

AGENDA ITEM: 5.3

To: Development Assessment Panel (DAP) on 14 August 2017

From: Susan Giles, Development Officer, Planning

Proposal: Two Storey Residential Flat Building comprising Three Dwellings, Front Fence and Removal of Significant Tree (DA 050/103/2017)

Address: 78 Harvey Street, Collinswood (CT 6163/893)

SUMMARY:

Applicant: Ms Hanh Ngo

Owner: Ms Hanh Ngo

Planning Authority: Council

Mandatory Referrals: Nil

Independent Advice: Symatree

Public Notification: Category 2

Representations/Submissions: Nil

Respondent: Nil

Development Plan Version: Consolidated 3 March 2016

Zone and Policy Area: Residential Zone (Policy Area A350)

Key Considerations: Site Area, Design and Appearance, Bulk and Scale, Private Open Space, Significant Tree, Landscaping, Traffic Movement

Recommendation: Refusal

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>	Site plan and Landscaping plan
<u>Attachments 8-11</u>	Proposal plans
<u>Attachment 12</u>	Perspective plan
<u>Attachments 13-14</u>	Vehicle turning profiles
<u>Attachment 15</u>	Overshadowing diagrams
<u>Attachments 16-31</u>	Arborist report prepared by Mr Bob Shultz on behalf of applicant
<u>Attachments 32-47</u>	Arborist report prepared by Symatree on behalf of Council
<u>Attachments 48-59</u>	DAP Report from 13 February 2017 DAP Meeting
<u>Attachments 60-67</u>	Proposal Plans Refused at 13 February 2017 DAP meeting

1. EXECUTIVE SUMMARY

- 1.1 The proposal is for the construction of a two-storey residential flat building comprising three self-contained dwellings located on one allotment within the A350 Policy Area. Public notification was undertaken to adjacent properties, with no representations received. The proposal was referred to an independent arborist who advised that the proposed development would not allow for the retention of the tree. They also advised that as the tree is in reasonable health and suggests a reduction in the number of dwellings would allow the tree to be retained. No other referrals were required.
- 1.2 The key considerations of the application are in regard to the proposed site density, setbacks, external design and appearance, private open space, site coverage, vehicular access, landscaping, and the significant tree.
- 1.3 The proposal falls short on achieving the minimum quantitative and qualitative requirements within the A350 Policy Area. The proposed built form would not be sympathetic to the existing streetscape and would have an unreasonable impact on a significant tree located on the subject site. It is therefore recommended that the proposed development is refused.

2. BACKGROUND

- 2.1 The DAP previously considered a similar proposal by the applicant at its meeting of 13 February 2017. The proposal was for four dwellings. At that meeting the DAP resolved to refuse the application as the proposal was considered to:
 - Fail to achieve the desired allotment sizes;
 - Be of excessive bulk and scale, which would detract from the existing and desired character of the area;
 - Would not sufficiently provide for the ongoing retention of a significant tree on the land;
 - Fail to provide an appropriate configuration for convenient vehicle access and parking; and
 - As a result of the above, would be an overdevelopment of the subject site.
- 2.2 The applicant has lodged a fresh application for consideration. The applicant has reduced the number of dwellings by one, and proposes to remove the tree as it displays characteristics that would cause unreasonable ongoing maintenance for the occupants of the dwellings.
- 2.3 The report from the previous DAP meeting is attached (refer **Attachments 48-59**).

3. PROPOSAL DESCRIPTION

- 3.1 The proposal is for the construction of a residential flat building, comprising three two storey dwellings. The dwellings would share a common driveway and be fronted by an 1800mm high fibre cement fence which is proposed to face Harvey Street.
- 3.2 The dwellings would have an east-west orientation and would be joined together, yet have separate roofs. The dwellings would be joined together at the ground floor, by the garages. Dwelling 1 and 2 would have mirror image floor plans, comprising two bedrooms, a TV area, three bathrooms, a study and open plan living and kitchen. Dwelling 3 would comprise four bedrooms, three bathrooms, a TV area, laundry and open plan living and kitchen. Each dwelling would comprise a double garage, and a verandah located at the rear of each dwelling.

- 3.3 The proposal includes the removal of the significant tree and subsequent replacement plantings to be located adjacent the eastern boundary. Landscaping and paving is also proposed to the front of the site and within the common driveway.
- 3.4 No other works are proposed. The proposal plans are attached (refer **Attachments 8-11**) along with perspective plan (refer **Attachment 12**), turning profile layout (refer **Attachments 13-14**), and overshadowing diagram (refer **Attachment 15**). Supporting documentation including a report prepared by an arborist engaged by the applicant (**Attachments 16-31**), is also attached

4. REFERRALS

4.1 Internal (Advisory) Referrals

- 4.1.1 The proposal was referred to an independent arborist, Mr Sam Cassar of Symatree Pty Ltd, who also provided advice to Council for the previous proposal. Mr Cassar outlines that the construction of 3 dwellings would not be conducive to long term tree retention and would impose ongoing issues for future occupants. Mr Cassar further outlines that development involving one or two dwellings would provide the necessary space to allow the tree to be retained and its characteristics would be less intrusive to the future occupants.
- 4.1.2 The full report is enclosed (refer **Attachments 32-47**) and will be discussed later in the report with regard to the advice provided by Mr Bob Schultz, on behalf of the applicant.

4.2 External (Legislated) Referrals

- 4.2.1 No legislative advice or consultation with external agencies was required.

5. PUBLIC NOTIFICATION

- 5.1 The application is a Category 2 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 the construction of 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high.
- 5.2 The public notification period ended with no representations being received.

6. PLANNING COMMENTARY

- 6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 13 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

7. PLANNING ASSESSMENT

7.1 Land Use

- 7.1.1 The land is located in the Residential Zone, where it is anticipated that development will comprise a range of housing types and styles to meet the diverse needs of a growing population (Residential Zone PDC 2).
- 7.1.2 While the site is currently unoccupied, the original detached dwelling remains. The development proposes to construct 3 new dwellings, which would provide additional housing opportunities and is therefore consistent with the broad intent of the Residential Zone.

7.2 Site Area

- 7.2.1 To ensure consistency with the existing and predominant pattern of development, while allowing for in-fill housing to occur of a form and style consistent with the desired future character, it is desired that detached dwellings have a minimum site area of 350m² and a minimum frontage width of 10.0m (RPA350 PDC 5). For a residential flat building or group dwellings, allotments should have a minimum site area of 300m² per dwelling (excluding the area of any common driveway), and a frontage of no less than 15m (RPA350 PDC 7).
- 7.2.2 The proposal is for a residential flat building comprising three dwellings on an allotment that is 910m² in area. The common driveway would be approximately 290m², and the common landscaping area at the front of the site would be approximately 22m², providing approximately 598m² for the three dwellings. Accordingly, the average site area for each dwelling would be approximately 206m², which is substantially short of the minimum site area desired.
- 7.2.3 It is noted that if the driveway and landscaping areas were included in the calculations, then the average site area would be 303m² per dwelling, which would satisfy the minimum 300m² anticipated for residential flat buildings within the A350 Policy Area.
- 7.2.4 While the proposal exceeds the desired density for this policy area, it is noted that the locality comprises a variety of dwellings on a variety of allotment sizes, and the locality has characteristics which could support an increase in site density such as proposed. Nonetheless, in the context of the overall intent of the provision it is considered that this departure would not be fatal to the proposal in isolation.

7.3 Design and Appearance

- 7.3.1 The external materials for the dwellings are similar to the previous proposal, comprising contrasting coloured wall panels, texture coated and paint finished AAC type cladding panels, express jointed modular unit cladding panels and face brick. The wall cladding would consist of both dark and light tones of grey. The dwellings would have a skillion roofs pitched at 5 and 7.5 degrees, clad with colorbond iron.
- 7.3.2 It is anticipated that new development maintains and enhances the streetscapes and the neighbourhood character in existing areas, or assist to create attractive and appropriate streetscapes. The existing built form along Harvey Street comprises a range of dwelling styles, the materials and finishes are predominately brick, stone and render and comprise hip and hip and valley roofs. Accordingly, the proposed design and appearance of the dwellings would not be consistent with the dwellings within the immediate locality.

7.4 Setbacks

- 7.4.1 It is anticipated that the setback of new development to the primary street frontage within the Residential Zone should be no less than 4m to a verandah, and in any event the setback should be consistent with the dwellings within the street (Council-wide PDC 66).
- 7.4.2 As outlined within the previous DAP report, the dwellings located on the adjoining allotments range from 6m-8.3m, with the exception of the units at 72 Harvey Street which are approximately 3.5m.
- 7.4.3 The proposed setbacks remain similar to the previous proposal, with the dwellings located closer to the western boundary, and the common driveway adjacent the eastern boundary (abutting the site with McDonalds restaurant).
- 7.4.4 The dwelling closest to Harvey Street would be 4.8-5m from the front (southern) boundary. The dwellings would be setback between 900mm-2m from the side (western) boundary, 900mm-4m to the rear (northern) boundary, and 3.5-10m to the side (eastern) boundary (refer **Attachment 7**). Therefore, the proposed front setback remains inconsistent with the existing streetscape.
- 7.4.5 The proposed dwellings are two-storey in nature and approximately 7m in height. When applying the prescribed building envelope, by projecting a plane at 45 degrees from a height of 3 metres above natural ground level at the side, rear and front allotment boundaries (RPA350 PDC 11), a portion of the upper storey along the western boundary would encroach beyond the prescribed envelope. It is noted, however, that directly adjacent the subject site is the common driveway and car port for a single storey residential flat building, thus the encroachment would not have a substantial impact on the adjoining property. It is considered that this departure would not be fatal to the proposal in isolation.

7.5 Site Coverage

- 7.5.1 It is anticipated that the footprint of residential development should not exceed 50% of the total area of the site (RPA350 PDC 8).
- 7.5.2 The ground floor footprint of the dwellings would be approximately 109m² for dwelling 1 and 2, and 134m² for dwelling 3. Therefore, the combined floor area would be approximately 352m², occupying 38% of the total site. When considered individually, each dwelling would occupy approximately 57% (dwelling 1) 76% (dwelling 2) and 57% (dwelling 3) of their retrospective site. While the proposed dwellings would exceed the maximum site coverage anticipated within the Residential Zone, in the context of the overall intent of the provision it is considered that this departure would not be fatal to the proposal in isolation.

7.6 Private Open Space

- 7.6.1 All dwellings should be provided with useable private open space of 25m² per bedroom (or room that could be used as a bedroom). To constitute usable private open space, the area should have a minimum dimension of 4 metres, while up to 20% of the area required may be covered by a verandah that is open on at least two sides (RPA350 PDC 9).
- 7.6.2 Dwellings 1 and 2 would provide 2 bedrooms, which in accordance with the above requirement require a minimum of 50m² in area. Dwelling 3 would provide 4 bedrooms, thus requiring a minimum of 100m² of private open space.

- 7.6.3 Dwelling 1 and 2 would be provided with approximately 50m², of which 19% would be covered by a verandah. When calculating the private open space that has a minimum dimension of 4m, dwelling 3 would have approximately 90m². If including the area designated for the clothes line, the total amount of private open space for dwelling 3 would be 100m², of which 21% would be covered by a verandah (refer **Attachment 8**).
- 7.6.4 It is desired that dwellings be orientated to enable energy conservation principles, with habitable rooms and private outdoor spaces facing north, and shaded by the sun during the summer months (Council-wide PDC 19). To ensure the useable open space remains private, it is desired that the area not be located facing the street and is directly accessible from the internal living areas of the dwelling (RPA 350 PDC 10).
- 7.6.5 The private open space would be directly accessible from the internal living areas, and have access to northern sunlight. The ground floors would be shaded during summer, along with some of the west facing windows. Accordingly, the proposal would reasonably satisfy the Development Plan provision.

7.7 Overshadowing

- 7.7.1 Overshadowing diagrams have been provided (refer **Attachment 15**), which illustrate the anticipated shadow at 9am, 12pm and 3pm on the 21st of June. The diagrams illustrate that the adjoining dwellings would still achieve more than 2 consecutive hours of sunlight. Accordingly, the proposal would not excessively overshadow the neighbouring allotments (Council-wide PDC 78 and Design Technique 78.1).

7.8 Visual Privacy

- 7.8.1 New development should be designed to prevent overlooking into the adjacent private open space or adjoining windows of neighbouring allotments. Any window that directly overlooks the private open space or adjoining windows of any adjoining property should be glazed in fixed opaque glass to a height of at least 1.7 metres, or have the window sill located a minimum of 1.7 metres above the floor (Council-wide PDC 90).
- 7.8.2 The north and west facing upper level windows would look directly into adjoining residential properties. The west facing windows would comprise window sill heights or frosted, fixed glass to 1.7m above finished floor level and the north facing windows to 1.6m above finished floor level. The south and east facing windows would provide passive surveillance to Harvey Street and the McDonalds Restaurant.
- 7.8.3 The extent of proposed privacy treatments to the north is insufficient, though this is not considered fatal to the proposal as this matter could be resolved through the imposition of conditions if consent was to be granted.

7.9 Car Parking

- 7.9.1 Dwellings with up to 3 bedrooms should provide two on-site car parking spaces, with one undercover. An additional car parking space is required for every two additional bedrooms (Council-wide PDC 56). The car parking may be in a stacked formation (Council-wide PDC 57).
- 7.9.2 Each dwelling would have a double garage, thus the proposal would provide the minimum desired number of car parks in accordance with the above provision.

7.10 Site Access

- 7.10.1 Council-wide PDC 21 outlines that hammer-head style development when proposing more than two dwellings should be designed in a way to have an 8m wide access way to facilitate two-way vehicle movement, enable all vehicular movements to be in a forward direction, is lit at regular intervals, especially if longer than 15.0 metres, appropriately landscaped, and have fencing which maintains the privacy of the adjoining residents.
- 7.10.2 Vehicular access to the site remains unchanged from the previous proposal, with the crossover and common driveway proposed to be 4.8m wide. In order to retain the speed hump and a street tree, the driveway would be on a curve, and then extend for a length of approximately 10m, before it would widen to 10m to the double garages for dwelling 1 and 2 (refer **Attachment 7**).
- 7.10.3 The driveway would be approximately 33m long. No lighting is proposed within the driveway, and the landscaping would comprise trees and shrubs.
- 7.10.4 A street sign alerting drivers to the speed hump would need to be relocated, however no other service infrastructure or street trees would be affected.
- 7.10.5 It is noted that the applicant has provided a series of turning path diagrams (refer **Attachments 13-14**) demonstrating the manoeuvring to and from the garages. While vehicles could reasonably manoeuvre on site and enter and exit the site in a forward direction, the proposed driveway is still not considered to be a reasonable width to allow for simultaneous two-way movement on site.

7.11 Site Preparation

- 7.11.1 The proposed finished floor levels or site drainage works have not been provided for the amended design. It is noted from the previous proposal that the site has an approximate fall of 400mm from north to south. In the event that the proposal is supported, it is recommended that a reserved matter regarding the stormwater drainage, outflow and finished floor levels is provided.

7.12 Significant Tree

- 7.12.1 Table Pr/4 of Council's Development Plan lists a *Ficus rubiginosa* (Port Jackson Fig) on the subject land as a significant tree.
- 7.12.2 The previous DAP report discussed in great detail the proposed impacts that the development would have on the significant tree and it was determined that the proposed development would result in substantial tree-damaging activities occurring (refer **Attachments 45**). It was also noted that a more appropriate response to site density would substantially lessen the extent of tree-damaging activities occurring.
- 7.12.3 The current proposal is for three dwellings and upon further consideration of the trees characteristics, the applicant proposes to remove the tree and plant replacement trees.
- 7.12.4 A report prepared by Mr Bob Schultz on behalf of the applicant has been provided (refer **Attachments 16-31**), and the proposal was referred by Council staff to Mr Sam Cassar of Symatree Pty Ltd for further advice (refer **Attachments 32-47**).

- 7.12.5 A significant tree should be retained, and development preserve the attributes of the tree, particularly when the tree makes an important contribution to the character or amenity of the local area, or forms a notable visual element to the landscape of the local area (Council-wide PDC 346).
- 7.12.6 The advice from Mr Cassar from Symatree remains unchanged, in that the tree makes an important contribution to the character and amenity of the local area, as it is a mature specimen that is conspicuous within the local landscape. The tree's large canopy and foliage density results in a tree that is a notable visual element to the landscape of the area.
- 7.12.7 Mr Schultz agrees that the tree is a notable visual element within the landscape and offers reasonable attractiveness to the street and bird life.
- 7.12.8 A significant tree should be preserved and tree-damaging activity avoided unless the tree is diseased and its life expectancy is short; the tree represents an unacceptable risk to public or private safety; 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 or it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring (Council-wide PDC 349).
- 7.12.9 Mr Cassar outlines that the tree's characteristics include its dense canopy, fruit development, drops of large quantities of fruit and leaves, leaves a mess underfoot, attracts rats, possums and a range of birds being, has a fast growth rate, needs ongoing pruning, and would also pose an ongoing risk to cars parked in the common driveway.
- 7.12.10 While Mr Cassar notes that there is moderate dead wood within the crown, some Camium die back, epicormic growth and branch failures are evident, there appears to be no structural flaws or weakness observed from the ground. Mr Cassar notes that the tree is still in good health and is free from pests and diseases, even though no maintenance pruning has occurred (on the subject site) to the tree in the past.
- 7.12.11 Mr Cassar notes that development involving one or two dwellings would provide the space required to allow an adequate area under the canopy and the tree's characteristics would be less of an intrusion to future occupants. Accordingly, Mr Cassar advises that the tree exhibits attributes worthy of retention and could be retained if the site was re-developed for one or two dwellings.
- 7.12.12 However, Mr Cassar outlines that the redevelopment of the site to accommodate three dwellings would have a significant impact on the tree's health, and given the traits and features that the tree species is known for, the tree would have the potential to cause substantial damage to the dwellings. Therefore, should Council support the proposal for 3 dwelling, then removal of the tree should also be granted (refer **Attachment 45**).
- 7.12.13 Mr Schultz has identified the tree as a Morton Bay Fig Tree, and outlines that the tree is in very average health, is invested badly with Longicorn Borer and has an excessive root system. Mr Schultz also outlines that the tree creates a health issue with rats and possums and has concerns that the tree is likely to have branch failures in the future. Mr Schultz advises that the tree has the potential to cause serious harm and it has a limited life span. Therefore, Mr Schultz recommends the tree be removed (refer **Attachments 19-23**).

7.12.14 As previously outlined the Development Plan outlines the importance of protecting significant trees, and reducing the potential for tree damaging activities to occur. Development should be undertaken with the minimum adverse effect on the health of a significant tree (Council-wide PDC, 44 and 348 and RPA 350 Desired Character Statement).

7.12.15 Furthermore, land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree (Council-wide PDC 351). Accordingly, Council's planning staff note that a more appropriate response to site density would substantially lessen the extent of tree-damaging activities occurring.

7.13 Landscaping

7.13.1 Within the RPA 350, buildings up to two-storeys in height are appropriate provided that landscaping is proposed on the site to soften the visual impact of the second storey (RPA 350 Desired Character Statement).

7.13.2 The applicant has provided landscaping details as described on the site plan, which comprises of low lying shrubs to the front of the site and within the common driveway (refer **Attachment 7**).

7.13.3 Replacement plants are proposed adjacent the eastern boundary, to replace the significant tree. The replacement plantings would comprise of a combination of dense shrubs and ground cover. The applicant proposes to plant several Syzygium Paniculata "Backyard Bliss, which are a dense shrub that is fast growing.

7.13.4 The existing tree is approximately 16-18 metres in height. The proposed plantings would range in heights of up to 2m (for the ground cover-low lying shrubs) and the Syzygium Paniculata "Backyard Bliss has an approximate mature height of 3-4m.

7.13.5 While the plantings would be fast growing and would provide a dense screen along the eastern boundary, it is noted that the window sill height for the east facing windows on the upper floor would be approximately 4.5m above the ground level. Thus, while the plantings would provide reasonable screening to the ground floor and common driveway, it is noted that the proposed plantings would not provide an adequate visual or acoustic buffer between the upper level of the proposed dwellings and the McDonalds drive-through.

7.13.6 In this regard, the proposed landscaping is not considered to provide an appropriate level of softening to the appearance of the proposed dwellings as viewed from adjoining properties, or more fundamentally, provide reasonable level of screening in lieu of the removal of the significant tree.

8. **CONCLUSION AND RECOMMENDATION**

8.1 The proposed development would satisfy the intent of the Residential Zone by providing additional housing to meet the needs of a growing population, however the site areas for each dwelling would not achieve the minimum anticipated within the A350 Policy Area.

8.2 While the reduction in dwelling numbers is acknowledged, the proposal would still not satisfy quantitative guidelines for the density, setbacks or site coverage, while the form, materials and finishes of the proposed dwellings remain to be inconsistent with other dwellings within the locality. While these departures may not be fatal to the proposal in isolation, however when taken together are considered to indicate that the proposal would be an overdevelopment of the subject land.

8.3 The proposed vehicular access would not comfortably enable two-way vehicle movement to and from the site, and the proposed landscaping is not considered to be of a sufficient quality to soften the overall built form. The proposed development is also considered to have an unreasonable impact on a Significant Tree which is noted to be worthy of retention.

8.4 As such, it is considered that the proposal does not warrant the support of the Development Assessment Panel and the application should be refused.

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 050/103/2017 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 refused to DA 050/103/2017 from Ms Hanh Ngo for a Two Storey Residential Flat Building comprising Three Dwellings, Front Fence and Removal of a Significant Tree at 78 Harvey Street, Collinswood (CT 6163/893), as the proposal would:

- Fail to achieve the desired allotment sizes;
- Fail to achieve the desired setbacks;
- The materials and finishes would not integrate well with the existing and desired streetscape character;
- Result in the removal of a significant tree worthy of retention;
- Fail to provide an appropriate configuration for convenient vehicle access; and
- As a result of the above, would be an overdevelopment of the subject site.

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

- Council Wide Objectives 29, 41;
- Council Wide Principles of Development Control 44, 45, 47, 87, 92, 346, 348, 349, 351;
- Residential Policy Area A350 Desired Character Statement; and
- Residential Policy Area A350 Principles of Development Control 4, 7, 8.

