limit opportunities for criminal activities to occur, development should provide adequate and appropriate lighting to public spaces and ensure adequate lines of sight are maintained. Further, development should maximise surveillance opportunities by orienting building entrances towards the public street or car parking area, avoid fences, walls or landscaping that obscure direct views to public areas and arranging internal windows and work areas to provide observation points to all areas of a site (Council Wide PDCs 276, 277, 278, 280, 281 and 284).
- 7.6.2 The building foyer and main building entrance is oriented to the car parking area, with all external play areas of the site readily visible and accessible from within the building by way of sliding doors. It is briefly noted that continuous visual surveillance of play areas is also a DECD licensing requirement.
- 7.6.3 It is noted however that the proposal does not include details of how the requirements of AS1158.1 and AS1158.3, for the lighting of roads and public spaces, are intended to be achieved. It is recommended that conditions be imposed requiring such, subject to the suitable control of light overspill.

## 7.7 Landscaping

- 7.7.1 A detailed landscaping plan has been provided by the applicant who indicates that a mixture of ground covers and screen shrub planting would occur to the western boundary of the site adjacent the car parking area. Such planting would minimise the opportunity for vandalism to the adjacent colorbond fencing. This same mixture of ground covers and screen shrubs is proposed to the rear of the site, with this planting not obscuring vision to areas of the site or providing concealment opportunities.
- 7.7.2 Landscaping to the front of the site would be a mixture of ground covers and low growing shrubs, and would include the planting of a medium to high growing Chinese Elm 'Todd' tree. It should be noted that this species is a relatively recently Australian developed cultivar of the Chinese Elm. While the Chinese Elm itself is a declared pest species in some area of Australia, this cultivar is being planted in park and street areas (particularly in Victoria) where it has been observed to be highly tolerant to urban conditions.

7.7.3 The use of low growing shrubs and ground covers forward of the building would be consistent with plantings typical to the front yard of dwellings within the locality. Plantings of this height will also soften the appearance of the development without limiting opportunities for surveillance of pathways and play areas from public spaces.

## 7.8 Stormwater Management

7.8.1 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 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 97 and 98).

7.8.2 The subject site comprises a mix of recreation facilities, paving and landscaping within un-roofed rain catchment areas. While roof collection of stormwater will not change, the construction of a paved car parking area is likely to increase the volume of water run-off from the subject land. Due to the variable surfacing of the site as presently developed, the extent of any increase could not be established without detailed engineering calculations. It is also observed that the property is not within a flood prone area.

7.8.3 Noting the relatively flat surface of the site and the location of play areas, it is not anticipated that boundary build up would be required. It is noted however that civil engineering plans, including calculations of detention and outflow rates of surface water from the car parking area, are yet to be provided. Due to the surfacing of the car parking area, it is anticipated that stormwater management methodology may affect the maximum extent of build-up and retaining walls associated with the proposal.

7.8.4 Given that the proposal may result in a notable increase in stormwater run-off from the subject land, and that the design of a management system may affect boundary retaining wall heights, it is appropriate that Council receive and assess a detailed stormwater management plan. To this end, it is recommended that the consideration of the stormwater design be reserved for further assessment and approval by Council.

## 8. CONCLUSION AND RECOMMENDATION

8.1 The proposed development involves the change of use of an existing building, meaning that the planning assessment is unable to consider the desirability of the built form outcome. The proposed land use is anticipated to occur within the Urban Corridor Zone and would serve a highly valued community purpose. While it is not considered to be a desirable land use at this low scale within the High Street Policy Area, the proposal is considered acceptable in the context of the above and noting that the subject land is at the boundary of the Residential Zone and Transit Living Policy Areas which anticipate lower intensity development.

8.2 While the proposal will inevitably result in higher levels of noise and traffic than the previously existing single dwelling, it is considered in the context of the locality, as well as the scale and intensity of development anticipated within the Policy Area, that the proposal would not result in unreasonable impacts to nearby residential amenity.

8.3 The proposal would provide sufficient car parking on-site, while the car park layout would ensure safe and convenient access to Milner Street. Landscaping would be proposed to soften car parking and paved areas, while minimising opportunities for crime or concealment within public spaces, with existing mature plantings adjacent street frontages to be maintained.

- 8.4 It is considered that details regarding lighting, waste management and stormwater management can be suitably addressed through the imposition of conditions and use of reserved matters.
- 8.5 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 050/61/2017 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 050/61/2017 from Parolin Pty Ltd for a Change of Use to Childcare Centre with associated Car Parking, Landscaping and Fencing at 67 Prospect Road, Prospect (CT 5103/887), subject to the following reserved matters, conditions and notes:

**Reserved Matters:**

1. A detailed stormwater management plan shall be provided, and shall demonstrate 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, as well as the extent of any fill and associated retaining walls, shall be clearly described.

**Conditions:**

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/61/2017, 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 or the commencement of use of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. 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.
4. Any existing driveway crossovers not providing vehicle access shall be reinstated as kerb and gutter to the satisfaction of Council.
5. The landscaping shall be planted in accordance with the approved plans prior to occupancy of the development. Mature trees shall be no less than 2.0m in height at time of planting. All landscaping areas shall be maintained at all times to the reasonable satisfaction of Council. The applicant or the persons for the time being making use of the

subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies.

6. 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.
7. Lighting to driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public. The necessary lights shall be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs and to satisfy the Australian Standard for Obtrusive Effects of Outdoor Lighting (AS4282:1997).
8. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
9. Signage shall not be internally illuminated and must not move, flash, blink or rotate in any manner. No signage additional to that forming part of the herein endorsed plans shall be established.
10. The hours of active operation of the premises (i.e. when children are in care) shall not exceed 7:00am-6:30pm Monday to Friday inclusively.
11. Any required works to Council street infrastructure to facilitate the construction of a new vehicle crossover shall be borne by the applicant.
12. All refuse bins, 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. Waste storage areas shall be cleaned and maintained to the satisfaction of Council.
13. Service vehicle movements shall occur outside of the peak periods associated with the use approved herein and in any event shall not occur before 6am or after 9pm on any day.

#### **Advisory Notes:**

- (1) ***Operative Period of This Consent:*** 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.

- (2) ***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).

- (3) **Surveying the Land:** 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.

- (4) **Consult With Your Neighbours:** You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.
- (5) **Removing, Replacing or Altering Fences:** 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*).
- (6) **Council Assets and Infrastructure:** Any works that are to be undertaken on Council land, including but not limited to the construction of driveways, crossovers, footpath reconstruction, laying of stormwater pipes, relocation of infrastructure, removal or relocation of street trees, and/or the temporary obstruction of the road or footpath, shall not be undertaken without the prior permission of Council.

The cost of rectifying any conflict with or damage to existing Council infrastructure arising out of this development will be borne by either the developer or the owner of the subject land. Further information and/or specific details can be obtained by contacting Council's Infrastructure and Environment Department on 8269 5355.

# DEVELOPMENT APPLICATION FORM

**COUNCIL:** CITY OF PROSPECT

**APPLICANT:** PAROLIN PTY LTD

Postal Address: C/- MASTERPLAN  
33 CARRINGTON ST, ADELAIDE SA 5000

**OWNER:** PAROLIN PTY LTD

Postal Address: C/- MASTERPLAN  
33 CARRINGTON ST, ADELAIDE SA 5000

**BUILDER:** T.B.A.

Postal Address: \_\_\_\_\_

Licence No: \_\_\_\_\_

**CONTACT PERSON FOR FURTHER INFORMATION:**

Name: DAVID BILLS - MASTERPLAN SA PTY LTD

Telephone: 8193 5600

Email: DAVIDB@MASTERPLAN.COM.AU

Mobile: 0404 056 648

**EXISTING USE:** \_\_\_\_\_

DWELLING

**DESCRIPTION OF PROPOSED DEVELOPMENT:** ALTERATIONS AND CHANGE OF USE TO PRESCHOOL

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: 67 Lot No: \_\_\_\_\_ Street: PROSPECT Town/Suburb: PROSPECT

Section No (full/part): \_\_\_\_\_ Hundred: ADELAIDE Volume: 5103 Folio: 887

Section No (full/part): \_\_\_\_\_ Hundred: \_\_\_\_\_ Volume: \_\_\_\_\_ Folio: \_\_\_\_\_

**LAND DIVISION:**

Site Area (m<sup>2</sup>): \_\_\_\_\_ Reserve Area (m<sup>2</sup>): \_\_\_\_\_ No of Existing Allotments: \_\_\_\_\_

Number of Additional Allotments - (Excluding Road and Reserve): \_\_\_\_\_ Lease: YES:  NO:

**BUILDING RULES CLASSIFICATION SOUGHT:**

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: \_\_\_\_\_ Female: \_\_\_\_\_ Male: \_\_\_\_\_

If Class 9a classification is sought, state the number of persons for whom accommodation is required: \_\_\_\_\_

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: \_\_\_\_\_

**DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?** YES:  NO:

**HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?** YES:  NO:

**DEVELOPMENT COST** (Do not include any fit-out costs): \$50,000

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

**SIGNATURE:** \_\_\_\_\_

DAVID BILLS (FOR AND ON BEHALF OF THE APPLICANT)

**Dated:** 20 FEBRUARY 2017

**FOR OFFICE USE**

Development No: 050/61/2017

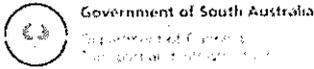
Previous Development No: \_\_\_\_\_

Assessment No: \_\_\_\_\_

<input type="checkbox"/> Complying	Application forwarded to DA		
<input type="checkbox"/> Non-complying	Commission/Council on: _____ / _____ / _____		
<input type="checkbox"/> Notification Cat 2	Decision: _____		
<input type="checkbox"/> Notification Cat 3	Type: _____		
<input type="checkbox"/> Referrals/Concurrence	Date: _____ / _____ / _____		
<input type="checkbox"/> DA Commission			

	Decision	Fees	Receipt No	Date
Planning:				
Building:				
Land Division:				
Additional:				
Dev Approval:				





Product	Register Search
Date/Time	04/01/2017 09:17AM
Customer Reference	
Order ID	20170104000903
Cost	\$284.00

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



Registrar-General

## Certificate of Title - Volume 5103 Folio 887

Parent Title(s)	CT 4006/906
Dealing(s) Creating Title	CONVERTED TITLE
Title Issued	14/01/1993
Edition	4
Edition Issued	27/04/1999



### Estate Type

FEE SIMPLE

### Registered Proprietor

ANGELA DELLAMALVA  
OF 67 PROSPECT ROAD PROSPECT SA 5082

### Description of Land

ALLOTMENT 12 FILED PLAN 100555  
IN THE AREA NAMED PROSPECT  
HUNDRED OF YATALA

### Easements

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED X

### Schedule of Dealings

Dealing Number	Description
6856215	MORTGAGE TO STATE BANK OF SOUTH AUSTRALIA

### Notations

#### Dealings Affecting Title

NIL

#### Priority Notices

NIL



Government of South Australia  
Department of Planning  
Infrastructure and Transport

Product	Register Search
Date/Time	04/01/2017 09:17AM
Customer Reference	
Order ID	20170104000903
Cost	\$284.00

**Notations on Plan**

NIL

**Registrar-General's Notes**

AMENDMENT TO DIAGRAM VIDE 358/2000

**Administrative Interests**

NIL

Attachment



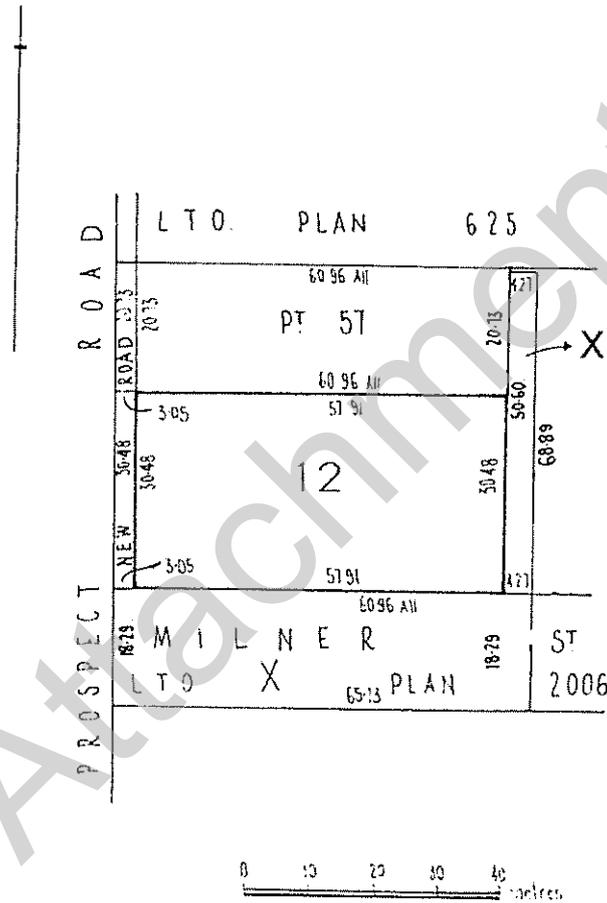
Government of South Australia  
Department of Planning  
74 Rundle Mall, Adelaide SA 5000

Product  
Date/Time  
Customer Reference  
Order ID  
Cost

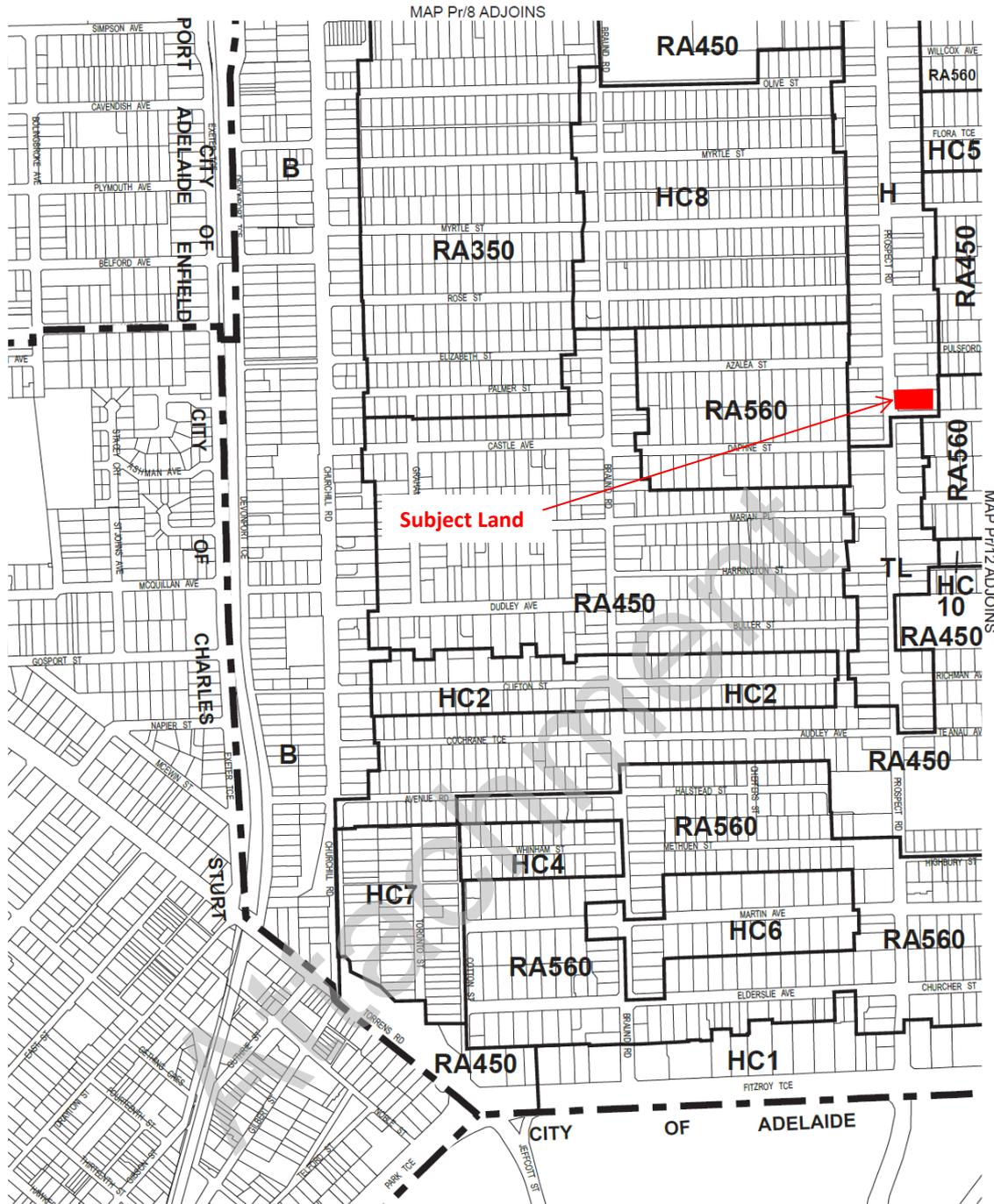
Register Search  
04/01/2017 09:17AM  
20170104000903  
\$284.00

This plan is scanned from Certificate of Title 4006/906

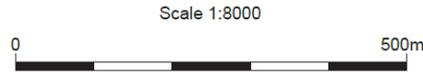
See title text for easement details .



Note: Subject to all lawfully existing plans of division



- 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



## PROSPECT COUNCIL POLICY AREAS MAP Pr/11

Consolidated - 21 April 2016





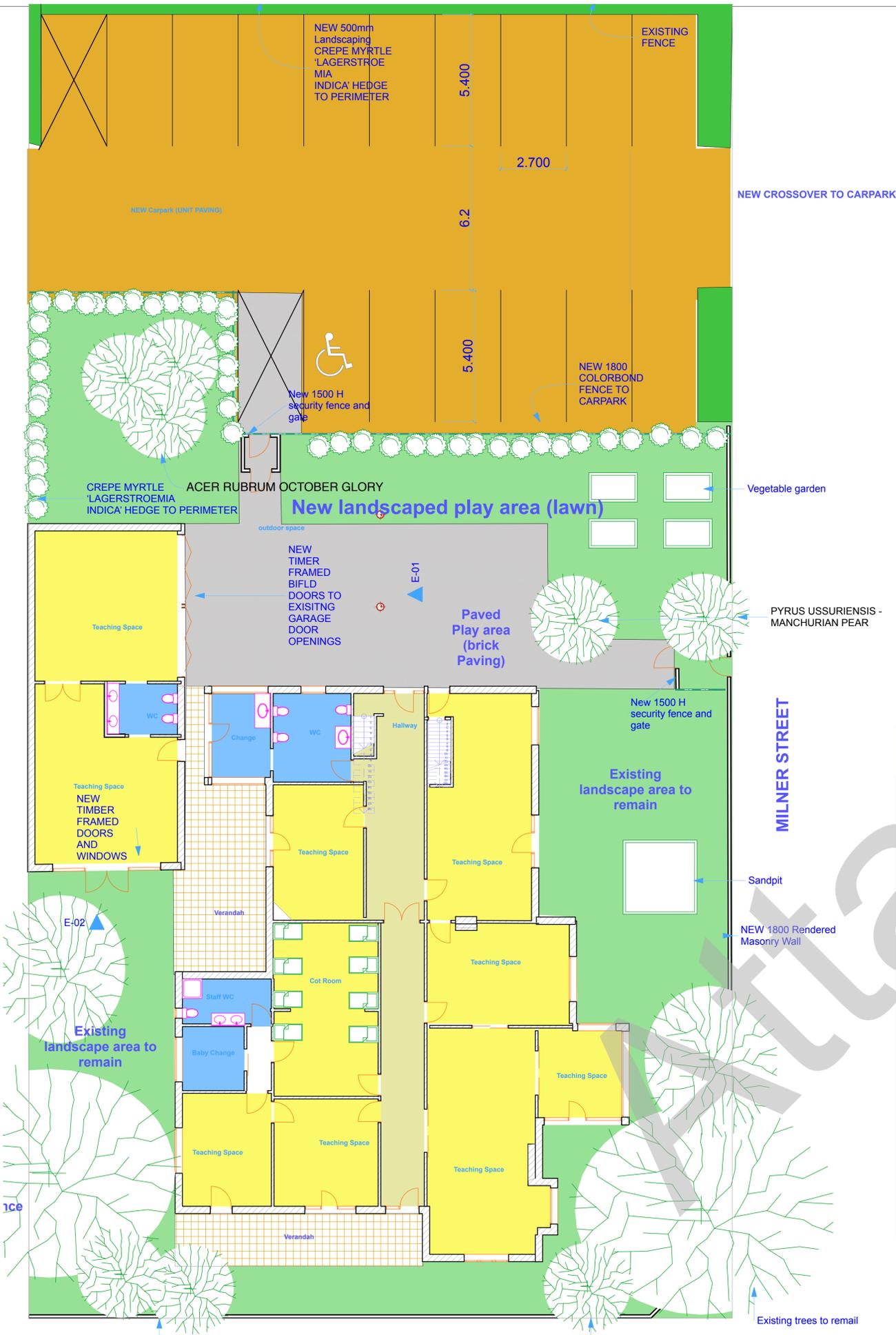
Civic Centre  
 128 Prospect Road  
 Prospect SA 5082 AUSTRALIA  
 Telephone: 08 8269 5355  
 Email: admin@prospect.sa.gov.au

**Subject Site - 67 Prospect Road Prospect**



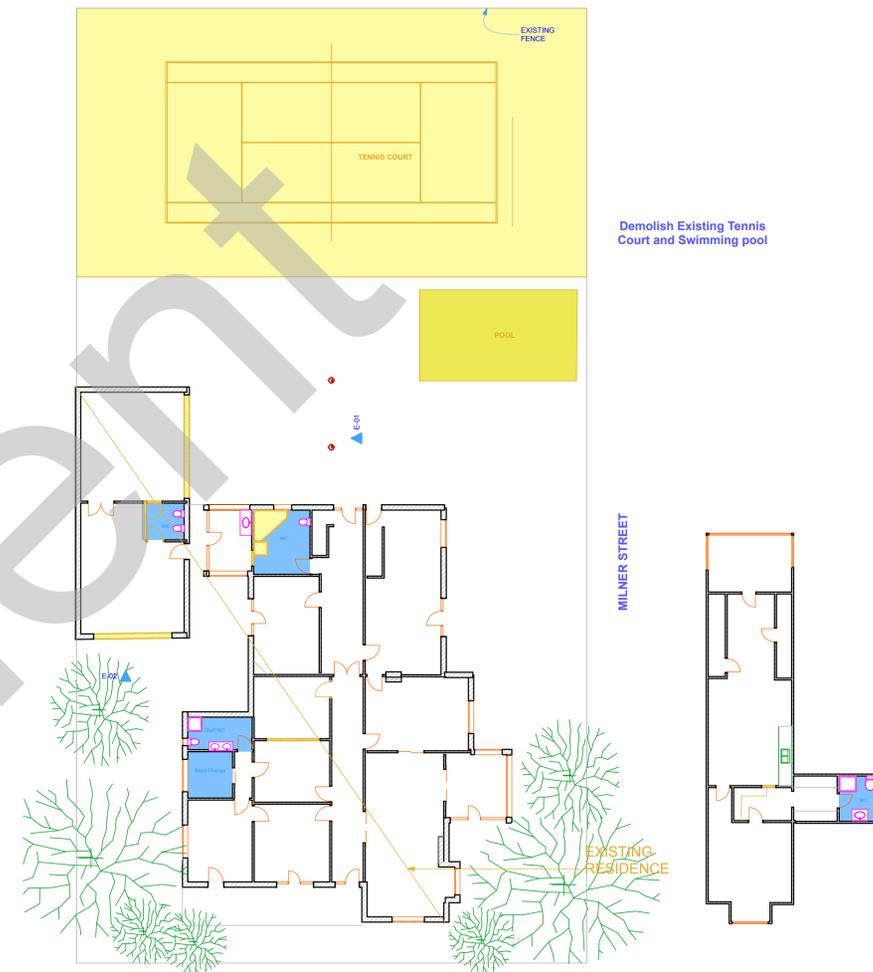
**Notes**

**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.



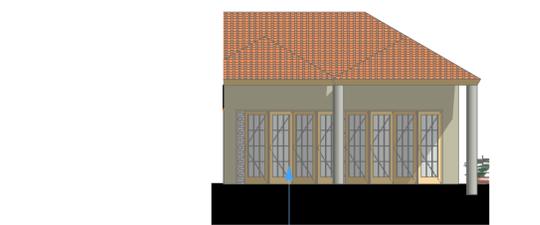
0. Proposed Plan and Site Plan

1:100

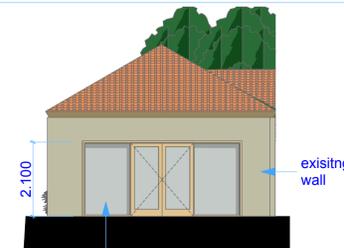


0. Existing Plan & Site Plan

1:200



E-01 Elevation 1:100



E-02 Elevation 1:100

Job Title	<b>Proposed Childcare and Early Learning Centre</b>		
Address	67 Prospect Road Prospect 5082		
Drawing Name	<b>Existing Plan &amp; Site Plan, Proposed Plan and Site Plan, Elevation</b>		
Drawing Status	<b>Development Approval</b>		
Date	26 JUNE 2017		
Drawing Scale	<b>1:200, 1:100</b>		
Layout ID	Status	Revision	
<b>A.01.1</b>		<b>B</b>	



6 June 2017

City of Prospect  
128 Prospect Road  
PROSPECT SA 5082

Attention: Susan Giles

Dear Susan

**Re: Child Care Centre  
67 Prospect Road, Prospect**

Thank you for your further information request dated 22 May 2017. Please find the attached amended plans that provide the additional detail stipulated, in addition to my response to each point contained within your email.