Advisory Notes:

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

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

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

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



City of Prospect
22 MAR 2017
Received

Attachment 1

153

SCANNED

22 MAR 2017
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 / 103 / 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 #: 78 Street: HARVEY STREET
Suburb: COLLINS WOOD Postcode: 5081 CT Volume and Folio:

3. Details of Parties

Applicant

Name: HANH NGO Address: 4-32 RIVERSIDE GVB DERNAK COURT 5075

Contact No.: Email:

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: THREE TWO STOREY RESIDENTIAL FLAT BUILDINGS

Existing Use of Property: RESIDENCE

Estimated Cost of Development: \$ 600,000

5. Declarations

- Building Rules Classification sought: 1 Present Class: 1
- 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: PHOTI KAZIS Signature: Date: 21 March 17

- Applicant Owner Builder Architect



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 6163 Folio 893

Parent Title(s) CT 5798/513
Dealing(s) SC 12395933
Creating Title
Title Issued 12/10/2015
Edition 2
Edition Issued 15/10/2015

REAL PROPERTY ACT, 1886



South Australia

Estate Type

FEE SIMPLE

Registered Proprietor

HANH THI NGO
THANH BINH NGO
OF 21 CRANBOURNE CLOSE NORTHGATE SA 5085
THI NHUNG NGUYEN
OF 1 THE PROMENADE NORTHGATE SA 5085
AS JOINT TENANTS

Description of Land

ALLOTMENT 3 DEPOSITED PLAN 952
IN THE AREA NAMED COLLINSWOOD
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

Dealing Number	Description
12395941	MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Notations

Dealings Affecting Title

NIL



Priority Notices

NIL

Notations on Plan

NIL

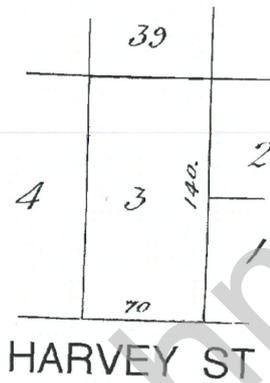
Registrar-General's Notes

NIL

Administrative Interests

NIL

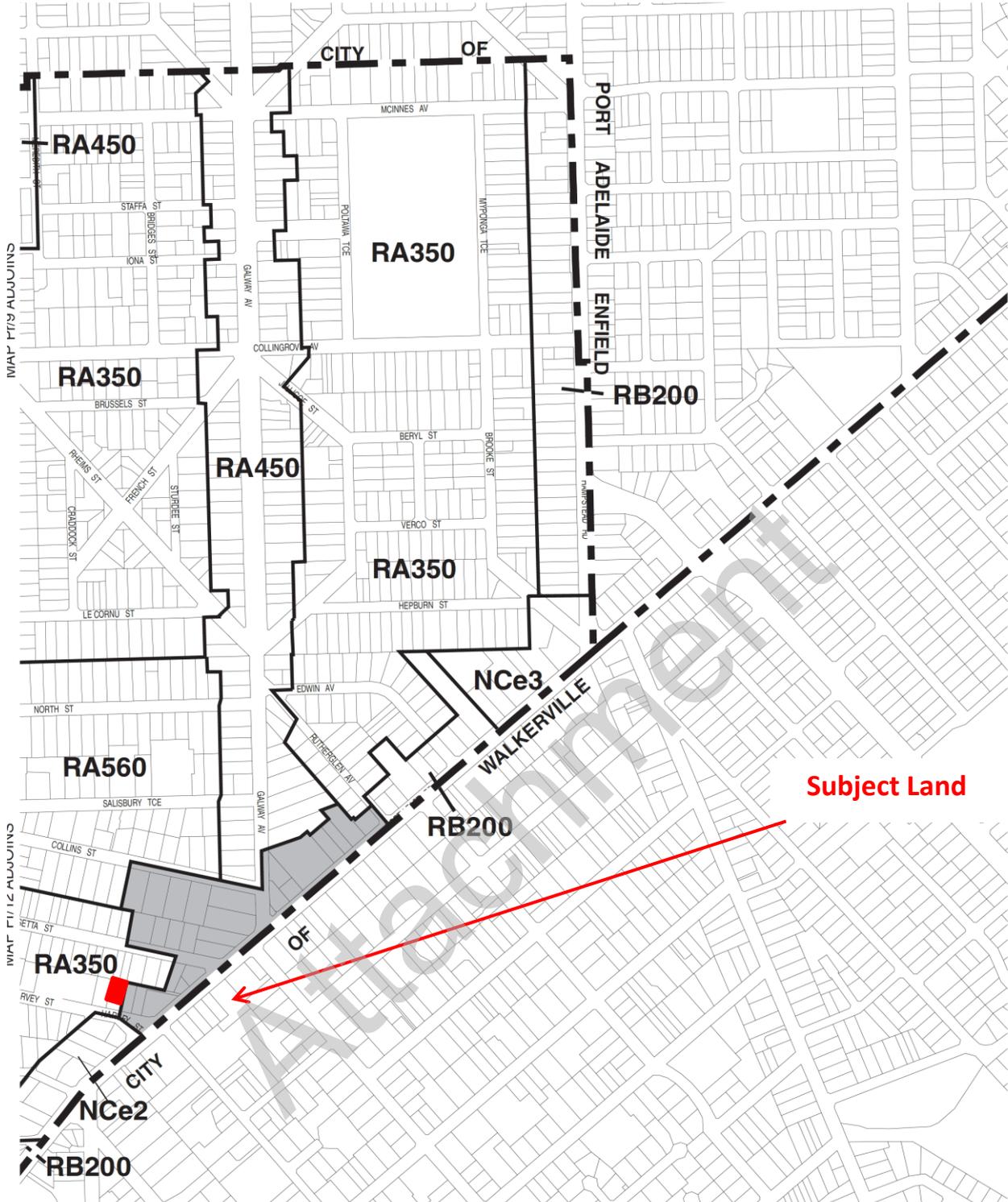
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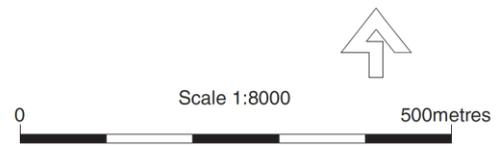
Attachment



**DISTANCES ARE IN FEET AND INCHES
 FOR METRIC CONVERSION**
 1 FOOT = 0.3048 METRES
 1 INCH = 0.0254 METRES



- RA560 Residential Policy Area A560
 - RA450 Residential Policy Area A450
 - RA350 Residential Policy Area A350
 - RB200 Residential Policy Area B200
 - NCe2 Collinswood Policy Area
 - NCe3 Hampstead Policy Area
-
- Policy Area Boundary
 - Development Plan Boundary
 - Area not covered by Policy



PROSPECT (CITY) POLICY AREAS MAP Pr/10

Consolidated - 3 March 2016



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

78 Harvey Street



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.



ARCHITECTURE

32 Riverside Grove
Dernancourt SA 5075
0412 643 004

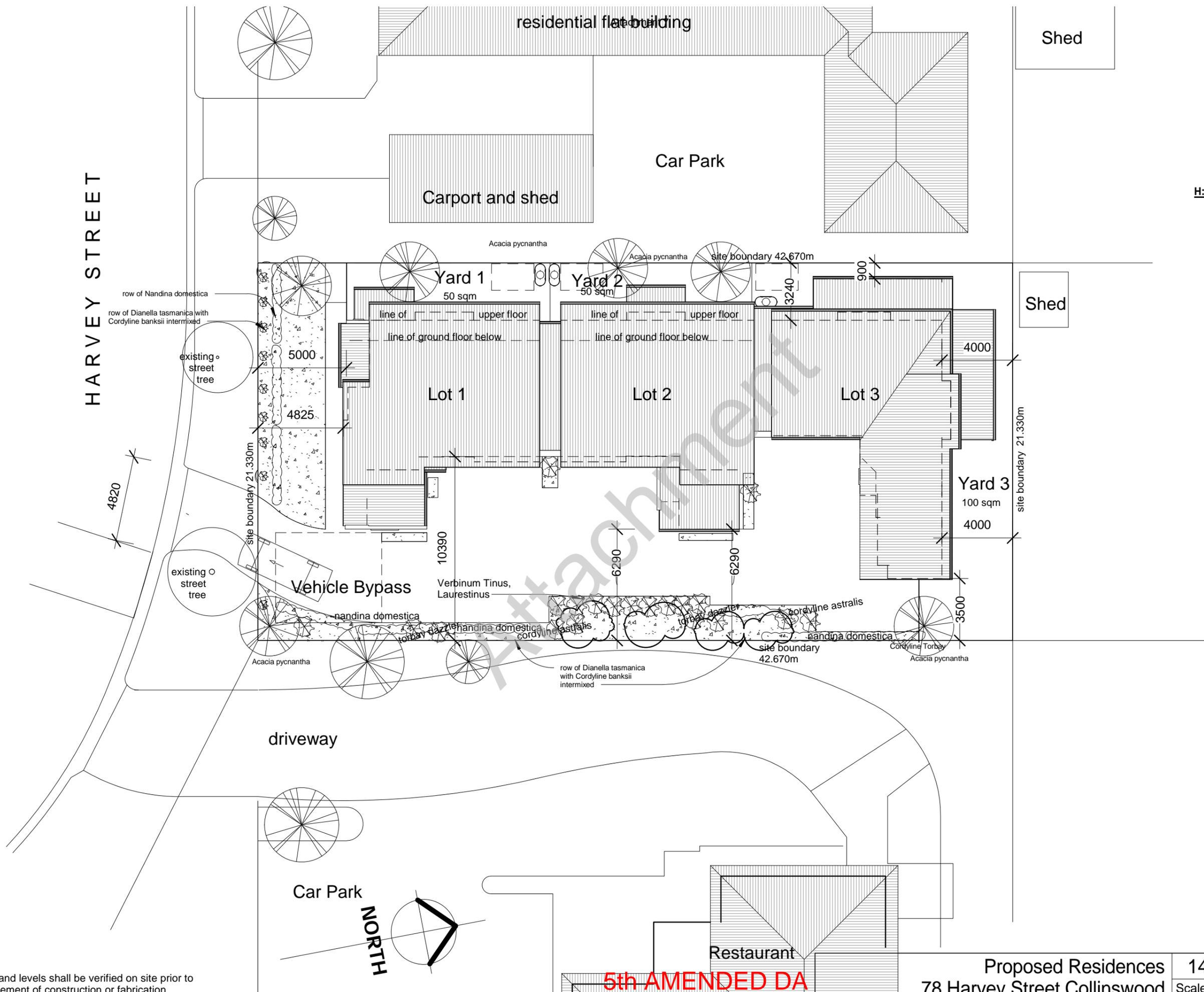
AMENDMENTS

G: 16 March 2017 : revert to 3 residence project

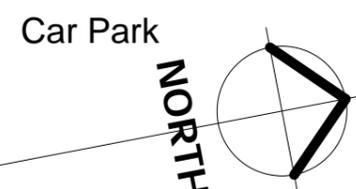
H: 31 May 2017: remove existing tree to eastern boundary

I: 17 July 2017: show replacement vegetation

HARVEY STREET



All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
Figured dimensions shall take preference to scale



5th AMENDED DA

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Proposed Residences
78 Harvey Street Collinswood
Drawn in accordance with AS 100.301 - 2008

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01		

SITE PLAN



ARCHITECTURE

32 Riverside Grove
Dernancourt SA 5075
0412 643 004

AMENDMENTS

G: 16 March 2017 : revert to 3
residence project

H: 31 May 2017: remove existing
tree to eastern boundary

Lot 1

Living 52.9 m²
Veranda 19.1 m²
Carport 40.5 m²
Porch 1.8 m²
114.2 m²

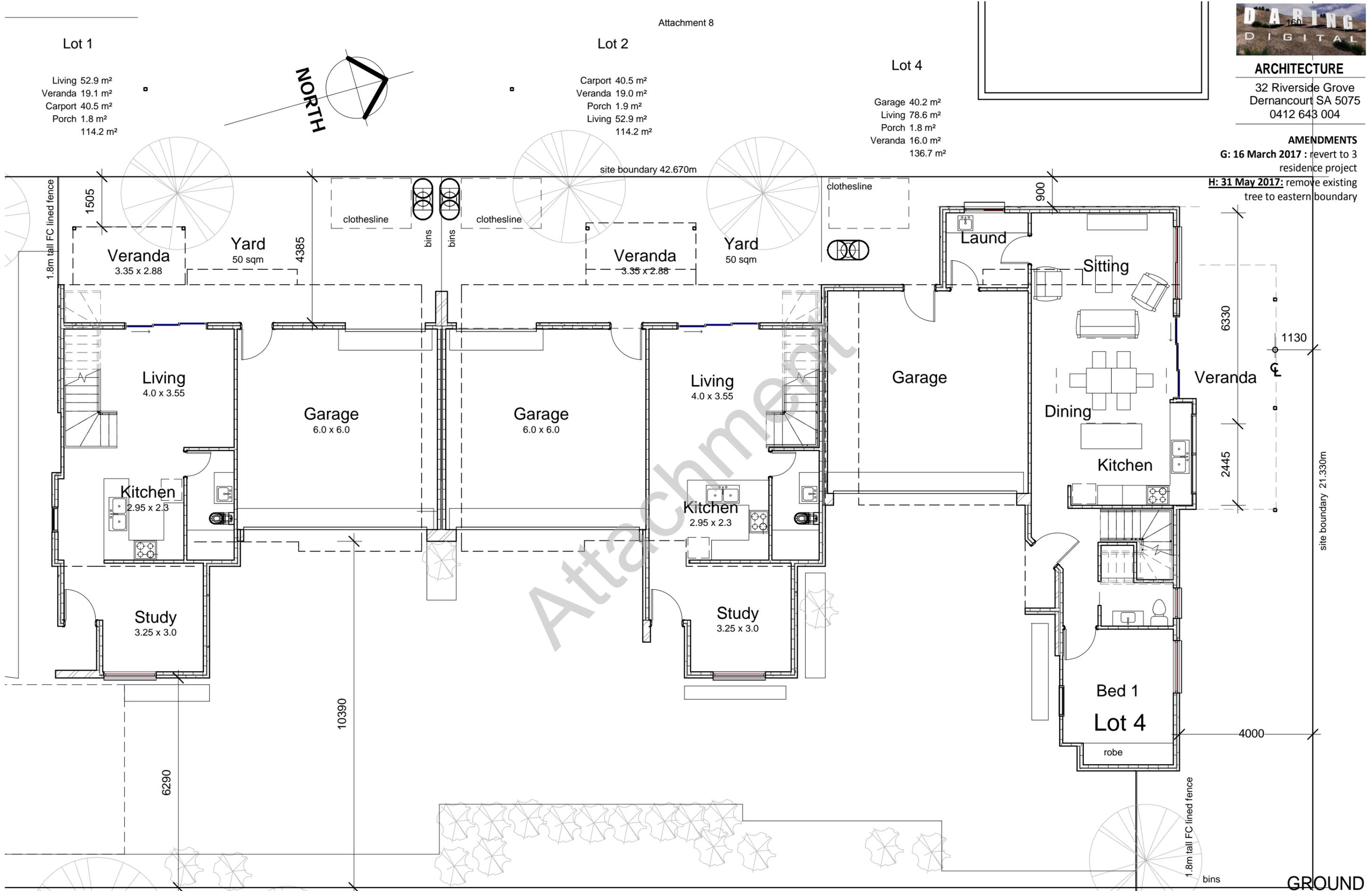
Lot 2

Carport 40.5 m²
Veranda 19.0 m²
Porch 1.9 m²
Living 52.9 m²
114.2 m²

Lot 4

Garage 40.2 m²
Living 78.6 m²
Porch 1.8 m²
Veranda 16.0 m²
136.7 m²

NORTH



All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
Figured dimensions shall take preference to scale

5th AMENDED DA

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Proposed Residences
78 Harvey Street Collinswood
Drawn in accordance with AS 100.301 - 2008

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GROUND

First Floor Areas

Lot 1 90.1 m²
 Lot 2 89.9 m²
 Lot 4 98.6 m²

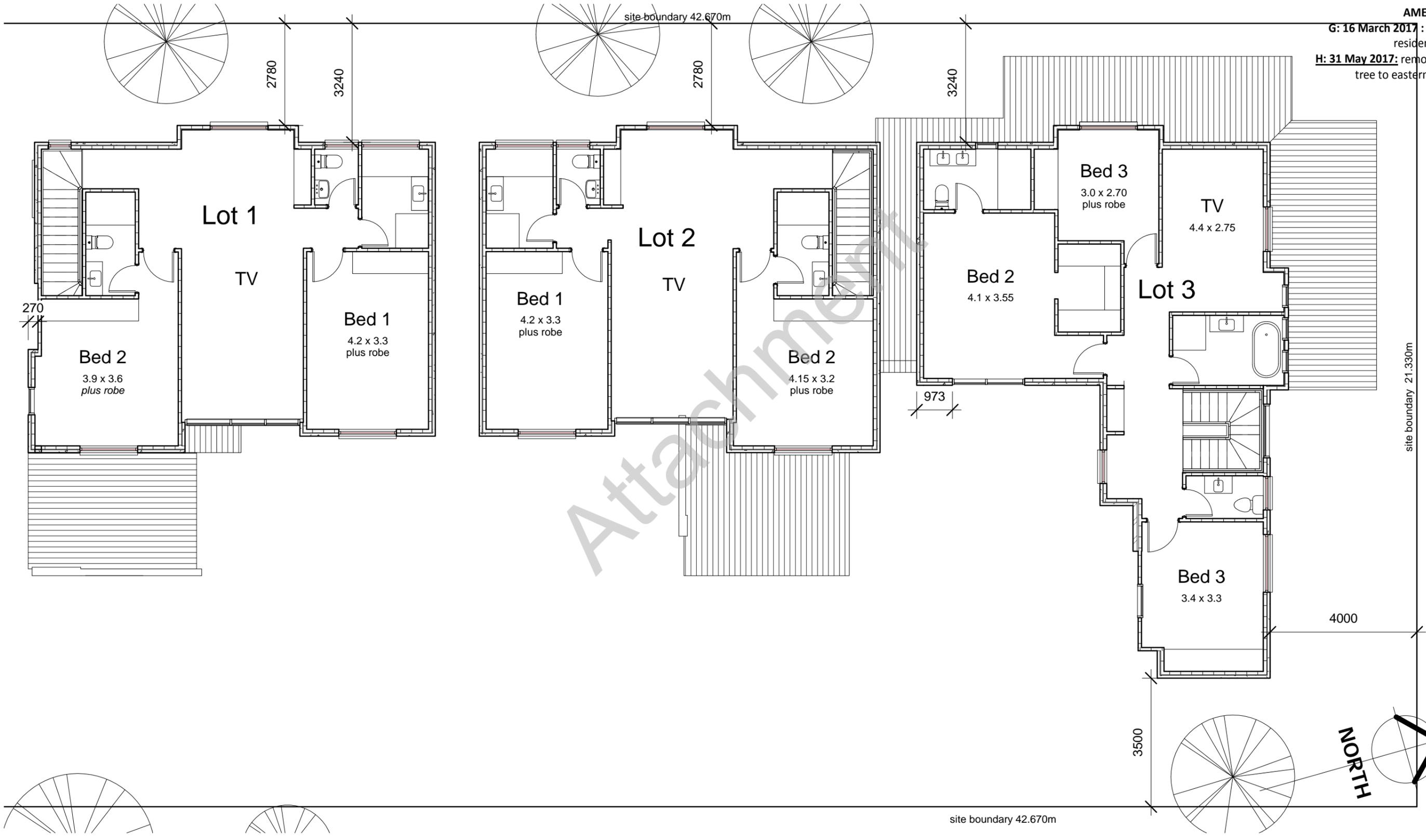


ARCHITECTURE

32 Riverside Grove
 Dernancourt SA 5075
 0412 643 004

AMENDMENTS

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5th AMENDED DA

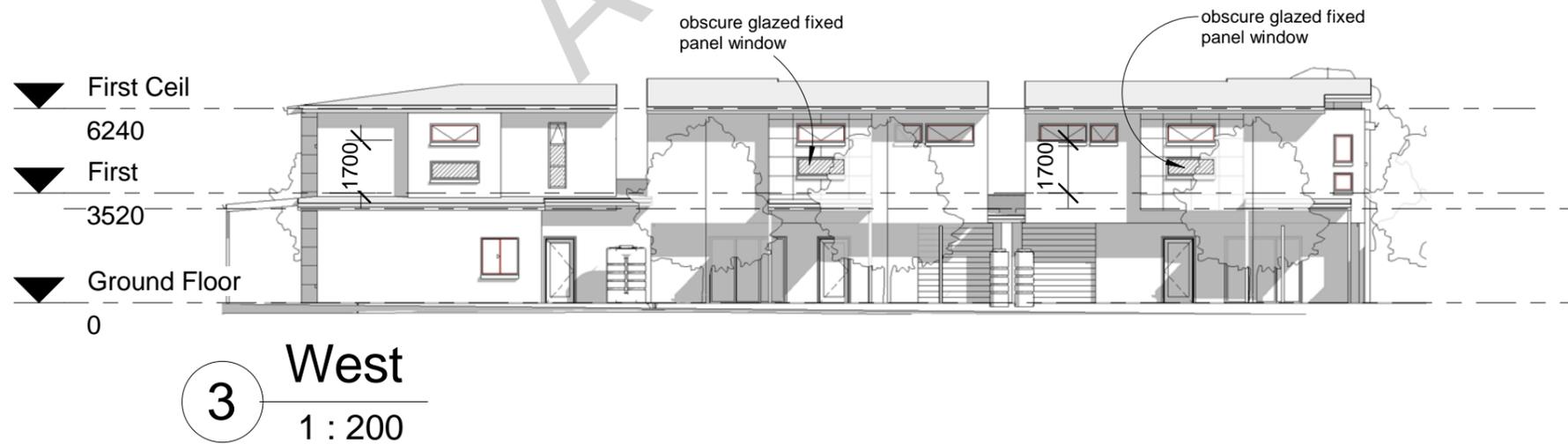
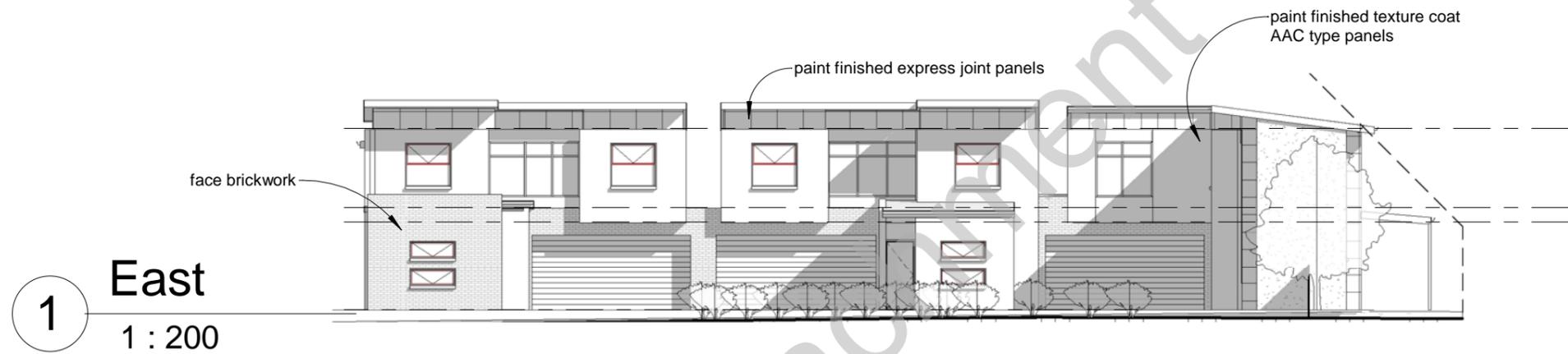
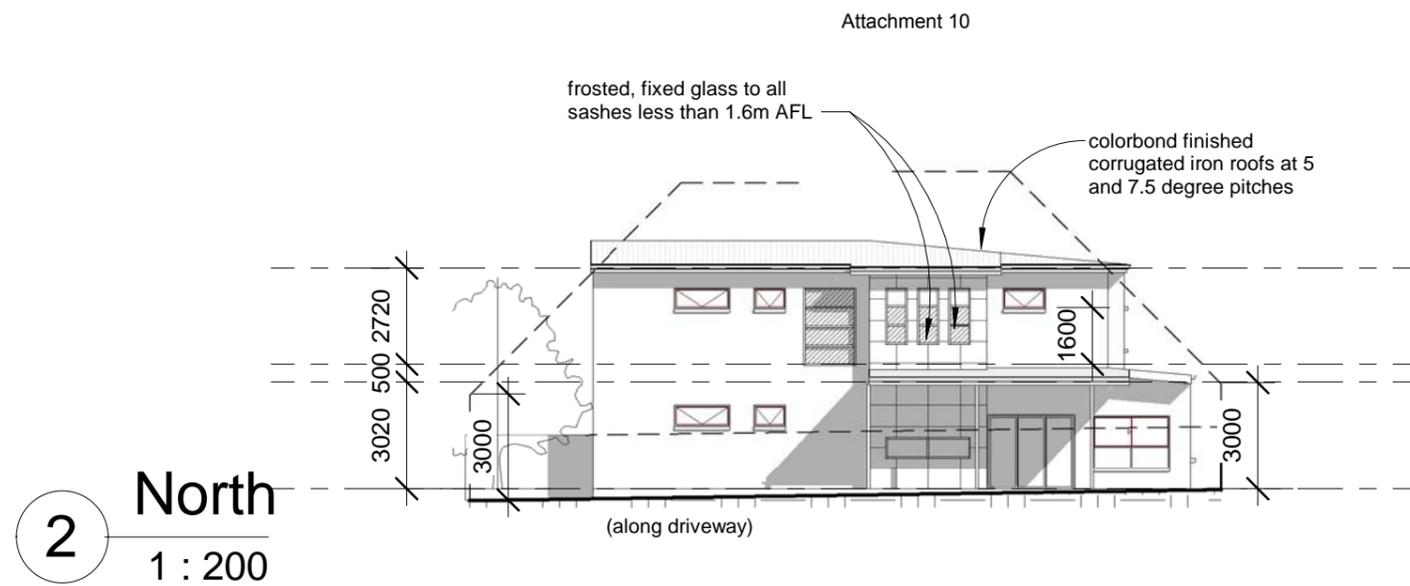
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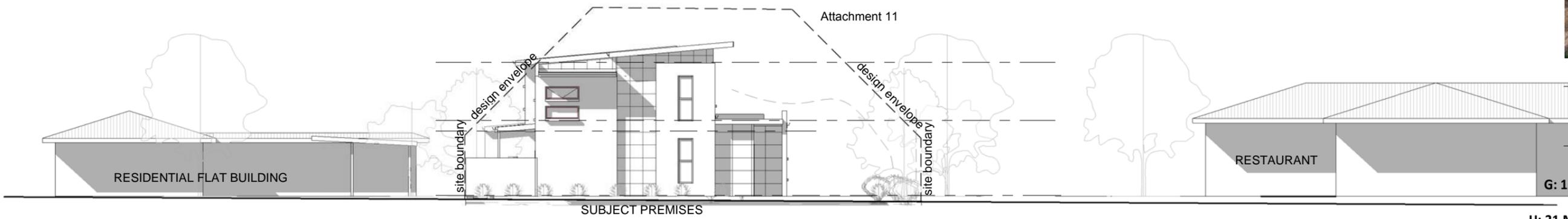
Proposed Residences
 78 Harvey Street Collinswood
 Drawn in accordance with AS 100.301 - 2008

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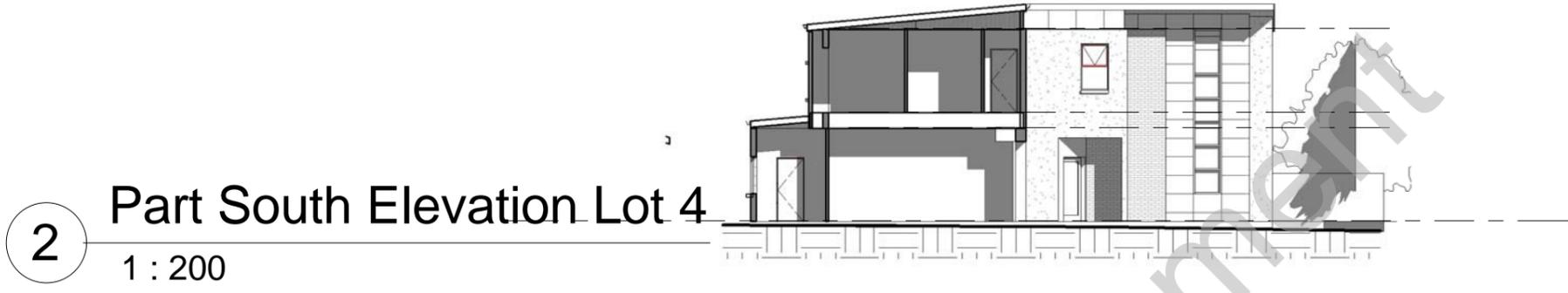
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FIRST

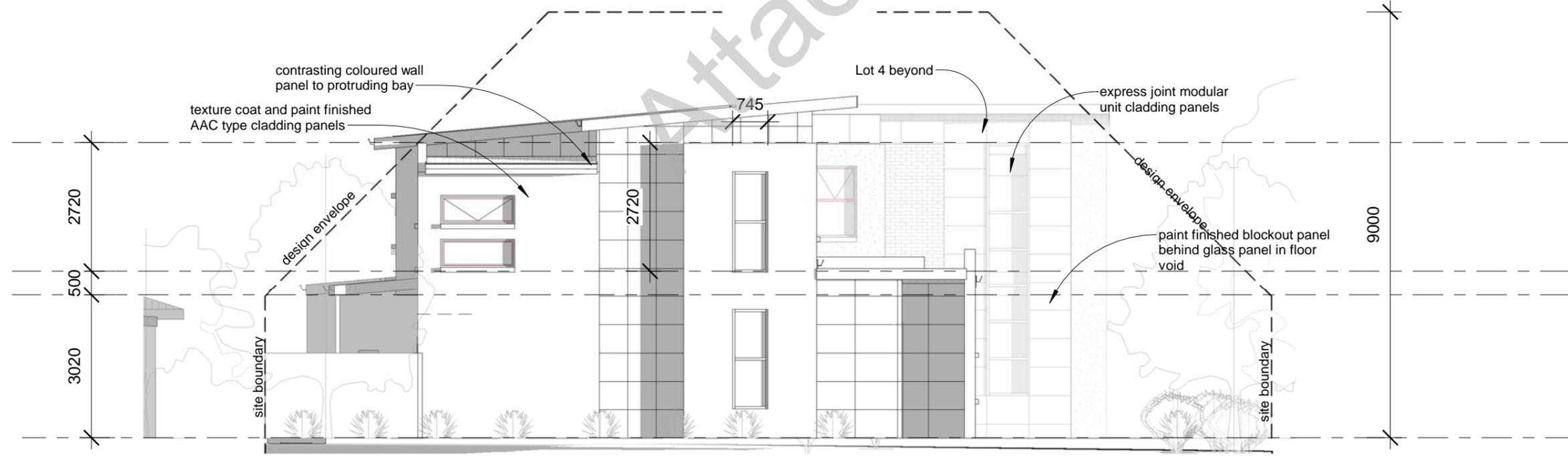




1 Streetscape
1 : 200



2 Part South Elevation Lot 4
1 : 200



3 South
1 : 100

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
Figured dimensions shall take preference to scale

5th AMENDED DA

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Proposed Residences
78 Harvey Street Collinswood
Drawn in accordance with AS 100.301 - 2008

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ELEVATIONS 02

ARCHITECTURE

32 Riverside Grove
Dernancourt SA 5075
0412 643 004

AMENDMENTS

G: 16 March 2017 : revert to 3 residence project

H: 31 May 2017: remove existing tree to eastern boundary



From South East



From South West

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
Figured dimensions shall take preference to scale

5th AMENDED DA

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Proposed Residences
78 Harvey Street Collinswood
Drawn in accordance with AS 100.301 - 2008

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VIEWS

07

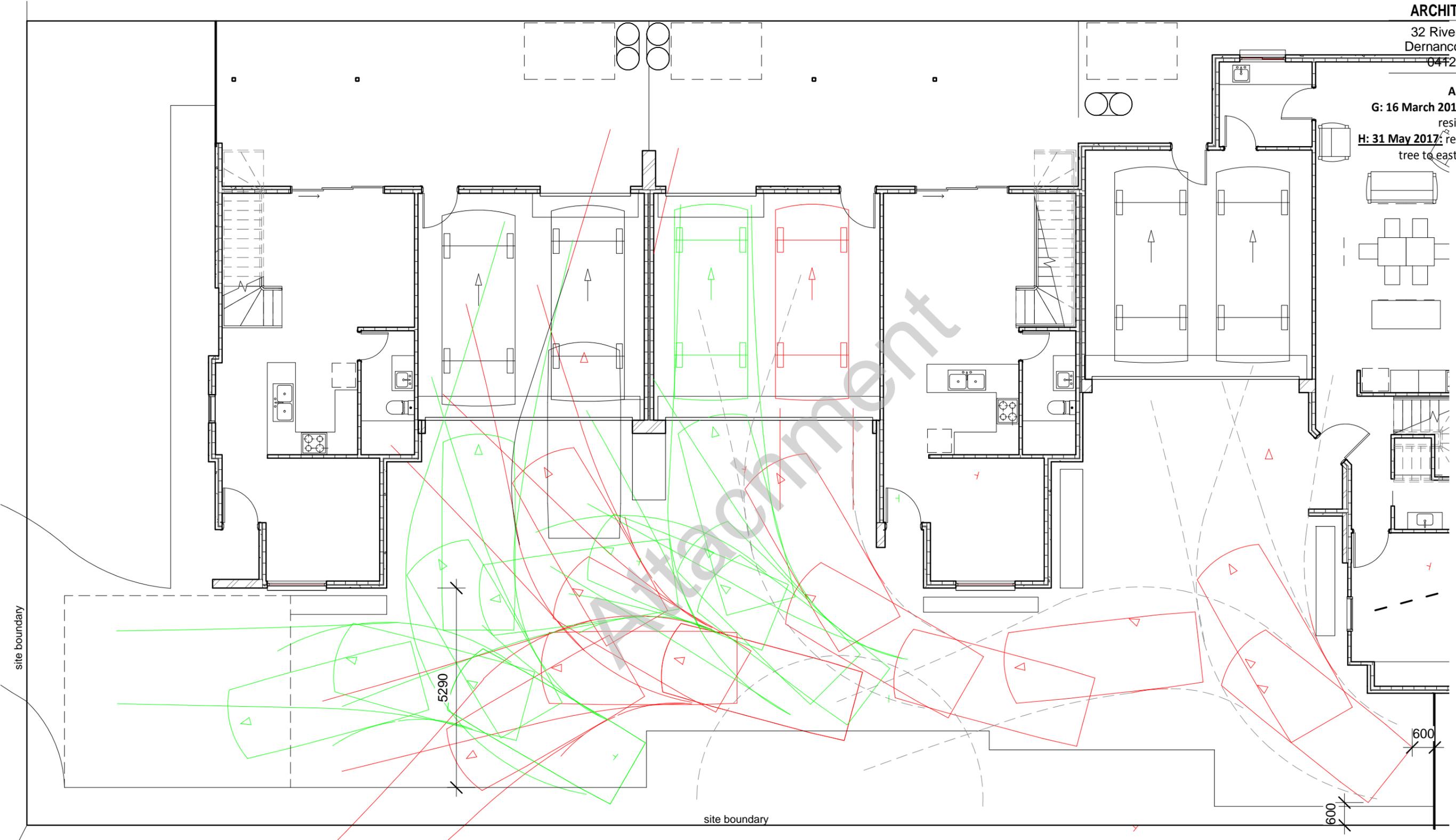


ARCHITECTURE

32 Riverside Grove
Dernancourt SA 5075
0412 643 004

AMENDMENTS

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H: 31 May 2017: remove existing tree to eastern boundary



MANOEUVRING OUTWARD

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
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5th AMENDED DA

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Proposed Residences 78 Harvey Street Collinswood Drawn in accordance with AS 100.301 - 2008	14 - 590	revision	H
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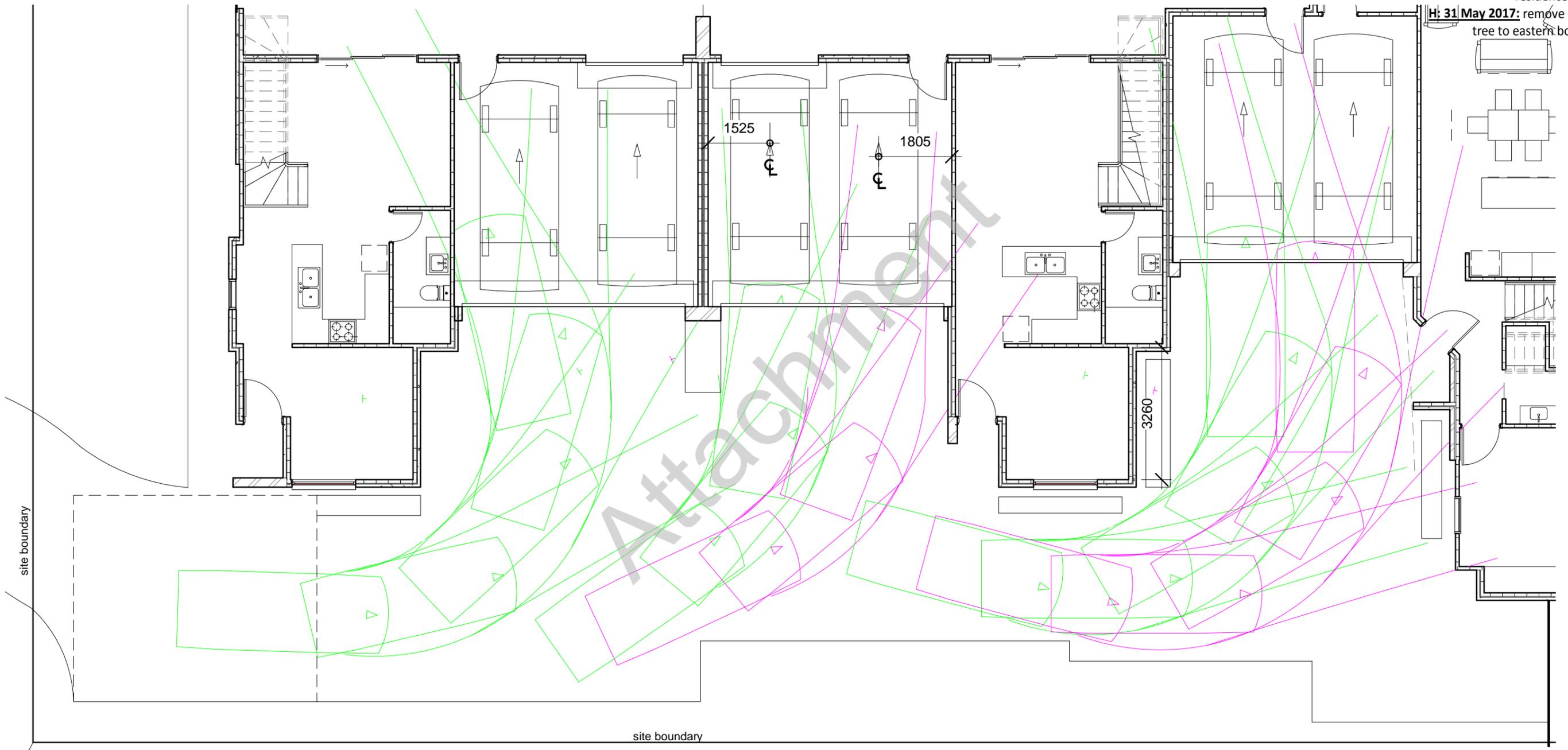


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32 Riverside Grove
Dernancourt SA 5075
0412 643 004

AMENDMENTS

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MANOEUVRING INWARD

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5th AMENDED DA

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Proposed Residences
78 Harvey Street Collinswood

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09

Drawn in accordance with AS 100.301 - 2008



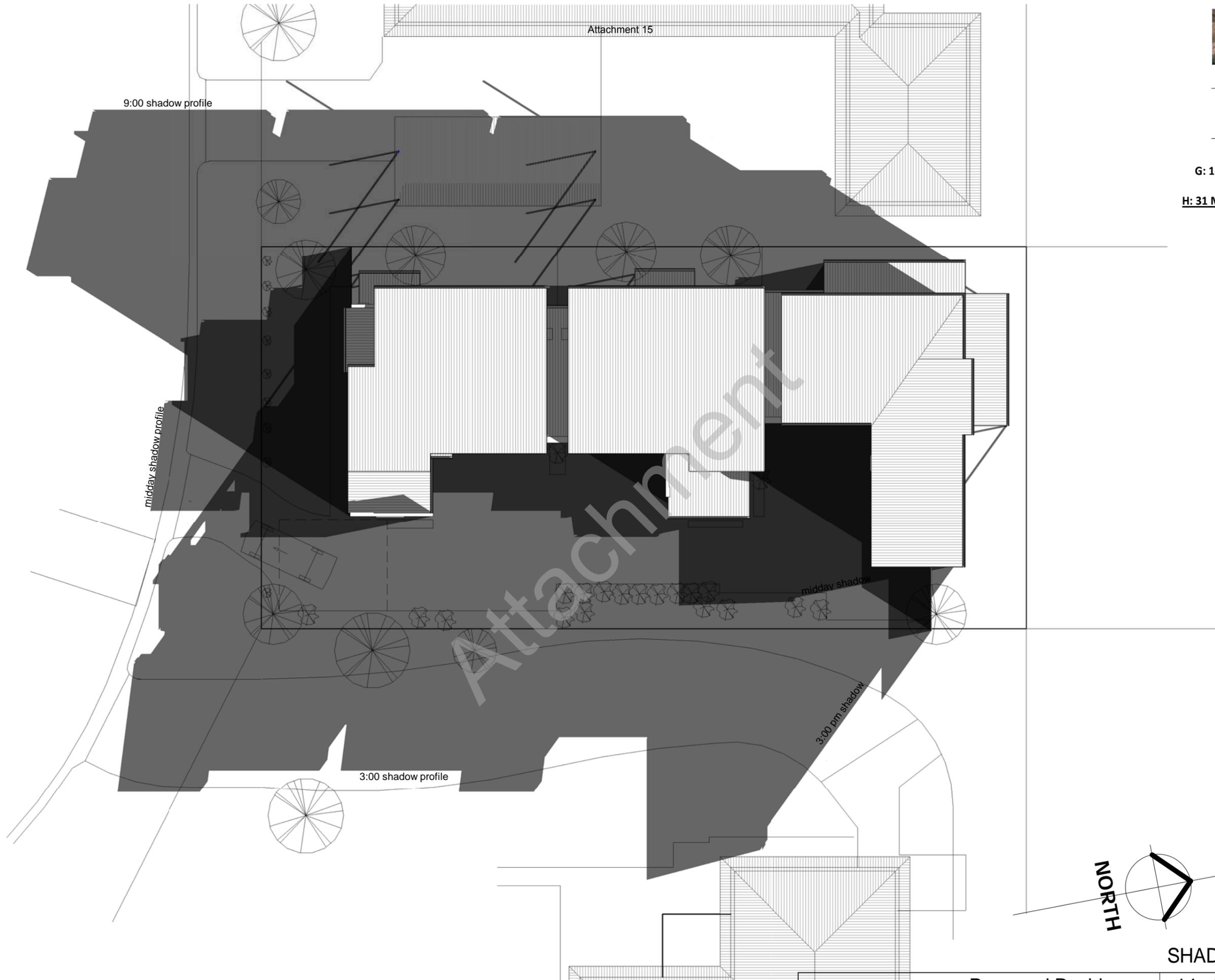
ARCHITECTURE

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Dernancourt SA 5075
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AMENDMENTS

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5th AMENDED DA

Proposed Residences
78 Harvey Street Collinswood

Drawn in accordance with AS 100.301 - 2008

SHADOW PROFILES

14 - 590

Scale 1 : 200

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revision H

06



THE CITY OF PROSPECT

CIVIC CENTRE:
128 Prospect Road
Prospect SA 5082

POSTAL ADDRESS:
PO Box 171
Prospect SA 5082

CONTACT:
Telephone: (08) 8269 5355
Fax: (08) 8269 5834

OFFICE HOURS:
Monday – Friday
8.45 am to 5.15 pm

ABN: 58 758 236 361

E-MAIL: admin@prospect.sa.gov.au

WEBSITE: www.prospect.sa.gov.au

City of Prospect

7 - JUN 2017

Form for
Received

CITY OF PROSPECT Significant Tree Proposal

The following information is to be submitted along with a completed Development Application Form for assessment.

Property No. 78 Lot No. Street Harvey Street
Suburb Collinswood
Owners Name Hahn Ngo

1. Details of Tree

Common Name Morton Bay Fig Tree
Botanic Name (if known) Ficus macrophylla
Girth of trunk 1m above ground level 4.48m
Height of tree 12.4m
Spread of tree 18.9m

2. A Site Plan (scale no less than 1:200)

Show extent of canopy from north, south, east, west and surrounding:

- Built form – including neighbours
- Proposed development (if any)

3. Photographs "as per Report"

4. Describe any specialist advice received on issues of tree health or safety, from qualified arboriculturists, botanists, or horticulturists (you will need to supply a written report from one of these specialists to substantiate your claim of health or safety is the reason for removal).

Tree is a safety issue to Mc Donalds
Restaurant next door - 2 Drive-Throughs -
Canopy is over both - drive-Throughs
Health Issue - due to Rats and Possums
especially with Mc Donalds + Local Residents.
(found a rats nest at base of tree)

5. Describe whether the tree represents an unacceptable risk to public or private safety and how you have assessed this (refer to Item 4).

Definite safety risk to General Public
using Mc Donalds Restaurant.

6. Indicate whether the tree is causing or threatening to cause substantial damage to a substantial building or structure (you will need to supply a written report from an accredited engineer to substantiate your claim of structural damage).

The Root Systems of this Tree are an issue with the Drive-Throughs at Mc Donalds and future buildings on this property

7. Describe details of the proposed work you want to undertake (including any safety precautions intending to be undertaken when working on the tree).

To be completed by qualified Tree removalist - safety issues will be applied.

8. Describe the condition and life expectancy of the tree in detail:

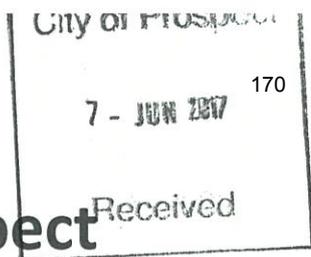
- 1. Trunk... Tree has limited life as it is breaking up
- 2. Canopy... has hongicorn Borer in Trunk and Canopy

9. Describe any specialist advice received on issues of tree health or safety, from qualified arboriculturists, botanists, or horticulturists (you will need to supply a written report from one of these specialists to substantiate your claim of health or safety is the reason for removal).