1. Waste Management

The extent of bulk waste associated with the proposal is limited to the management of soiled nappies from babies cared for at the centre. These will be disposed of in internal bins located within each change room. The bins manage odour through a double sealed lid opening and plastic lining.

The waste bins will be collected by a third-party contractor on a regular basis, as is a standard practise across the industry. Small trucks will regularly enter the site to manage the waste, with bin delivery to be undertaken within operating hours. There will be no soiled nappies stored in external Council collection bins.

2. Elevation Plan

Please find the attached amended plans that confirm the external modifications to the building, limited to the construction of bi-fold and double doors to allow access to the outdoor play areas.

33 Carrington Street  
Adelaide, 5000  
P (08) 8193 5600

[masterplan.com.au](http://masterplan.com.au)

Offices in SA | NT | QLD  
ISO 9001:2015 Certified  
ABN 30 007 755 277

[plan@masterplan.com.au](mailto:plan@masterplan.com.au)



50267LET02



### 3. Site Layout

- The building is existing on the site and has been drawn to scale on the site plan, confirming the building's distance from the allotment boundaries.
- The car park layout has been amended with the inclusion of a disabled car parking space and clarification of the car park dimensions.
- The play areas have been indicated on the site plan. One large play area is proposed to surround the building, contained by a 1.8 metre high masonry fence on the external boundary and a 1.8 metre high Colorbond fence adjacent to the car park. Notably, the entrance to the play area and facility is via a dual gate system with a 1.5 metre high security fence.
- The building entrances are clearly indicated on the site plan.
- The existing landscaping on the Prospect Road and Milner Road frontages of the building is mature and extensive, providing an attractive visual aspect and effective shade opportunities. This existing landscaping is proposed to remain.
- Additional landscaping is proposed to be planted in the play area at the rear of the building, in accordance with the attached amended plans.

### 4. Car Parking Layout

The car park has been substantially amended including the first car parking space being setback from Milner Street and the relocation of the disabled car parking space. The clearer site plan and site arrangement are considered to represent safe and convenient access to and from the site.

### 5. Hours of Operation

The child care centre will operate from 7.00 am to 6.00 pm, Monday to Friday inclusively.

### 6. Number of Staff

The proposed child care centre would accommodate a maximum of 80 children at any one time.

Staffing of the site will be in accordance with legislative requirements and dependent on the number of children enrolled/attending on any given day.

Staffing for the child care centre would be undertaken in accordance with child staff ratios under the National Quality Framework (January 2016). An initial review of these staff requirements has been undertaken and for an 80 place centre operating at full capacity.



The educational staff required to be "on the floor" with the children if operating at full capacity is summarised in the following table:

Age Group	Proposed Number of Children – max 80	Staff Ratio (January 2016)	Required Staff
0 to 2 years	8	1:4	2
2-3 years	20	1:5	4
3-5+ years	52	1:11	5
<b>Total</b>	<b>80</b>		<b>11 staff</b>

#### 7. Traffic Congestion

As discussed with Susan Giles on 1 June 2017, it is understood that Council's consultant traffic engineer has reviewed the GTA traffic report and is supportive of the vehicle access arrangement. As such, it is recognised that the proposal will not result in unreasonable traffic congestion.

#### 8. Land Use

The Urban Corridor Zone is to provide a wide range of high density residential development in conjunction with non-residential uses to provide a robust mix of commercial, retail, civil and community uses available for the intended increase in population. Community services, including pre-schools, are envisaged within the mix of land uses, as is referred to in the following:

##### Desired Character Statement

**The Zone will enable the development of a high quality mixed use urban environment that contributes to the economic vitality of the City 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.**

**The Zone will provide for a mix of employment and community activities, in conjunction with a diverse range of residential developments, to avoid the emergence and dominance of a single land use activity.**

##### Urban Corridor Zone

**PDC 1 The following types of development, or combination thereof, are envisaged in the zone:**

...

**Pre-school**

....



The Development Regulations definition of 'Pre-school' refers to the child care uses, as follows:

*“**Pre-school**” means a place primarily for the care or instruction of children of less than primary school age not resident on the site, and includes a nursery, kindergarten or child-care centre.”*

The child care use is clearly envisaged within the Urban Corridor Zone.

The High Street Policy Area also envisages a variety of land uses, including those with a community focus, to retain a robust economically viable urban environment, as stipulated in the following:

#### **High Street Policy Area**

**Objective 1:** A mix of land uses including retail, office, commercial, community, civic and medium and high density residential development that support the economic vitality of the area.

#### **Desired Character Statement**

**This Policy Area will contain a variety of land uses including shops, offices, community centres, consulting rooms and medium-to-high density residential development, to create a destination that attracts people for a variety of reasons.**

**PDC 1** Development should provide continuity of ground floor shops, offices and other non-residential land uses along the road corridor by ensuring the ground floor of buildings is non residential.

The variety of envisaged land uses is a key theme within the High Street Policy Area, that also refers to community uses as being part of that variety, as stipulated in Objective 1.

The Courts have long considered child care centres as a community form of use, as was referred in the hearing of a child care centre in *ABC Developmental Learning Centres V Port Pirie Regional Council [2005] SAERDC 104 (30 November 2005)*:

*“We also note that community facilities (including the proposed use) are envisaged and form part of the desired character...”*

The child care centre, representing a community facility, is listed as an envisaged land use within Objective 1 of the High Street Policy Area and will add to the variety of non-residential land uses.

It is important that child care centres are developed in response to community need and are conveniently located to the resident and workforce populations. To this end, the subject site is ideally located within an area responding to progressive infill development and within the urban activity focus of Prospect Road.



While it is acknowledged that the Policy Area endorses active street frontages through design elements such as verandahs over the public footpath, variations in façade treatments and display windows to encourage vibrancy on Prospect Road, each of these elements are to be considered in a built form application to ensure an effective connection between the private and public realms. This proposal is limited to a land use change from dwelling to child care centre and as such, the built form implications of the street frontage are of limited relevance.

I do note however that the land use qualities of the child care centre, such as additional activity on the site, the compatibility with adjacent land uses and service to the community, are of far greater benefit to local residents than that of the existing dwelling. The net benefit of the child care centre to the community would be substantial and in keeping with the variety of land uses envisaged in both the Urban Corridor Zone and High Street Policy Area.

As such, given the proposal is limited to a land use change application, is an envisaged use within Objective 1 of the High Street Policy Area, complements the adjacent land uses and provides a community facility in place of the existing dwelling, the proposal is considered to be consistent with the land use intentions of the zone and policy area.

Therefore, having regard to all the relevant provisions of the Development Plan, it is my opinion that Development Plan Consent for this application is warranted.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stewart Hocking'.

**Stewart Hocking**  
MasterPlan SA Pty Ltd

enc: Amended Site and Elevation Plans (Dated 6 June 2017).  
cc: Roger Parolin Via Email: [roger.parolin@gmail.com](mailto:roger.parolin@gmail.com).



# 67 Prospect Road Prospect Transport Impact Assessment

**Client //** Parolin Pty Ltd  
**Office //** SA  
**Reference //** S122470  
**Date //** 15.03.2017

67 Prospect Road

Prospect

## Transport Impact Assessment

Issue: A 15.03.2017

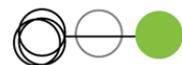
Client: Parolin Pty Ltd

Reference: S122470

GTA Consultants Office: SA

## Quality Record

Issue	Date	Description	Prepared By	Checked By	Approved By	Signed
A	15.03.2017	Final	Sam Adams	Paul Morris	Paul Morris	



GTA consultants

Melbourne | Sydney | Brisbane  
 Canberra | Adelaide | Perth  
 Gold Coast | Townsville

## Table of Contents

<b>1. Introduction</b>	<b>1</b>
1.1 Background	1
1.2 Purpose of this Report	1
1.3 References	1
<b>2. Existing Conditions</b>	<b>2</b>
2.1 Subject Site	2
2.2 Road Network	3
2.3 Sustainable Transport Infrastructure	4
<b>3. Development Proposal</b>	<b>6</b>
3.1 Land Uses	6
3.2 Car Parking	6
3.3 Vehicle Access	6
3.4 Bicycle Facilities	6
3.5 Pedestrian Facilities	6
3.6 Loading Areas	6
<b>4. Car Parking</b>	<b>7</b>
4.1 Development Plan Car Parking Requirements	7
4.2 Adequacy of Parking Supply	7
4.3 Car Parking Layout	7
<b>5. Sustainable Transport Infrastructure</b>	<b>8</b>
5.1 Bicycle End of Trip Facilities	8
5.2 Walking and Cycling Network	8
5.3 Public Transport	8
<b>6. Loading Facilities</b>	<b>9</b>
6.1 Proposed Delivery and Refuse Collection Arrangements	9
<b>7. Traffic Impact Assessment</b>	<b>10</b>
7.1 Traffic Generation	10
7.2 Traffic Impact	12
<b>8. Conclusion</b>	<b>13</b>

**Figures**

---

Figure 2.1:	Subject Site and its Environs	2
Figure 2.2:	Reported Crash History (2011-2015)	4
Figure 2.3:	Public Transport Map	5
Figure 7.1:	AM Peak Hour Site Generated Traffic Volumes	11
Figure 7.2:	PM Peak Hour Site Generated Traffic Volumes	12

**Tables**

---

Table 4.1:	Development Plan Car Parking Requirements	7
------------	---	---

Attachment

# 1. Introduction

---

1

## 1.1 Background

A development application is to be submitted for a proposed Childcare Centre on land located at 67 Prospect Road in Prospect. The proposed development incorporates an 80 place childcare centre and associated car parking.

GTA Consultants was commissioned in February 2017 to undertake a transport impact assessment of the proposed development.

## 1.2 Purpose of this Report

This report sets out an assessment of the anticipated transport implications of the proposed development, including consideration of the following:

- i existing traffic and parking conditions surrounding the site;
- ii parking demand likely to be generated by the proposed development;
- iii suitability of the proposed parking in terms of supply (quantum) and layout;
- iv traffic generation characteristics of the proposed development;
- v proposed access arrangements for the site;
- vi transport impact of the development proposal on the surrounding road network.

## 1.3 References

In preparing this report, reference has been made to the following:

- o Prospect (City) Development Plan (consolidated 21 April 2016)
- o Australian Standard/ New Zealand Standard, Parking Facilities, Part 1: Off-Street Car Parking AS/NZS 2890.1:2004
- o Australian Standard, Parking Facilities, Part 2: Off-Street Commercial Vehicle Facilities AS 2890.2:2002
- o Australian Standard / New Zealand Standard, Parking Facilities, Part 6: Off-Street Parking for People with Disabilities AS/NZS 2890.6:2009
- o plans for the proposed development dated 10 January 2017
- o various technical data as referenced in this report
- o other documents as nominated.

## 2. Existing Conditions

2

### 2.1 Subject Site

The subject site is located at 67 Prospect Road in Prospect, on the corner of Prospect road and Milner Street. The site of approximately 1,765m<sup>2</sup> has frontages of 29m to Prospect Road and 58m to Milner Street.

The site is located within an Urban Corridor zone and is currently occupied by a single dwelling. The surrounding properties include a mix of residential, commercial and retail land uses.

The location of the subject site and the surrounding environs is shown in Figure 2.1.

**Figure 2.1: Subject Site and its Environs**



(PhotoMap courtesy of NearMap Pty Ltd)

## 2.2 Road Network

### 2.2.1 Adjoining Roads

#### Prospect Road

Prospect Road is a sub-arterial road under the care and control of DPTI. It is a two-way road aligned in north to south direction and is configured with one vehicle lane in each direction, separated by a raised median adjacent the subject site.

Peak period on-road bicycle lanes are provided on both sides of the carriageway adjacent to the site. Travelling north the bicycle lane is operational between 4.30pm and 6pm, while travelling south the lane is operational between 7.30am and 9am. Paved pedestrian footpaths are provided on both sides of the road, with kerb ramps and a median pedestrian refuge located immediately north of the site.

Prospect Road carries approximately 18,200 vehicles per day and is subject to a posted speed limit of 50km/h past the subject site. The speed limit reduces to 40km/h approximately 80m north of the site.

#### Milner Street

Milner Street is a local road under the care and control of Council. It is a two-way single carriageway road aligned in an east to west direction, with a single lane slow point located adjacent the subject site. Paved pedestrian footpaths are provided on both sides of the road with kerb ramps available at the intersection of Milner Street and Prospect Road.

### 2.2.2 Surrounding Intersections

The following intersections currently exist in the vicinity of the site:

- Milner Street/Prospect Road (unsignalised)
- Daphne Street/Prospect Road (unsignalised)
- Azalea Street/Prospect Road (unsignalised)
- Pulsford/Prospect Road (unsignalised)

### 2.2.3 Crash Data

The reported crash history for the roads and intersections adjoining the subject site has been sourced from DPTI. Figure 2.1 presents the reported crash history for the five year period (2011 to 2015).

Figure 2.2: Reported Crash History (2011-2015)

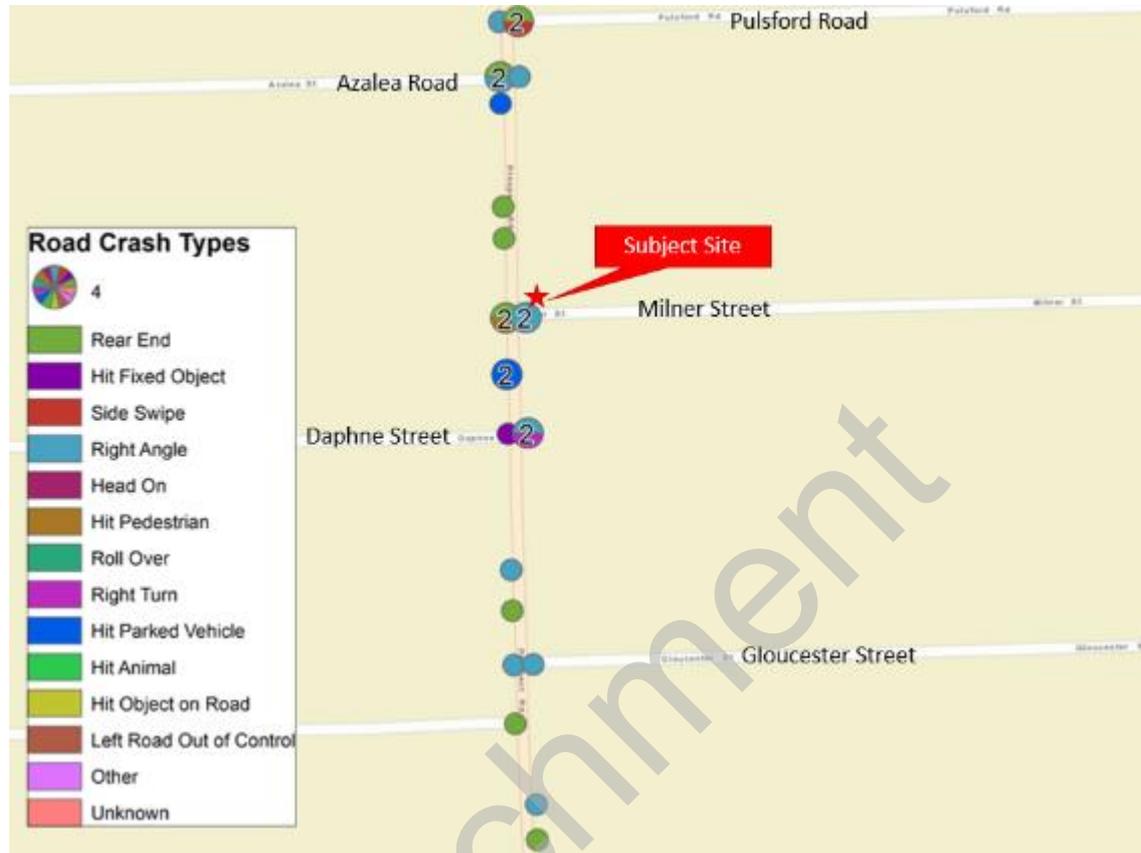


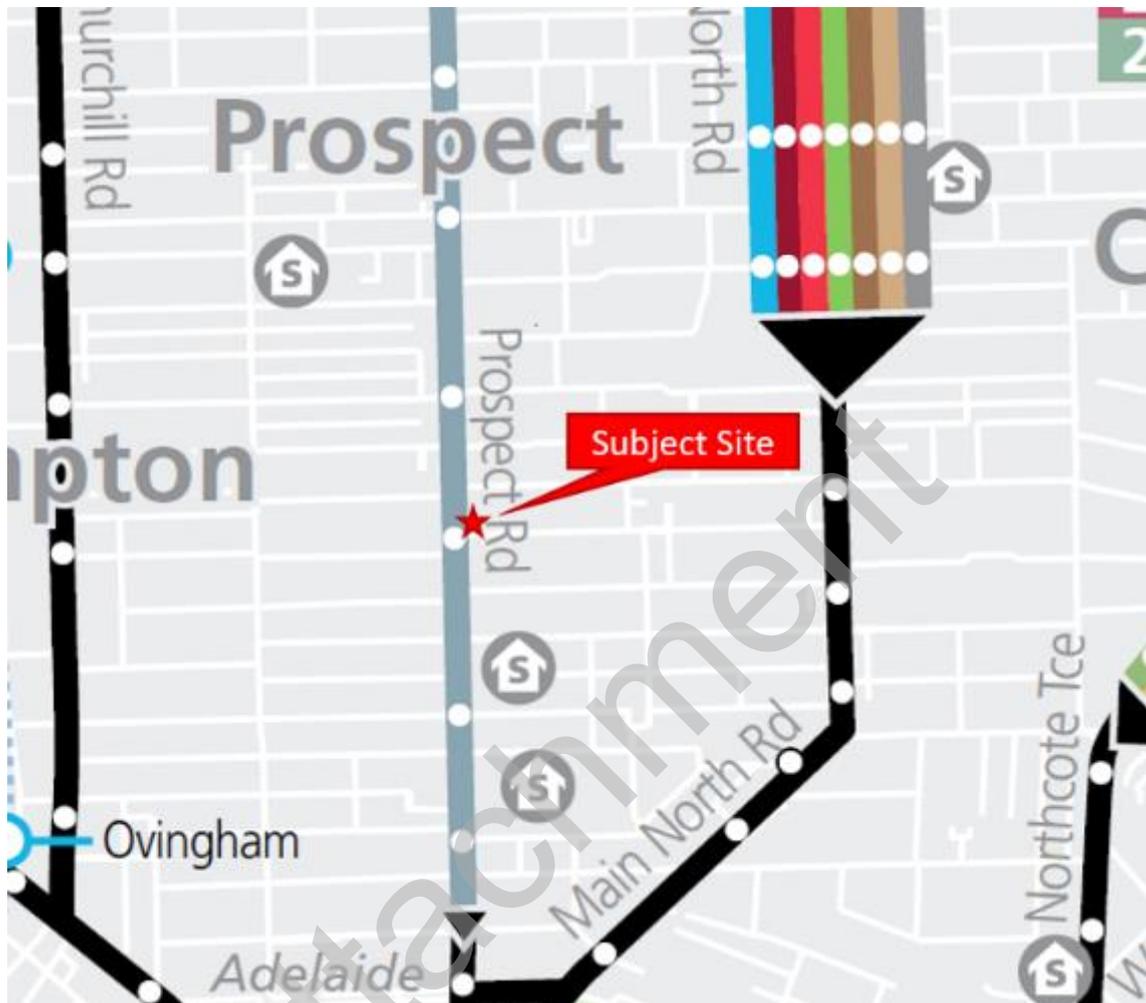
Figure 2.2 shows there have been four crashes at the intersection of Milner Street and Prospect Road adjacent the site. Two of the crashes were reported as right angle crashes, one crash was reported as a rear end crash and one crash was reported as a hit pedestrian. The crash history does not indicate a regular pattern of crashes.

## 2.3 Sustainable Transport Infrastructure

### 2.3.1 Public Transport

Figure 2.3 shows the existing public transport routes within the vicinity of the subject site.

Figure 2.3: Public Transport Map



Bus stops are located approximately 35m to the south of the subject site, on both sides of Prospect Road. The north bound stop services Blair Athol, while the south bound stop services Marion, Flinders University and Adelaide CBD.

### 2.3.2 Pedestrian Infrastructure

Paved pedestrian footpaths are provided on both sides of Prospect Road and Milner Street in the vicinity of the subject site. Kerb ramps are located at the Milner Street/Prospect Road intersection and pedestrian refuges are located on Prospect Road approximately 10m north and 80m south of the site respectively.

### 2.3.3 Cycle Infrastructure

On-road bicycle lanes are provided on both sides of Prospect Road adjacent the subject site. The north bound bicycle lane is operational between 4.30pm and 6pm, the southbound lane is operational between 7.30am and 9am.

## 3. Development Proposal

---

3

### 3.1 Land Uses

The proposal includes the construction of an 80 place Childcare Centre.

### 3.2 Car Parking

The proposed development includes the provision of 15 car parking spaces, including one disability access space.