"referr report"

10. If your application involves the division of land, indicate any likely impacts and situations which may result in any significant "tree-damaging" activity occurring (do you need to remove any "Significant Trees" to allow the land to be developed).

Units are being proposed on this land



Tree Report for the City of Prospect

C/O Planning Office

03/06/17

On Behalf of Mrs Hahn Ngo on 0434 103 736

(Owner of the property – Mrs Hahn Ngo)

21 Cranbourne Close

Northgate, Sth Aust., 5085

Location of Tree - on the side of property at 78 Harvey Street, Collinswood.

Species Name – Common Name – Morton Bay Fig Tree

Botanical Name – *Ficus macrophylla*

Measurements – (1 Significant Tree) - see photo 1 – please note: - the area of crown of the tree with overextended limbs over Mc Donald's Restraint.

Circumference – 4.48m **Significant**

Height 12.4m

Crown =18.9 m

Measured by a True Pulse Laser

Approx. age of tree 80-90 years old

History of Tree

I was asked by Mrs Ngo to investigate their Morton Bay Fig Tree as they intend to develop this property as the current building is unliveable as far as safety standards and health standards as per the information they have received from council.

The cost to repair this house because the current root zone damage is out of the question as the structure of this house is dangerous to live in as the root system has cracked walls and made this house extremely dangerous.

This particular species of tree is also a health hazard as it is a haven for rats as they love this particular fruit, the figs from this tree and also it is common practice for this species of tree to become a nest area as it often has cavities and dry in the cold weather for them to live in and they have a very good source of food here.

The property with this tree is next to the Mc Donald's Restraint and they informed me that they already have issues with rats and want the tree removed as it is a constant health problem. As council have their own health inspectors and Mc Donald's have a high standard of cleanliness and health standards council must also have concerns with this issue.

There is also a problem with the owners wanting to build units on this land and cannot build with this constant health issue with rats present.

Also there is an issue with the local residents of the area surely with constant rat issues and council must surely have concerns with this aspect and wanting to deal with this ongoing issue with their residents.

Mc Donald's have also issues with the tree constantly dropping branches on the two driveway drive throughs as it is constantly busy and offers a safety threat. By the look of the tree it has been cut previously by Mc Donald's but because it is an extremely fast growing tree and has severe health issues this cannot be over looked as someone could become seriously hurt and if the tree was refused by council someone has to take responsibility – see photo 2.

There is also the fact in the Significant Tree Act and Regulation Part 2 – Variation of Development Regulation 2008 – section 6A PART 5b lists the species of trees which can be removed under normal conditions and this species of tree is in this list – for a very specific reason.

- (1) The excessive root systems
- (2) Extremely fast growing and is difficult to control.
- (3) This particular species of tree can easily reseed and this would, I imagine be a concern to council as they would have this tree then growing on their verges lifting roads and footpaths.

Health of Tree

The owners of this property asked me investigate this tree because the owners were concerned with its health as it recently started dropping branches. This species of tree is normally a very hardy species and rarely drops branches as it has strong structures and massive root zone areas which normally compensates for any abnormalities that the tree would encounter.

This type of tree would normally be well suited for park land areas or botanical gardens where root zone normally doesn't present a problem, also the large spreading crown area of this species of tree can grow to its maximum size and not interfere with structures and become a problem with walk ways. This species of tree excels well in sandy well drained soils and requires a high rainfall area. Because this tree is not in a sandy soil situation and high rainfall area it has left this particular tree in a very stressful condition, which has caused the tree to become invested badly with the Longicorn Borer leaving sections of the crown very sparse - see **photos 5 & 6** Also the previous owners have built a rocky formation around the tree and has caused the rocks to become embedded into the trunk and the buttress root zone area – see **photo 4**. Also this area is piled up with rocks all around the base of the tree has caused a cavity to form with white fungi present, currently this isn't critical at this point in time however the cavity will only worsen over time due to the fungi and will weaken the structure of the tree and this will weaken the main trunk and will also shorten the life of the tree – see **photo 5**. The main trunk formation has serious problems due to the cross mixing of branch formation. This has left many limbs cutting into the Cambium Layer of other main limbs causing these limbs to become weak and will further fail especially during storm conditions which is currently happening. There are many over extended limbs which have Collar Rot at the main branch collars, some of these limbs have soft rot at these branch collars with cavities present which are very weak at the main branch attachments and will surely fail at any given time especially during storm conditions – 2 examples given – see **photos 3 & 3A**.

Safety Issues and Risk Rating of this Gum

This Morten Bay Fig Tree is a very High Risk Rating due to the issues below – and as discussed previously in the health of this tree. -

Main points:

1. This Fig Tree due to the unstable main limbs which are over extended (approximately 6) and fungus present in the Collars of these limbs and the lean towards the Mc Donald's property on the Western Side this is a severe safety issue as Mc Donald's constantly have customers in their drive through and the tree canopy is well over this area – **see photo 2**
2. Because of the Mc Donald's s property next door has a large issue of rats due to this particular Fig Tree. This is a main stable diet of the rat and is very concerned with the safety and cleanliness and the reputation of this restraint and it can't have this constant threat which could close down the business down due to health reasons from customers becoming ill or possibly even a fatality.
3. The owner Mrs Mgo is very worried about the rat problem to her property because once they build the units they will have constant ongoing issues with rats. Rats often choose to live in the hollow of these trees as they have a constant food source and they can often further damage trees with their sharp teeth as they hone out the hollows to make nests and breed to large numbers.
4. There is also issues of unstable limbs over the new units intending to be built on this property, the tree is very unstable due to the many health issues of the tree and could fail at any time.
5. There is also the issue of limb failure when council give building consent the owners will have builders and contractors working under and near this tree. The owners will have a duty of care to all the workers on site and must have safe environment for them to work in and due to the unstableness of this tree this cannot be assured

Public Amenities of this Tree

Tree Rating – with a rating of 1-10

This Morton Bay Fig Tree would rate with a score of 4/10 which relates to: -

1. This tree is in only very average health due to the issues discussed in the health of the tree, especially root zone issues and unstable limbs.
2. This tree is not a native of South Australia, and originates from Southern Europe. The tree is found endemically from Jervis Bay in NSW Ranges to Cape York Peninsula in Qld, typically in high rainfall areas on sandy soil not in hot climates such as South Australia and clay content soils.
3. This tree does offers a reasonable attractiveness to native bird life currently but this could change rapidly due to the presence of the Longicorn Borer and recent failures, also the strong possibility of collar rot issues with main branches failures and the food source may eventually dry up and birds will move on to better food source but is a food source to vermin such as rats and the problem with possums to local residents.
4. This large Tree is in side of the property and does offer an attractiveness to the street scope currently as it can be seen easily by residents in the street and due to its age and size council has recognised this tree as significant to the area, however the health and safety of resident is of the utmost importance and must not be overlooked by council regarding this particular tree.
5. The tree has some major negative scoring issues due to the many safety issues, especially over the western side with Mc Donald's drive- throughs with the safety of constant flow of people buying food on the run under the canopy of this tree.

Recommendations

So for safety and health issues discussed due mainly overextended limbs with collar issues and rats. More seriously I believe this tree has the potential to cause serious harm or possibility of a fatality especially at Mc Donald's. In the current Act and Regulation it is suggested as one of the trees not to be planted and can be removed and yet council has put a protection on this particular tree. **I suggest this be reviewed and removed ASAP before someone gets hurt.** Also because of the infestation of the Longicorn Borer versus the very hardy species of tree, I believe this tree has a limited life span especially if we have extremely dry hot weather and the tree won't cope with the extreme heat and will suffer badly.

I also state as a disclaimer-that this tree was in only average condition at the time of inspection and I hold no claim of responsibility to other failures which may occur after the time of such inspections, which may occur in the form of further storm damage or unpredictable weather or act of god, especially if the council declines this report and the tree stays. **- By Bob Schultz**

I hope this Assessment meets with your approval

This Assessment was made by Mr Bob Schultz
6 Valour Court,
Golden Grove 5125 - Mob 0403582239

Qualified and Certified Arborist-

- Level 4 certificate in Arboriculture(The Advanced Certificate)
- Associate Diploma in Horticulture (level 5).
- Level 4 qualification in Environment studies.
- Level 4 Work Place Training and Development – Train councils and general tree contractors in level 3 and 4 Arb used to work as a qualified trainer for Civil Train.



Photo 1 - Shows the large Morten Bay Fig Tree showing the large crown area and size of this tree.

Area of the crown over the drive- throughs of Mc Donalds Restraunt which could fail at any given time.



Photo 2 – shows the large crown area over the 2 drive- throughs of Mc Donald's Restraint, this tree has many over – extended limbs with collar rot which could fail at any given time.

PHOTO SHOWS COLLAR ROT AND SOFT TISSUE ROT AT THE BRANCH COLLAR



PHOTO 3 – Shows the branch collar with Collar Rot, and soft tissue rot with a small cavity forming, which could fail at any given time.



Photo 3A – Shows Collar Rot of a main branch where a dead branch also died back and this main branch is over the Mc Donald’s Restraint drive-through.

photo shows large rocks imbedded in the large Buttress Root System near main trunk



Photo 4 – shows the large Buttress Root System at the base of the tree with large rocks imbedded deeply in the roots, this would cause the tree to go into stress badly, which in turn would cause branch failures and decline in the tree.



Photo 5 – Shows the Red arrows indicating the large cavity forming at the base of this tree with white soft tissue Fungi present, which is weakening the base of the tree. The Blue arrows indicate the presence of the Longicorn Borer due to the stress of the tree which will slowly kill this tree over time.

Photo shows top section of the main trunk slowly breaking up with many failure points



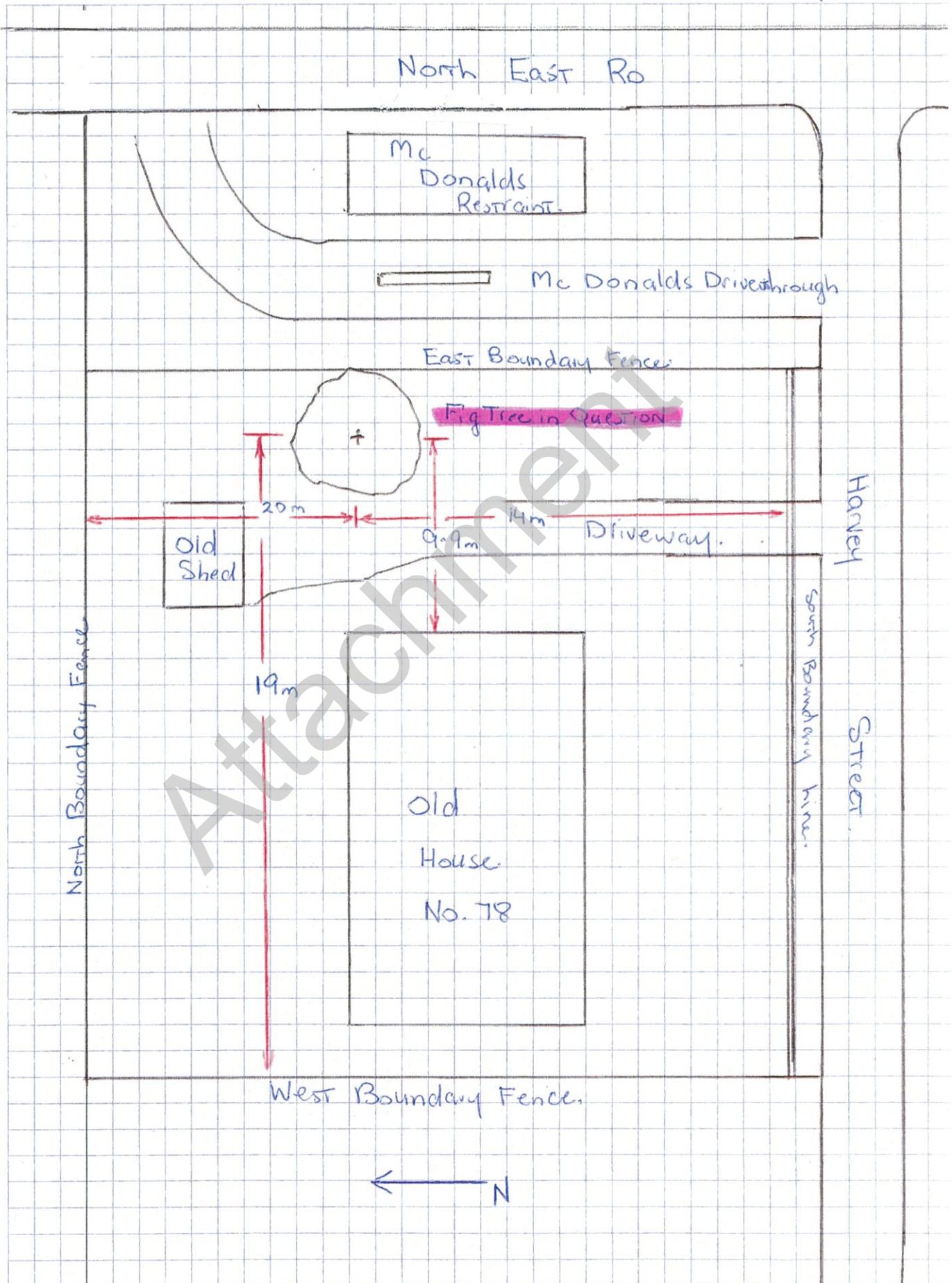
Photo 6 shows the top section of the main trunk which indicates the tree is slowly breaking up due to stress and the Longicorn Borer – please note : on the top left hand corner of photo the crown becoming sparse compared with the right of the photo, this is part of the Longicorn Borer ring barking the tree and it is slowly dying.

JOB Mrs Hanh Ngo significant
Morton Bay Fig Tree

Sheet.....1.....of.....1.....

Calculator Bob Schu

Date 3/6/17



SYMATREE



Tree Assessment Proposed Development - 78 Harvey Street Collinswood

DA 050/103/2017

Report prepared for

Ms Susan Giles
Development Officer - Planning
City of Prospect
June 2017

Report prepared by

Sam Cassar

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

Member South Australian Society of Arboriculture

Table of Contents

Introduction	3
Observations	4
Appraisal	7
Objectives and Principles of Development Control	12
Conclusion	14
Appendix A - Aerial Image	15

Attachment

Introduction

Instructions

I was instructed by Council to reassess a Port Jackson Fig located within the side yard of 78 Harvey Street, Collinswood after Council revised a development proposal, including a request for the tree's removal.

My brief was to undertake the following:

- Assess the general health and structure of the tree;
- Determine the likely impacts from the revised proposed development of three semi-detached dwellings; and
- Assess the tree against the relevant provisions of Council's Development Plan.

Site Visit

I carried out additional site inspections on the 30 May and 20 June 2017.

Documents and Information provided

Council provided copy of the following document:

- Daring Digital Architects, revised proposal, 4th and 5th amendments.
- Tree report, Bob Schultz, 3 June 2017

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 20 June 2017.

Observations



Figure 1. The subject tree, viewed from the south-east.

Location of tree

The subject tree is within a garden area; near central within the allotment located on the eastern side, adjacent to the boundary fence (refer Figure 1). The tree's trunk centre is 0.7 metres from the boundary fence shared with McDonalds and 11 metres from the north-eastern corner of the existing dwelling. The soil is heavily covered by leaf litter with uneven soil levels. A small stone retain wall is evident at the base of the tree, northern side.

The trees' approximate location is identified on the aerial image listed in Appendix A.

Species

Ficus rubiginosa, commonly referred to as a Port Jackson Fig.

Crown attributes

Height (clinometer): 14.5 metres.

Width (from trunk measured out): south 8.8 metres, north 11.6 metres, west 13.3 metres and to the east 4.2 metres.

Observations (cont.)

Circumference at one metre above natural ground level

Single Trunk: 4.32 metres.

The tree 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.

Trunk Diameter

Trunk diameters at 1.40 metres from ground: 1.36 metres.

Trunk diameter at tree base: 1.46 metres.

Tree Health and Structure

The subject tree divides into 5 main leaders between 1.8 and 3.5 metres from ground to form a wide spreading dome shaped dense crown that has a bias towards the north-west.

The canopy appears to be in good health with average foliage density, vigour and colour noted.

Moderate volumes of dead wood are apparent within the crown, the largest having a diameter of approximately 100mm. The tree is free from notable pests and diseases. Some epicormic growth is present within the inner crown.

The trunk is sound with no obvious cavities or evidence of termite or longhorn borer damage. Cambium die back is evident on some buttress roots and localised areas of damaged cambium is also located along the lower trunk, particularly on the western side of the tree (refer Figure 2). Cambium discolouration is also apparent (refer Figure 3). Sounding the lower trunk with a mallet indicates a solid trunk with minimal internal decay detected. No symptoms of collar rot or soft rot was observed.

All branch unions appear to be sound and free of any recognizable structural flaws or weaknesses from what can be observed from ground. At least four branch failures have occurred from the tree's northern side, upper crown (refer Figure 4). Branch failures have resulted in a medium sized gap being created within the crown, northern side. Some hangers are apparent. The largest of these failed branches had a diameter of approximately 80 mm.

No form of maintenance pruning has occurred to this tree in the past. The only pruning that has occurred on the tree's south-eastern side to provide clearance for the neighbouring property, McDonalds drive through.

Some branch rubbing and crossed branches are noted. Some have formed grafts (refer Figure 5). Horizontal/ descending orientated branching characteristics are apparent, particularly the lower sections of the crown. These branching characteristics are typical of the species.

Observations (cont.)



Figure 2. Cambium dieback buttress root western side, indicated in red.



Figure 3. Cambium die back lower trunk, indicated in red.

Observations (cont.)



Figure 4. Branch failures circle in red.



Figure 5. Branching graft, eastern side lower crown, circled in red.

Appraisal

The subject tree has been identified as Significant under the current provisions of the Development Act, 1993 and in my opinion possesses attributes worthy of retention. This tree has a strong visual presence within the locality and is a prominent feature in the landscape. The tree has a high aesthetic value and significantly contributes to the visual amenity of the local area.

The cambium die back noted along the lower trunk and top of some buttress roots is unusual with no obvious explanation to identify the cause. *Ficus rubiginosa* are known to be thinly barked and is readily damaged when struck. These symptoms are also consistent with herbicide/ chemical poisoning, but no entry points into the tree could be located when the assessment occurred. If poisoning has occurred no obvious adverse impact to the health of the canopy has yet to materialise.

Pruning options are available to address the damage on the tree's northern side due to past branch failure, the removal of dead wood and defective branches. Specific pruning requirements for the subject tree are beyond the scope of this report.

It is my view the subject tree does exhibit attributes worthy of retention. The tree is a mature specimen, in overall reasonable health with no significant structural defects that indicate it can be considered an unacceptable risk to private or public safety at this time.

Tree Protection Zone

The tree protection zone (TPZ) is the principal means of protecting trees on development sites. 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 should be maintained for the entire life of the proposed development.

Establishment of the TPZ will mean that traditional building practices (such as standard footings) may need to be adapted. 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:

Species	TPZ (radius)	TPZ Area	SRZ (radius)
<i>Ficus rubiginosa</i>	15 metres*	706.5 m ²	3.89 m ²

* Maximum allowable Tree Protection Zone permitted under the Australian Standard for the Protection of Trees on Development Sites (AS 4970).

Appraisal (cont)

Impacts from Development Activities existing and proposed

On the basis of the revised plans provided, the number of dwellings has been reduced from four to three. I have identified the following impacts as the development activities proposed and existing that have or are to occur within the subject tree's TPZ and SRZ:

- | | |
|---|------------------|
| • Proposed dwellings One – Three | 124.m2 (approx.) |
| • Proposed driveway | 237m2 (approx.) |
| • Existing McDonald's building and driveway | 112m2 (approx.) |

Existing and proposed encroachments are 473 m2 or 67% of the total TPZ area. In accordance with the Australian Standards the McDonalds building and driveway to the east of the subject tree needs to be taken into account when determining likely impacts from the proposed development. These structures that are located within the tree's TPZ are no longer available to maintain health and viability. The areas under these structures are hostile for root development and healthy growth.

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.

Tree Sensitive Construction

Tree sensitive construction techniques were initially proposed by the applicant in the 4th revision of the proposed development. These techniques include:

- Pier and Beam footing systems for those sections of the footing that encroach the designated TPZ.
- All underground services to be located outside the designated TPZ, on the western side of the allotment.

In addition, all paving could be installed using a no dig method (laid on natural ground) using permeable pavers within the TPZ area. It is unsure if this is achievable without site excavation occurring. An increase to existing site levels of 200 – 250mm would be required to accommodate the pavers. An increase in site levels will need conformation from the applicant.

If tree sensitive construction techniques are utilised then the level of encroachment would be considered acceptable for the subject tree.

Proposed Tree Pruning

The canopy of this tree dominant's the subject land. The level the canopy this tree encompasses of the subject land can be seen on the aerial image listed in Appendix A. The canopy of the subject tree is broad with the extremities of the western crown supported by existing structures (refer Figure 6).

The western canopy does extent some 13.5 metres in parts over the development site. The land is 21 metres wide. It has been proposed to prune all branches some 500mm away from the proposed dwelling walls. The level of pruning proposed will have a significant impacted upon the tree's remaining natural form, requiring significant crown lift and removal of the tree's natural rounded form on its western side. It is estimated 30 - 40% of the existing crown would need to be removed to achieve the pruning proposed by the applicant.

Appraisal (cont)

I suggest additional pruning away from the upper storey and above the car parking areas will also be required to allow views, natural light into the rooms and simply to reduce nuisance to residents. This species is known to have a fast growth rate and pruning will be required on an ongoing basis, likely twice yearly.

This and the ongoing clearance pruning that has and will occur on the McDonalds site will have a detrimental impact to the tree's natural shape. In essence a large hedge would be created.

Canopy Overhang

To suitably address the risks of branch failure it is advised future use of spaces must not allow frequent or constant use targets such as the buildings, carports etc. to be located under the canopy of the subject tree.

All trees pose some degree of risk which increases with age and sometimes through modified site conditions and or environmental stress. I suggest the risks associated with branch failure/s, for the foreseeable future for the subject tree is considered low to moderate. The tree has already experienced 4 branches to date.

It is proposed that the car parking areas and the common driveway will be located under the canopy of the subject tree. It is preferred particularly the car parking areas be located outside of the canopy to suitably address the future risk of branch failure.



Figure 6. Canopy extent over and adjacent to the proposed development site. Tree viewed from the north.

Appraisal (cont)

Other Issues

Ficus rubiginosa are known to produce large quantities of fruit which are an attractive source of food for fruit bats, rats, a range of bird species and possums. Droppings from these animals/birds are expected to also be an ongoing problem to future residents. Also fruit drop will cause exterior damage to parked vehicles and become slip hazards to pedestrians.

In addition, given the dense crown nature of the subject tree's ongoing dense shading will occur to all areas located under the canopy including the eastern facades of all proposed dwellings.

Rat Issue

The manager of McDonalds informed me that the rat problem has only become an issue since the site was vacated. I did not observe any evidence of a rat nests as claimed by the applicant's arborist within the base of the tree or an increase in the rat population.

It is acknowledged, given the derelict state of the site that rats would thrive, their population would have increased and fruit from the subject tree would be used as a food source.

Root System

Ficus rubiginosa produce extensive aggressive strong root system which can damage paving. Given their size this species requires sufficient room to allow their root systems to grow.

If the development proceeds as proposed (three semi-detached dwellings) the subject tree's influence on these properties and paving will rise becoming increasingly problematic with root damage highly likely. The subject tree has the potential to cause substantial root damage to buildings and structures of value by being an overly large tree growing in a relatively small space.

Development Options

In my view two options are available, intense (3 or more dwellings) or less intense development (one or two dwellings).

Intense development appears difficult with the retention of the subject tree, given the tree's characteristics. Characteristics, including its dense canopy, fruit development, dropping of large quantities of fruit and leaves leaving a mess underfoot, attract rats, possums and a range of birds being a potential food source, fast growth rate, the need for ongoing pruning and the potential future damage to adjacent infrastructure with all not being conducive to long term tree retention. Also the tree will pose an ongoing risk if car parking areas were to be placed under the canopy of the subject tree if further branch failure were to occur.

Development involving one or two dwellings would provide space needed to allow the retention of the subject tree so that its characteristics are less of an intrusion to the residential life. Space under the canopy will allow the tree to drop fruit and leaf litter, grow without the need for ongoing annual pruning, (although some level of pruning would be required) provide opportunities for private open space outside of the canopy, suitably address the risk of future branch failure and provide sufficient areas to allow the root system to grow without impacting infrastructure. Under this scenario it is suggested the area below the tree becomes a mulched area with some understorey planting.

Some pruning to reduce the extent of the canopy to the west and south and to lift the crown would be recommended to reduce the level of canopy overhang and allow easy access so that the area below the canopy could be incorporated as usable open space.

Objectives and Principles of Development Control

The subject tree has been identified as a Significant Tree. 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 tree's location, height and spread of crown gives it a strong visual presence within the immediate locality. It is a large, mature tree, making it a prominent feature in the landscape.

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

No: The tree is not indigenous to the local area or listed under the National Parks and Wildlife Act as a rare or endangered native species.

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

No: The subject tree would not be considered an important habitat for native fauna. No hollows suitable for nesting are present within the crown of the subject tree. However fruit from the tree would be considered a food source for local fauna.

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

No: There is no visual evidence to indicate the tree is part of a wildlife corridor or part of an area of remnant native vegetation. However the tree would provide a food source for birds, bats and rodents.

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

No: The tree is not important to the maintenance of biodiversity in the local environment as it is not a local indigenous native species.

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

Yes: The tree can be viewed from a number of vantage points from within the locality. The subject tree forms a notable visual element in the landscape of the local area, it is clearly visible from the street and surrounding properties for some distance as one travels from any direction away from the subject tree. It would be one of the largest trees within the immediate 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 tree is not diseased and it is 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 tree currently represents a low to moderate risk to private 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 obvious evidence exists this tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

- (2) It is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

It has not been demonstrated that all reasonable alternative design solutions have been considered to prevent substantial tree-damaging activities occurring. Alternate site development options appear available to ensure tree-damaging activities do not occur to the subject tree.

Principle 350

Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.

Encroachments existing (McDonalds Site) and proposed to construct the three dwellings and common driveway is likely to cause irreparable damage the root system if traditional building practises are used which will in turn adversely impact the long term health of the tree. Tree sensitive construction techniques can be utilised to reduce the level of encroachment to acceptable levels for the subject tree. Also the tree's aesthetic appearance will be adversely impacted by the level of pruning required to achieve desired clearances from the proposed dwellings and to allow views, natural light into the rooms and to reduce nuisance to residents.

Conclusion

The subject tree a mature *Ficus rubiginosa* is considered Significant under the current provisions of the Development Act, 1993 and is identified in Table Pr/4 of the Council's Development Plan.

The subject tree is in reasonable health and has no significant structural defects that indicate it can be considered an unacceptable risk to private safety or property at this time.

The subject tree displays characteristics, including a dense canopy, fruit development, dropping of large quantities of fruit and leaves leaving a mess underfoot, attract rats, possums and a range of birds being a food source, fast growth rate with the subsequent need for ongoing pruning and an aggressive root system.

Two options are available to develop the subject land, intense (3 or more dwellings) or less intense (one or two dwellings). A less intense approach will provide the space necessary to allow the tree's retention so that the characteristics of the tree are less intrusive to the future occupiers of the property. A more intense option as proposed would not be conducive to long term tree retention and if supported by Council approval to removal the subject should be granted.

If the tree is retained then tree sensitive construction techniques should be utilised so that any encroachment into the tree's designated tree protection zone can be tolerated. These will need to be specified as conditions of approval.

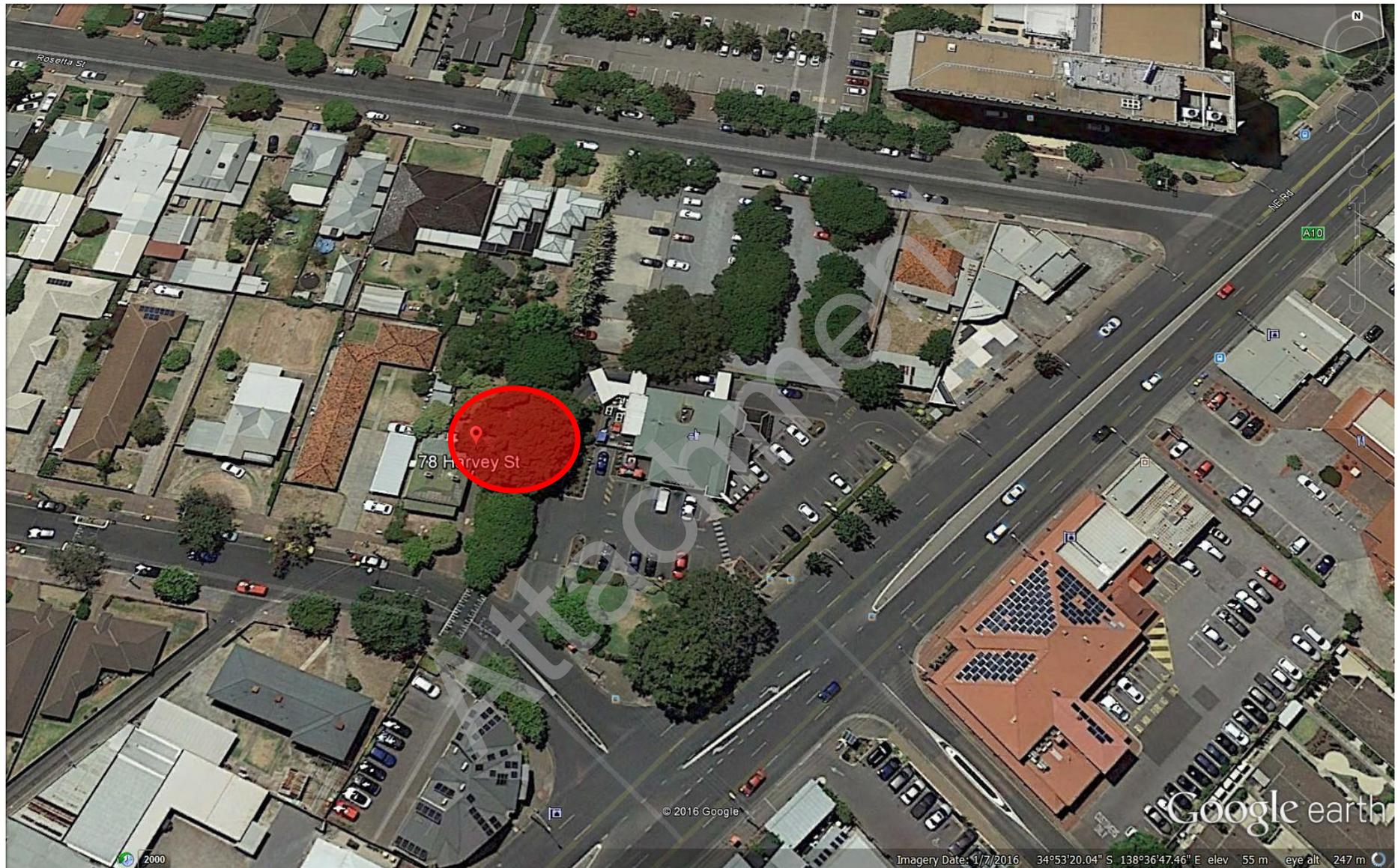
Thank you for the opportunity in providing this report. Should you have any questions or require further information, please do not hesitate in contacting me.



Sam Cassar

Appendix A Aerial Image

Attachment



AGENDA ITEM: 5.2

To: Development Assessment Panel (DAP) on 13 February 2017

From: Susan Giles, Development Officer, Planning

Proposal: Two Storey Residential Flat Building comprising Four Dwellings, Front Fence and Associated Tree-damaging Activity (DA 050/527/2015)

Address: 78 Harvey Street, Collinswood (CT 6163/893)

SUMMARY:

Applicant: Ms Hanh Ngo

Owner: Ms Hanh Ngo

Planning Authority: Council

Mandatory Referrals: Nil

Independent Advice: Symatree

Public Notification: Category 2

Representations/Submissions: Nil

Respondent: Nil

Development Plan Version: Consolidated 12 February 2015

Zone and Policy Area: Residential Zone (Policy Area A350)

Key Considerations: Site Area, Setbacks, Site Coverage, Private Open Space, Impact to Significant Tree, Design and Appearance, Bulk and Scale, Landscaping, Traffic Movement

Recommendation: Refusal

ATTACHMENTS:

<u>Attachment 1</u>	Development Application Form
<u>Attachments 2-3</u>	Locality plans
<u>Attachment 4</u>	Photos of site
<u>Attachments 5-12</u>	Proposal plans
<u>Attachment 13</u>	Overshadowing diagrams
<u>Attachment 14</u>	3D perspectives
<u>Attachments 15-16</u>	Drainage Plan and Site Levels
<u>Attachments 17-18</u>	Supporting correspondence prepared by Architect
<u>Attachments 19-30</u>	Supporting correspondence prepared Outhred English Urban & Regional Planners on behalf of applicant
<u>Attachments 31-69</u>	Revised Arborist report prepared by Project Green on behalf of applicant
<u>Attachments 70-83</u>	Arborist report prepared by Symatree on behalf of Council

<u>Attachment 84-114</u>	Superseded plans
<u>Attachments 115-122</u>	Design Report prepared by Architect for superseded plans
<u>Attachments 123-159</u>	Original Arborist report prepared by Project Green on behalf of applicant for superseded plans

1. EXECUTIVE SUMMARY

- 1.1 The proposal is for the construction of a two-storey residential flat building comprising four self-contained dwellings located on one allotment within the A350 Policy Area. Public notification was undertaken to adjacent properties, with no representations received against the proposal. The proposal was referred to an independent arborist who does not support the proposal as it would cause an unreasonable impact the significant tree on the subject land. No other referrals were required.
- 1.2 The key considerations of the application are in regard to the proposed site density, setbacks, private open space, site coverage, car parking and vehicular access, landscaping, external design and appearance, and the impact to the significant tree.
- 1.3 The proposal falls short on achieving the minimum quantitative and qualitative requirements within the A350 Policy Area. The proposed built form would not be sympathetic to the existing streetscape and would have an unreasonable impact on the significant tree located on the subject site. It is therefore recommended that the proposed development is refused.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality comprises a mix of residential and commercial land uses. The subject site is close to North East Road, with a McDonalds restaurant to the east, the ABC building and associated car park to the north-east, offices to the south-east adjacent North East Road, and residential land uses to the west.
- 2.1.2 There are a range of housing styles within Harvey Street, including single storey residential flat buildings comprising 3 and 4 dwellings, single storey detached dwellings and a two storey residential flat building directly south of the subject land. The setbacks of dwellings to Harvey Street are relatively consistent, with most allotments having open front yards.
- 2.1.3 The allotments on the northern side of Harvey Street are of a relatively homogenous size and shape, and typically retain the original dwellings. On the southern side of Harvey Street the allotments vary substantially in size and shape, however maintaining relatively consistent frontage width. Some of the allotments on the southern side of Harvey Street have been redeveloped to group dwellings, residential flat buildings and hammerhead style developments.
- 2.1.4 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 2**.

2.2 Subject Land

- 2.2.1 The subject land is located 32m west of North East Road. The land comprises one allotment with a total area of 910m², with a frontage of 21.33m to Harvey Street and a depth of 42.67m. The land is relatively flat with a 100-200mm difference from the front to the rear of the site.
- 2.2.2 Existing site improvements comprise the original single storey dwelling and various sheds. The site has had recent development approval to demolish all existing structures. Adjacent the eastern boundary there is a Ficus rubiginosa (Port Jackson Fig) which is listed as a Significant Tree within Table Pr/4 of Council's Development Plan. The site is not heritage listed.
- 2.2.3 To the front of the site on Harvey Street there is a speed hump, two street trees and a street sign.
- 2.2.4 The subject land is located within the Residential Zone, Policy Area A350. The allotment directly abuts the Commercial Zone to the east, and Neighbourhood Centre Zone to the south.
- 2.2.5 The subject land is illustrated on **Attachment 3**. Photographs of the subject land are also include for the DAP's reference (refer **Attachment 4**).

3. PROPOSAL DESCRIPTION

- 3.1 The proposal is for the construction of a residential flat building, comprising 4 two storey dwellings. The dwellings would share a common driveway and be fronted by an 1800mm high fibre cement fence which is proposed to face Harvey Street.
- 3.2 The dwellings would have an east-west orientation and would be joined together, yet have separate roofs. Dwellings 1, 2 and 3 would be joined together at ground floor only. The ground floor would comprise an open plan kitchen, dining and living area, a WC and laundry. Dwelling 4 would have a larger footprint, with bedroom 1 also at ground level. On the upper floor each dwelling would have be 2 bedrooms, 2 bathrooms, with dwelling 1 and 4 also having a living area and dwellings 2 and 3 would have east-facing balconies adjacent bedroom 1. Dwelling 1, 2 and 3 would have a single carport and verandah located to the side and rear of the dwellings. Dwelling 4 would have a single garage adjoining Dwelling 3, and a verandah located to the rear of the site.
- 3.3 Landscaping and paving is proposed to the front of the site and within the common driveway. The applicant proposes to retain the Significant Tree, though the proposed building works would involve tree-damaging activities relating to root and canopy pruning.
- 3.4 No other works are proposed. The proposal plans are attached (refer **Attachments 5-13**) along with 3D perspective plan (refer **Attachment 14**), and a drainage plan and details of the site levels (refer **Attachments 15-16**). Supporting documentation including a detailed description of the proposal (refer **Attachments 17-18**), supporting documentation from a town planner engaged by the applicant (refer **Attachments 19-30**), and a report prepared by an arborist engaged by the applicant (**Attachments 31-69**), are attached

4. REFERRALS

4.1 Internal (Advisory) Referrals

4.1.1 The proposal was referred to an independent arborist, Mr Sam Cassar of Symatree Pty Ltd, to advise on the health, life expectancy and risks associated with the retention of a significant tree on the site. Mr Cassar identifies that the development would cause substantial tree-damaging activities during construction. Furthermore, the development would not be conducive to long term tree retention and would impose ongoing issues for future occupants, which could be avoided with a reduction in the number of dwellings. Mr Cassar suggests that pruning will be required to allow for the development to occur.

4.1.2 The full report is enclosed (refer **Attachments 70-83**) and will be discussed later in the report with regard to the advice provided by Project Green Pty Ltd, on behalf of the applicant.

4.2 External (Legislated) Referrals

4.2.1 No legislative advice or consultation with external agencies was required.

5. PUBLIC NOTIFICATION

5.1 The application is a Category 2 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 the construction of 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high.

5.2 The public notification period ended with no representations being received.

6. PLANNING COMMENTARY

6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 13 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

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

7. PLANNING ASSESSMENT

7.1 Land Use

7.1.1 The land is located in the Residential Zone, where it is anticipated that development will comprise a range of housing types and styles to meet the diverse needs of a growing population (Residential Zone PDC 2).

7.1.2 While the site is unoccupied, the original detached dwelling remains. The development proposes to construct 4 new dwellings, which would provide additional housing opportunities and is therefore consistent with the broad intent of the Residential Zone.

7.2 Site Area

- 7.2.1 To ensure consistency with the existing and predominant pattern of development, while allowing for in-fill housing to occur of a form and style consistent with the desired future character, it is generally desired that detached dwellings should have a site area of no less than 350m² and a frontage width of no less than 10.0m (PA350 PDC 5). A residential flat building or group dwellings should have allotments of no less than 300m² and a frontage of no less than 15m. The minimum site area excludes the area of any common driveway (PA350 PDC 7).
- 7.2.2 The proposal is for a residential flat building comprising four dwellings on an allotment that is 910m² in area. Excluding the common driveway (approximately 208m²), the dwellings would be located on allotments with areas of approximately 129m² (dwelling 1), 120m² (dwelling 2 and 3) and 196m² (dwelling 4). The proposed site areas therefore fail to achieve the minimum desired area.
- 7.2.3 If the driveway was included in the calculations, then the average site density would be 227m² per dwelling, which is 73m² or 24% shortfall from the minimum 300m² anticipated for residential flat buildings within the A350 Policy Area.
- 7.2.4 It is acknowledged that the locality comprises a variety of dwellings on a variety of allotment sizes, and the locality has characteristics which could support an increase in site density, as outlined by Mr John Outhred from Outhred English Urban and Regional Planners (refer **Attachment 24**). However, it is anticipated that residential development should be undertaken with the minimum adverse effect on the health of a significant tree (Council-wide PDC 348). While this is discussed in more detail later in the report, it is noted that a more appropriate site density would substantially lessen the extent of tree-damaging activities occurring.
- 7.2.5 Nonetheless, the proposal substantially exceeds the anticipated maximum density for this policy area of the Residential Zone. It is thus considered that the proposal is inappropriately departed from the relevant provisions of the Council's Development Plan.

7.3 Design and Appearance

- 7.3.1 Within the Residential Zone, it is anticipated that all buildings should maintain and enhance streetscapes and the neighbourhood character in existing areas, or assist to create attractive and appropriate streetscapes. It is generally anticipated that residential development will respond to the particulars of the identified desired character, which in some circumstances is reflective of the existing character.
- 7.3.2 Within Policy Area A350, future development is likely to incorporate low to medium density dwellings, as well as the retention and improvement of existing housing stock. The establishment of side, front and rear building setbacks consistent with those of adjacent sites is desirable, to allow for landscaped gardens that contribute to the established streetscape character.
- 7.3.3 While the existing built form along Harvey Street comprises a range of dwelling styles, the materials and finishes are predominately brick, stone and render. The dwellings are setback consistently, providing uniformed front gardens.

7.3.4 The proposed dwellings would comprise contrasting coloured wall panels, texture coated and paint finished AAC type cladding panels and express jointed modular unit cladding panels. The dwellings would have a hip and valley roofs clad in colorbond iron monument. The wall cladding would consist of both dark and light tones of grey, such as Dulux Wallaby, Ecru and Silver Sky, with gutters and down pipes to match. While the external building materials would not incorporate highly reflective materials (Council-wide PDC 133), they would not be consistent with materials and finishes on the dwellings within the immediate locality.

7.4 Setbacks

7.4.1 The setback of a dwelling to the primary street frontage within the Residential Zone should be no less than 4m to a verandah, portico, bay window or the like. In any event the setback should be consistent with the dwellings within the street (Council-wide PDC 66).

7.4.2 The proposed dwelling closest to Harvey Street would be setback 4.7m-5m from the front boundary. The dwellings located on the adjoining allotments range from 6m-8.3m, with the exception of the units at 72 Harvey Street which are approximately 3.5m. Therefore, the proposed front setback is not considered to be consistent with the streetscape.

7.4.3 The Prospect (City) Development Plan describes a building envelope within which new development should be contained. The building envelope is defined by projecting a plane at 45 degrees from a height of 3 metres above natural ground level at the side, rear and front allotment boundaries to a maximum height of nine metres (RPA350 PDC 11).

7.4.4 The dwellings are two-storey in nature. The wall height of the dwellings would be approximately 5.6m, and together with a roof pitch of 25 degrees, the height at the top of the pitch would be 7m approximately. The dwellings to the rear of the site would not encroach beyond the recommended building envelope and comfortably satisfy this provision.

7.4.5 Potential interface impacts to adjoining sites are ameliorated through appropriate side and rear setbacks but front setback departures compound earlier noted concerns regarding the presentation of the dwellings within the streetscape.

7.5 Site Coverage

7.5.1 It is anticipated that the footprint of residential development should not exceed 50% of the total area of the site (RPA350 PDC 8).

7.5.2 The ground floor footprint of the dwellings comprise approximately 69m², 72m², 71m² and 112m², therefore combined floor area would be approximately 325m², occupying 35% of the total site. However, when considered individually, each dwelling would occupy between 56% and 60% of their retrospective site. While the proposed dwellings would exceed the maximum site coverage anticipated within the Residential Zone, in the context of the overall intent of the provision it is considered that this departure would not be fatal to the proposal in isolation.

7.6 Private Open Space

7.6.1 All dwellings should be provided with useable private open space of 25m² per bedroom (or room that could be used as a bedroom). To constitute usable private open space, the area should have a minimum dimension of 4 metres, while up to 20% of the area required may be covered by a verandah that is open on at least two sides (RPA350 PDC 9).

- 7.6.2 Allotments and dwellings should, where practicable, be orientated to enable the application of energy conservation principles so that habitable rooms and private outdoor spaces face north (Council-wide PDC 19). To ensure the useable open space remains private, it is desired that the area not be located facing the street and is directly accessible from the internal living areas of the dwelling (RPA 350 PDC 10).
- 7.6.3 Dwellings 1, 2 and 3 would provide 2 bedrooms, which in accordance with the above requirement require a minimum of 50m² in area. Dwelling 4 would provide 3 bedrooms, thus requiring a minimum of 75m² of private open space.
- 7.6.4 Dwelling 1 would be provided with approximately 50m², of which 25% would be covered by a verandah, Dwellings 2 and 3 approximately 47m² of which 27% would be covered by a verandah, and Dwelling four approximately 99m² of which 14% would be covered by a verandah.
- 7.6.5 While the private open space areas would fall slightly short of achieving the minimum, and exceed the maximum desired amount to be covered by a verandah, it is noted that the space would be directly accessible from the internal living areas, have a minimum dimension of 4m, and have access to northern sunlight. Therefore taking into consideration the location and orientation of the private open space, the shortfall in size is not considered to be an unreasonable departure and would not be fatal to the proposal in isolation.