### 3.3 Vehicle Access

Vehicle access will be provided by a new crossover located near the eastern end of the site on Milner Street. An existing crossover to Milner Street would be closed as part of the development.

It is noted that the proposed crossover would conflict with two existing side entry pits and a street tree. These would need to be relocated and/or removed in consultation with Council.

### 3.4 Bicycle Facilities

No bicycle parking has been provided in the development proposal, however, GTA recommends the installation of one bike rack to accommodate any staff and visitor parking demands.

### 3.5 Pedestrian Facilities

A direct pedestrian connection will be provided between the main entrance to the building and the adjacent footpath network.

### 3.6 Loading Areas

Waste collection for the site will be by the Council weekly collection service from the street, with wheelie bins utilised by the development. Wheelie bins will be stored in a bin enclosure and wheeled to the street for collection.

Deliveries to the proposed development will be by small trucks (SRV) or courier vans, and will be accommodated in the on-site parking spaces in the car park. Any deliveries by vehicles unable to use the on-site car parking spaces would be scheduled to occur out of peak hours.

## 4. Car Parking

# 4

### 4.1 Development Plan Car Parking Requirements

The proposed development is located within an Urban Corridor Zone and is therefore considered a Designated Area for the purpose of assessing the Development Plan car parking requirements.

Table Pr/5 of the Development Plan contains recommended off-street car parking rates for Designated Areas as follows:

*Non-residential development excluding tourist attraction* 3 spaces per 100m<sup>2</sup> gross leasable floor area

Based on the above Table 4.1 summarises the Development Plan car parking requirements.

**Table 4.1: Development Plan Car Parking Requirements**

Use	Leasable Area	Car Parking Rate	Car Parking Requirement
Childcare Centre	480m <sup>2</sup>	3 per 100m <sup>2</sup>	15

### 4.2 Adequacy of Parking Supply

The proposed development provides 15 off-street car parking spaces, including one disability car parking space. The provision of car parking meets the requirements of the Development Plan (15 spaces) and is therefore considered appropriate.

### 4.3 Car Parking Layout

The car parking layout has been designed in accordance with the Australian Standard for Off-Street Parking (AS2890.1:2004) and the Australian Standard for Disabled Parking (AS2890.6:2009).

Some of the key design features have been detailed below:

- parking spaces will generally be 2.7m wide and 5.5m long and set within a 6.2m wide aisle, which meets the requirements for a User Class 3A parking facility;
- some 2.4m wide parking spaces have been provided which will be marked for staff use only;
- blind aisle extensions of at least 1.0 metres are included, as well as a turnaround bay at the northern end of the car park;
- a disability parking space (including associated shared space) has been provided near to the main building entrance.

## 5. Sustainable Transport Infrastructure

---

5

### 5.1 Bicycle End of Trip Facilities

The City of Prospect Development Plan has an off-street bicycle parking requirement for residential and mixed use developments located in the Urban Corridor Zone. However the Development Plan does not include a specific rate for a Childcare Centre.

The number of bicycle trips to the proposed development will be limited due to most children being delivered by private motor vehicle, and some by public transport. Some staff may ride to work, and some children may be delivered by bicycle however overall numbers will be very low.

As such, GTA recommends the installation of one bicycle parking rail (which will accommodate up to 2 bicycles) to accommodate any staff and visitor parking demands. The demand for additional bicycle parking should be monitored and additional rails installed if required.

### 5.2 Walking and Cycling Network

The subject site fronts onto a pedestrian footpath on both Prospect Road and Milner Street. A direct pedestrian connection will be provided between the existing footpaths and the main entrance to the building.

### 5.3 Public Transport

The subject site is accessible by public transport as discussed in Section 2.3.1.

## 6. Loading Facilities

---

6

### 6.1 Proposed Delivery and Refuse Collection Arrangements

Waste collection for the site will be by the Council weekly collection service from the street, with wheelie bins utilised by the development. Wheelie bins will be stored in a bin enclosure and wheeled to the street for collection.

Deliveries to the proposed development will be by small trucks (SRV) or courier vans, and will be accommodated in the on-site parking spaces in the car park. Any deliveries by vehicles unable to use the on-site car parking spaces would be scheduled to occur out of peak hours.

Attachment

## 7. Traffic Impact Assessment

7

### 7.1 Traffic Generation

#### 7.1.1 Design Rates

Traffic generation estimates for the proposed development have been sourced from the "Guide to Traffic Generating Developments" by NSW Roads and Traffic Authority (RTA) (2002, henceforth referred to as the RTA Guide).

The RTA Guide provides traffic generation rates as Peak Vehicle Trips/Child, for 0.8 trips between 7am and 9am and 0.7 trips between 4pm and 6pm. Assuming 70% of trips occur during the peak hour, this would equate to a rate of 0.6 and 0.5 trips per child in the AM peak (8-9am) and the PM peak (5-6pm) respectively.

#### 7.1.2 Traffic Generation Summary

Based on the capacity of 80 children and the rates described above, the proposed child care centre would generate 48 trips during the AM peak (8-9am) and 40 trips during the PM peak (5-6pm).

#### 7.1.3 Distribution and Assignment

The directional distribution and assignment of traffic generated by the proposed development will be influenced by a number of factors, including the:

- i configuration of the arterial road network in the immediate vicinity of the site;
- ii existing operation of intersections providing access between the local and arterial road network;
- iii distribution of households in the vicinity of the site;
- iv likely distribution of employee's residences in relation to the site;
- v configuration of access points to the site.

Having consideration to the above, for the purposes of estimating vehicle movements, the following directional distributions have been assumed:

- o Prospect Road to/from North 40%
- o Prospect Road to/from South 40%
- o Milner Street to/from East 20%.

In addition, the directional split of traffic (i.e. the ratio between the inbound and outbound traffic movements) is assumed to be 50/50 in each peak hour period and over the course of the day.

Based on the above, Figure 7.1 and Figure 7.2 have been prepared to show the estimated marginal increase in turning movements in the vicinity of the subject property following full site development.

Figure 7.1: AM Peak Hour Site Generated Traffic Volumes



Figure 7.2: PM Peak Hour Site Generated Traffic Volumes



## 7.2 Traffic Impact

Against existing traffic volumes in the vicinity of the site, the additional traffic generated by the proposed development could not be expected to compromise the safety or function of the surrounding road network. The existing turn lanes on Prospect Road are considered to be appropriate to accommodate the anticipated increase in traffic.

## 8. Conclusion

8

Based on the analysis and discussions presented within this report, the following conclusions are made:

- i The proposed development generates a Development Plan car parking requirement of 15 spaces.
- ii The proposed supply of 15 car parking spaces will meet the requirements of the Development Plan and is considered appropriate.
- iii The proposed crossover to Milner Street would conflict with two existing side entry pits and a street tree. These would need to be relocated and/or removed in consultation with Council.
- iv The proposed parking layout is consistent with the dimensional requirements as set out in the Australian/New Zealand Standards for Off-Street Car Parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009).
- v No provision of bicycle parking is outlined in the proposal. GTA recommends the installation of one bicycle rail (capable of storing two bicycles back to back) to accommodate any staff and visitor parking demands.
- vi The site is expected to generate some 40 and 48 trips in the AM and PM peak hour respectively.
- vii There is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development.

Attachment

Attachment

## Melbourne

A Level 25, 55 Collins Street  
 PO Box 24055  
 MELBOURNE VIC 3000  
 P +613 9851 9600  
 E melbourne@gta.com.au

## Sydney

A Level 6, 15 Help Street  
 CHATSWOOD NSW 2067  
 PO Box 5254  
 WEST CHATSWOOD NSW 1515  
 P +612 8448 1800  
 E sydney@gta.com.au

## Brisbane

A Level 4, 283 Elizabeth Street  
 BRISBANE QLD 4000  
 GPO Box 115  
 BRISBANE QLD 4001  
 P +617 3113 5000  
 E brisbane@gta.com.au

## Canberra

A Tower A, Level 5,  
 7 London Circuit  
 Canberra ACT 2600  
 P +612 6243 4826  
 E canberra@gta.com.au

## Adelaide

A Suite 4, Level 1, 136 The Parade  
 PO Box 3421  
 NORWOOD SA 5067  
 P +618 8334 3600  
 E adelaide@gta.com.au

## Gold Coast

A Level 9, Corporate Centre 2  
 Box 37, 1 Corporate Court  
 BUNDALL QLD 4217  
 P +617 5510 4800  
 F +617 5510 4814  
 E goldcoast@gta.com.au

## Townsville

A Level 1, 25 Sturt Street  
 PO Box 1064  
 TOWNSVILLE QLD 4810  
 P +617 4722 2765  
 E townsville@gta.com.au

## Perth

A Level 2, 5 Mill Street  
 PERTH WA 6000  
 PO Box 7025, Cloisters Square  
 PERTH WA 6850  
 P +618 6169 1000  
 E perth@gta.com.au

# FRANK SIOW & ASSOCIATES

Traffic and Parking Consultants

P.O. Box 253  
Kensington Park SA 5068  
Tel/Fax: (08) 8364 1351  
Mobile: 0411 445 438  
Email: frank@franksiow.com.au

25 June 2017

**Mr Scott McLuskey**  
**Senior Development Officer, Planning**  
**City of Prospect**  
**128 Prospect Road**  
**PROSPECT SA 5082**

Dear Mr McLuskey,

## **67 PROSPECT ROAD, PROSPECT PROPOSED CHILD CARE CENTRE TRAFFIC AND PARKING ASSESSMENT**

---

We refer to the above development as shown in Drawing A.01.1 Revision A. In forming our opinions on the matter, we have inspected the subject site and observed traffic and parking conditions during the morning and afternoon peak periods. We have also reviewed the reports by GTA and Masterplan consultants.

The subject site is located at the north-eastern corner of Prospect Road and Milner Street, with frontages to both roads. It is located within the Urban Corridor Zone High Street Policy Area of the Council's Development Plan.

The proposal involves the establishment a new child care centre to accommodate a maximum of 80 children at any one time. An off-street car park of 15 parking spaces, including a disabled parking space, is proposed at the rear and accessed from Milner Street. We understand that the Applicant is aware that the proposed driveway to the car park would impact on two side entry pits, which would require relocation, and an existing street tree, which would require removal. This proposed car park driveway would be located just east of a single lane slow point device.

Prospect Road is a road under the care, control and management of the Department of Planning, Transport and Infrastructure (DPTI). It has a single lane in each direction separated by a central median island. The latest DPTI data shows that Prospect road carries approximately 18,200 vehicles per day.

Milner Street is a local council street which connects Prospect Road with Main North Road. There are traffic management devices (single lane slow points) along the street at regularly-spaced intervals to control traffic speeds. At both junctions with the main roads, there are median openings and right turn sheltered lanes present.

### **1.0 PARKING ASSESSMENT**

Within the Urban Corridor Zone, the minimum parking rate specified for a '*non-residential development excluding tourist accommodation*' is 3 spaces per 100m<sup>2</sup> gross leasable floor area. The GTA report refers to a gross leasable floor area of 480m<sup>2</sup>. The parking required would therefore be 14 to 15 spaces. The provision of 15 on-site parking spaces would satisfy this requirement.

Typically, the commonly adopted parking rate for assessing child care centres is 1 space per 4 children. Based on the 80-children capacity, the parking required would be 20 spaces. With the proximity to high frequency bus services and bicycle lanes on Prospect Road and if bicycle parking were to be provided on the subject site, in our experience, it would not be uncommon to apply a discount to this parking requirement. If say a 10% discount were to be applied, this would reduce the parking requirement to 18 spaces.

Additionally, it is not uncommon to take into account on-street parking that may be available adjacent to the development site. In this instance, we note that there would be some on-street parking available in Milner Street and in Prospect Road (abutting the development frontage during the afternoon pick up period of the child care centre when the southbound bicycle lane is not operating).

While the Development Plan does not require the parking to be assessed against the commonly adopted parking rate as the subject site is located within the Urban Corridor Zone, nevertheless our 'checking' calculation above shows that even if the development were to be assessed against this parking rate, parking availability would appear to be satisfactory for the child care centre with an 80-children capacity.

While the Council's Development Plan does not specify a bicycle parking rate for a child care centre, we recommend that 2 bicycle parking rails be provided near the entrances to the building to encourage cycling as a mode of transport for staff and parents.

## 2.0 PARKING LAYOUT

The proposed 2.6m by 5.4m general space dimensions and 6.2m aisleway would be satisfactory.

The proposed disabled parking space, while not dimensioned, would appear to be at least 2.4m wide by 5.4m and with an adjacent clear zone space. These dimensions would comply with AS/NZS 2890.6-2009.

There appears to be no internal footpath connection between the car park and the building entrance as there is a colorbond fence proposed between the western row of parking and the adjoining landscaped play area. All car park users, including delivery drivers, would be required to use the Milner Street footpath to reach the security gate to the premises. In our opinion, there should be an internal footpath connection between the car park and the building entrance, so that all users of the car park do not have to exit the site to use the Milner Street footpath to enter the building.

To address this pedestrian access issue, we recommend the following:

1. Relocate the disabled parking closer to the Milner Street frontage. The first space should be the clear zone space with the second space being the disabled parking space.
2. From the clear zone space (can be used as a path access), provide a security gate into the play area (relocate the vegetable garden to suit) with a footpath linking the car park to the entrance of the building.

The proposal plan shows that all of the rooms on the ground floor are 'teaching spaces'. It is unclear where the main reception area is where parents have to sign in or sign out during drop off and pick up times.

The Masterplan report refers to waste bins being collected by a third party contractor using small trucks. In our experience with child care centres, it is not uncommon to restrict access by such service vehicles to off-peak periods (outside of the peak drop off and pick up times), so that the small truck is able to use the vacant spaces of the car park to turnaround after bin collection.

This would similarly apply for the infrequent service vehicles making deliveries to the site.

We recommend that a condition be included to restrict service vehicles to SRV size only and that servicing shall only occur during off peak times of the child care centre.

The proposed bin enclosure is not identified in the proposal plan. We recommend that this bin enclosure be located next to the car park to assist in collection by the private contractor.

### 3.0 TRAFFIC IMPACT

A commonly-referenced standard by traffic engineers is the NSW *Guide to Traffic Generating Developments*. This standard recommends trip generation rates for a child care centre of 0.8 vehicle trips per child (morning peak) and 0.7 trips per child (afternoon peak). With some discounting for use of other modes of transport, the number of trips estimated in the GTA report (approximately 50 vehicles per hour two-way) is considered to be reasonable.

We have made observations of the existing traffic conditions at the junction of Milner Street and Prospect Road during the morning peak period (730-900am) and afternoon peak period (400-600pm). The traffic flows in Milner Street during the highest peak hour were approximately 110 to 140 vehicles (two-way). Most of the turning movements involved right turns in from Prospect Road and left turns out to Prospect Road. There were very infrequent occasions where queuing in Milner Street was observed to be an issue and this queuing delay tends to occur when a driver was making a right out of Milner Street into Prospect Road.

Having regard to our observations of the site conditions during the morning and afternoon peak periods, we do not believe that the traffic impact arising from the additional traffic generated by the child care centre would significantly exacerbate the traffic conditions in the area.

We have also considered the issue of the proximity of the single lane slow point device to the proposed car park driveway. We note that the distance between this device and the next slow point device to the east is approximately 120m, which is within the upper range of spacing between slow points for effective slowing of traffic. There is therefore little scope to relocate the single slow point device further towards Prospect Road, which would make the distance to the next device even greater, ie lessen the ability to slow down traffic.

For this assessment, we have observed the number of instances when approaching traffic have to give way to allow a single vehicle to pass the device. During the morning peak period, we observed vehicles having to give way at the device on 5 occasions only over the 1 ½ hour duration of our observations. During the afternoon peak period, there were only 11 occasions of this occurring over the 2 hour duration of our observations. The number of occasions are considered to be very infrequent.

On the basis of our observations of the use of the single lane slow point device, we do not believe that the additional traffic generated by the child care centre would significantly exacerbate the traffic conditions in the area.

Having regard to our site observations and our assessment, we are of the opinion that the proposed development should not result in significant adverse traffic impacts on the adjacent road network.

### 4.0 SUMMARY

Based on the above assessment, we are of the opinion that the proposed development would be supportable on traffic and parking grounds.

We recommend that the following amendments and conditions be included:

1. Two bicycle rails shall be provided adjacent to the entrance(s) of the building.
2. A bin enclosure shall be provided adjacent to the car park.
3. The disabled clear zone space shall be relocated to be the first space adjacent to Milner Street, with the disabled parking space next to it.
4. A footpath shall be provided from the car park using the clear zone space as a walkway and to directly access the child care centre building, via the play area.
5. Refuse trucks and other service vehicles shall be restricted to SRV size (reference AS 2890.2-2002).
6. Service vehicle access of the car park shall only occur outside of the peak times of the child care centre.

Yours sincerely,

*Frank Siow*

**FRANK SIOW**

MIEAust MAITPM MIPWEA

Attachment

**AGENDA ITEM:** 5.2

**To:** Development Assessment Panel (DAP) on 10 July 2017

**From:** Matt Atkinson, Acting Manager Development Services (Planning Consultant from MasterPlan)

**Proposal:** Removal of a Significant Tree (Norfolk Island Pine) (DA 050/54/2017)

**Address:** 14 Flora Terrace, Prospect (CT 5809/772)

---

**SUMMARY:**

Applicant: Angelo Martucci

Planning Authority: Council

Referrals (Schedule 8): Nil

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 21 April 2016

Zone and Policy Area: Historic Conservation Zone (Flora Terrace Policy Area 5)

Issues: Damage to property

Recommendation: Refusal

---

**ATTACHMENTS:**

Attachment 1 Development Application Form

Attachments 2-3 Locality plans

Attachments 4-5 NGS Engineer's Structural Engineering advice

Attachment 6 Neighbour's letter

Attachments 7-15 Tonkin Consulting Structural Engineering advice

Attachments 16-25 Symatree Tree Assessment

---

## **1. EXECUTIVE SUMMARY**

- 1.1 The significant *Araucaria Heterophylla* (Norfolk Island Pine) displays qualitative attributes that are worthy of preservation, as identified within Council Wide PDC 346.
- 1.2 The expert structural engineering advice received concludes that the subject tree is the cause of damage to the adjacent dwellings, but the extent of damage is not considered to be substantial, within the meaning contained in Council Wide PDC 349.
- 1.3 The expert Structural Engineer has advised that regular watering and the establishment of a root barrier should limit any further structural damage to the adjacent dwellings.
- 1.4 The establishment of a root barrier has been endorsed by an independent Arborist as being a suitable method to prevent further damage to the adjacent dwellings, without having an unreasonable impact on the health or structural stability of the subject tree.
- 1.5 The Applicant has not demonstrated that all reasonable remedial treatments have proven to be ineffective over a reasonable period of time (as required when considering removal of a significant tree such as this). Specifically, the suggested root barrier should be installed and the area surrounding the tree should be regularly watered to see whether this prevents any further damage to the adjacent dwellings.
- 1.6 Having inspected the land and reviewed the relevant provisions of the Development Plan, within the context of the expert Structural Engineering and Arboricultural advice, the proposed removal of the significant tree is not supported.

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

### **2.1 Locality**

- 2.1.1 The locality comprises an area of approximately 100m in radius extending from the subject tree. The locality is defined by the extent of visibility of the subject tree within the local area.
- 2.1.2 The locality is residential in nature and is characterised predominantly by single storey detached dwellings on generous allotments. Street tree plantings within Flora Terrace are mature and offer a high degree of character and amenity to the streetscape.
- 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 illustrated in **Attachments 2 and 3**.

### **2.2 Subject Land**

- 2.2.1 The subject land is located on the northern side of Flora Terrace, approximately 150m east of Prospect Road in Prospect. The land comprises one allotment with a total area of 810m<sup>2</sup>, with a frontage width of approximately 15.2m to Flora Terrace.
- 2.2.2 The subject tree is located within the front yard, approximately 2.6 metres from the Flora Terrace boundary and 3.7 metres from the western side boundary of the land. The trunk of the subject tree is located approximately 5.6 metres from the dwelling.
- 2.2.3 Existing site improvements include a single-storey detached dwelling, with associated outbuildings located in the rear yard.

### 3. **PROPOSAL**

- 3.1 The proposal comprises the total removal of an existing significant Norfolk Island Pine tree.
- 3.2 No other works are proposed.
- 3.3 Supporting documentation from the applicant has been provided (refer **Attachments 4-6**). The supporting documentation includes:
  - 3.3.1 Structural Engineering advice prepared by NGS Engineers, stating that the subject tree is causing damage to the dwelling; and
  - 3.3.2 A letter from the adjacent neighbours at 12 Flora Terrace requesting the removal of the subject tree due to damage occurring to their dwelling and ongoing maintenance issues.

### 4. **REFERRALS**

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

- 4.1.1 The Application was referred to an independent Structural Engineer for assessment (refer **Attachments 7-15**). Briefly, the comments identified the following:
  - 4.1.1.1 The damage to the dwelling is likely being caused by exacerbated soil movement associated with the subject tree;
  - 4.1.1.2 There is evidence of external cracks of up to 8mm in width and internal cracks of up to 3mm in width within the front bedroom closest to the tree;
  - 4.1.1.3 The remainder of the dwelling on the subject land is essentially free of any significant cracks;
  - 4.1.1.4 A crack was noted in the south-eastern corner of the neighbour's dwelling (at 12 Flora Terrace), adjacent to the subject tree;
  - 4.1.1.5 Most of the cracks observed were deemed Category 0 to 2 (i.e. superficial cracks of up to 5mm);
  - 4.1.1.6 Only two (2) Category 3 cracks (i.e. cracks in the range of 5mm to 15mm) were observed, all in the external walls. A patched crack inside the dwelling may have been a Category 3 crack before it was patched;
  - 4.1.1.7 By definition, the damage is not quite substantial, for the purposes of the Development Plan;
  - 4.1.1.8 If the front yard is only minimally watered during drier months, then it is likely that more Category 3 cracks will develop in the future;
  - 4.1.1.9 However, if the front yard is watered and maintained, then it is likely that there will not be any more Category 3 cracks in the future;
  - 4.1.1.10 Further, a root barrier would further restrict the influence of the tree's roots on the dwelling.
- 4.1.2 Following the above advice from the consultant Structural Engineer, and given that a root barrier was suggested to assist in preventing future damage to the dwelling, the Application was referred to an independent Arborist for advice on the impact of a root barrier on the health and structural stability of the subject tree (refer **Attachments 16-25**). A summary of the comments received is set out below:

- 4.1.2.1 The subject tree, a mature Norfolk Island Pine, possesses attributes worthy of protection, specifically the tree provides a high level of amenity and forms a notable visual element within the local area;
- 4.1.2.2 The tree's health and structure is good, with no notable defects that would justify its removal;
- 4.1.2.3 The installation of a root barrier along the edge of the concrete path surrounding the dwelling is supported to prevent further damage to the dwelling; and
- 4.1.2.4 The installation of a root barrier will not detrimentally impact on the tree's health or stability, given that the level of encroachment within the tree protection zone (TPZ) would be less than 10% and there would be not encroachment within the tree's structural root zone (SRZ).

## 4.2 External (Legislated) Referrals

- 4.2.1 No statutory referrals were undertaken.

## 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 the relevant provisions of the Council's Development Plan, as it involves the removal of a significant tree on private land.