7.7 Energy Conservation Measures

- 7.7.1 It is desired that new dwellings are designed to provide adequate thermal comfort for occupants while minimising the need for mechanical heating and cooling (Council-wide PDC 79).
- 7.7.2 The main living areas for dwelling 4 would have a northern orientation, and the main living areas for dwellings 1, 2 and 3 would have a western orientation. The windows and doors would be shaded to reduce summer heat load and permit entry of winter sun, allow for cross ventilation to enable cooling breezes to reduce internal temperatures in summer. The location of windows and doors on the ground floor would enable natural light and ventilation to all rooms. On the upper level however, cross ventilation opportunities are considered to be relatively poor.
- 7.7.3 The location of heating and cooling plant has not been illustrated, however it is noted that the roof form could provide some opportunity to facilitate future solar collectors and photovoltaic cells (Council-wide PDC 80).

7.8 Overshadowing

- 7.8.1 New development should allow for adequate winter sunlight to the ground level private open space of existing adjacent properties, by ensuring that sunlight is available to at least 50% of the ground level private open space, or 35m² with a minimum dimension of 2.5m, whichever is the lesser area. The availability of sunlight to this area should not be reduced to less than 2 consecutive hours between 9:00am and 3:00pm on 21 June (Council-wide PDC 78 and Design Technique 78.1).
- 7.8.2 Overshadowing diagrams have been provided (refer **Attachment 13**), which illustrate the anticipated shadow at 9am, 12pm and 3pm on the 21st of June. The diagrams illustrate that the adjoining dwellings would still achieve more than 2 consecutive hours of sunlight. Accordingly, the proposal would not excessively overshadow the neighbouring allotments.

7.9 Visual Privacy

- 7.9.1 New development should be designed to prevent overlooking into the adjacent private open space or adjoining windows of neighbouring allotments. Any window that directly overlooks the private open space or adjoining windows of any adjoining property should be glazed in fixed opaque glass to a height of at least 1.7 metres, or have the window sill located a minimum of 1.7 metres above the floor (Council-wide PDC 90).
- 7.9.2 The north and west facing upper level windows would look directly into adjoining residential properties. The north and west facing windows would comprise window sill heights at 1.7m above the finished floor level or frosted, fixed glass to 1.6m above finished floor level. The east facing windows and balconies would provide passive surveillance to the McDonalds Restaurant.
- 7.9.3 It is considered that the extent of proposed privacy treatments is insufficient, though this is not considered fatal to the proposal as this matter could be resolved through the imposition of conditions if consent was to be granted.

7.10 Car Parking

- 7.10.1 Dwellings with up to 3 bedrooms should provide two on-site car parking spaces, with one undercover. An additional car parking space is required for every two additional bedrooms (Council-wide PDC 56). The car parking may be in a stacked formation (Council-wide PDC 57).
- 7.10.2 Each dwelling would have two car parks the form of a single width carport or garages, and a visitor car park that can be parked in front of the carport/garage in a stacked formation adjacent the common driveway. Thus the proposal would provide the minimum desired number of car parks in accordance with the above provision.

7.11 Site Access

- 7.11.1 Generally, hammer-head style development should comprise an access way which:
- is a minimum of 5m for one or two dwellings and widening to 6m for at least 6m from the street frontage. Where there are more than two dwellings, the access way should be 8m to facilitate two way vehicular movement and landscaping.
 - is paved for vehicular traffic to a width of at least 4.5m for two way traffic.
 - enables all vehicular movements to be in a forward direction
 - is lit at regular intervals, especially if longer than 15.0 metres.
 - is landscaped with appropriate plants that would not interfere with the movement of vehicular traffic or the stability of adjoining buildings, but will still create an aesthetic streetscape approach to the main portion of the allotment.
 - has fencing that maintains the privacy of the adjoining residents, but avoids a tunnel effect (Council-wide PDC 21).
- 7.11.2 Currently there is a single crossover located close to the south-east corner of the site. The proposal would utilise the existing crossover and increase to 4.8m in width. The driveway would widen to 5m-5.54m for a depth of 5m before it tapers to 3.8m to allow for landscaping beds in front of the dwellings.

- 7.11.3 The proposed crossover would retain the two street trees and avoid alterations to the speed hump. A street sign alerting drivers to the speed hump would need to be relocated. No other service infrastructure would be affected, including the ETSA stobie pole located to the west of the site.
- 7.11.4 The drainage plan (refer **Attachment 15**) illustrates the common driveway would be concrete, the site plan (refer **Attachment 5**) illustrates that permeable paving would be provided within the driveway and a suspended slab with quarry type tiles directly adjacent the significant tree.
- 7.11.5 The driveway would be approximately 33m long. No lighting is proposed within the driveway, and the landscaping would comprise trees and shrubs.
- 7.11.6 It is noted that the applicant has provided a turning path diagram (refer **Attachment 10**) demonstrating the manoeuvring to and from the car parks. While vehicles can adequately manoeuvre on site and enter and exit the site in a forward direction, the proposed driveway is not considered to be a reasonable width to allow for simultaneous two-way movement on site.

7.12 Site Preparation

- 7.12.1 The site levels range between 100.20 at the front of the allotment and 100.6 at the rear of the allotment. The level at top of kerb ranges between 99.88 to 100.07 (refer **Attachment 16**).
- 7.12.2 The finished floor levels (FFL) of the dwellings proposed would be 100.60. It is anticipated that this would require build-up of the site to be retained at property boundaries by retaining walls. Taking into consideration the existing levels and anticipated paving levels, the retaining walls would vary in height, with the highest being approximately 400mm in height (refer **Attachment 15**).
- 7.12.3 While the extent of site build-up would be reasonable given the locality to which it relates, it is noted that it would have a potential impact on the significant tree, as outlined within the arborist report and as outlined below.

7.13 Impact on Significant Tree

- 7.13.1 The Development Plan outlines the importance of protecting significant trees, and reducing the potential for tree damaging activities to occur. Development should be undertaken with the minimum adverse effect on the health of a significant tree (Council-wide PDC 348).
- 7.13.2 A significant tree should be retained, and development preserve the attributes of the tree, particularly when the tree makes an important contribution to the character or amenity of the local area, or forms a notable visual element to the landscape of the local area (Council-wide PDC 346).
- 7.13.3 A *Ficus rubiginosa* (Port Jackson Fig) on the site is listed in Table Pr/4 of the Development Plan as a significant tree. The tree is approximately 16-18m high and 20m wide, and has a circumference of 4.3m when measured from 1 metre above ground level. The tree is located adjacent the eastern boundary and approximately 9m from the existing dwelling. It is proposed that the tree be retained.
- 7.13.4 A report prepared by Project Green on behalf of the application has been provided (refer **Attachments 31-69**), and the proposal was referred by Council staff to Mr Sam Cassar of Symatree Pty Ltd for further advice (refer **Attachments 70-83**).

- 7.13.5 Both Project Green and Symatree advise that the tree makes an important contribution to the character and amenity of the local area, as it is a mature specimen that is conspicuous within the local landscape. The tree's large canopy and foliage density results in a tree that is a notable visual element to the landscape of the area, with Mr Cassar advising that it would be one of the largest trees within the locality. Accordingly, the tree should be retained.
- 7.13.6 Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces, should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected (Council-wide PDC 350).
- 7.13.7 Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree (Council-wide PDC 351).
- 7.13.8 Project Green and Symatree both advise that the tree is in good health and is free from pests and diseases, and note that no maintenance pruning has occurred to the tree in the past. The principle point of disagreement relates to the extent of the encroachment of the works into the Tree Protection Zone (TPZ).
- 7.13.9 Mr Cassar suggests that in accordance with the Australian Standards, the extent of the encroachment within the TPZ should include the area of fill, the proposed buildings footprint and the McDonalds restaurant building and driveway, which would result in a total encroachment of 63%. When considering just the dwellings and paving however the proposed development would have an encroachment of approximately 47%. Project Green suggests that the proposed buildings and paving would have an encroachment of 40%.
- 7.13.10 While Mr Cassar acknowledges that some tree sensitive construction measures have been proposed to reduce the impacts, he concludes that the extent of works would nonetheless exceed what is considered acceptable, and the encroachment into the TPZ is likely to have a detrimental impact on the health of the tree.
- 7.13.11 Furthermore, the western canopy extends approximately 13.5m over the site and it is proposed to prune all branches so that the dwellings would not be located underneath the canopy. Mr Cassar advises that the level of pruning proposed would have a significant impact upon the tree's natural form, and would require significant crown lift and removal of the tree's current and natural rounded canopy.
- 7.13.12 The common driveway and car parking areas would be located directly under the tree canopy. Mr Cassar advises that this species is known to produce large quantities of fruit which attracts bats, rats and a range of bird species and possums, thus is highly likely to cause ongoing maintenance issues for future residents. Furthermore, Mr Cassar also advises that the species has the potential to cause substantial root damage to the future buildings, and that this potential would be exacerbated by the extent of root coverage.
- 7.13.13 Mr Cassar concludes that the proposed development would result in substantial tree-damaging activities occurring (refer **Attachment 81**).

7.13.14 Project Green concludes that the proposal would have a major encroachment into the TPZ and would impact the crown of the tree but nonetheless considers the tree-damaging activities acceptable. While Project Green identify that the proposed encroachments could be mitigated to some extent, they advise that it is not possible to guarantee that there would not be impacts on the long-term health of the tree (refer **Attachment 46**).

7.13.15 Accordingly, it is noted that a more appropriate response to site density would substantially lessen the extent of tree-damaging activities occurring.

7.14 Landscaping

7.14.1 Landscaping should be utilised in all developments to complement existing streetscapes. Landscaping should integrate with new development, be of an appropriate scale relative to both the street reserve width and the building bulk, assist in micro climate management, shade vehicle parking and manoeuvring areas, maximise absorptive landscape areas for on-site infiltration of stormwater and preserve existing mature vegetation (Council-wide PDC 86 and 87).

7.14.2 In addition to the above, buildings up to two-storeys in height are appropriate in the A350 Policy Area, provided that landscaping is proposed on the site of the development to soften the visual impact of the second storey (RPA 350 Desired Character Statement).

7.14.3 The applicant has provided landscaping details as described on the site plan, which comprises of low lying shrubs to the front of the site and within the common driveway. In this regard, the proposed landscaping is not considered to provide an appropriate level of softening to the appearance of the proposed dwellings as viewed from adjoining properties, although the existing tree would continue to be prominent as viewed from the street.

7.15 Stormwater Management

7.15.1 Development should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council-wide PDC 98). Each dwelling is proposed to have a 1000 litre rainwater tank, with one connected to the WC. The overflow would be collected in a sump system and slowly released to the street water table. Surface runoff would be controlled through the grading of paved areas, and the provision of the sump system to ensure the appropriate and controlled discharge of runoff to the street (refer **Attachment 15**).

8. **CONCLUSION AND RECOMMENDATION**

8.1 The proposed development would satisfy the intent of the Residential Zone by providing additional housing to meet the needs of a growing population. However, a primary concern with the proposal is that the site areas for each dwelling would not achieve the minimum anticipated within the A350 Policy Area.

8.2 While it is acknowledged that the locality comprises a variety of dwellings at higher densities than the current policy anticipates, the proposal would not satisfy all quantitative guidelines for setbacks or site coverage, while the form, materials and finishes of the proposed dwellings are not considered to be consistent with other dwellings within the locality. A number of these departures may not be fatal to the proposal in isolation, but when taken together are considered to indicate that the proposal would be an overdevelopment of the subject land.

8.3 The proposed vehicular access and car parking would not comfortably enable two-way vehicle movement to, from and within the site, and the landscaping is not considered to be of a sufficient quality to soften the overall built form. The proposed development is also considered to have an unreasonable impact on the Significant Tree located on the subject site.

8.4 As such, it is considered that the proposal does not warrant the support of the Development Assessment Panel and the application should be refused.

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 050/527/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to DA 050/527/2015 from Ms Hanh Ngo for a Two Storey Residential Flat Building comprising Four Dwellings, Front Fence and Associated Tree-damaging Activity (DA 050/527/2015) at 78 Harvey Street, Collinswood (CT 6163/893), as the proposal would:

- Fail to achieve the desired allotment sizes;
- Be of excessive bulk and scale, which would detract from the existing and desired character of the area;
- Would not sufficiently provide for the ongoing retention of a significant tree on the land;
- Fail to provide an appropriate configuration for convenient vehicle access and parking; and
- As a result of the above, would be an overdevelopment of the subject site.

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

- Council Wide Objectives 29, 41;
- Council Wide Principles of Development Control 44, 45, 47, 54, 90, 348, 350, 351;
- Residential Policy Area A350 Desired Character Statement; and
- Residential Policy Area A350 Principles of Development Control 4, 7, 8, 9.

Advisory Notes:

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

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

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

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

Attachment 61



DIGITAL ARCHITECTURE

32 Riverside Grove
Dernancourt SA 5075
0412 643 004

Lot 1

Living 39.0 m²
Veranda 13.8 m²
Carport 15.8 m²
Porch 0.5 m²
69.0 m²

Lot 2

Living 40.0 m²
Carport 16.6 m²
Veranda 14.8 m²
Porch 0.5 m²
71.9 m²

Lot 3

Veranda 15.0 m²
Carport 16.8 m²
Living 40.0 m²
Porch 0.5 m²
72.3 m²

Lot 4

Garage 20.0 m²
Living 75.3 m²
Porch 1.2 m²
Veranda 16.0 m²
112.5 m²

NORTH

AMENDMENTS

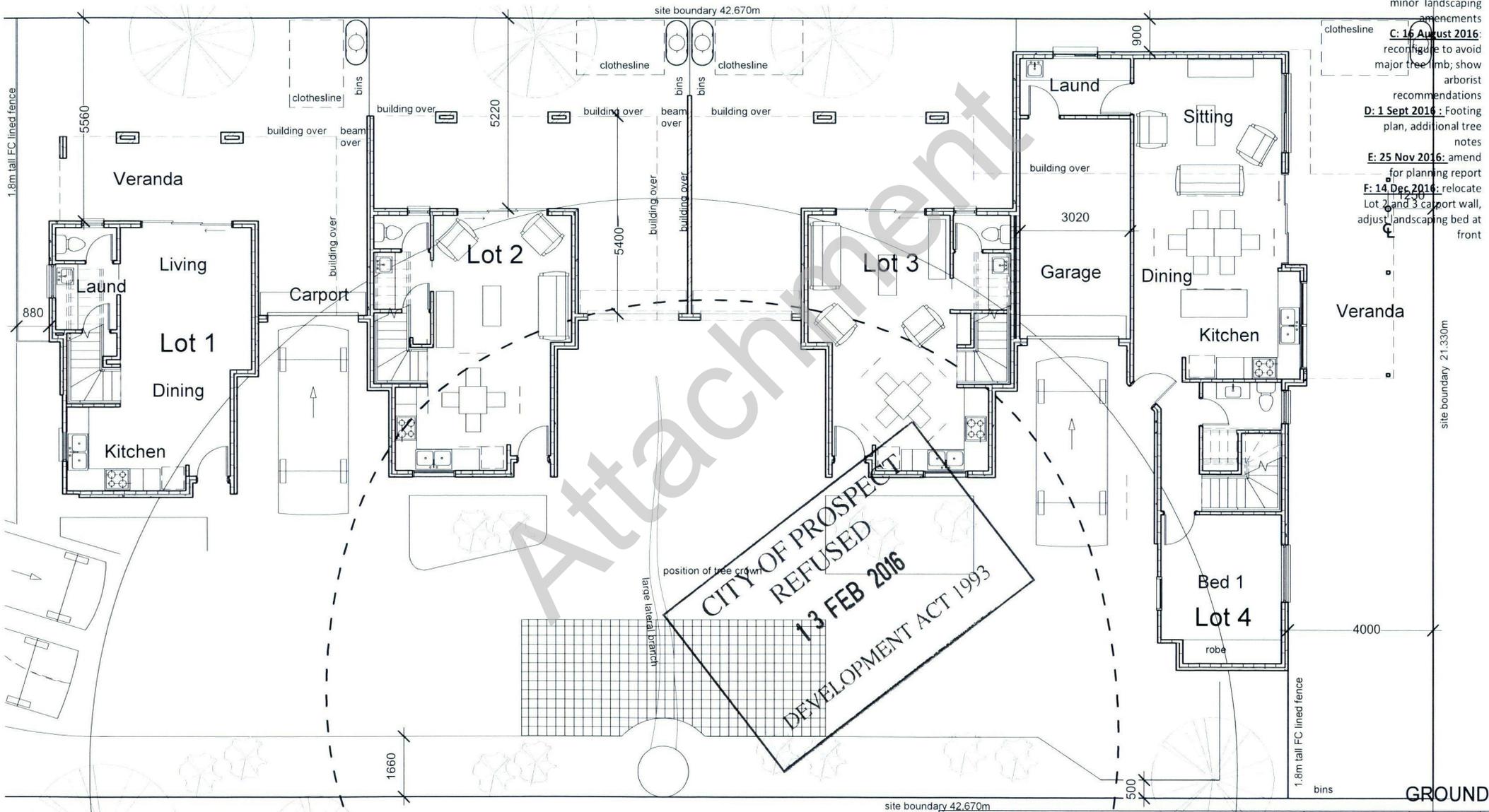
B: 11 March 2015 :
minor landscaping
amendments

C: 16 August 2016:
reconfigure to avoid
major tree (mb); show
arborist
recommendations

D: 1 Sept 2016 : Footing
plan, additional tree
notes

E: 25 Nov 2016: amend
for planning report

F: 14 Dec 2016: relocate
Lot 2 and 3 carport wall,
adjust landscaping bed at
front



CITY OF PROSPECT
 REFUSED
 13 FEB 2016
 DEVELOPMENT ACT 1993

All dimensions and levels shall be verified on site
prior to commencement of construction or
fabrication
Figured dimensions shall take preference to scale

2nd AMENDED DA

Proposed Residences
78 Harvey Street Collinswood

14 -030
Scale 1 : 100

02
revision

GROUND

First Floor Areas

Attachment 62



DIGITAL ARCHITECTURE

32 Riverside Grove
Dernancourt SA 5075
0412 643 004

Balc Lot 2	12.0 m ²
Balc Lot 3	12.0 m ²
Lot 1	62.9 m ²
Lot 2	54.3 m ²
Lot 3	57.0 m ²
Lot 4	70.8 m ²

AMENDMENTS

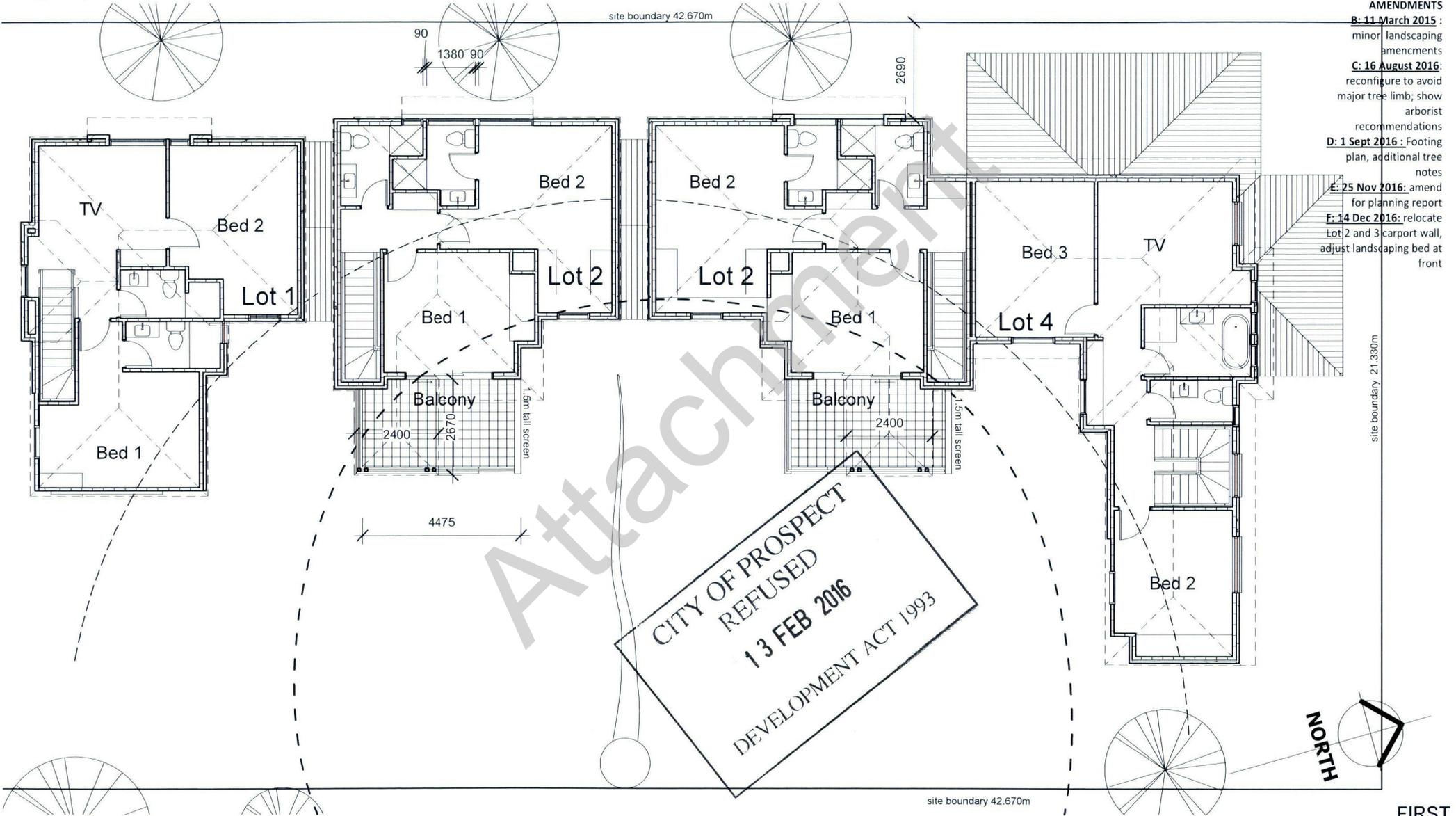
B: 11 March 2015 : minor landscaping amenities

C: 16 August 2016: reconfigure to avoid major tree limb; show arborist recommendations

D: 1 Sept 2016 : Footing plan, additional tree notes

E: 25 Nov 2016: amend for planning report

F: 14 Dec 2016: relocate Lot 2 and 3 carport wall, adjust landscaping bed at front



All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
Figured dimensions shall take preference to scale

2nd AMENDED DA

Proposed Residences 78 Harvey Street Collinswood	14 -030	03
	Scale 1 : 100	

FIRST

Attachment 63

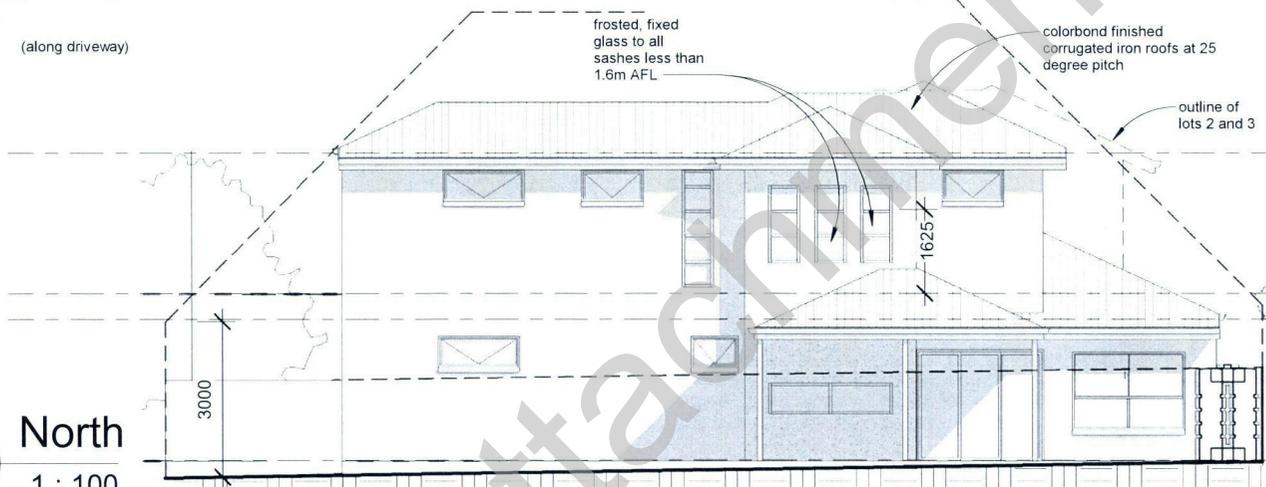


DIGITAL ARCHITECTURE rove
Dernancourt SA 5075
0412 643 004

- AMENDMENTS**
- B: 11 March 2015 :** minor landscaping amendments
 - C: 16 August 2016:** reconfigure to avoid major tree limb/ show arborist recommendations
 - D: 1 Sept 2016 :** Footing plan, additional tree notes
 - E: 25 Nov 2016:** amend for planning report

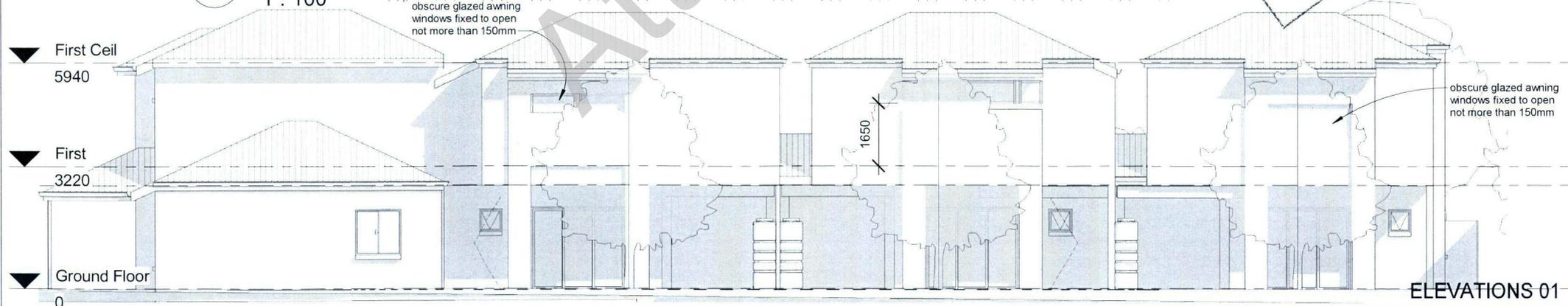


1 East
1 : 100
(along driveway)



2 North
1 : 100

**CITY OF PROSPECT
REFUSED
13 FEB 2016
DEVELOPMENT ACT 1993**



3 West
1 : 100

ELEVATIONS 01

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
Figured dimensions shall take preference to scale

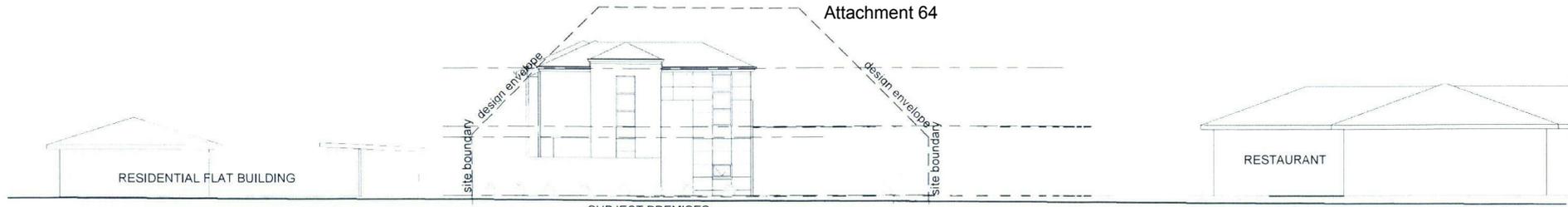
2nd AMENDED DA

Proposed Residences 78 Harvey Street Collinswood	14 -030 Scale 1 : 100	04 revision D
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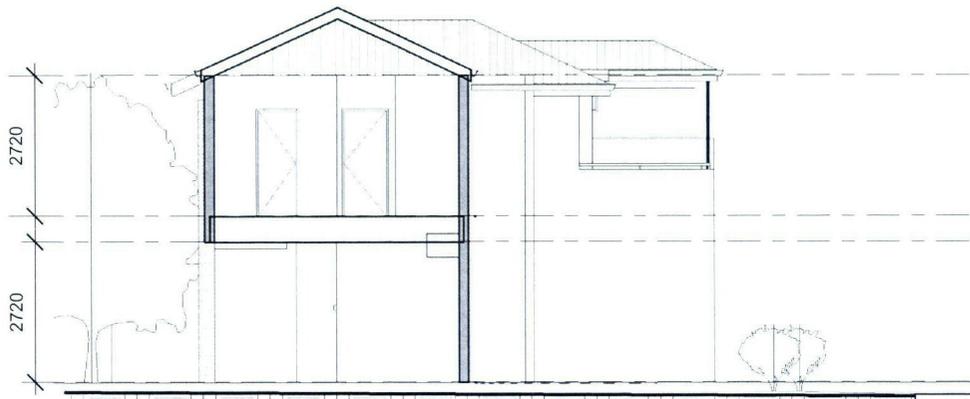


DIGITAL
ARCHITECTURE rove
 Dernancourt SA 5075
 0412 643 004

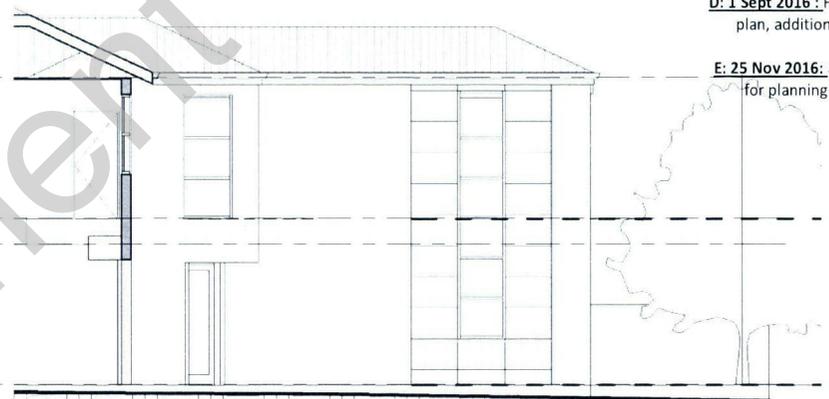
- AMENDMENTS**
- B: 11 March 2015 :** minor landscaping amenities
 - C: 16 August 2016:** reconfigure to avoid major tree limb; show arborist recommendations
 - D: 1 Sept 2016 :** Footing plan, additional tree notes
 - E: 25 Nov 2016:** amend for planning report



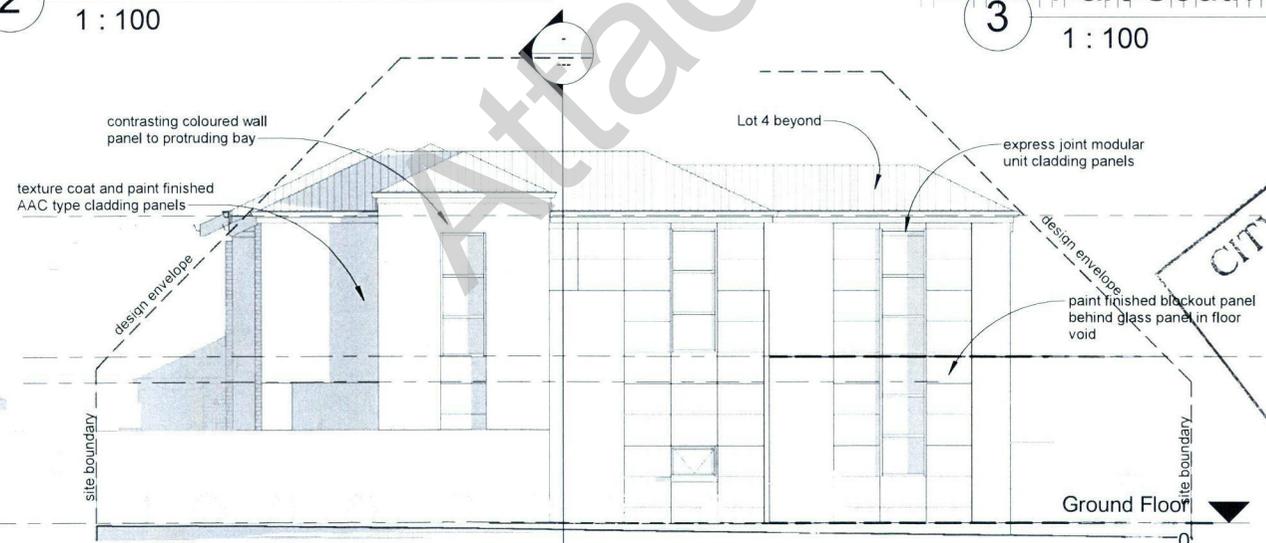
1 Streetscape
 1 : 200



2 Part South Elevation Lot 2
 1 : 100



3 Part South Elevation Lot 4
 1 : 100



4 South
 1 : 100

**CITY OF PROSPECT
 REFUSED
 13 FEB 2016
 DEVELOPMENT ACT 1993**

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
 Figured dimensions shall take preference to scale

2nd AMENDED DA

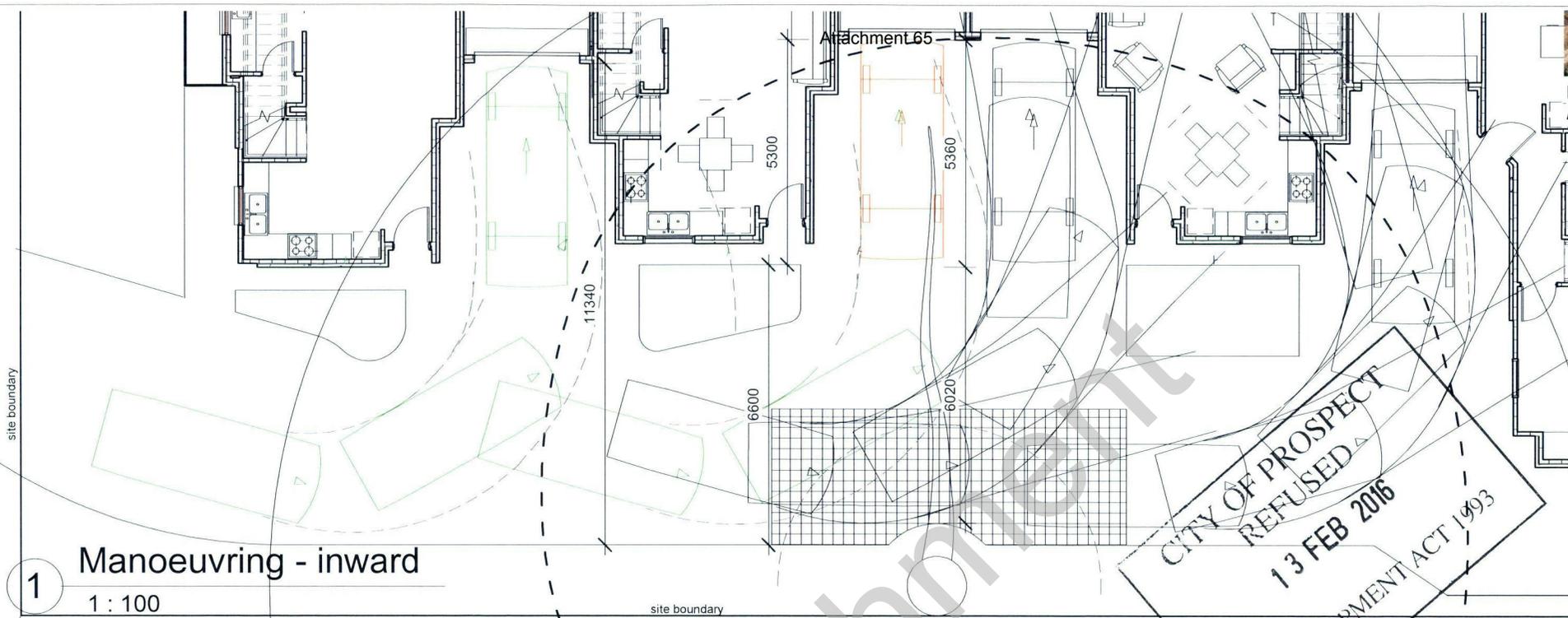
Proposed Residences
 78 Harvey Street Collinswood

ELEVATIONS 02		05	revision □
14 -030	Scale As indicated		

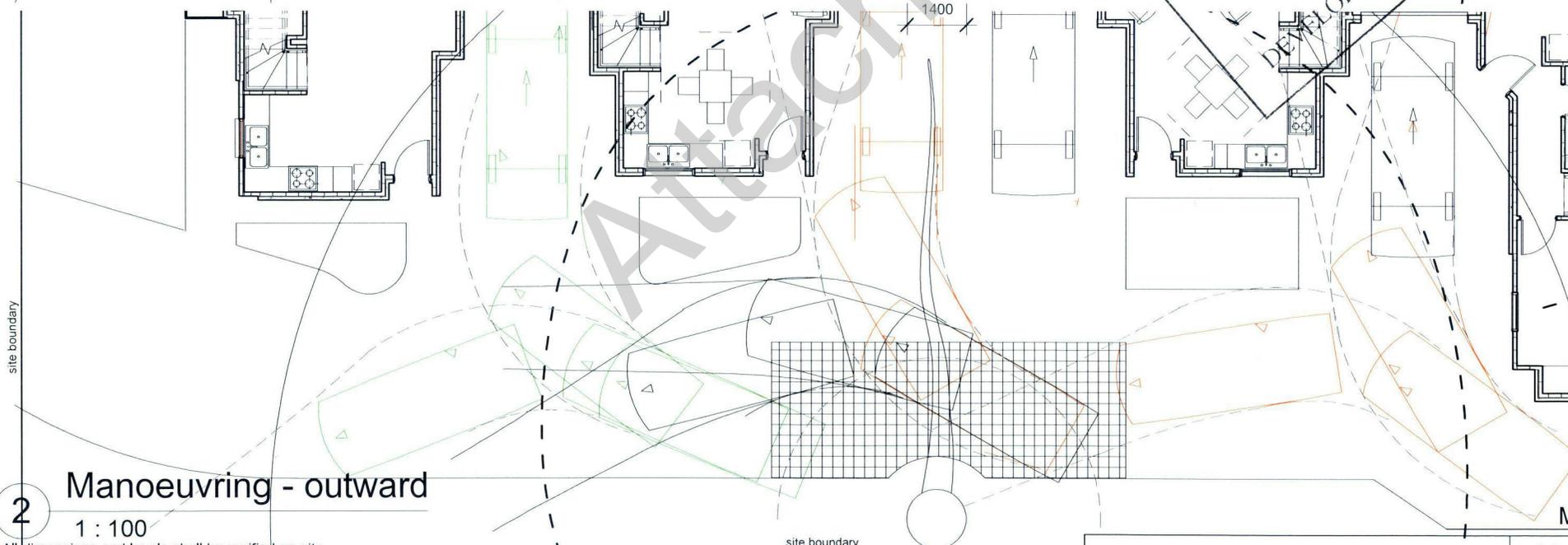


DIGITAL
ARCHITECTURE rove
 Dernancourt SA 5075
 0412 643 004

- AMENDMENTS**
- B: 11 March 2015 :** minor landscaping amenities
 - C: 16 August 2016:** reconfigure to avoid major tree limb; show arborist recommendations
 - D: 1 Sept 2016 :** Footing plan, additional tree notes
 - E: 25 Nov 2016:** amend for planning report



1 Manoeuvring - inward
 1 : 100



2 Manoeuvring - outward
 1 : 100

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
 Figured dimensions shall take preference to scale

2nd AMENDED DA

Proposed Residences
 78 Harvey Street Collinswood

14-030
 Scale 1 : 100

09
 revision D

MANOEUVRING

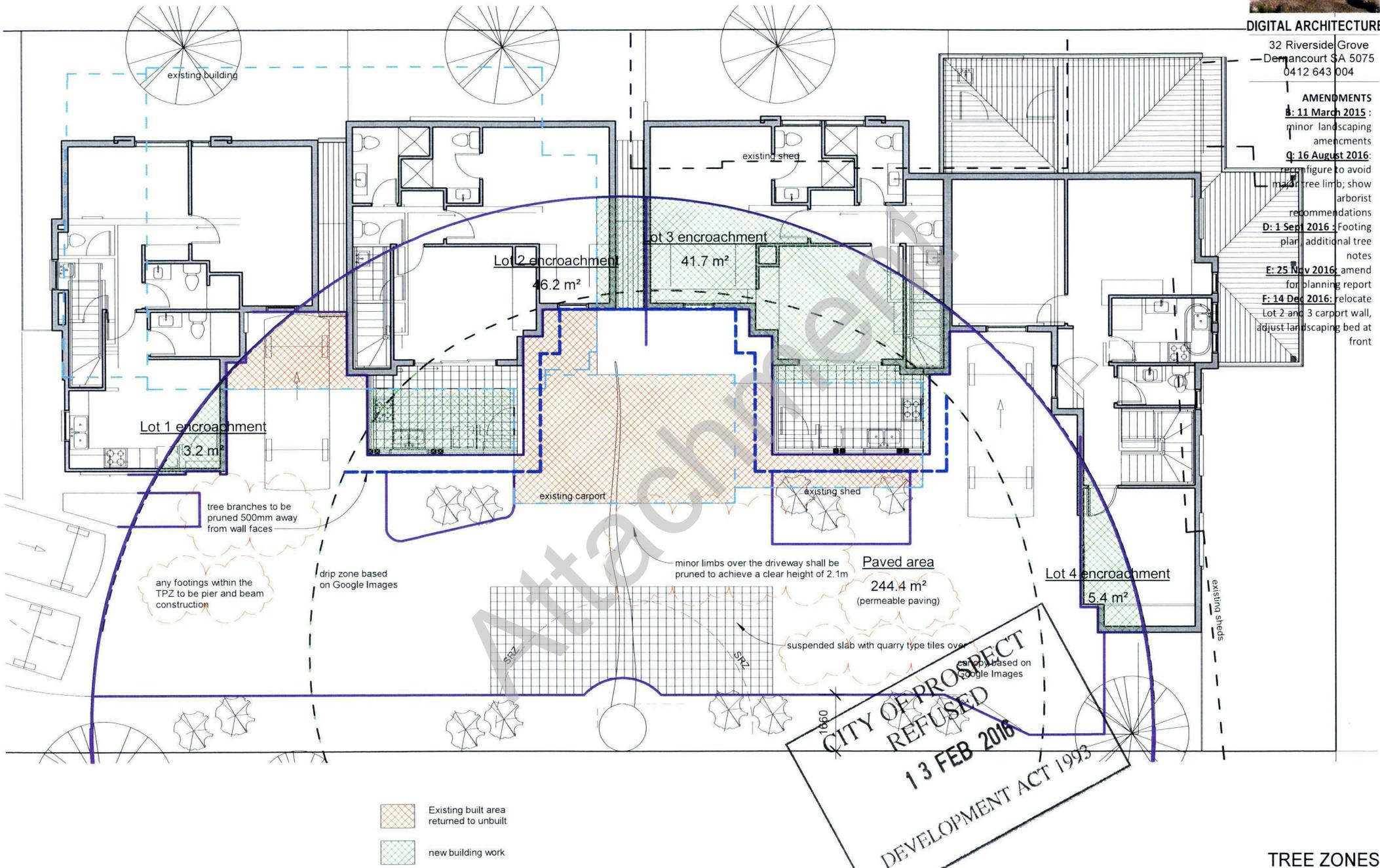


DIGITAL ARCHITECTURE

32 Riverside Grove
 Demancourt SA 5075
 0412 643 004

AMENDMENTS

- B: 11 March 2015:** minor landscaping amendments
- Q: 16 August 2016:** refigure to avoid main tree limb; show arborist recommendations
- D: 1 Sept 2016:** Footing plan additional tree notes
- E: 25 Nov 2016:** amend for planning report
- F: 14 Dec 2016:** relocate Lot 2 and 3 carport wall, adjust landscaping bed at front



- Existing built area returned to unbuilt
- new building work
- suspended slab

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
 Figured dimensions shall take preference to scale