## 6. PLANNING COMMENTARY

- 6.1 The proposed development is neither a complying nor a non-complying form of development within the Historic (Conservation) Zone (Principles of Development Control 15 and 16). The proposal is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 The tree that is the subject of this development application is identified as a Significant Tree in Table Pr/4 of the Prospect (City) Development Plan. Consequently, the application is to be assessed against the provisions of the Development Plan relevant to significant trees, despite the trunk circumference (2.34 metres) being consistent with that of a regulated tree, as defined in Regulation 6A of the *Development Regulations 2008*.
- 6.3 If removal of the subject tree is supported, the Council must apply a condition(s) in accordance with the following requirements under Section 42 (4) of the *Development Act 1993*:
  - For every significant tree that is removed, 3 trees must be planted and maintained thereafter.
  - For every regulated tree that is removed, 2 trees must be planted and maintained thereafter.
  - The replacement trees cannot be within 10m 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 \$85.50 per tree (or 33.3% of this amount if the owner of the land is a pensioner) must be paid to the Planning and Development Fund.

- 6.4 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 The provisions of the Council's Development Plan anticipate the preservation of significant trees which provide "important aesthetic and environmental benefits". What is considered to be an "important aesthetic and environment benefit" is defined within Council Wide PDC 346, as follows:

Where a significant tree:

- a) makes an important contribution to the character or amenity of the local area; or
  - 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
  - c) represents an important habitat for native fauna; or
  - d) is part of a wildlife corridor or a remnant area of native vegetation; or
  - e) is important to the maintenance of biodiversity in the local environment; or
  - f) forms a notable visual element to the landscape of the local area.
- 7.2 The subject tree has a height of approximately 22 metres and is notably visible from about 200 metres away. The tree is a prominent feature on the subject land and within the locality due to its height and crown.
- 7.3 Whilst the subject tree has a trunk circumference of 2.34 metres, which would usually define the tree as a regulated tree, pursuant to Regulation 6A of the Development Regulations 2008, the tree is listed within Table Pr/4 of the Council's Development Plan as a significant tree.
- 7.4 The incorporation of the tree in the Significant Tree List (Table Pr/4) in the Development Plan reinforces the view that the tree is worthy of preservation. Given that the subject tree satisfies at least one of the criteria listed in Council Wide PDC 346, it is desirable that the tree be preserved and tree-damaging activity avoided, if possible.
- 7.5 Circumstances where the removal of a significant tree is appropriate are listed within Council Wide PDC 349, which states:

Significant Trees should be preserved and tree-damaging activity should not be undertaken unless:

- (a) In the case of tree removal;
  - (i) the tree is diseased and its life expectancy is short; or
  - (ii) the tree represents an unacceptable risk to public or private safety; or
  - (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or
  - (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and

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

- 7.6 The Applicant has submitted the proposal on the basis that the tree is shown to be causing substantial damage to a substantial building or structure of value. There is no suggestion, nor evidence, that the tree meets any of the other removal criteria.
- 7.7 The dwelling on the subject land is considered to be a substantial building and structure of value, as described in Council Wide PDC 349.
- 7.8 The Applicant has submitted a Structural Engineering report, contained in **Attachments 4-5**, which was prepared by Nick Scott of NGS Engineers. The report concluded that the tree was causing damage to the dwelling, with cracks of up to 10mm appearing in areas nearest to the tree. The report did not offer an opinion as to whether the cracks were considered 'substantial damage' for the purposes of Council Wide PDC 349.
- 7.9 Mr Scott advised that the cracks are likely to get worse as the tree gets bigger and its moisture requirements increase.
- 7.10 The Applicant also submitted a letter prepared by their neighbours at 12 Flora Street, contained in **Attachment 6**, which supports the removal of the subject tree due to damage occurring to their dwelling and ongoing maintenance issues. Specifically, they note that the tree is causing cracks in the external walls of two (2) bedrooms located closest to the tree and that acidity from the pine needles makes it difficult for other plants to grow.
- 7.11 The Application, including the NGS Engineers report and the neighbours' letter, was referred by Council staff to an independent Structural Engineer, Mr David Nash of Tonkin Consulting, for his review. Mr Nash advised that the subject tree and its root system were causing damage to the dwelling, but that the damage was not considered to be 'substantial' within the meaning of Council Wide PDC 349.
- 7.12 Further, Mr Nash advised that if a root barrier were installed and if the area surrounding the tree was watered and maintained, it is unlikely that the tree would cause further damage to the adjacent dwellings. A more detailed summary of the Tonkin Consulting report is provided in Section 3.1.1 of this report above.
- 7.13 The Application was subsequently referred to an independent Arborist, Mr Sam Cassar of Symatree, to provide a report on the health and structure of the tree and to advise whether a root barrier would have an adverse impact on either the health of the tree or the structural stability of the tree. Mr Cassar concluded that the tree is in good health with no obvious structural flaws. Further, he advised that if a root barrier was installed along the edge of the concrete path surrounding the dwelling; it would have no impact on the health or structural stability of the subject tree. A more detailed summary of the Symatree report is provided in Section 3.1.2 of this report above.
- 7.14 Having considered Council Wide PDC 349, it is considered that the subject tree is not causing substantial damage to a substantial building or structure of value; and that there are other reasonable remedial treatments and measures that can be undertaken (such as the establishment of a root barrier and regular watering of the front yard area), which would reduce the potential for future damage to the dwelling.
- 7.15 That said, there is also a 'natural justice' matter that should be considered. The City of Prospect listed significant trees within the Development Plan in June 2002 via the Significant Trees PAR (Interim). The Significant Trees PAR came in to full effect on 26 June 2003 and was consolidated into the Council's Development Plan.

- 7.16 The subject tree was listed as a Significant Tree within the Development Plan via this PAR.
- 7.17 Since then, there have been several changes to legislation regarding significant (and regulated) trees. Most recently, in January 2012, the Regulated Trees DPA (Ministerial) came into interim operation which introduced the concept of regulated trees, which are trees of a prescribed class with a trunk circumference of between 2.0 metres and 3.0 metres, when measured one metre above natural ground level. Significant trees were defined as trees of a prescribed class with a trunk circumference exceeding 3.0 metres.
- 7.18 The subject tree is not a tree of a prescribed class (i.e. it is not a Eucalypt or a Willow Myrtle). Therefore, given that the tree is located less than 10 metres from a dwelling (the trunk is 5.6 metres from the dwelling), the tree would not qualify as a regulated or significant tree in usual circumstances.
- 7.19 Given the context set out above, there is merit in allowing the subject tree to be removed purely from a 'natural justice' perspective.
- 7.20 However, significant trees that are listed in Development Plans remain significant trees, even if the species is exempt under the *Development Regulations 2008*.
- 7.21 All applications are required to be assessed on their merit against the relevant provisions of the Development Plan. In this instance, it is the significant tree provisions that are relevant to this assessment.
- 7.22 In this regard, Council staff are not satisfied that the subject tree is causing substantial damage to a building or structure of value and that all other reasonable remedial treatments have proven to be ineffective.
- 7.23 As such, it is considered that the removal of the tree is not warranted and that the Application should be refused.

## **8. CONCLUSION**

- 8.1 The significant *Araucaria Heterophylla* (Norfolk Island Pine) displays qualitative attributes that are worthy of preservation, as identified within Council Wide PDC 346.
- 8.2 The expert structural engineering advice received concludes that the subject tree is the cause of damage to the adjacent dwellings, but the extent of damage is not considered to be substantial, within the meaning contained in Council Wide PDC 349.
- 8.3 The expert Structural Engineer has advised that regular watering and the establishment of a root barrier should limit any further structural damage to the adjacent dwellings.
- 8.4 The establishment of a root barrier has been endorsed by an independent Arborist as being a suitable method to prevent further damage to the adjacent dwellings, without having an unreasonable impact on the health or structural stability of the subject tree.
- 8.5 Therefore, the Applicant has not demonstrated that all reasonable remedial treatments have proven to be ineffective over a reasonable period of time. Specifically, the suggested root barrier should be installed and the area surrounding the tree should be regularly watered to see whether this prevents any further damage to the adjacent dwellings.
- 8.6 Having inspected the land and reviewed the relevant provisions of the Development Plan, within the context of the expert Structural Engineering and Arboricultural advice, the proposed removal of the significant tree is not supported for the reasons set out below.

## 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 050/54/2017 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*, Development Plan Consent be refused to DA 050/54/2017 by Mr Angelo Martucci, for the removal of a significant tree (Norfolk Island Pine) at 14 Flora Street, Prospect (CT 5809/772), for the following reasons:

### **Reasons:**

1. The significant *Araucaria Heterophylla* (Norfolk Island Pine) displays qualitative attributes that are worthy of preservation, as identified within Council Wide Principle of Development Control 346.
2. The expert structural engineering advice received concludes that the subject tree is the cause of damage to the adjacent dwellings, but the extent of damage is not considered to be substantial, within the meaning contained in Council Wide Principle of Development Control 349.
3. The removal of the significant tree does not satisfy any of the criteria contained within Council Wide Principle of Development Control 349, which would justify the removal of the tree.
4. There are other remedial treatments available (i.e. regular watering and the establishment of a root barrier), which would further reduce the risk associated with future damage to the adjacent dwellings.



SCAN

21 FEB 2017

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 / 54 / 2017 (Office Use Only)

**1. Application Type (select one)**
 **Development Plan Consent only**  
(Planning Only)

 **Building Rules Consent only**  
(Building Only)

 **Development Approval**  
(Planning and Building)

**2. Location of Proposed Development**

Unit #: \_\_\_\_\_ House #: 14 Street: FLORA TCE

Suburb: PROSPECT Postcode: 5082 CT Volume and Folio: \_\_\_\_\_

**3. Details of Parties**
**Applicant**

 Name: A MARTUCCI Address: 14 FLORA TCE  
 Contact No.: 0428786019 Email: amartucci@bigpond.com

**Owner**  as applicant

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Contact No.: \_\_\_\_\_ Email: \_\_\_\_\_

**Builder**  owner builder  as applicant  to be advised  other

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Contact No.: \_\_\_\_\_ Email: \_\_\_\_\_

Builders Licence No. \_\_\_\_\_

**4. Proposal Details**

Description of Proposal: TREE REMOVAL

Existing Use of Property: RESIDENTIAL

Estimated Cost of Development: \$ TBA ≈ \$5K

**5. Declarations**

- 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 Development Regulations 2008 apply (activities of environmental or major environmental significance)?  yes  no
- Has the Construction Industry Training Board (CITB) levy been paid?  yes  no

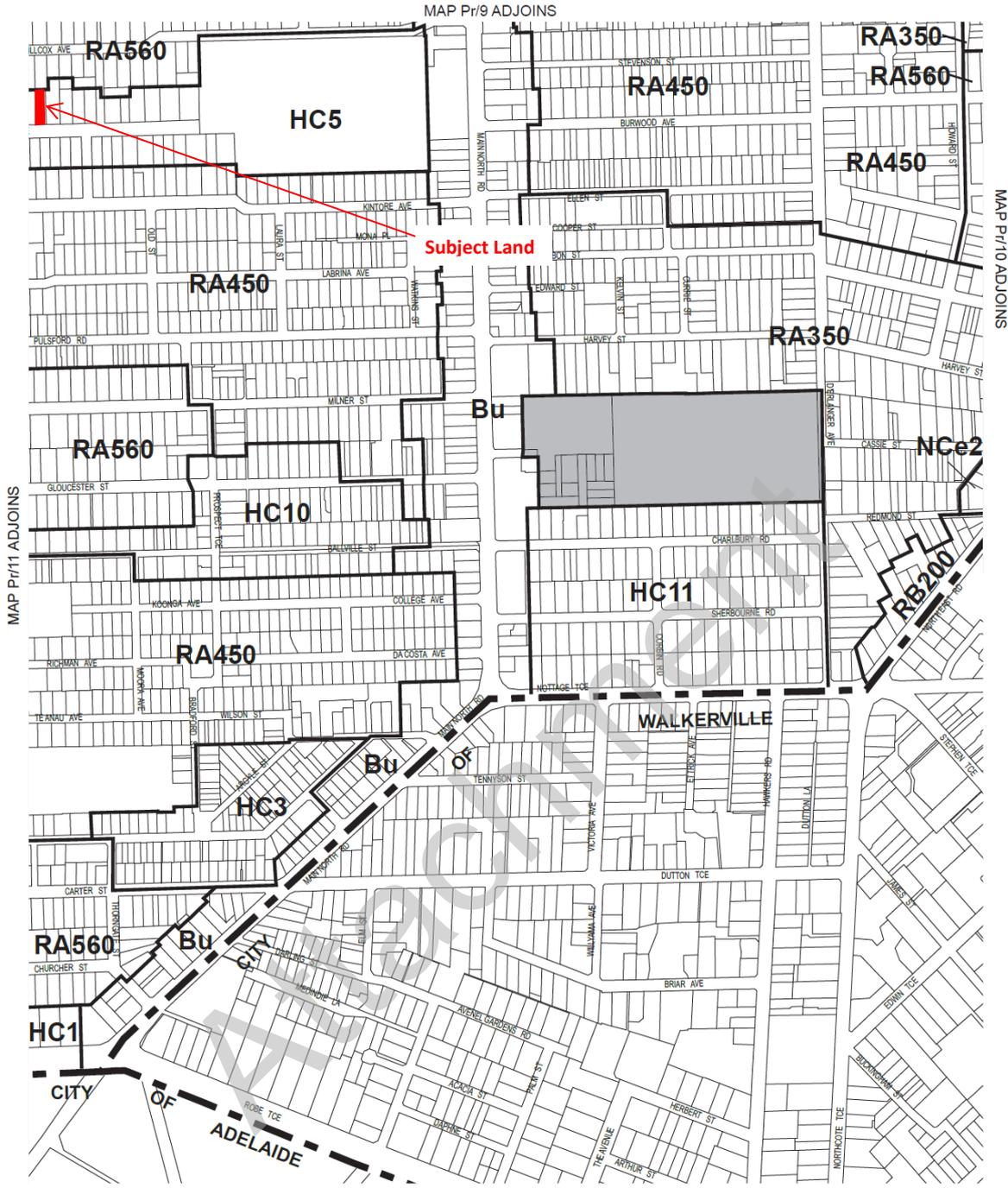
I acknowledge that Council may make copies of this application and documentation in accordance with the *Development Regulations 2008* and *Development Act 1993*. Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.

If published, I request that Council obscures my telephone number and email address.  yes  no

I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties.  yes  no

Name: ANGELO MARTUCCI Signature: \_\_\_\_\_ Date: 20/2/17

 Applicant  Owner  Builder



- RA560 Residential Policy Area A560
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- RB200 Residential Policy Area B200
- HC1 Historic Conservation Area 1 Policy Area
- HC3 Historic Conservation Area 3 Policy Area
- HC5 Historic Conservation Area 5 Policy Area
- HC10 Historic Conservation Area 10 Policy Area
- HC11 Historic Conservation Area 11 Policy Area
- NCE2 Collinswood Policy Area
- Bu Business

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

Scale 1:8000



# PROSPECT COUNCIL POLICY AREAS MAP Pr/12



Consolidated - 21 April 2016



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

**Subject Site - 14 Flora Terrace 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.

N7043

15 February 2017

Angelo Martucci  
14 Flora St  
Prospect

Dear Angelo

**14 FLORA ST, PROSPECT  
REPORT ON NORFOLK PINE TREE**



NGS ENGINEERS PTY LTD  
ABN 92 445 835 562  
19 Halsbury Ave  
KINGSWOOD  
SA 5062

8357 2365  
0434 392 691  
ngsengineers@optusnet.com.au

Mr Nicholas Scott BE (Civil) MIEAust from NGS Engineers visited the above site on 14<sup>th</sup> February 2017, to look at the effects of the large Norfolk Pine tree at the front of this property.

We can report the following:

- The house is a single storey solid brick structure which is probably 50 years old.
- The large Norfolk Pine tree is at the front of the property. It is approximately 18m high. Its circumference 1m above the ground is greater than 2.0m.



Photo 1: View of the tree at front of house

- The tree is approximately 5m from the front of the house. (Closest to Bedroom 1.)
- From the "Soil Association Map of the Adelaide Region", the soil at your site is a "brown sandy to clayey soil with abundant earthy lime and calcrete in subsoil". (BS) Based on this, and our experience in the area, this soil is likely to be classified as "M-D" to AS2870 "Residential slabs and footings – Construction", **moderately** reactive, and as such can experience moderate ground movement from moisture changes.
- Trees tend to increase the ground movement of soils due to moisture changes, due to their heavy water use, particularly in summer.
- As a simple guideline for footing design, as Engineers we estimate that on an "M-D" site, a tree will affect the soil moisture content in a circular area around the tree within a radius of 0.75 times the tree's height.
- Thus, for this 18m high tree, we estimate it will be affecting the soil moisture content anywhere within a 13.5m radius. As the house is only 5m away from the tree, it is obviously affecting the soil under the house footings, and thus causing shrink and swell, footing movement and wall cracking.
- We did find some cracking in the house walls:
  - There is 5mm and 6mm cracking in the external brickwork above the window to bedroom 1, which is the wall closest to the tree. It is approximately 5m away from the tree.
  - There is evidence of large cracks to the internal brickwork of bedroom 1, particularly at the window, which have recently been repaired. We estimate these cracks would have been up to 10mm wide.
  - There are hairline cracks to cornices in some of the other rooms in the house, but the biggest cracks are the ones in bedroom 1 on the southern side of the house nearest to the 18m high tree.

Based on the above, we conclude that this tree is causing damage to the house, with cracks up to 10mm wide appearing in the areas closest to the tree. These cracks are likely to get worse as the tree gets bigger and its moisture requirements increase.

Should you have any queries please feel free to contact myself at this office.

Yours sincerely



Nick Scott BE (Civil) MIEAust  
Project Engineer  
NGS Engineers Pty Ltd

City of Prospect  
128 Prospect Rd  
Prospect

Re : Complaint over neighbour's tree



To whom it may concern,

We have lived at 12 Flora Tce, Prospect since 2008. When we moved here the previous owner advised us that he had to have the drains on the eastern side of the house professionally cleaned at least 4 times a year due to the roots of a Norfolk Island pine tree in the front yard of the house in 14 Flora Tce. When this started to become a problem for us we decided to replace the drain at considerable expense, but it hasn't completely avoided the problem due to the connection to the sewage on our footpath also getting blocked. This now happens perhaps once a year, but it is now cleaned out by SA Water.

We also have large cracks in the two bedrooms closest to this tree, but nowhere else in our house. We can't prove these are solely caused by the tree, but we certainly know it sucks all the moisture from that side of our front yard and this would be a logical cause for the house to crack. We recently had these rooms professionally painted, including repairs to the cracks, but of course they've opened up again.

We've tried to grow a hedge along the boundary fence. The two plants furthest away from the pine are alive and well, but unfortunately all the others have died. A landscaper we employed advised it would be very difficult to get anything at all to grow along the fence, and in fact recommended he dig a deep trench along the boundary as the only way to remove the roots invading from the tree.

Of course I'm not a landscape gardener, but I think a Norfolk Island pine tree isn't appropriate in a suburb like Prospect. It looks unsightly, sucks up all the moisture it can and continually drops needles which ruin the plants due to their acidity. It continues to damage our house and garden, and we would be very pleased if you would allow our neighbours to remove it and improve their garden at the same time. In fact the whole street would be improved.

Yours sincerely

Andrew & Mary Murray

20170045L001A

31 May 2017

Mr Scott McLuskey  
Senior Development Officer, Planning  
City of Prospect  
PO Box 171  
Prospect SA 5082

Dear Scott,

### REMOVAL OF SIGNIFICANT TREE 14 FLORA TERRACE PROSPECT

As per your request I inspected the existing dwelling at 14 Flora Street on 26 May 2017 to determine if the pine tree in the front of the property was causing or is likely to cause in the future damage to the dwelling at 14 Flora Terrace.

#### Site Observations

The following site observations were noted during my site inspection. A few photographs are attached.

The existing dwelling is constructed of solid brick external walls with timber floors and concrete strip footings.

The following cracks to walls and other damage were noted.

Internally a number of wall cracks were noted to the front bedroom closest to the tree. There was a 2 to 3mm wide crack to the eastern side of the window in the southern wall and another crack under the same window. The owner advised that he had patched the crack to the eastern side less than a year ago. There was also a crack above the door to the hallway at 1 to 2mm wide. There was fine cracking at the cornice to wall junctions of the eastern and southern walls. Finally, there was a 1 to 2mm wide crack/gap where the eastern side of the front window abuts the wall.

The rest of the house internally was basically crack free except for minor cracking at some of the cornice to wall junctions.

Externally there were number of cracks to the southern external wall of the front bedroom. A crack up to 6 to 8mm wide was noted to the western side of the front window with a crack 4 to 5mm wide to the eastern side of the front window. There was also a crack under the window at 1 to 2mm wide.

The concrete paving in front of the southern wall had a couple of cracks.

The eastern and western facing external walls of the front bedroom were crack free. No other cracks were noted to the external wall to the front part of the house.

A crack to the top south eastern corner of the neighbour's house to the west was also noted.

Concrete paving was provided adjacent to the external walls and generally had a fall away from the walls.

TONKIN CONSULTING ABN 67 606 247 876 ACN 606 247 876. [W www.tonkin.com.au](http://www.tonkin.com.au)

#### Adelaide

Level 2, 66 Rundle Street  
Kent Town SA 5067  
T +61 8 8273 3100 F +61 8 8273 3110  
E [adelaide@tonkin.com.au](mailto:adelaide@tonkin.com.au)

#### Berri

6 Kay Avenue, PO Box 2248  
Berri SA 5343  
T +61 8 8582 2700 F +61 8 8582 2777  
E [berri@tonkin.com.au](mailto:berri@tonkin.com.au)

#### Darwin

Unit 34, 16 Charlton Court  
Woolner NT 0820  
T +61 8 8981 7155 F +61 8 8981 7455  
E [darwin@tonkin.com.au](mailto:darwin@tonkin.com.au)

#### Mt Gambier

1 Krummel Street, PO Box 1192  
Mt Gambier SA 5290  
T +61 8 8723 5002 F +61 8 8723 5004  
E [mtgambier@tonkin.com.au](mailto:mtgambier@tonkin.com.au)

#### Queensland

Suite 14, 76 Wisers Road  
Maroochydore QLD 4558  
T +61 7 5370 4272 F +61 7 5443 6822  
E [gavin.reeves@tonkin.com.au](mailto:gavin.reeves@tonkin.com.au)

#### Mildura

150 Langtree Avenue  
Mildura VIC 3500  
T +61 8 8582 2700 F +61 8 8273 3110  
E [mildura@tonkin.com.au](mailto:mildura@tonkin.com.au)

The tree requested for removal is located in the front yard about 5.5m from the front bedroom. It is about 20m high.

The garden to the front yard was un kept lawn so presumably is not watered greatly during the warmer months.

A tree root was noticed in the driveway which is probably from the pine tree.

#### Likely Soil Type

From the publication "Soils and Geology of the Adelaide Area" the most likely soil type present on the site would be a brown solonised soil BS. The typical profile of a BS soil includes sandy clay layers of low to moderate reactivity under laid with earthy lime and calcrete soils below. Typically, a BS soil can swell and shrink as much as 15 to 30mm as the soil wets up and dries out from season to season.

Trees require substantial amounts of water from the soil on a daily basis to stay healthy. The roots of the pine tree on the site will extend out to at least the edge of the canopy of the tree and in some cases even further out seeking the soil moisture they require. The roots of the tree would almost certainly extend under the front half of the dwelling.

A tree's roots magnify the drying out process of a soil as they remove significantly more moisture from the soil than would occur in an area where only shrubs and smaller plants were located. The soil would therefore be expected to shrink as much as 25 to 40mm under the influence of the tree.

#### Likely Cause of Cracking and Movement

The concrete strip footings provided would only be nominal footings of limited strength and stiffness.

The movement and cracking noticed to the front bedroom of the dwelling is a result of the footings not being able to resist the swelling and shrinking movements of the soil. The tree magnifies the shrinking movement and is more than likely the cause of the cracks noted to the front bedroom, particularly as the rest of the dwelling is basically crack free.

#### Damage

It is understood that the tree considered for removal is a significant tree as per the definitions in the Development Act and Regulations. The removal of a significant tree is based on a test as to whether or not it is causing or threatening to cause, damage to a substantial building or structure of value.

Clearly the dwelling is a substantial building of value.

The test therefore comes down to whether or not damage to the dwelling is already being caused or likely to be caused in the future by the tree.

For a building that has footings designed in accordance with AS 2870 one would only expect cracking, if any exists, up to Category 0 or 1. Although this cacking is damage it is what is expected when a building is supported by footings designed to the legislative minimum standards of construction.

Categories 0 and 1 limit cracks to no more than 1mm wide whilst cracks in Category 2 are typically 1mm to 5mm wide. Category 3 is for cracks between 5 and 15mm and Category 4, 15 to 25mm.

I would consider that damage to a dwelling at the Category 3 level is substantial; as such cracks are not easily repaired unlike Category 2 and below. How many Category 3 cracks make the damage for the whole

dwelling substantial will vary from person to person. I would suggest that a couple of Category 3 cracks are probably not substantial in regard to the whole dwelling.

One must also consider movements as well. If movements in the house/unit affect the shutting of doors and windows, particularly those in external walls, and maybe the flow of roof stormwater then such movements are probably causing substantial damage.

At present there are only one to two cracks in the Category 3 range to the dwelling, all in the external walls. The patched crack inside may have been close to Category 3 before it was patched. This is by my definition close to but not quite substantial damage. It is however expected that if the tree remains and the front garden is only minimally watered during the drier months then it is likely that more cracks in the Category 3 range will develop in the future, particularly to the front bedroom. If the front garden is however watered and looked after, then it is likely that there will be no more Category 3 cracks in the future.

A root barrier could possibly be installed to further restrict the influence of the tree's roots on the dwelling.

#### Recommendation

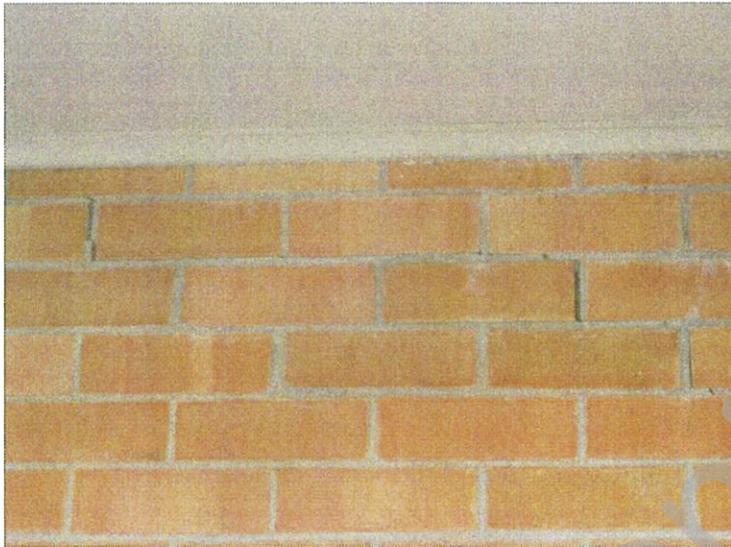
That the tree in the front yard of 14 Flora Terrace Prospect not be removed at this time.

If you have any queries regarding the above, please contact me on 8110 2220.

Yours faithfully  
TONKIN CONSULTING



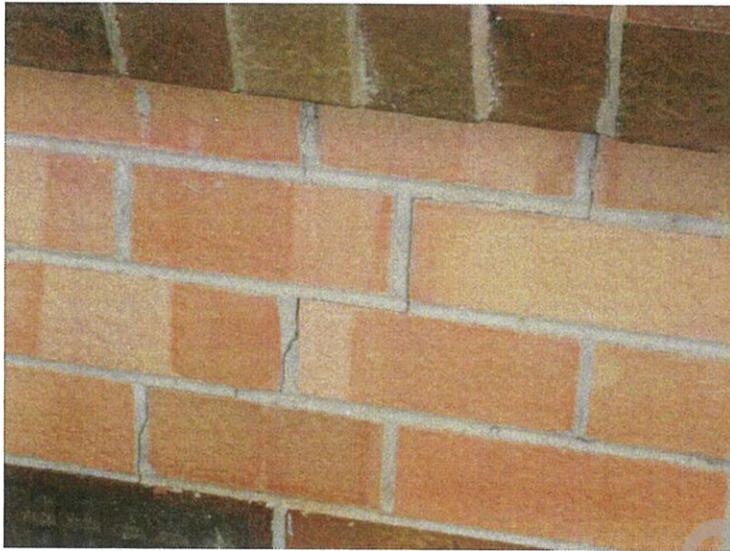
David B NASH  
Building Surveyor/Senior Project Engineer



*Crack to the southern wall western side of the front bedroom*



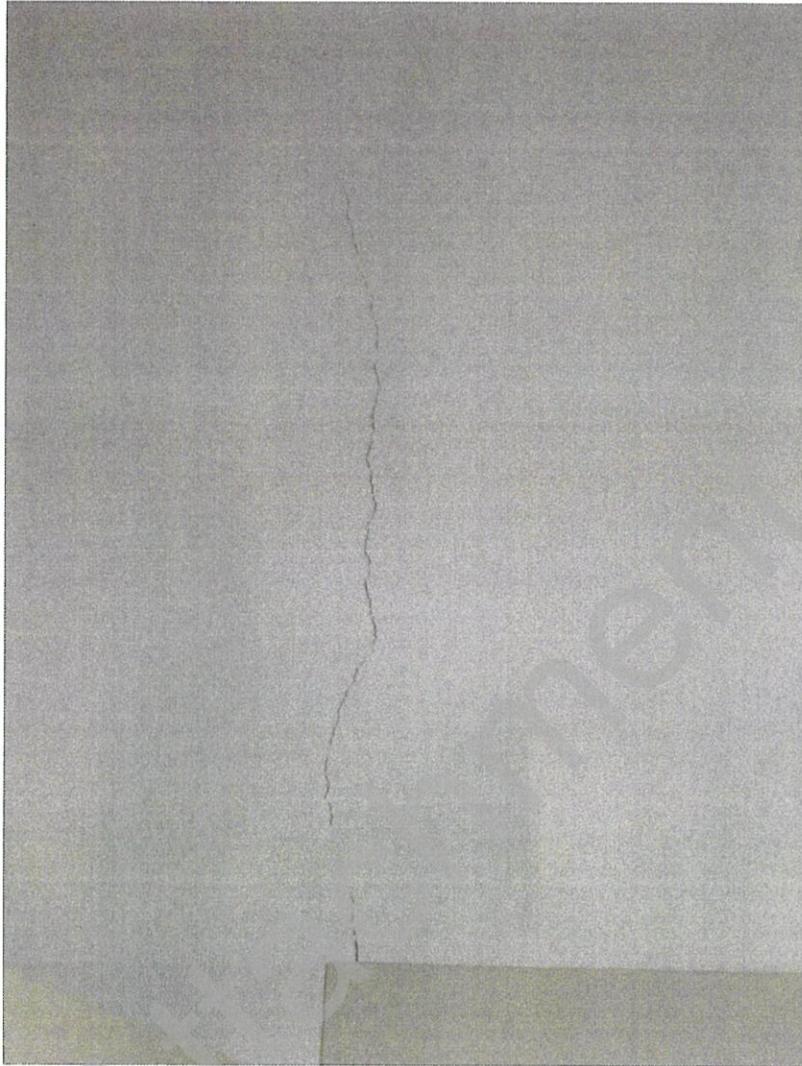
*Crack to the southern wall eastern side of the front bedroom window*



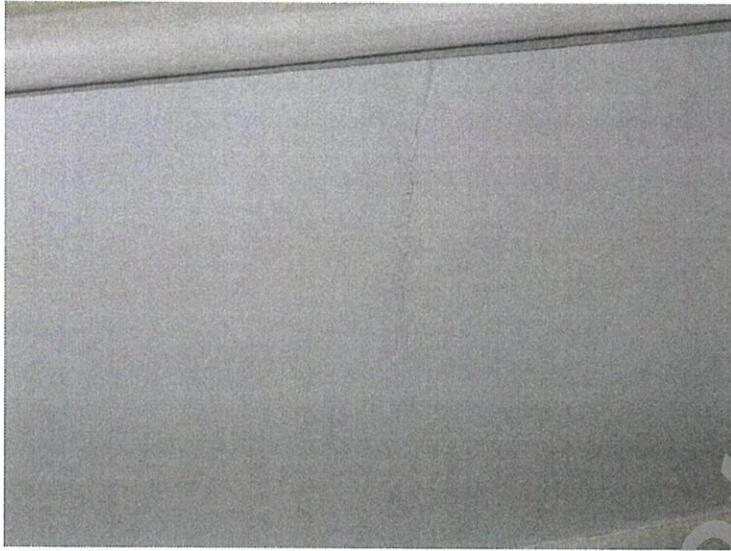
*Crack under the front bedroom window*



*Crack to eastern side of front bedroom window*

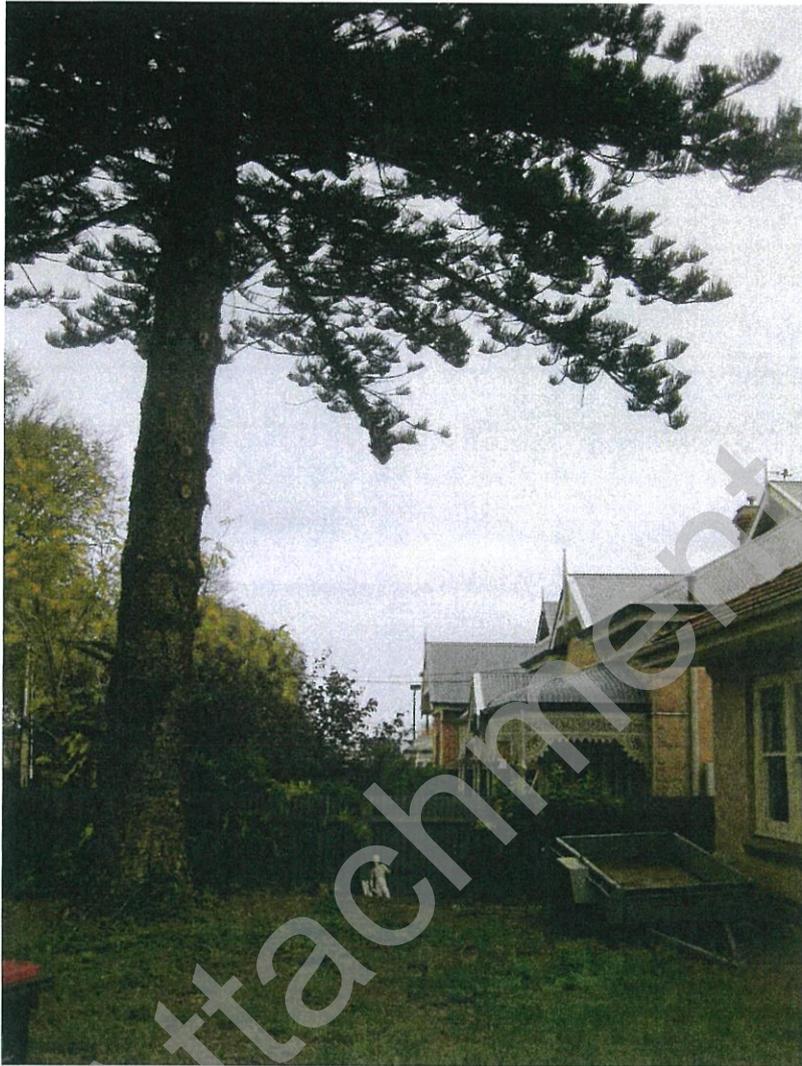


*Crack above front bedroom door*



*Crack under front bedroom window*

Attachment



*Pine tree in front yard*



*Crack to neighbour's dwelling*

Attachment

# SYMATREE



## **Tree Assessment 14 Flora Terrace, Prospect**

File Number: DA 050/54/2017

**Report prepared for**

Mr Matt Atkinson  
Planning Consultant  
City of Prospect  
June 2017

**Report prepared by**

Sam Cassar

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

## Table of Contents

---

Introduction .....	3
Observations .....	4
Appraisal .....	6
Conclusion .....	8
Appendix A - Aerial Image.....	9

Attachment

## Introduction

---

### Instructions

I was instructed by Council to assess a mature Norfolk Island Pine located in the front yard of 14 Flora Terrace, Prospect. My brief was to undertake the following:

- Assess the health and structural condition.
- Determine the likely impacts if a root barrier was installed to eliminate damage to adjacent private property
- Assess the tree against the relevant provisions of the Development Act.

### Site Visit

I carried out a site inspection on the 14 June 2017.

### Documents and Information provided:

Engineering Report – Tonkin Consulting May 2017, commissioned by council.  
Engineering Letter – NGS Consulting February 2017, commissioned by the Applicant.  
Letter from neighbour, provided by the applicant.

### 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 16 June 2017.

## Observations

---

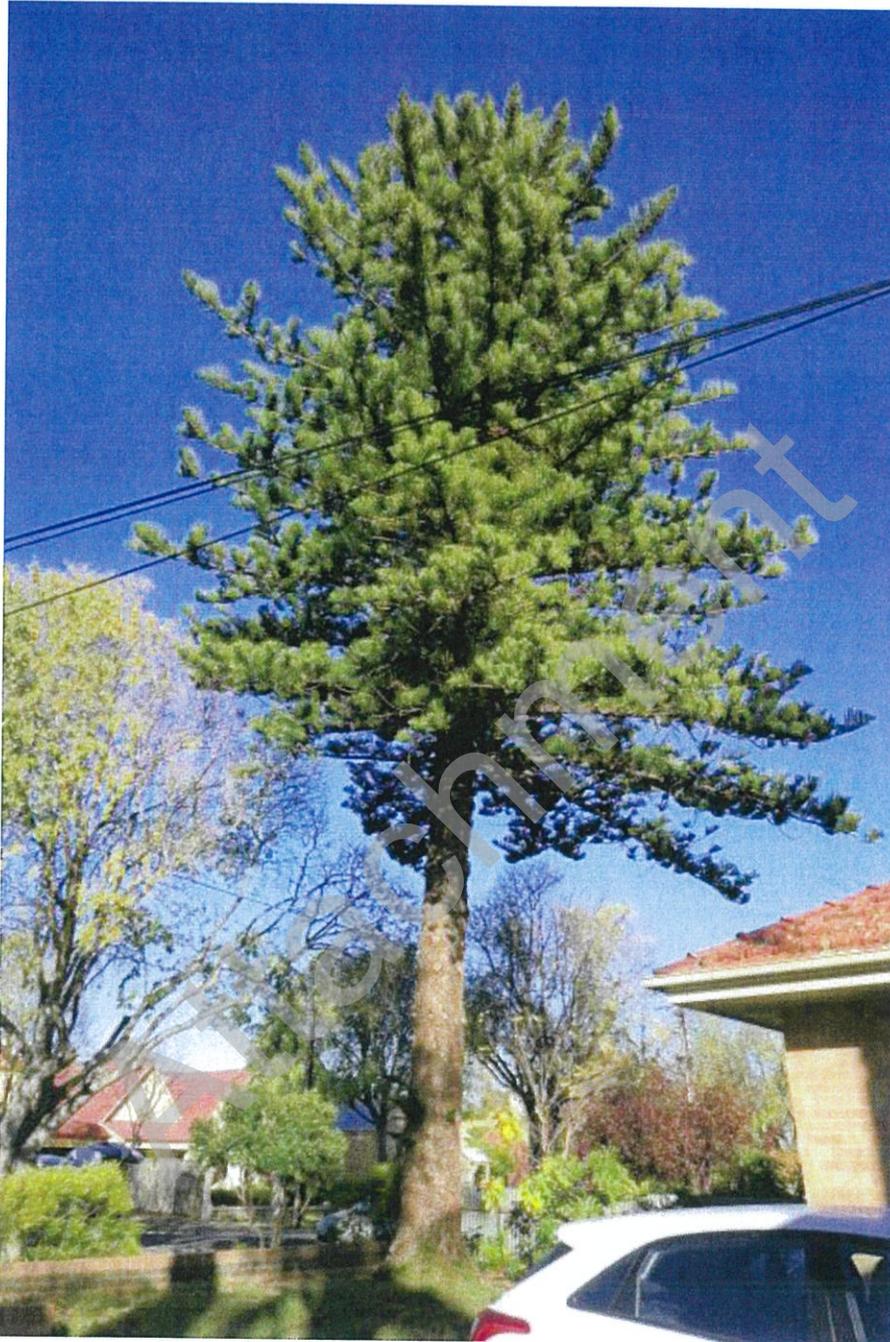


Figure 1 Subject tree, viewed from the north-east.

### Location of tree

The tree is located in the front yard (refer Figure 1). The trunk centre is 2.6 metres from the southern boundary fence, 3.7 metres from the western boundary fence and 5.6 metres from existing house.

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

## Observations (cont)

---

### Species

*Araucaria heterophylla* commonly referred to as a Norfolk Island Pine.

### Crown attributes (approx.)

Height: 22 metres.

Width (from trunk measured out): south 4.8 metres, north 5.0 metres, west 5.0 metres and to the east 5.2 metres.

### Circumference

Single trunk: 2.34metres.

The subject tree is listed in Council's Development Plan, Significant Tree Table Pr/4 (Council identification number 687). Therefore the tree qualifies as a Significant tree under the Development (Regulated Trees Variation) Regulations 2011.

### Trunk Diameter

Trunk diameter at 1.4 metres from ground: 0.74 metres. Trunk diameter at base: 0.96 metres.

### Structure/Condition

The tree structure consists of a single trunk cleared to a height of approximately 7.5 metres from which point, symmetrical branches occur more or less horizontally, in regularly-spaced whorls that gradually reduce in length to form a conical shaped (excurrent) crown. The trunk is vertical, and the crown is relatively well balanced and typical of the species.

The trunk appears sound with no cavities, evidence of termite or other pest activity or signs of deliberate interference or damage. During the inspection the tree appeared to be stable with no soil heaving or movement observed at the base.

The canopy appears to be in good health with foliage density and vigour normal and typical of the species. Some minor dead fronts were noted at various points, lower to mid-crown. All leaders and lateral branches are healthy and actively growing. The canopy is free from notable pests and diseases. .

Tree structure is considered to be good. All branch unions appear to be well formed with no significant structural defects from what can be observed from ground. The tree displays no apparent history of branch failure.

### Property Damage

Refer Tonkins Engineers report for details.

## Appraisal

---

The subject tree is listed in Council's Development Plan, Significant Tree Table Pr/4 (Council identification number 687). Therefore the tree qualifies as a Significant tree under the Development (Regulated Trees Variation) Regulations 2011 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, if not the largest tree planted within the immediate local area.

The subject tree is a mature specimen, in good health and good structure with no significant structural defects that indicate to me it poses an unacceptable risk to private 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.

### Property Damage

Tonkins Engineering observed some cracking to the owner's house and damage to surrounding concrete paving. Tonkin consulting, recommended the tree's retention given the damage observed was not of a substantial nature to justify the tree's removal.

Report provided by Tonkin consulting did recommend the installation of a root barrier to further restrict the influence of the tree's roots on the house.

### Tree Protection Zone (TPZ)

A TPZ is required to retain the critical root zone (CRZ), protect the crown and to ensure that tree health and viability is maintained. The TPZ is also calculated and applied with consideration to the possible impacts that encroachments may have on a tree's health and long term viability.

In addition to the TPZ, the structural root zones (SRZ) also needs to be calculated to determine the area required to ensure tree stability. The TPZ is typically a larger area and is required to maintain a healthy viable tree.

Using the Australian Standard for the Protection of Trees on Development Sites (AS 4970) the following TPZ and SRZ have been calculated for the subject tree:

TPZ (radius)	TPZ Area	SRZ
8.88 metres	247m <sup>2</sup>	3.2 metres

### Impacts from Proposed Root Barrier Installation

The Australian Standard for the protection of trees on Development sites (AS 4970) allows encroachment into an optimum TPZ by 10% of the overall calculated area.

## Appraisal (cont)

---

Based upon the level of encroachment, including an allowance of 400mm from the edge of the existing concrete path to allow installation, the level of encroachment would be 18m<sup>2</sup> or 7% of the overall calculated TPZ area (Based upon measurements taken on site). This is within acceptable tolerances as defined under Australian Standard for the Protection of Trees on Development Sites (AS 4970). No encroachment into the tree's SRZ is required therefore no impact to overall tree's stability is expected.

Therefore it is reasonable to predict that the tree will tolerate the installation of a root barrier if installed along the edge of the concrete path (refer Figure 2) and all reasonable measures and precautions are taken to protect the subject tree during its installation (i.e. the width of the trench is kept to an absolute minimum)

A root barrier typically requires a trench to be excavated to a depth of at least 0.5 to 1 metre. Such excavation would sever roots if any located within that area. An imperious barrier with the upper edge exposed should protect the dwelling from future root activity.



Figure 2. Location of root barrier indicated in red.

## Conclusion

---

I conclude that the subject tree, a mature Norfolk Island Pine 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 it poses an unacceptable risk to public or private safety and therefore the tree should be retained.

I support the installation of a root barrier along the edge of the concrete path as indicated in Figure 2 to prevent damage to the house and associated structures. It is expected the installation of the root barrier will not result in detrimentally impacting tree health and stability given the level of encroachment is less than 10% and no encroachment into the Structural Root Zone is required.

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.

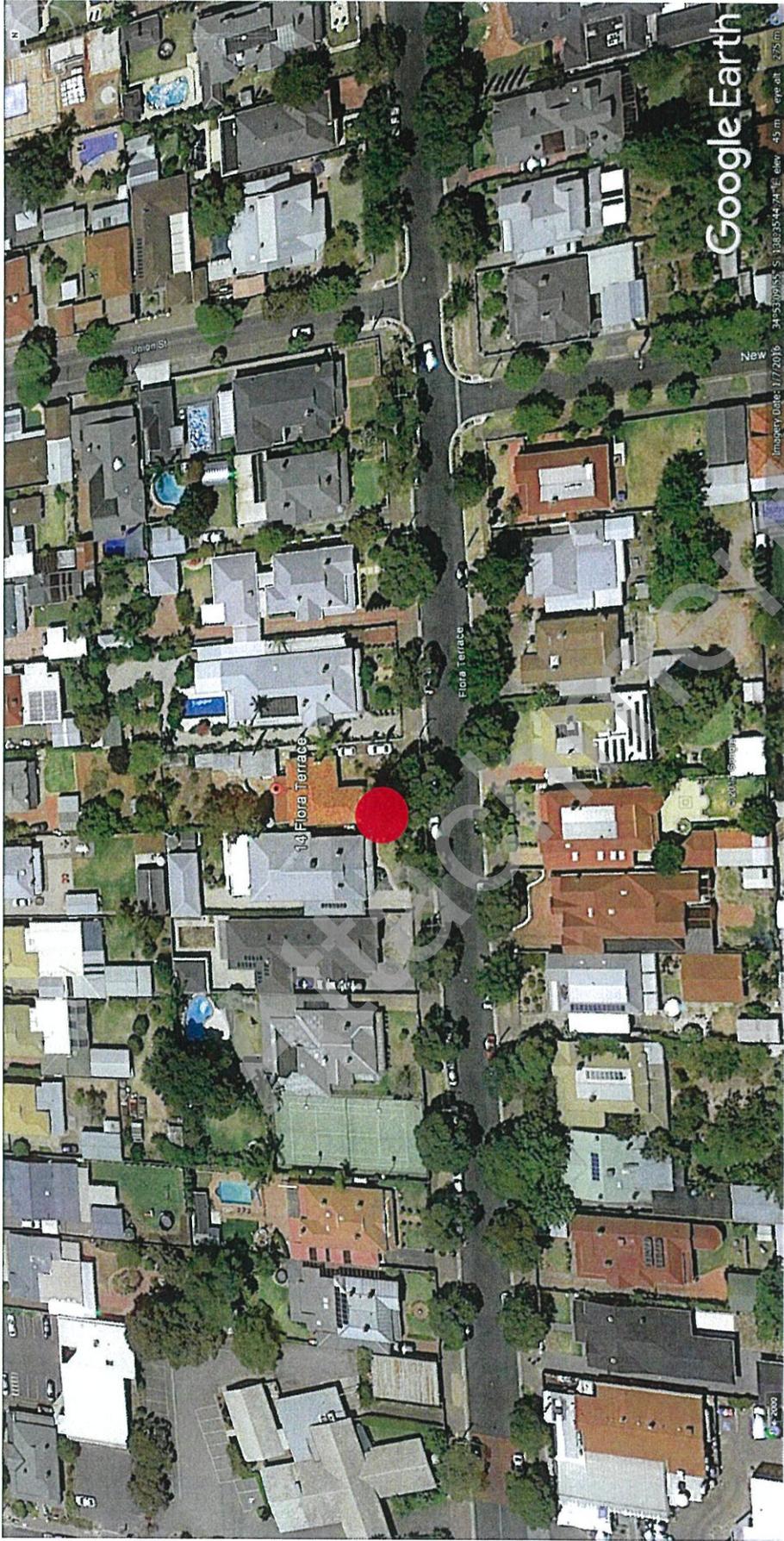


Sam Cassar

Attachment

**Appendix A  
Aerial Image**

Attachment



**AGENDA ITEM:** 5.3

**To:** Development Assessment Panel (DAP) on 10 July 2017

**From:** Matt Atkinson, Acting Manager Development Services (Planning Consultant from MasterPlan)

**Proposal:** Removal of two Significant Trees (Cotton Palms) (DA 050/407/2016)

**Address:** 13 Asquith Street, Nailsworth (CT 6121/164)

---

**SUMMARY:**

Applicant: SA Power Networks

Planning Authority: Council

Referrals (Schedule 8): Nil

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 21 April 2016

Zone and Policy Area: Residential Zone (Policy Area A450)

Issues: Damage to infrastructure

Recommendation: Refusal

---

**ATTACHMENTS:**

Attachment 1 Development Application Form

Attachments 2-3 Locality plans

Attachments 4 SAPN letter - owner's signed support

Attachment 5-13 Arborman Tree Solutions' Tree Management Report

Attachments 14-26 Symatree Tree Assessment

---

## **1. EXECUTIVE SUMMARY**

- 1.1 The expert advice received from both the Applicant's Arborist and the Council's consultant Arborist agree that the subject trees were the cause of the recent power outages that is reported to have resulted in a cost of \$60,000 to SA Power Networks and the loss of power to 2,200 homes and businesses.
- 1.2 The Applicant's Arborist and the Council's consultant Arborist dispute whether the trees make an important contribution to the character or amenity of the local area and whether the trees form a notable visual element to the landscape of the local area.
- 1.3 The Council's internal Landscape Architects have advised that, in their view, the trees do make an important contribution to the character and amenity of the local area and form a notable visual element to the landscape of the local area. The Council's Planning staff agree.
- 1.4 The Council's Arborist has identified remedial measures that could be undertaken to reduce the risk of damage to the adjacent power lines. The remedial measures include the biannual removal of dead fronds from the canopy of the trees.
- 1.5 The Applicant's Arborist has advised that pruning the trees twice a year would result in an unreasonable cost to the Applicant.
- 1.6 Given the resources available to the Applicant (SA Power Networks) and their usual tree pruning programs, the Council's Planning staff are of the view that the removal of dead fronds twice a year is not considered to be an unreasonable option to retain the trees.
- 1.7 Planning staff conclude that the Applicant has not demonstrated that all reasonable remedial treatments have proven to be ineffective over a reasonable period of time.
- 1.8 Having inspected the land and reviewed the relevant provisions of the Development Plan, within the context of the expert Arboricultural and Landscape Architecture advice, the proposed removal of the significant trees is not supported.

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

### **2.1 Locality**

- 2.1.1 The locality comprises an area of approximately 100m in radius extending from the subject trees. The locality is defined by the extent of visibility of the subject trees within the local area.
- 2.1.2 The locality is residential in nature and is characterised predominantly by single storey detached dwellings on generous allotments. Street tree plantings within Asquith Street are mature and offer a high degree of character and amenity to the streetscape.
- 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 illustrated in **Attachments 2 and 3**.

### **2.2 Subject Land**

- 2.2.1 The subject land is located on the southern side of Asquith Street in Nailsworth. The land comprises one allotment with a total area of 462m<sup>2</sup>, with a frontage width of approximately 15.2m to Asquith Street.

2.2.2 The subject trees are located within the front yard, adjacent to the Asquith Street boundary and 7.3 metres from the dwelling. The eastern most tree is referred to as Tree1 and the western most tree is referred to as Tree 2.

2.2.3 Existing site improvements include a single-storey detached dwelling.

### **3. PROPOSAL**

3.1 The proposal comprises the total removal of two (2) existing significant Cotton Palm trees.

3.2 No other works are proposed.

3.3 Supporting documentation from the applicant has been provided (refer **Attachments 4-13**). The supporting documentation includes:

3.3.1 A letter from PA Power Networks confirming the owner's consent for the removal of the trees; and

3.3.2 A Tree Management Report prepared by Arborman Tree Solutions, which supports the removal of the trees on the basis that:

3.3.2.1 the trees do not meet any of the qualitative criteria contained in the Development Plan to warrant retention;

3.3.2.2 the trees are past their useful life expectancy; and

3.3.2.3 the trees are causing substantial damage to a building or structure of value.

### **4. REFERRALS**

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

4.1.1 The Application was referred to an independent Arborist to undertake a Tree Assessment (refer **Attachments 14-26**). A summary of the comments received is set out below:

4.1.1.1 The subject trees, mature Cotton Palms, possess attributes worthy of protection, specifically the trees provide a high level of amenity and form a notable visual element within the local area;

4.1.1.2 The trees have a useful life expectancy of up to 50 years;

4.1.1.3 The trees' health and structure is good, with no notable defects that would justify its removal;

4.1.1.4 With regular maintenance pruning to remove dead fronds (on a biannual basis), the trees will not present an unreasonable risk to buildings or structures of value (i.e. the adjacent power lines);

4.1.1.5 The subject trees do not meet any of the relevant Principles within the Development Plan to warrant removal.

4.1.2 Given that the Applicant's Arborist and the Council's consultant Arborist reached opposite conclusions regarding whether the trees met the qualitative criteria contained in Council Wide DPC 346 to warrant retention, the Application was referred to the Council's internal Landscape Architects for their review. A summary of their response is provided below:

- 4.1.2.1 The trees provide a level of interest for the character of the local area and as part of the Council's Green Neighbourhoods Strategy vision, they provide an element of attraction and green infrastructure that creates a positive sensory experience;
- 4.1.2.2 The trees therefore make an important contribution to the character and amenity of the local area; and
- 4.1.2.3 The trees form a notable visual element to the landscape of the local area due to their height.

## 4.2 External (Legislated) Referrals

- 4.2.1 No statutory referrals were undertaken.

## 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 the relevant provisions of the Council's Development Plan, as it involves the removal of significant trees on private land.

## 6. PLANNING COMMENTARY

- 6.1 The proposed development is neither a complying nor a non-complying form of development within the Residential Zone (Principle of Development Control 13). The proposal is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 The trees that are the subject of this development application are identified as Significant Trees in Table Pr/4 of the Prospect (City) Development Plan. Consequently, the application is to be assessed against the provisions of the Development Plan relevant to significant trees, despite the trunk circumferences (Tree 1 – 1.85 metres and Tree 2 – 1.86 metres) being less than the minimum that would qualify the tree as a regulated tree, as defined in Regulation 6A of the *Development Regulations 2008*.
- 6.3 If removal of the subject trees are supported, the Council must apply a condition(s) in accordance with the following requirements under Section 42 (4) of the *Development Act 1993*:
  - For every significant tree that is removed, 3 trees must be planted and maintained thereafter.
  - For every regulated tree that is removed, 2 trees must be planted and maintained thereafter.
  - The replacement trees cannot be within 10m 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 \$85.50 per tree (or 33.3% of this amount if the owner of the land is a pensioner) must be paid to the Planning and Development Fund.
- 6.4 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 The provisions of the Council's Development Plan anticipate the preservation of significant trees which provide "important aesthetic and environmental benefits". What is considered to be an "important aesthetic and environment benefit" is defined within Council Wide PDC 346, as follows:

Where a significant tree:

- a) makes an important contribution to the character or amenity of the local area; or
- 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
- c) represents an important habitat for native fauna; or
- d) is part of a wildlife corridor or a remnant area of native vegetation; or
- e) is important to the maintenance of biodiversity in the local environment; or
- f) forms a notable visual element to the landscape of the local area.

7.2 Tree 1 has a height of approximately 18 metres and Tree 2 has a height of approximately 16 metres (measured by clinometer). On inspection, the trees were notably visible from about 100 metres away. The trees are a prominent feature on the subject land and within the locality due to their height.

7.3 The Applicant's Tree Management Report, prepared by Arborman Tree Solutions, notes that the trees do not make an important contribution to the character or amenity of the local area and do not form a notable visual element to the landscape of the local area. In support of their view, they note that the trees are not considered to be remarkable, striking, eminent or worthy of particular note from public vantage points.

7.4 The Council commissioned Tree Assessment, prepared by Symatree, forms a different conclusion. The report states that both trees possess attributes worthy of retention. The trees were reported to have a strong visual presence within the locality and are prominent features in the landscape. The palms have high aesthetic value and significantly contribute to the visual amenity of the local area. Views of the palms are quite extensive from surrounding streets.

7.5 Given that the Applicant's Arborist and the Council's consultant Arborist reached opposite conclusions regarding whether the trees met the qualitative criteria contained in Council Wide DPC 346 to warrant retention, the Application was referred to the Council's internal Landscape Architects for their review, as the ERD Court has generally valued the opinion of a Landscape Architect when determining whether a tree (or trees) meet the qualitative criteria contained in the Development Plan.

7.6 The Council's internal Landscape Architects inspected the trees and reported that, in their view, the trees do make an important contribution to the character and amenity of the local area, and that the trees form a notable visual element to the landscape of the local area.

7.7 The incorporation of the trees in the Significant Tree List (Table Pr/4) in the Development Plan reinforces the view that the trees are worthy of preservation.

7.8 Having inspected the trees within the context of the locality and reviewed the reports and opinions provided by the qualified Arborists and Landscape Architects, the Council's Planning staff have formed the view that the trees do meet two (2) of the qualitative criteria contained in Council Wide PDC 346, specifically (a) the trees make an important

contribution to the character or amenity of the local area; and (f) the trees form a notable visual element to the landscape of the local area.

- 7.9 Given that the trees satisfy at least one of the criteria listed in Council Wide PDC 346, it is desirable that the trees be preserved and tree-damaging activity avoided, if possible.
- 7.10 Circumstances where the removal of a significant tree is appropriate are listed within Council Wide PDC 349, which states:

Significant Trees should be preserved and tree-damaging activity should not be undertaken unless:

(a) In the case of tree removal;

- (i) the tree is diseased and its life expectancy is short; or
- (ii) the tree represents an unacceptable risk to public or private safety; or
- (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or
- (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and

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

- 7.11 The Applicant has submitted the proposal on the basis that the tree is shown to be causing substantial damage to a substantial building or structure of value. There is no suggestion, nor evidence, that the tree meets any of the other removal criteria.
- 7.12 The adjacent SA Power Networks infrastructure, specifically the stobie pole and associated power lines, are considered to be a substantial building and structure of value, as described in Council Wide PDC 349.
- 7.13 The Applicant has submitted that the subject trees drop fronds on a regular basis and that a recent incident caused damage to the adjacent power lines infrastructure, which resulted in a cost of \$60,000 in service performance penalties and associated costs. The recent outage affected over 2,200 homes and businesses in Prospect, Sefton Park and Nailsworth.
- 7.14 The Applicant's Arborist has advised that, in his view, there are no other remedial treatments available to reduce the risk to an acceptable level as ongoing pruning would be costly in the long term and would not offer a guarantee to reduce the ongoing interruptions to the reliability of power supply and customer service performance.
- 7.15 The Council's consultant Arborist has noted that the canopies of each tree do not overhang the adjacent power lines and that there is a two (2) metre gap between the wires and the canopy of both Palms. However, given the height of the trees' canopies, it is possible that wind could contribute to fronds striking the powerlines. The risk of this occurring is considered to be low to moderate.
- 7.16 The Council's consultant Arborist has advised that pruning options are available to remove dead fronds and to reduce the risk to the adjacent power lines. The pruning would need to occur on a biannual (twice-yearly) basis.
- 7.17 On this basis, the Council's consultant Arborist is of the view that other reasonable remedial actions exist which would enable the retention of the significant trees.

- 7.18 The Applicant, SA Power Networks, have the appropriate means to undertake regular pruning by their existing contractors on a biannual basis. Given the scope of works undertaken by their tree management contractors, pruning the subject trees twice a year (which in this instance only involves the removal of dead fronds) is not considered to be unreasonable from a cost perspective.
- 7.19 It is also noted that SA Power Networks could insulate the wires in this location to further reduce the risk of future power outages.
- 7.20 Having considered the advice provided by both Arborists and specifically, whether pruning fronds from the Cotton Palms twice a year is reasonable, the Council's Planning staff are of the view that there are other remedial treatments available that would enable the retention of the subject trees.
- 7.21 As such, the proposal to remove two (2) significant trees (Cotton Palms) does not meet all of the criteria contained within Council Wide PDC 349 to warrant the trees' removal. Specifically, there are reasonable remedial treatments available to reduce the risk of damage to the adjacent power lines infrastructure from occurring to a reasonable level.
- 7.22 That said, there is also a 'natural justice' matter that should be considered. The City of Prospect listed significant trees within the Development Plan in June 2002 via the Significant Trees PAR (Interim). The Significant Trees PAR came in to full effect on 26 June 2003 and was consolidated into the Council's Development Plan.
- 7.23 The subject trees were listed as Significant Trees within the Development Plan via this PAR.
- 7.24 Since then, there have been several changes to legislation regarding significant (and regulated) trees. Most recently, in January 2012, the Regulated Trees DPA (Ministerial) came into interim operation which introduced the concept of regulated trees, which are trees of a prescribed class with a trunk circumference of between 2.0 metres and 3.0 metres, when measured one metre above natural ground level. Significant trees were defined as trees of a prescribed class with a trunk circumference exceeding 3.0 metres.
- 7.25 The subject trees are not trees of a prescribed class (i.e. they do not have a trunk circumference of greater than 2.0 metres when measured 1.0 metre above natural ground level). Therefore, the trees would not qualify as regulated or significant trees in usual circumstances.
- 7.26 Given the context set out above, there is merit in allowing the subject trees to be removed purely from a 'natural justice' perspective.
- 7.27 However, significant trees that are listed in Development Plans remain significant trees, even if the species is exempt under the *Development Regulations 2008*.
- 7.28 All applications are required to be assessed on their merit against the relevant provisions of the Development Plan. In this instance, it is the significant tree provisions that are relevant to this assessment.
- 7.29 In this regard, Council staff are not satisfied that all other reasonable remedial treatments have proven to be ineffective.
- 7.30 As such, it is considered that the removal of the trees is not warranted and that the Application should be refused.

## **8. CONCLUSION**

- 8.1 The significant *Washingtonia Filifera* (Cotton Palms) display qualitative attributes that are worthy of preservation, as identified within Council Wide PDC 346.
- 8.2 The expert advice received from both the Applicant's Arborist and the Council's consultant Arborist agree that the subject trees were the cause of the recent power outages that is reported to have resulted in a cost of \$60,000 to SA Power Networks and the loss of power to 2,200 homes and businesses.
- 8.3 The Applicant's Arborist and the Council's consultant Arborist dispute whether the trees make an important contribution to the character or amenity of the local area and whether the trees form a notable visual element to the landscape of the local area.
- 8.4 The Council's internal Landscape Architects have advised that, in their view, the trees do make an important contribution to the character and amenity of the local area and form a notable visual element to the landscape of the local area. The Council's Planning staff agree.
- 8.5 The Council's Arborist has identified remedial measures that could be undertaken to reduce the risk of damage to the adjacent power lines. The remedial measures include the biannual removal of dead fronds from the canopy of the trees.
- 8.6 The Applicant's Arborist has advised that pruning the trees twice a year would result in an unreasonable cost to the Applicant.
- 8.7 Given the resources available to the Applicant and their usual tree pruning programs, the Council's Planning staff are of the view that the removal of dead fronds twice a year is not considered to be an unreasonable option to retain the trees.
- 8.8 Therefore, the Applicant has not demonstrated that all reasonable remedial treatments have proven to be ineffective over a reasonable period of time.
- 8.9 Having inspected the land and reviewed the relevant provisions of the Development Plan, within the context of the expert Arboricultural and Landscape Architecture advice, the proposed removal of the significant trees is not supported for the reasons set out below.

## **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 050/407/2016 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*, Development Plan Consent be refused to DA 050/407/2017 by SA Power Networks, for the removal of two (2) significant trees (Cotton Palms) at 13 Asquith Street, Nailsworth (CT 6121/164), for the following reasons:

### **Reasons:**

1. The significant *Washingtonia Filifera* (Cotton Palms) display qualitative attributes that are worthy of preservation, as identified within Council Wide Principle of Development Control 346.

2. Whilst the trees have caused damage and are threatening to cause damage to the adjacent power lines infrastructure, there are other remedial treatments available (i.e. biannual pruning of dead fronds), which would reduce the risk associated with future damage to the adjacent power lines infrastructure. This remedial treatment has not been demonstrated to be ineffective and, as such, the proposal fails to meet the criteria contained in Council Wide Principle of Development Control 349 to warrant the trees' removal.



SCANNED

25 OCT 2016

ATS 285

**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 / 409 / 2016 (Office Use Only)

**1. Application Type (select one)**

- Development Plan Consent only**  
 (Planning Only)
- Building Rules Consent only**  
 (Building Only)
- Development Approval**  
 (Planning and Building)

**2. Location of Proposed Development**

Unit #: \_\_\_\_\_ House #: 13 Street: Asquith Street, Nailsworth  
 Suburb: Nailsworth Postcode: 5083 CT Volume and Folio: \_\_\_\_\_

**3. Details of Parties**
**Applicant**

Name: SA Power Networks Address: Cf Arborman Tree Solutions  
 Contact No.: 82405555 Email: arborman@arborman.com.au

**Owner**  as applicant

Name: Ms A. D'Argenio Address: 13 Asquith St, Nailsworth  
 Contact No.: N/A Email: a.dargenio@live.com.au

**Builder**  owner builder  as applicant  to be advised  other

Name: N/A Address: \_\_\_\_\_  
 Contact No.: N/A Email: \_\_\_\_\_

Builders Licence No. \_\_\_\_\_

**4. Proposal Details**

Description of Proposal: Removal of 2 significant trees.  
 Existing Use of Property: Dwelling  
 Estimated Cost of Development: \$ > 5,000.00

**5. Declarations**

- 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 Development Regulations 2008 apply (activities of environmental or major environmental significance)?  yes  no
- Has the Construction Industry Training Board (CITB) levy been paid?  yes  no

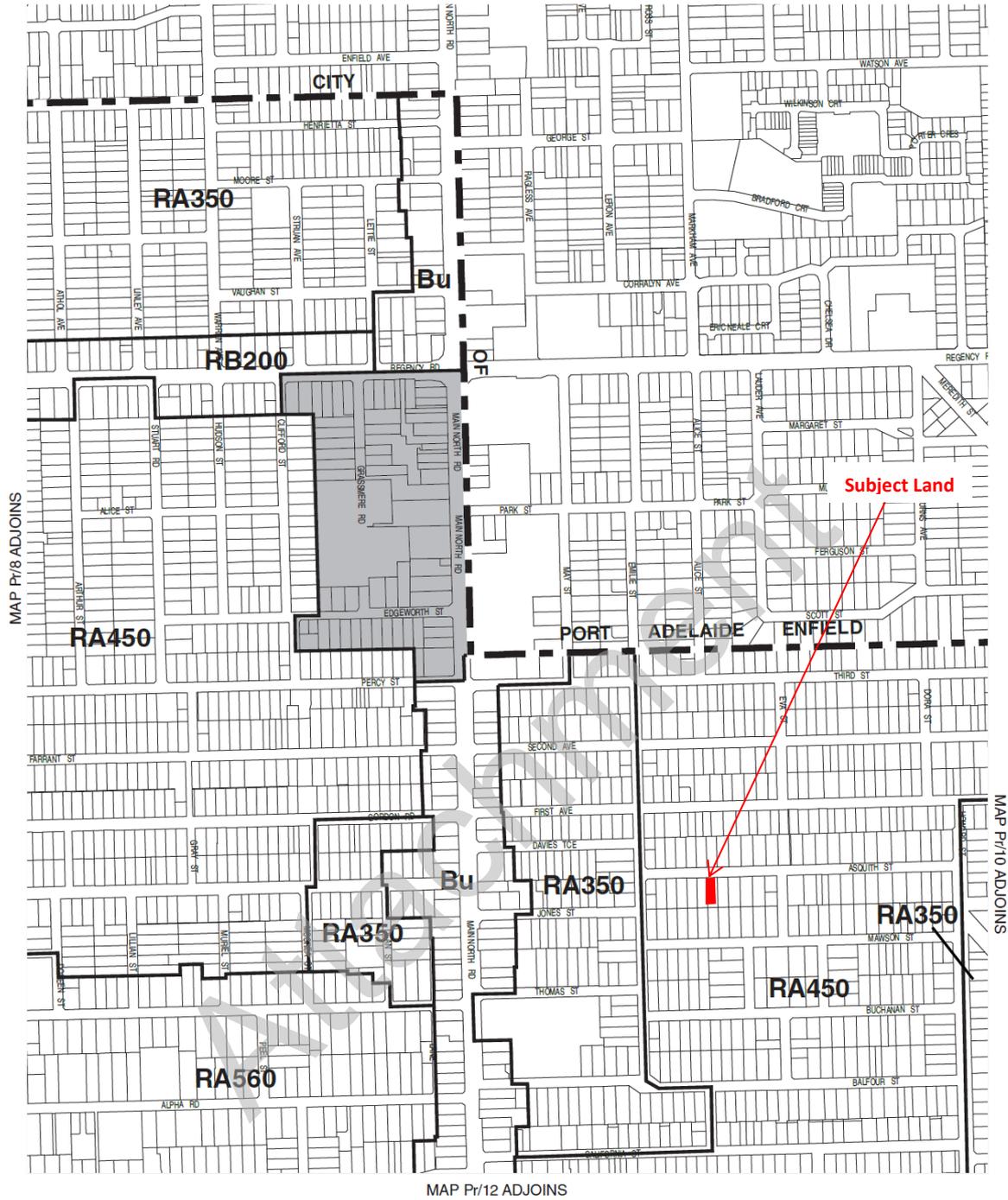
I acknowledge that Council may make copies of this application and documentation in accordance with the *Development Regulations 2008* and *Development Act 1993*. Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.

If published, I request that Council obscures my telephone number and email address.  yes  no

I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties.  yes  no

Name: Mandy Graetz Signature: Mgratz Date: 21-10-2016

Applicant  Owner  Builder



- 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



## PROSPECT COUNCIL POLICY AREAS MAP Pr/9

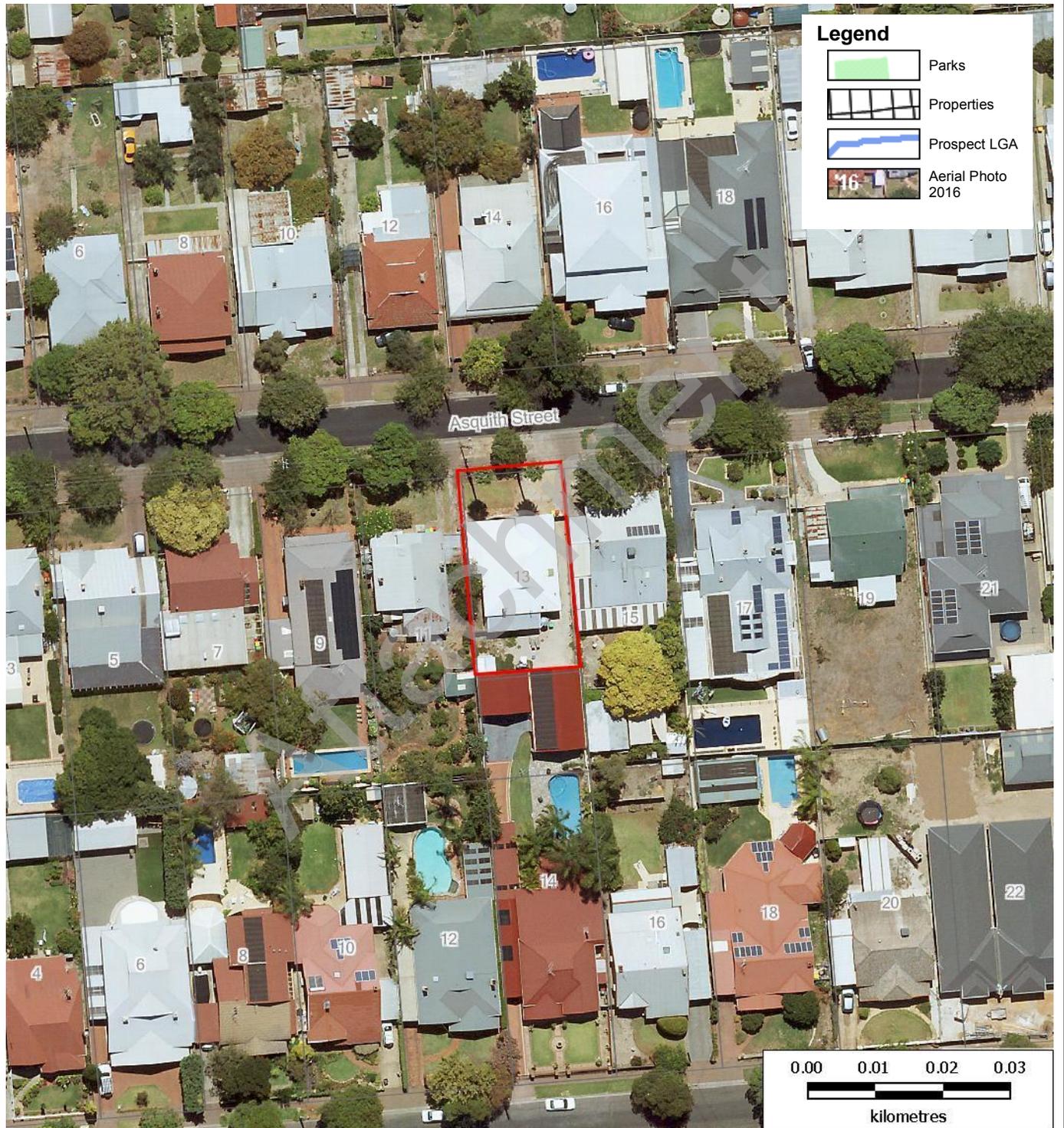


Consolidated - 21 April 2016



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

**Subject Site - 13 Asquith Street Nailsworth**



**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.



Date

ATS285

To the Landowner

**Approval to Remove Vegetation**

SA Power Networks aims to maintain a safe and reliable network to deliver electricity to its customers.

We recently conducted a review identifying locations of vegetation that repeatedly falls onto our power lines causing damage resulting in interruptions to many of our customers. Although SA Power Networks regularly prunes vegetation as per the Electricity Act and Native Vegetation Act requirements, the vegetation located in your property is outside of this requirement.

To reduce the potential for electricity supply interruptions to our customers and the safety risks associated by falling vegetation, we seek your approval, as the owner of the land, to remove the problem tree(s) or part of the vegetation.

The removal of the vegetation will be at no cost to you and all costs, including council approval costs such as a report for its removal, will be borne by SA Power Networks.

Details of the proposed vegetation clearance work are shown in the diagram / description below or as per attachments for your approval.

- PLEASE ADVISE OWNER WHEN TREE WILL BE REMOVED.

Please contact Mandy Graetz from Arborman Tree Solutions on 08 8240 5555 or 0418 812 967 to discuss the proposed works if you will consider having this vegetation removed.

**AGREEMENT**

I authorise SA Power Networks or its contractor to enter the property of which I am the legal owner from the date listed below and carry out the vegetation clearance work as specified in this notice.

Name & Address

Alana D'Argenio

*Alana D'Argenio*

Signed (Landowner)

13 Asquith St Nailsworth  
5083

(Please enter address where the tree is located)

Date: 16-9-16

Phone Number:

0401163882

Email address:

a.dargenio@live.com.au



arborman<sup>®</sup>  
tree solutions  
PROFESSIONALS IN ARBORICULTURE

Attachment

## Tree Management Report

Site: 13 Asquith Street, Nailsworth

Date: Friday, 21 October 2016

ATS3842-013AsqStWfil

## Contents

Brief .....	3
Observations .....	4
Development Plan Principles of Development Control – Tree 1 and Tree 2 .....	6
Discussion .....	7
Glossary .....	8
References .....	8
Appendix A – Tree Location .....	9

Report Reference Number: ATS3842-013AsqStWfil

Report prepared for  
Norrie Balacco, Vegetation Operations Manager, SA Power Networks

### Author

Jason Williams, Consulting Arborist, Arborman Tree Solutions Pty Ltd

## Brief

I was asked to carry out an inspection, from ground level, of the two *Washingtonia filifera* (Petticoat Palm) located at 13 Asquith Street, Nailsworth and provide information in relation to the following points: -

- Assess the general condition and structure of the subject trees.
- Assess the trees against the *Development Act 1993* relating to Regulated and Significant Trees the local development plan and The Electricity Regulations.
- Recommend appropriate action for both the immediate and ongoing management of the trees.
- Provide any additional relevant information as appropriate.

The following extract from the SA Power Networks scope of works is intended to provide further explanation as to the requirements of the assessment and values associated with recorded damages and costs expressed by SA Power Networks.

*“From 1 July 2010, SA Power Networks has been required to operate under the Australian Energy Regulator’s (AER) Service Target Performance Incentive Scheme (SPS) in accordance with the National Electricity Rules (NER). The SPS covers electricity reliability of supply and customer service performance. Reliability performance targets are based on SA Power Networks average past performance and are based on two calculations — the number of customers interrupted and the duration of each interruption.*

### *The Impact*

*Under the reliability part of the scheme, a monetary penalty is applied for each customer interrupted — similar to the flag fall rate in a taxi (i.e. as soon as you jump in there is a charge on the meter). There is also a monetary penalty per customer per minute interrupted — like the ongoing taxi rate.*

*We are legally required under the Electricity Regulations to maintain safe clearances between vegetation and powerlines. To further minimise interruptions of supply due to vegetation, our preference where possible is to install protective covering on our conductors under trees that could potentially cause outages but on some lines it is not safe to do so. Therefore, the removal of this specific tree will essentially eliminate the chances of an interruption re-occurring due to vegetation at this location, which will improve customer service in the area.”*

## Executive Summary

The subject trees have been identified as having caused damage to the adjacent electrical infrastructure and interruption to the public power supply.

This assessment found the subject trees are likely to continue to cause further damage and interruptions due to the species habit of intermittent shedding and replacing of fronds.

Pruning has been considered however would be costly over the long term and will not offer a guarantee to reduce ongoing interruptions to the reliability of supply and customer service performance.

The removal of the subject trees is therefore considered to be reasonable under *The Development Act 1993*, the local development plan and The Electricity Regulations.

## Assessment

### Observations

**Tree 1** was identified as *Washingtonia filifera* (**Cotton Palm**) and its status is as follows:-

**Assessment Date:**

11 October 2016

**Southing and Easting:**

34°50'44.60" S 138°30'41.27" E

**Height:**

16 metres

**Spread:**

7 metres

**Age:**

Mature

**Useful Life Expectancy:**

Surpassed

**Health:**

Fair

**Structure:**

Good

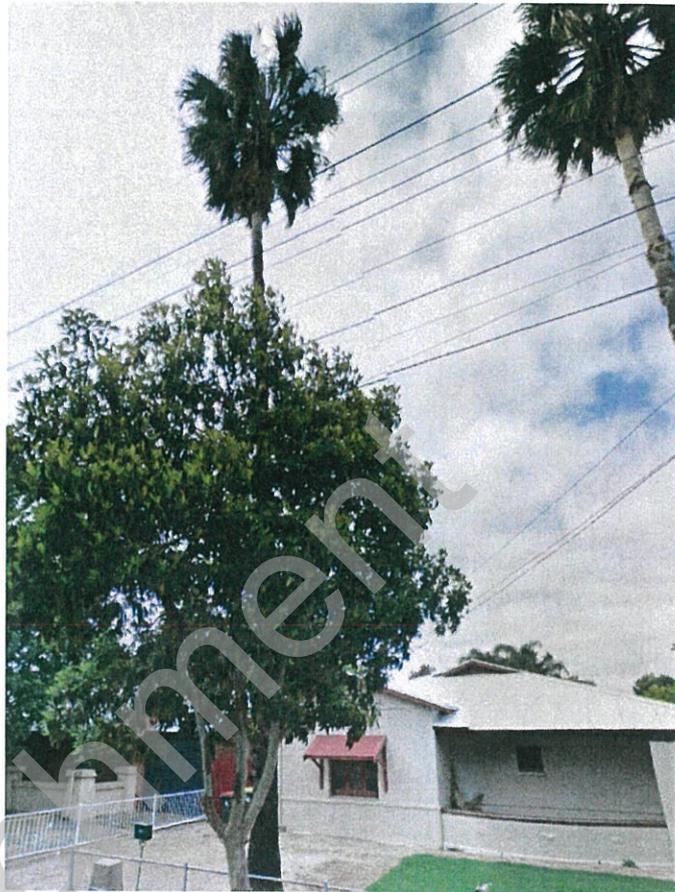
**Circumference:**

1.85 metres

**Legislative Control Status:**

The subject tree is listed as a Significant Tree within the Development Plan of the local council and is therefore controlled as such under the current provisions of the *Development Act 1993*.

- The tree is located in the front garden and is identified on the attached plan as Tree 1 (Appendix A)
- The tree consists of single stem to 15 metres above ground level where fronds emerge to form a tall 'lollipop' tree typical of the species.
- The tree's root zone includes a footpath and small boundary fence. No recent soil disturbances were noted.
- Tree health is fair as indicated by dieback within the fronds.
- Tree structure is good with no structural concerns noted.
- This tree has been identified by SA Power Networks as the cause of damage to the adjacent power line infrastructure that has resulted in a cost of \$60,000 in service performance penalties and associated costs. This damage could be considered as substantial damage to a substantial structure of value and as such may constitute a reason for its removal. This is particularly so if other mitigation options are not considered appropriate and/or are not cost effective.



**Tree 2** was identified as *Washingtonia filifera* (**Cotton Palm**) and its status is as follows:-

**Assessment Date:**

11 October 2016

**Southing and Easting:**

34°50'43.36" S 138°30'42.42" E

**Height:**

15 metres

**Spread:**

7 metres

**Age:**

Mature

**Useful Life Expectancy:**

Surpassed

**Health:**

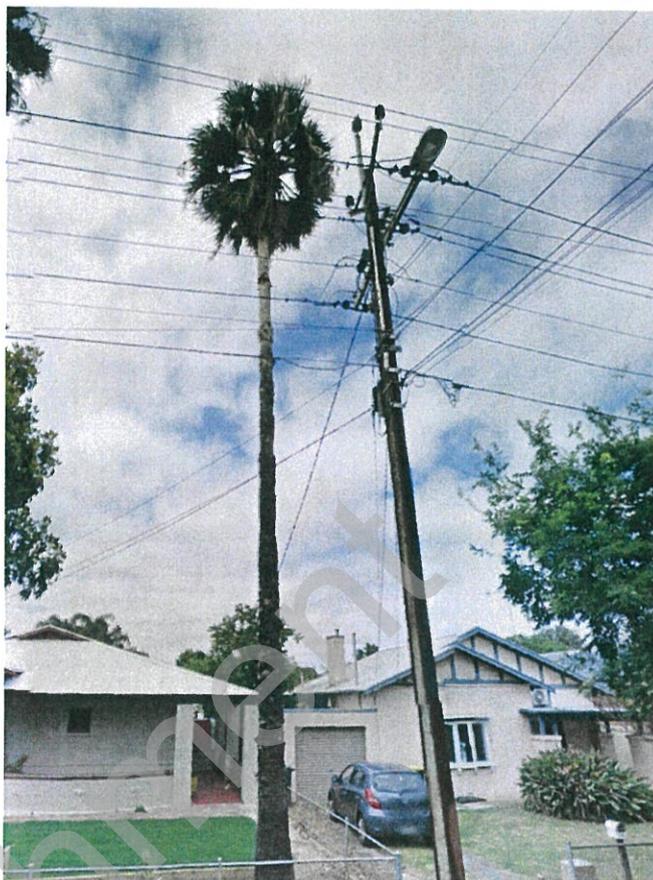
Fair

**Structure:**

Good

**Circumference:**

1.87 metres



**Legislative Control Status:**

The subject tree is listed as a Significant Tree within the Development Plan of the local council and is therefore controlled as such under the current provisions of the *Development Act 1993*.

- The tree is located in the front garden and is identified on the attached plan as Tree 2 (Appendix A).
- The tree consists of single stem to 15 metres above ground level where fronds emerge to form a tall 'lollipop' tree typical of the species.
- The tree's root zone includes a footpath and small boundary fence. No recent soil disturbances were noted.
- Tree health is fair as indicated by dieback within the fronds.
- Tree structure is good with no structural concerns noted.
- This tree has been identified by SA Power Networks as the cause of damage to the adjacent power line infrastructure that has resulted in a cost of \$60,000 in service performance penalties and associated costs. This damage could be considered as substantial damage to a substantial structure of value and as such may constitute a reason for its removal. This is particularly so if other mitigation options are not considered appropriate and/or are not cost effective.

## **Development Plan Principles of Development Control – Tree 1 and Tree 2**

The subject trees attain a “Significant” trunk circumference measurement and is required to be assessed against the Principles of Development Control listed within the City of Prospect Development Plan as follows:-

- a) The trees do not make an important contribution to the character or amenity of the local area.
- b) The species are not indigenous to the local area.
- c) The subject trees do not represent important habitat for indigenous fauna; as an introduced native that does not display suitable nesting hollows these trees have limited habitat value.
- d) The subject trees are not linked to a wildlife corridor or remnant area of native vegetation; the original vegetation in this area was cleared during the areas development.
- e) The subject trees are not important to the maintenance of biodiversity in the local environment; as an introduced native these trees have limited biodiversity value.
- f) The trees do not form a notable visual element to the landscape of the local area; the trees are not considered to be remarkable, striking, eminent or worthy of particular note from public vantage points.

A Significant Tree should not be removed or damaged other than where it can be demonstrated that one or more of the Principles of Development Control listed within the City of Prospect Development Plan apply. These Principles of Development Control are discussed as follows:

### ***In the case of removal, the following points are also considered:-***

- a) The trees are not diseased, however due to the trees close proximity to the electrical infrastructure the tree’s ULE could be classed as ‘surpassed’.
- b) The trees do not represent an unacceptable level of risk to public and private safety.
- c) The trees are not within a Bushfire Prone Area.
- d) The trees are causing substantial damage to a substantial structure of value; the trees have been identified as the primary cause of substantial damage to a structure of value (Electrical Infrastructure).
- e) Other reasonable remedial treatments have been considered and determined to be ineffective.
- f) It has been demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activities occurring.

## Discussion

The subject trees are identified as *Washingtonia filifera* (Cotton Palm) and have been assessed against the *Development Act 1993* and the local development plan.

These trees have been identified by SA Power Networks as the cause of damage to the adjacent power line infrastructure that has resulted in a cost of \$60,000 in service performance penalties and associated costs. This damage could be considered as substantial damage to a substantial structure of value and constitute a reason for their removal. This is particularly so if other mitigation options are not considered appropriate and/or are not cost effective.

The palm fronds of the subject tree are located well above the adjacent electrical infrastructure, due to the species habit of shedding fronds regularly, limited options for ongoing maintenance and risk mitigation are not available.

Pruning has been considered however to maintain the tree free of dead fronds is unreasonable.

The removal of the subject trees is therefore considered reasonable under the *Development Act 1993* the local development plan and *The Electricity Regulations*.

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please contact me and I will be happy to be of assistance.

Yours sincerely



**JASON WILLIAMS**  
**Arbicultural Consultant**  
**Diploma in Arboriculture**

Attachment

## Glossary

<b>Size:</b>	approximate height and width of tree in metres.
<b>Age:</b>	identification of the maturity of the subject tree.
<b>Useful Life Expectancy:</b>	expected number of the years that the subject specimen will remain alive and sound in its current location and/or continues to achieve the relevant <i>Principles of Development Control</i> .
<b>Health:</b>	visual assessment of tree health.
<b>Structure:</b>	visual assessment of tree structure.
<b>Circumference:</b>	trunk circumference measured at one metre above ground level. This measurement is used to determine the status of the tree in relation to the <i>Development Act 1993</i> .
<b>Root Buttressing:</b>	area of root development as it joins to the trunk base.
<b>Bifurcation:</b>	a stem union supporting ascending stems and potentially containing included bark.
<b>Included Bark Union:</b>	a poorly formed stem or branch union where bark becomes trapped between the structural fibres causing a weakness in the supporting structure.
<b>Epicormic Growth:</b>	regrowth developing from dormant buds located beneath the bark. Often developing as a result of inappropriate pruning or tree related stress. Such growth can be associated with poor attachment and therefore an increased potential for failure.
<b>Lopping:</b>	random cutting of branches or stems between branch unions usually resulting in epicormic regrowth. Such pruning is not within Australian Standards AS4373-2007 <i>Pruning of Amenity Trees</i> .

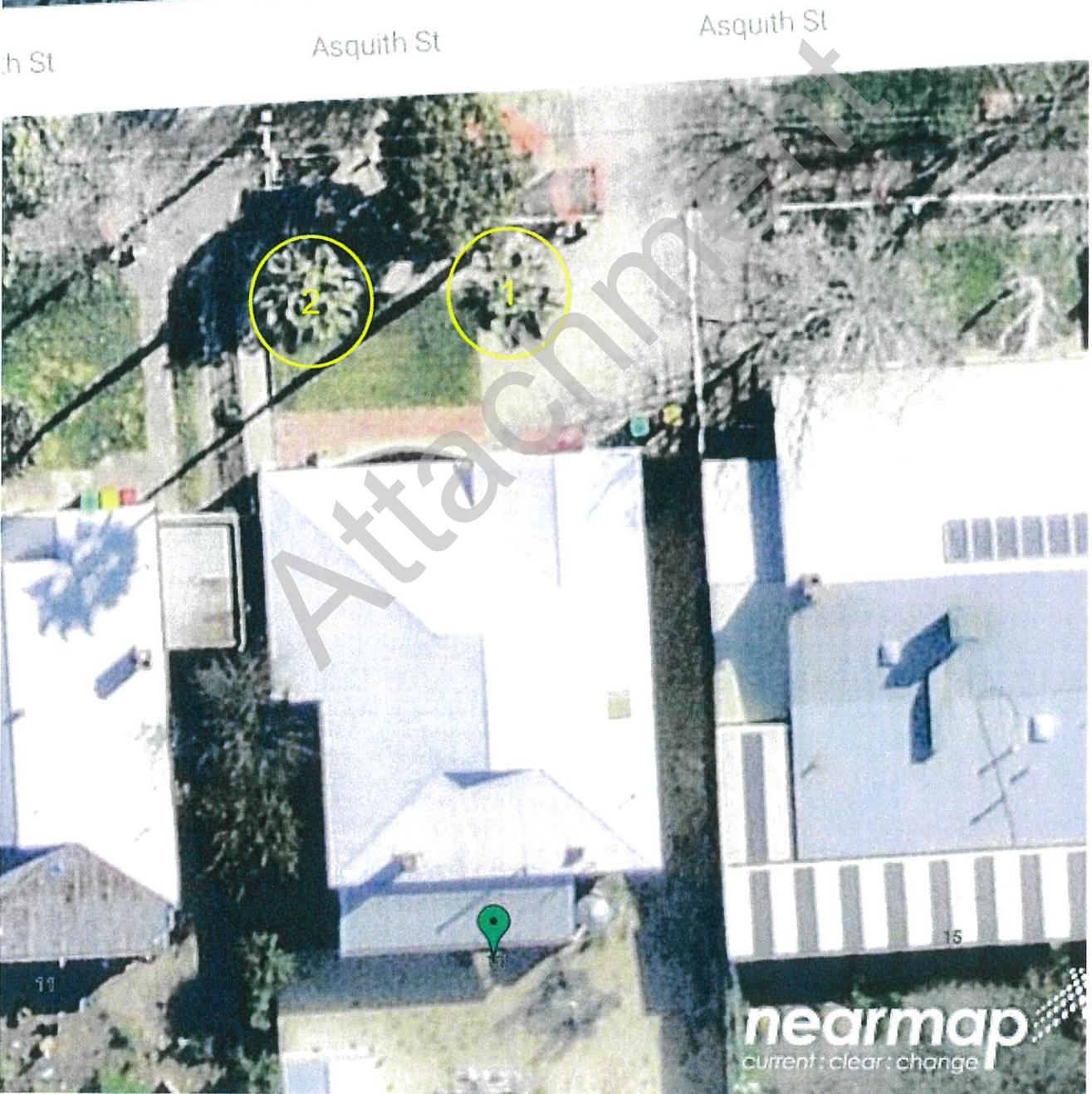
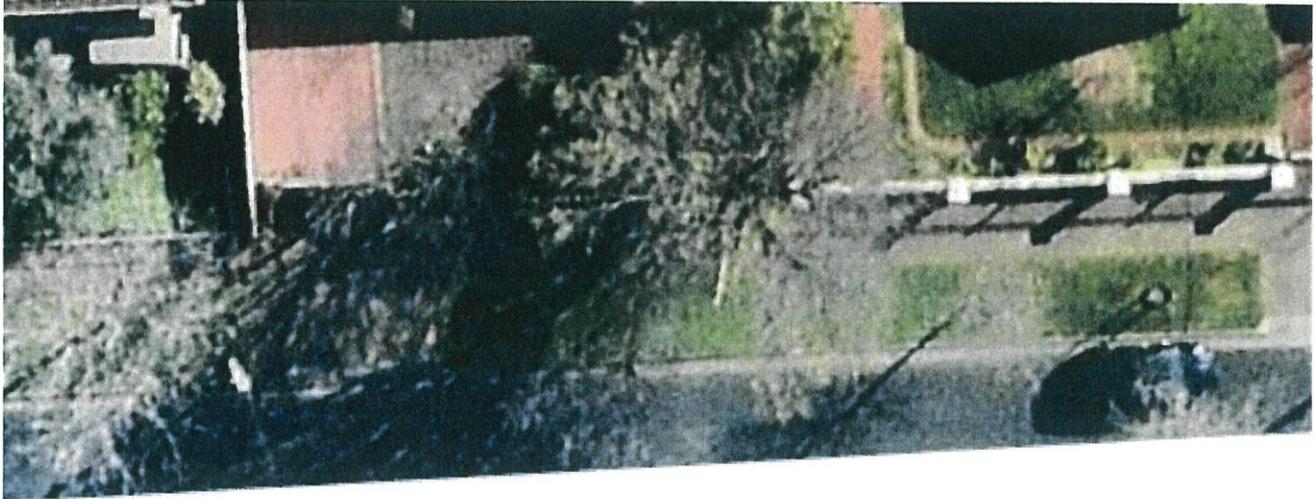
## References

Australian Standard AS4373–2007 *Pruning of amenity trees*: Standards Australia.

Julius A. Kocher W. Liefheit K. Lilly S. et al 2013: *Tree Risk Assessment Qualification*: International Society of Arboriculture, Champaign, Illinois, USA.

Keane P.J. Kile G.D. Podger F.D. Brown B.N. 2000: *Diseases and Pathogens of Eucalypts*: CSIRO Publishing, 150 Oxford Street, Collingwood, Victoria 3066 Australia

## Appendix A – Tree Location



# SYMATREE



## **Tree Assessments 13 Asquith Street Nailsworth**

File No DA 050/407/2016

**Report prepared for**

Mr Scott McLuskey  
Acting Manager, Development Services  
City of Prospect  
January 2017

**Report prepared by**

**Sam Cassar**

Cert.3 (Hort), Dip. (Hort 5), Dip. (Arb 5), B.App. Sc (Hort), Grad. Dip. Design (Land.)  
Member Australian Arboriculture and South Australian Society of Arboriculture

## Table of Contents

---

Introduction .....	3
Observations - Palm One .....	4
Observations - Palm Two .....	6
Appraisal (Both Palms).....	8
Objectives and Principles of Development Control (Both Palms).....	9
Conclusion .....	11
Appendix A Aerial Image .....	12

Attachment

## Introduction

---

### Instructions

I was instructed by Council to assess two mature Cotton Palms located in the front yard of 13 Asquith Street, Nailsworth. My brief was to undertake the following:

- Assess the general attributes and expanding on detail relating to tree health and structural condition.
- Assess the trees against the relevant provisions of the Development Act 1993.
- Recommend appropriate actions in light of the request for removal of the subject trees by South Australian Power Networks.

### Site Visit

I carried out site inspections on the 18 January 2017.

### Limitations

This report is limited to the time and method of inspection. The trees were 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 trees 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 19 January 2017.

## Observations - Palm One

---

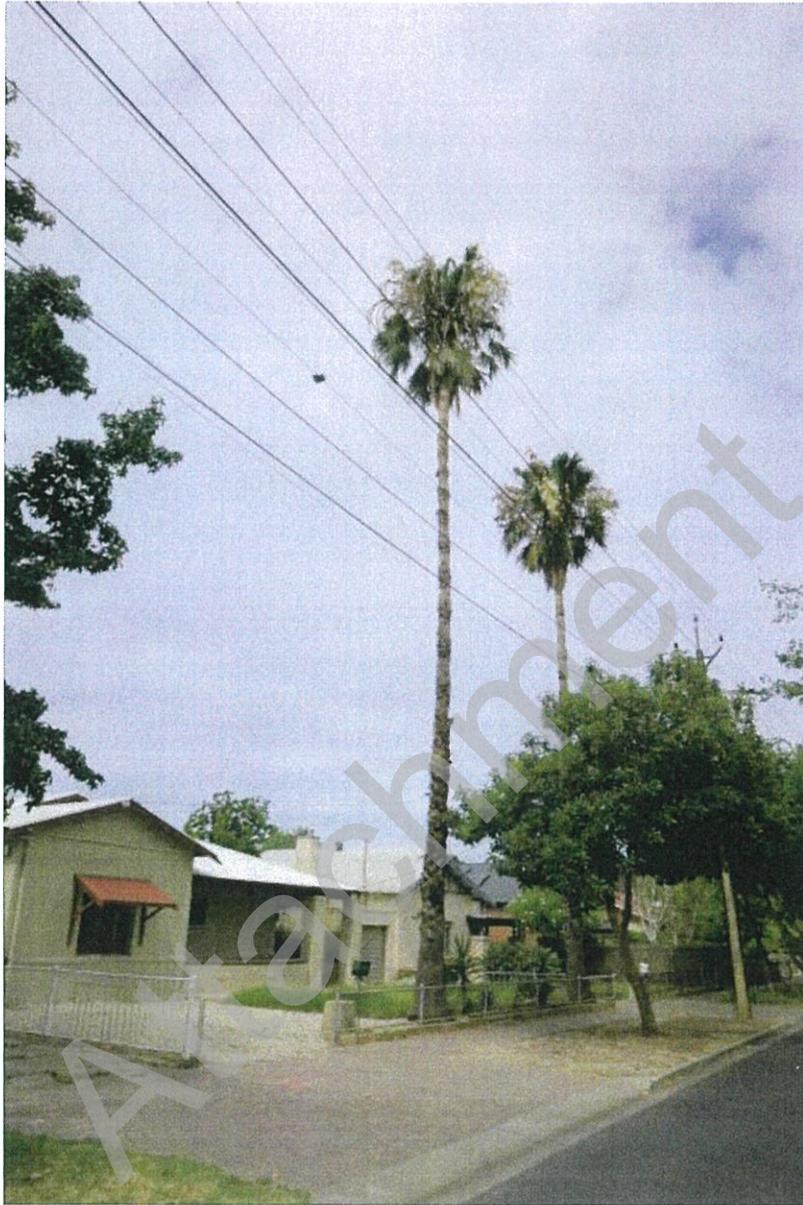


Figure 1 Palm One, viewed from the north-east.

### Location of tree

Palm One is the eastern most palm (refer Figure 1). The trunk centre is 7.2 metres from the nearest dwelling and adjacent to the front fence.

The subject palms' approximate location is identified on the aerial image provided in Appendix A.

### Species

*Washingtonia filifera* commonly referred to as a Cotton Palm.

## **Observations** (cont)

---

### **Crown attributes**

Height: 18 metres (clinometer).

Width (full canopy extent): 1.5 metres to the east, 1.2 metres to the west, 1.1 metres to the north and 1.0 metres to the south.

### **Circumference at one metre above natural ground level**

Single trunk: 1.85 metres.

The palm is a mature specimen that qualifies as a Significant tree given the tree has been identified in Table Pr/4 of the Council's Development Plan (April 2016).

### **Structure/Condition**

The subject palm consists of single vertical trunk to height of approximately 15 metres from which point a rounded canopy arises. The trunk flares at the base.

The trunk appears sound, stable with no cavities or evidence of termites.

The canopy appears to be in good health with foliage density and vigour normal and typical of the species. All leaders and lateral branches are healthy and actively growing. The canopy is free from notable pests and diseases. A skirt of dead fronds is present at the base of the canopy.

The structure of the palm is sound and typical of the species with no defects that can be observed from ground.

## Observations - Palm Two

---

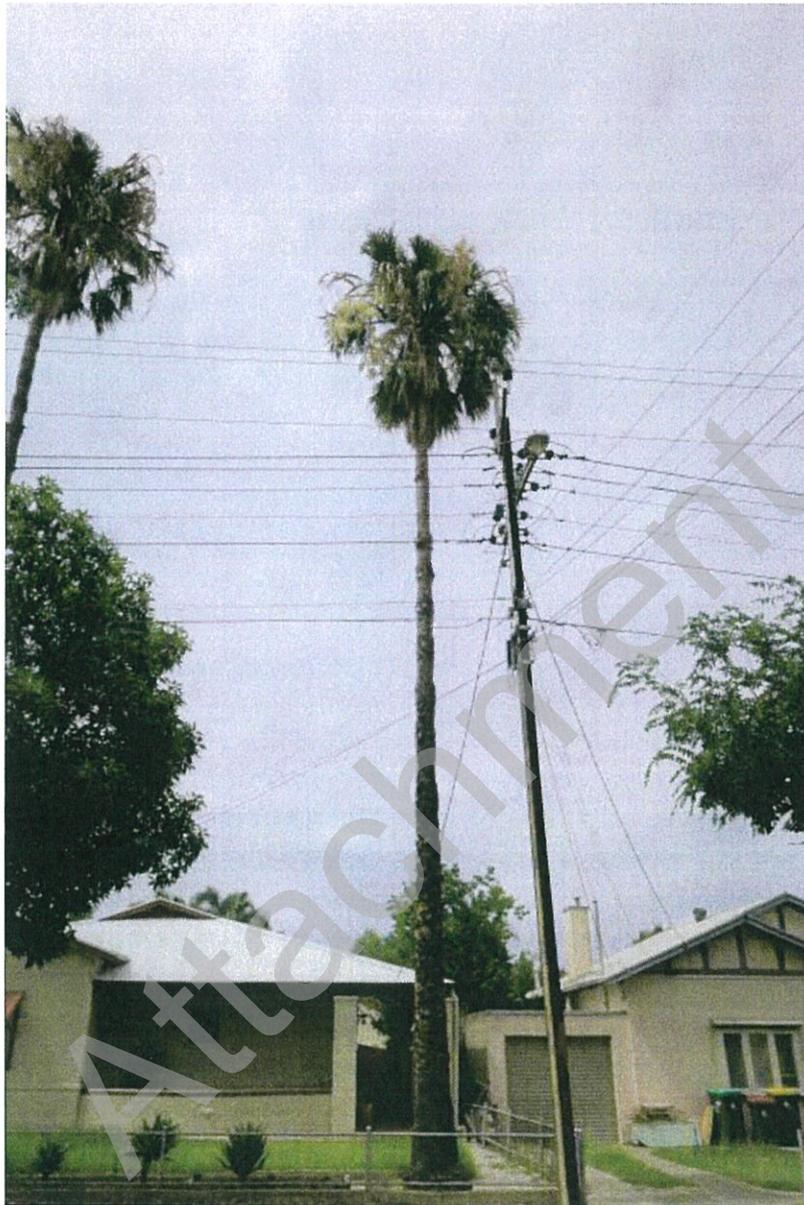


Figure 1 Tree One, viewed from the north-east.

### Location of tree

Palm Two is the western most palm (refer Figure 1). The trunk centre is 7.3 metres from the nearest dwelling and adjacent to the front fence.

The subject palms' approximate location is identified on the aerial image provided in Appendix A.

### Species

*Washingtonia filifera* commonly referred to as a Cotton Palm.

## **Observations** (cont)

---

### **Crown attributes**

Height: 16 metres (clinometer).

Width (full canopy extent): 1.8 metres to the east, 1.3 metres to the west, 2.0 metres to the north and 1.5 metres to the south.

### **Circumference at one metre above natural ground level**

Single trunk: 1.86 metres.

The palm is a mature specimen that qualifies as a Significant tree given the tree has been identified in Table Pr/4 of the Council's Development Plan (April 2016).

### **Structure/Condition**

The subject palm consists of single vertical trunk to height of approximately 13 metres from which point a rounded canopy arises. The trunk flares at the base.

The trunk appears sound, stable with no cavities or evidence of termites.

The canopy appears to be in good health with foliage density and vigour normal and typical of the species. All leaders and lateral branches are healthy and actively growing. The canopy is free from notable pests and diseases. A skirt of dead fronds is present at the base of the crown.

The structure of the palm is sound and typical of the species with no defects that can be observed from ground.

## **Appraisal (Both Palms)**

---

The subject palms are both considered Significant under the current provisions of the Development Act, 1993 and in my opinion possess attributes worthy of retention.

Both palms have a strong visual presence within the locality and are prominent features in the landscape. The palms have a high aesthetic value and significantly contribute to the visual amenity of the local area. Views of the subject palms are quiet extensive from surrounding streets.

The subject palms are mature specimens, in good health with no significant structural defects that indicate they can be considered an unacceptable risk to private or public safety at this time. Pruning options, the annual removal of the dead foliage, are available to reduce the future hazard potential. The palms are expected to offer a relatively long useful life expectancy of 50 plus years under current site conditions.

Given these findings and the fact that these palms provide a high level of amenity to the locality I do not believe either meets any of the relevant Principles of Council's Development Plan that would justify removal at this time.

### **Damage to Overhead Power Lines**

The justification for the removal of the subject palms provided by the Applicant, South Australian Power Networks is damage to adjacent overhead power lines. It is claimed damage has resulted in service performance penalties and associated costs of \$60,000. Note no proof of these claims was provided by the applicant.

The canopies of both palms do not overhang the adjacent power lines, however given their respective heights falling dead leaves (fronds) may strike powerlines on and infrequent basis. This would be subject to the wind direction and speed.

I would suggest that the risks associated with falling fronds hitting the wires as low to moderate, a two metre gap exists between the wires and canopies of both palms. However, this risk would increase if the palms were left unmanaged, as has been the case in the past. Pruning options are available to remove dead fronds and therefore the risks to adjacent overhead power lines. This pruning would need to be done on a bi annual basis.

I also recommend consideration be given to engineering solutions to allow retention and further reduce the need for ongoing removal of dead fronds. Alternatives to consider include: insulating individual power lines thereby the cables are insulated against outages if fronds were to fail across power lines. Aerial Bundled Cables could be considered with the bundled cable positioned as close as possible to the palms away from failing fronds.

I suggest alternatives to removal exist to allow for the retention of the subject palms and reduce the risk of damage to adjacent overhead power lines.

## **Objectives and Principles of Development Control (Both Palms)**

---

The subject palms has been identified as a Significant Trees. The following comments have been made in regards to the relevant Objectives and Principles of Council's Development Plan (June 2016):

### **Principle 346**

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

Yes: The location, height and spread of crowns gives both palms a strong visual presence within the immediate locality. Both are large, mature palms, making them prominent features 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: Both palms are not indigenous to the local area or listed under the National Parks and Wildlife Act as a rare or endangered native species.

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

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

- (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 palms are 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: Both palms are not important to the maintenance of biodiversity in the local environment as they are not a local indigenous native species.

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

Yes: The palms can be viewed from a number of vantage points from within the locality. Both palms form a notable visual element in the landscape of the local area, are clearly visible from the street and surrounding properties for some distance as one travels from any direction away from the subject palms. They would some of the tallest palms within the locality.

## **Objectives and Principles of Development Control (cont)**

### **Principle 349 (a)**

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 palms are not diseased and are expected to have a long useful life expectancy under existing environmental and site conditions and with the 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 palms currently represent a low risk to private and public safety at this time. It is my view, 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 visual evidence exists these palms have caused 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: Pruning options and on-going management and maintenance by a qualified arborist (with recognised level 5 or greater qualifications) including ongoing monitoring are available to maintain the risks associated with future frond drop failure to acceptable levels.

## Conclusion

---

I conclude that the subject palms, both mature Cotton Palms possess attributes worthy of protection. These palms provide a high level of amenity to the locality and form notable visual elements to the landscape of the local area. It is expected these palms will remain important community assets for at least 50 plus years.

The justification for the removal of the subject palms provided by the Applicant, South Australian Power Networks is damage to adjacent overhead power lines. It is claimed damage has resulted in service performance penalties and associated costs of \$60,000 due to dead frond falling on wires.

I suggest alternatives to removal exist to allow for the retention of the subject palms and reduce the risk of damage to adjacent overhead power lines, removal of dead fronds on an biannual basis.

I therefore advise that the subject palms do not meet any of the relevant Principles of the City of Prospect's Development Plan that would justify their removal at this time.

On the basis of the factors outlined, I consider the subject palms are **worthy of retention**.

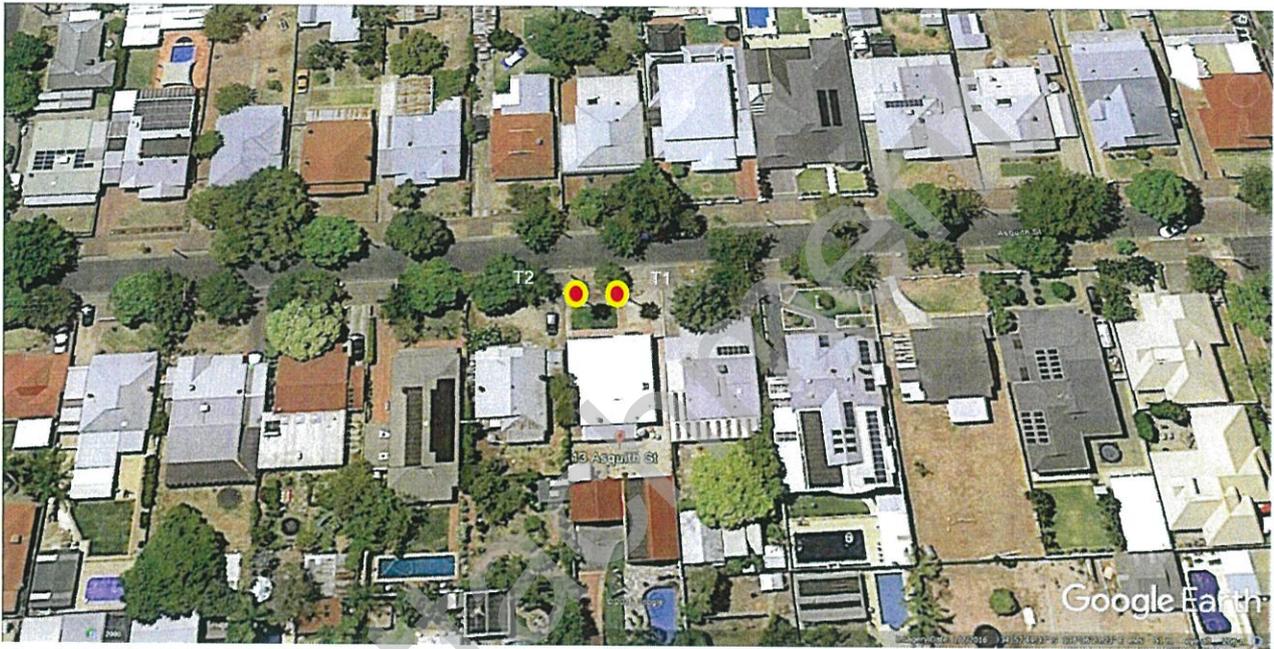
Thank you for the opportunity to provide this report. Should you have any questions or require further information, please do not hesitate to contact me.



**Sam Cassar**

**Appendix A  
Aerial Image**

Attachment



**ITEM NO.:** 6.1

**TO:** Development Assessment Panel (DAP) 10 July 2017

**FROM:** Nathan Cunningham, Director Community & Planning

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

The summary of matters before and decisions by DAC together with proposals called in by the Coordinator-General is provided to the DAP for information purposes.

For the purpose of this report, the table below also includes matters before, considered or determined by the Inner Metropolitan Development Assessment Commission.

### 1. MATTERS BEFORE DAC

<b>Development Application / Address</b>	<b>Nature of development</b>	<b>Process update</b>
DA 050/260/2016 82-84 Churchill Road, Prospect	Five Storey Residential Flat Building comprising 51 Dwellings, and associated site works	The application was considered by the DAP on 8 August 2016. The application is currently being considered by DAC.
DA 050/199/2017 38-42 Churchill Road and 29 Devonport Terrace, Ovingham	Five Storey Mixed Use Building comprising Four Commercial Tenancies and 67 Dwellings with associated site works	The application was lodged with DAC on 14 June 2017 and will be considered by the DAP at a future meeting.
DA 050/200/2017 38-42 Churchill Road, Ovingham	Five Storey Residential Flat Building comprising 70 Dwellings with associated site works	The application was lodged with DAC on 14 June 2017 and will be considered by the DAP at a future meeting.

### 2. RELEVANT DECISIONS BY DAC

Nil

### 3. MATTERS CALLED IN BY THE CO-ORDINATOR GENERAL

No new proposals have been called in by the Co-ordinator General.

**ITEM NO.:** 7.1  
**TO:** Development Assessment Panel (DAP) on 10 July 2017  
**FROM:** Nathan Cunningham, Director Community & Planning  
**SUBJECT:** Summary of Court Appeals

The status of appeals is provided to the DAP for information purposes. Further clarification may be sought from staff during the meeting.

## APPEALS

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA 050/120/2014 13-14 Fitzroy Terrace, Fitzroy	Change of use from Dwelling to Aged Care Facility, and two-storey additions to Aged Care Facility, and Basement Carpark	12/09/2016 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i>  The preliminary conference has been scheduled for 27 November 2017.
050/83/2015 270A Main North Road, Prospect	LED Advertising Display and Mesh Canopy	12/09/2016 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i>  At the request of the applicant the matter has been adjourned, with the preliminary conference now scheduled for 9 October 2017.
050/256/2016 59 Farrant Street, Prospect	Remove Significant Tree (Willow Myrtle)	13/02/2016 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i>  Consent Orders have been issued by the ERD Court granting approval to this application.
050/336/2016 235 Prospect Road, Prospect	Three Storey Residential Flat Building (comprising 7 dwellings)	10/04/2017 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i>  Compromise proposal plans have not been received as expected for consideration by DAP.  The conciliation conference is scheduled for 18 July 2017, following which Council Staff will have a better understanding of the applicant's intentions.

DA 050/368/2016 89 Churchill Road, Prospect	Demolition of Existing Buildings and Construction of a Five Storey Residential Flat Building comprising 12 Dwellings and Commercial Tenancy, with associated Car Parking, Landscaping, and Retaining Walls and Fencing	08/05/2017 By the DAP	Appeal lodged by applicant. <i>Appealing against Refusal.</i> The preliminary conference has been scheduled for 24 July 2017.
---	--	--------------------------	---