2nd AMENDED DA

**CITY OF PROSPECT
 REFUSED
 13 FEB 2016
 DEVELOPMENT ACT 1993**

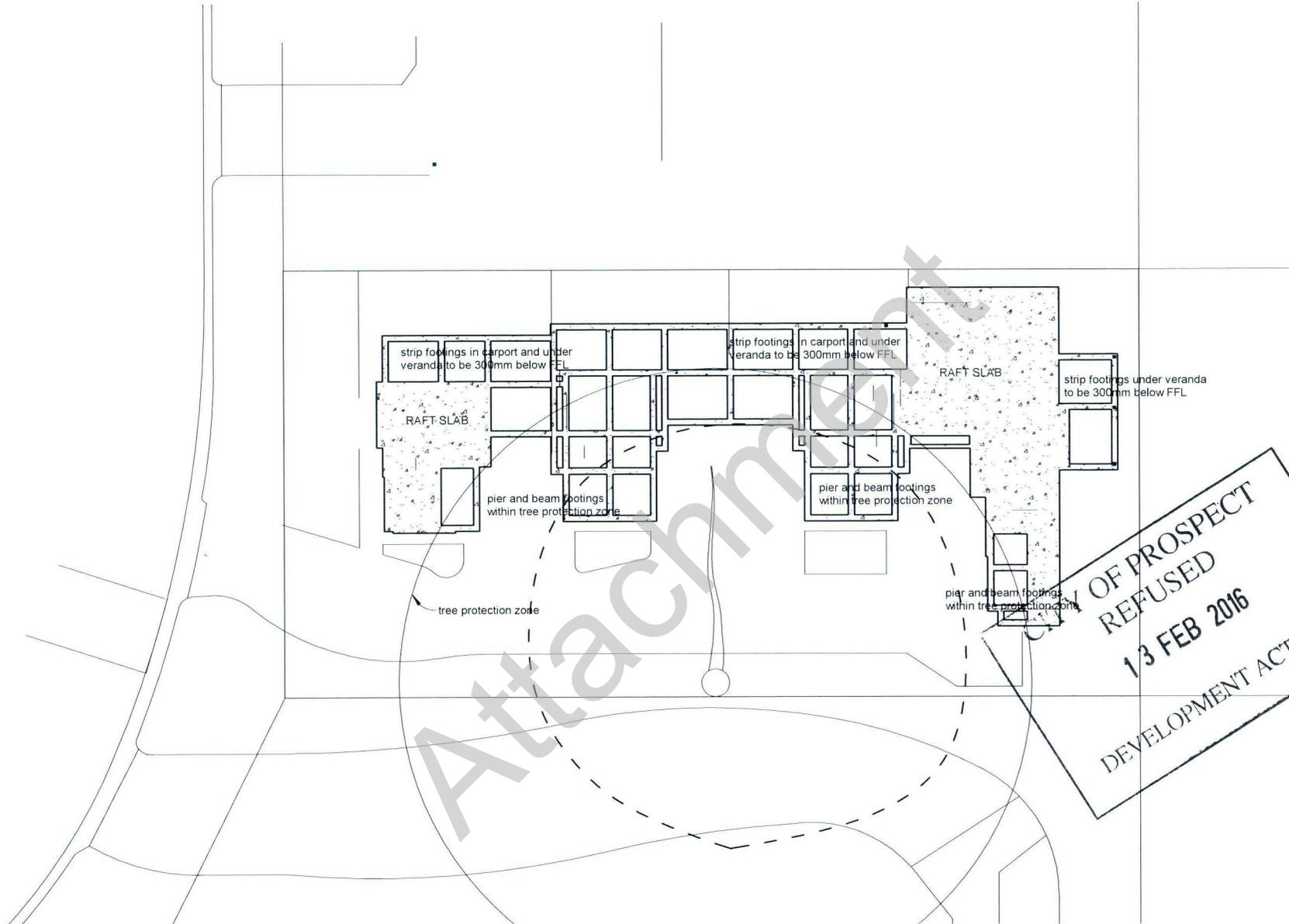
Proposed Residences 78 Harvey Street Collinswood	14 -030 Scale 1 : 100	10 revision
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TREE ZONES



DIGITAL
ARCHITECTURE roove
 Dernancourt SA 5075
 0412 643 004

- AMENDMENTS**
- B: 11 March 2015** : minor landscaping amencments
 - C: 16 August 2016** : reconfigure to avoid major tree limb; show arborist recommendations
 - D: 1 Sept 2016** : Footing plan, additional tree notes



- FOOTINGS DETAILS**
- Footings to be designed by an engineer
- Pier and beam construction within TPZ
 - strip footings under verandas and carports
 - raft slab elsewhere

FOOTING CONCEPT

All dimensions and levels shall be verified on site prior to commencement of construction or fabrication
 Figured dimensions shall take preference to scale

1st AMENDED DA

Proposed Residences 78 Harvey Street Collinswood	14 -030 Scale 1 : 200	11	revision □
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AGENDA ITEM: 5.4

To: Development Assessment Panel (DAP) on 14 August 2017

From: Gary Brinkworth, Acting Manager Development Services

Proposal: Removal of a Significant Tree (Jacaranda) (DA 050/255/2017)

Address: 37 Barker Road, Prospect (CT 5526/240)

SUMMARY:

Applicant: Paul Bellardino

Owner: Paul Bellardino

Planning Authority: Council

Mandatory Referrals: Nil

Internal Referrals: Consulting Arborist

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 30th May 2017

Zone and Policy Area: Residential Zone, A560 Policy Area

Issues: Contribution to Locality

Recommendation: Approval, subject to conditions

ATTACHMENTS:

Attachment 1 Development Application Form

Attachment 2-4 Certificate of Title

Attachment 5 Locality Plan

Attachment 6 Subject Land

Attachment 7-8 Supporting letter from Planning Consultant

Attachment 9 Application for Payment in lieu of landscaping

Attachments 10-18 Supporting Landscape Architect Report

Attachments 19-29 Council Arborist Report

1. EXECUTIVE SUMMARY

- 1.1 The proposal is for the removal of a Jacaranda tree, that is significant due to the listing within Council's Development Plan. The tree is located centrally in the rear yard of an existing dwelling, adjacent to an existing shed and granny flat. The applicant identifies that the tree does not make an important contribution to the character or amenity of the locality and that the removal of the tree will facilitate a redevelopment of the site.
- 1.2 Council's consulting arborist identifies that the tree is in good health and has a long life expectancy. Council's consulting arborist concurs with the report provided by the applicant's landscape architect that the tree fails to demonstrate an important contribution to the character or amenity of the local area. Notwithstanding that the tree is in good health and is listed as significant within Council's Development Plan, it is considered that the tree does not sufficiently demonstrate any of the relevant positive attributes, and thus the application is recommended for approval.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality is residential in nature, with dwellings in the locality typically consisting of older, character homes of single storey scale set on reasonably generous allotments. Street trees within the locality are typically mature, of limited height, and with broad canopies that contribute to high amenity streetscapes. Private landscaping is typically minimal to the front yard and consists of lawns, ground covers, low shrubs and small trees to a height 5 metres.
- 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 southern side of Barker Road. The land has a frontage of 22.86m to Barker Road and a depth of 61.72m that results in an overall site area of 1411 square metres. The subject tree is located centrally in the rear yard, approximately 14 metres from the rear of the dwelling and 10 metres from the eastern boundary.
- 2.2.2 The site comprises an existing single storey dwelling with attached verandah, with a detached carport, garage and habitable outbuilding located to the rear of the land adjacent the eastern boundary. No other significant trees are present on the subject land.
- 2.2.3 The subject land is illustrated on **Attachment 6**.

3. PROPOSAL

- 3.1 The proposal is for the removal of a listed significant tree, a Jacaranda tree. The reasons stated for the removal are that the tree does not make an important contribution to the character or amenity of the locality, nor does it form a notable visual element to the landscape of the area.

- 3.2 The tree is listed in Table Pr/4 of the Prospect (City) Development Plan, and was listed on the basis of its contribution to the amenity of the locality. This assessment was made in 2001 and its value is able to be reconsidered through this application. The tree has a single trunk that is approximately 1.85 metres in circumference when measured at 1 metre above the natural ground level. As a result of the listing, the tree is defined as a significant tree pursuant to the *Development Act 1993*.
- 3.3 The proposal has been submitted by the property owner, who has provided a submission (refer **Attachments 7-17**) including a letter from the applicants Planning Consultant and report from their Landscape Architect in support of the application.

4. REFERRALS

4.1 Internal (Advisory) Referrals

3.1.1 Upon receipt of the development application and as per standard process, Council staff sought a report from a consulting arborist to confirm the health, life expectancy and risks associated with the tree, as well as commentary regarding its contribution to the amenity of the locality. This report, prepared by Mr Sam Cassar of Symatree Pty Ltd, is attached (refer **Attachments 18-18**).

3.1.2 Briefly, Mr Cassar noted that:

3.1.2.1 The subject Jacaranda is a healthy, mature specimen with a long useful life expectancy.

3.1.2.2 There is no visible damage caused to a structure of value.

3.1.2.3 Due to the limited height and canopy spread there is a limited visual presence within the locality.

3.1.2.4 The tree's location in the landscape provides only limited views from immediately adjacent the property with views from the wider locality being limited by the height of the tree.

4.2 External (Legislated) Referrals

4.2.1 No external referral was required.

5. PUBLIC NOTIFICATION

5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 Part 1 (13) of the *Development Regulations 2008* as it involves a tree-damaging activity on private land. As such, no public notification was undertaken.

6. PLANNING COMMENTARY

6.1 The proposal constitutes a tree-damaging activity on a Significant Tree and therefore a development application is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control (PDC) 13 of the Residential Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

6.2 The Jacaranda is identified within Table Pr/4 of the Prospect (City) Development Plan as a significant tree, despite the circumference (1.85m) being less than that prescribed

under Regulation 6A of *Development Regulations 2008* that would qualify the tree to be regulated.

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

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

- For every significant tree that is removed, 3 trees must be planted and maintained thereafter.
- The replacement trees cannot be within 10 metres of an existing dwelling or swimming pool.
- The replacement trees must not be an exempt species.

The relevant authority may, at the application of the applicant, determine that a payment of \$85.50 per replacement tree (or 33% of this fee if the applicant is a pensioner) be made to the Planning and Development Fund.

6.5 The applicant has applied for consideration of the fee payment under Section 42(6) of the *Development Act 1993* rather than the planting due to the desire to redevelop the site with a new detached dwelling that will incorporate planting of advanced trees and other vegetation, subject to approval. As the design is not yet complete, the location of replacement landscaping cannot be defined at this time and therefore the payment option is preferred.

7. PLANNING ASSESSMENT

7.1 Desirable Positive Attributes

7.1.1 The assessment provided by Mr Cassar of the tree has determined that the Jacaranda sufficiently accords with PDC 364 as the tree:

- a) Is not diseased, nor it's life expectancy short;
- b) Does not represent an unacceptable risk to public or private safety;
- c) Is not located within a Bushfire Prone Area; and
- d) It is not causing or threatening to cause damage to a substantial building or structure of value.

7.1.2 The applicant has provided no evidence contrary to Mr Cassar's conclusions on these matters. These considerations are not relevant, however, in determining whether a significant tree should or should not be removed in a circumstance where the tree does not contribute to the important aesthetic or environmental attributes identified by Council Wide PDC 361.

7.1.3 The provisions of Council's Development Plan anticipate the preservation of significant trees that provide important aesthetic and environmental benefits. The circumstances by which a tree is of important aesthetic or environmental benefit is provided by Council Wide PDC 361:

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.*

development should preserve these attributes.

- 7.1.4 By way of background, Council prepared its list of significant trees in 2001 following advice from the then Planning Minister that the Development Regulations would be altered. The effect of this change was that trees would become significant at a circumference of 2m, rather than 1.5m. As a result of the impending change, Councils throughout Adelaide were invited to prepare a list of significant trees during the final 12 months of that legislative regime, with a particular focus on those trees that would no longer receive legislative protection. No changes have been made to the City of Prospect significant tree list since its original preparation.
- 7.1.5 In consideration of the environmental benefits described by Council Wide PDC 361, Mr Cassar has advised that the tree is not indigenous to the local area, nor listed under the National Parks and Wildlife Act as a rare or endangered native species. Further, Mr Cassar has noted that the tree is not considered to be an important habitat for native fauna, with no nesting sites or hollows identified. Additionally, there is no evidence that the tree is part of a wildlife corridor or part of an area of remnant native vegetation. As an exotic species, the tree is not considered to be important to the maintenance of biodiversity in the local environment.
- 7.1.6 Mr Cassar has concurred with the opinion of the applicant's landscape architect as to the aesthetic contribution that the tree makes to the locality. It is agreed that the tree is limited in height such that the tree does not provide a strong visual element within the locality. Further, it is agreed that the tree is visible from limited vantage points only within the immediate locality. The location in the rear yard of the property, in conjunction with the limited height of the tree, was such that the tree was not visible when travelling to or from the subject land.
- 7.1.7 There are a number of other trees within the locality within private property that do provide a positive contribution to the amenity and character of the local area.
- 7.1.8 While the tree is visible from certain vantage points, Council Wide PDC 361 requires that a significant tree must make an important contribution to the character or amenity of the locality. Based on the information provided by the applicant's landscape architect, and the concurrence of the Council's arborist, the tree fails to make an important contribution to the character and amenity of the locality such that Council Wide PDC 361(a) is not satisfied.
- 7.1.9 While streetscape images of Barker Road from 2001 are not readily available, it is clear from aerial imagery taken in 2002 that the canopy breadth and maturity of street trees in the local area has changed substantially over the preceding 14

years. It is therefore considered likely that the tree made a greater visual contribution to the locality in 2001 than it does in 2017.

7.1.10 The Environment, Resources and Development Court places more weight on achieving a threshold level of importance or notability within the locality. This, combined with the increased amenity contribution made by street trees within the local area since 2001 and the findings of Council's arborist, demonstrate that the tree does not provide sufficient aesthetic or environmental contributions to warrant its retention.

8. CONCLUSION AND RECOMMENDATION

8.1 Council Wide PDC 361 of Council's Development Plan suggests that it is desirable for a significant tree to be retained if it makes an important contribution to the character or amenity of the area. If a significant tree does make an important contribution, it should only be removed if it fulfils the removal criteria set out by Council Wide PDC 364.

8.2 The subject Jacaranda tree is considered to be a visible element within the landscape of the local area and as such, makes some positive contribution to the amenity of the locality. It is not considered however that this contribution is sufficiently important, nor is the tree sufficiently notable within the landscape of the local area, to warrant its retention.

8.3 Due to the conclusion that the tree does not make an important aesthetic or environmental contribution to the local area, no further assessment is relevant in determining whether approval should be granted to the application.

8.4 The application is therefore considered to be consistent with the relevant provisions of the Prospect (City) Development Plan and development plan consent is warranted.

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 050/113/2016 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*, as amended, Development Plan Consent be granted to DA 050/255/2017 for the Removal of a Significant Tree (Jacaranda) at 37 Barker Road, Prospect (CT 5526/240), subject to the following conditions:

1. The Significant Tree approved herein for removal shall require a payment of \$256.50 (3 trees @ \$85.50 per tree, or 33% of this cost if the owner of the land is a pensioner) to the Planning and Development Fund. Contact the Department of Planning, Transport and Infrastructure via ph: 7109 7090 for payment options.

Advisory Notes:

1. ***Timeframe for Commencement and Completion of Works:*** Upon granting of development approval, the development must be:
 - a) Substantially commenced within twelve (12) months from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period); and
 - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date

(unless Council extends this period) and a new development application shall be required.

Any request for an extension of the operative period of this approval 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. **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.

4. **Precautions for Tree Pruning or Removal:** At all times during the process of tree pruning or removal:

- a) Any area where it is possible that a person could be injured by falling or rebounding branches or limbs should be fenced or barricaded to prevent people entering the area; and
- b) Clearly legible notices, warning people of the danger of removing the tree, should be affixed in places where they will be readily visible to anyone approaching the area; and
- c) Temporary structures should be provided as necessary to ensure stability of any remaining part of the tree during removal or pruning work; and
- d) Any footway, nature strip or road, is not to be obstructed or rendered inconvenient or dangerous during removal work without the prior permission of Council; and

Suitable measures should be taken to protect any Council infrastructure such as the footpath, nature strip, road or street tree from damage. The removalist shall be required to pay all costs incurred by Council in reinstating all damage.



SCANNED

04 JUL 2017

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

CITY OF PROSPECT
Development Services

128 Prospect Road, Prospect SA 5082

Development Application Form

CITY OF PROSPECT

Application No.: 050 / 2017 / 255 (Office Use Only)

1. Application Type (select one)		
<input type="checkbox"/> Development Plan Consent only (Planning Only)	<input type="checkbox"/> Building Rules Consent only (Building Only)	<input type="checkbox"/> Development Approval (Planning and Building)
2. Location of Proposed Development		
Unit #:	House #: 37	Street: Banker Road
Suburb:	Postcode:	CT Volume and Folio: 5526 240
3. Details of Parties		
Applicant		
Name: Paul Bellardino	Address: 74 Orange Road, Welland	
Contact No.: 0414 437 323	Email: paul@bbd.com.au	
Owner <input type="checkbox"/> as applicant		
Name: As Above	Address:	
Contact No.:	Email:	
Builder <input type="checkbox"/> owner builder <input type="checkbox"/> as applicant <input type="checkbox"/> to be advised <input type="checkbox"/> other		
Name: N/A	Address:	
Contact No.:	Email:	
Builders Licence No.		
4. Proposal Details		
Description of Proposal: Removal of Significant Tree		
Existing Use of Property: Residential		
Estimated Cost of Development: \$ 3000		
5. Declarations		
• Building Rules Classification sought:		Present Class: N/A
• 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)? <input type="checkbox"/> yes <input type="checkbox"/> no		
• Has the Construction Industry Training Board (CITB) levy been paid? <input type="checkbox"/> yes <input type="checkbox"/> no		
I acknowledge that Council may make copies of this application and documentation in accordance with the <i>Development Regulations 2008</i> and <i>Development Act 1993</i> . Details forming part of the application may be included in a Development Assessment Panel agenda published on Council's website.		
If published, I request that Council obscures my telephone number and email address. <input type="checkbox"/> yes <input type="checkbox"/> no		
I have sought permission from the architect/engineer to allow reproduction of the application documents for provision to third parties. <input type="checkbox"/> yes <input type="checkbox"/> no		
Name: Mark Kwiatkowski	Signature:	Date: 30/6/2012
<input type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Builder <input checked="" type="checkbox"/> Agent		



Government of South Australia
Department of Planning,
Transport and Infrastructure

Product Register Search (CT 5526/240)
Date/Time 03/04/2017 01:02PM
Customer Reference
Order ID 20170403006948
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 5526 Folio 240

Parent Title(s) CT 4110/810
Dealing(s) CONVERTED TITLE
Creating Title
Title Issued 21/04/1998
Edition 3
Edition Issued 26/09/2008

REAL PROPERTY ACT, 1886



South Australia

Estate Type

FEE SIMPLE

Registered Proprietor

DARYL IAN MCCORMICK
ROISIN ALANA SMITH
OF 37 BARKER ROAD PROSPECT SA 5082
AS JOINT TENANTS

Description of Land

ALLOTMENT 8 DEPOSITED PLAN 2842
IN THE AREA NAMED PROSPECT
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

Dealing Number	Description
11036379A	MORTGAGE TO WESTPAC BANKING CORPORATION (SINGLE COPY ONLY)

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

Notations on Plan

NIL



Product	Register Search (CT 5526/240)
Date/Time	03/04/2017 01:02PM
Customer Reference	
Order ID	20170403006948
Cost	\$284.00

Registrar-General's Notes

AMENDMENT TO DIAGRAM VIDE 49/2000

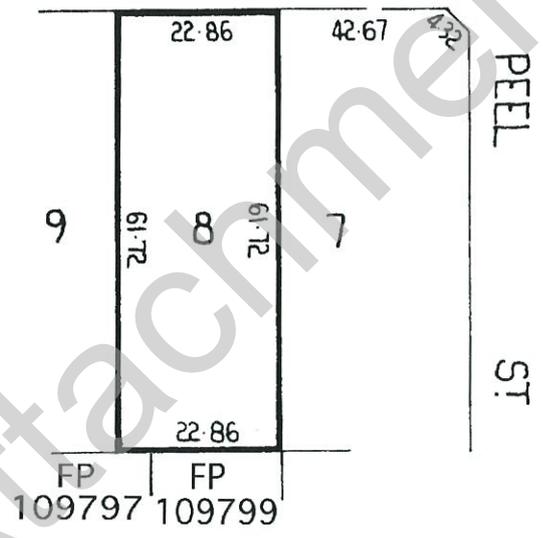
Administrative Interests

NIL

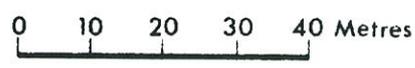
Attachment

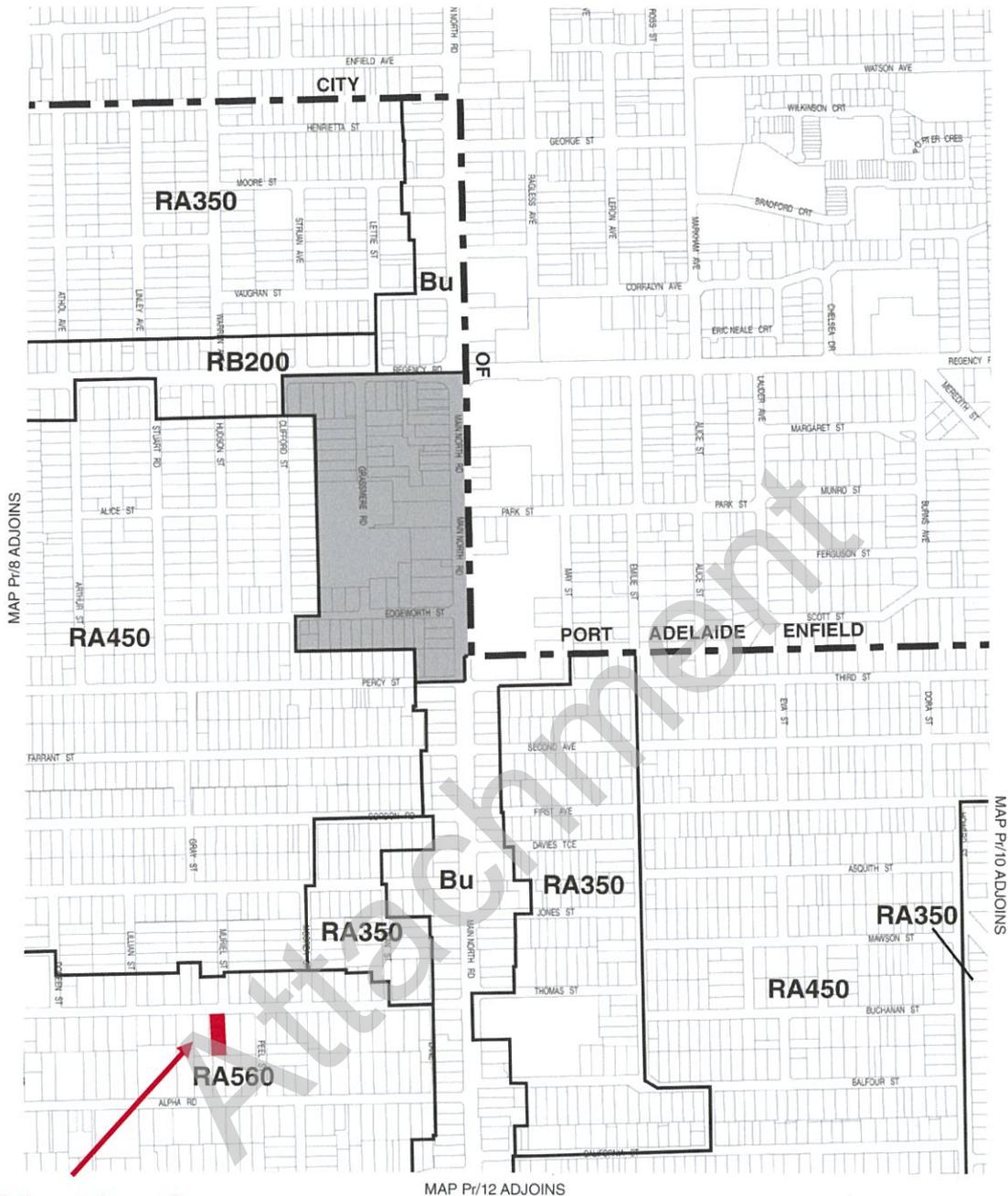


BARKER ROAD



Attachment





Subject Land

- 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 - 30 May 2017



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

37 Barker Road



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.



Scott McLuskey
Senior Development Officer, Planning
City of Prospect

Dear Scott McLuskey,

Applicant: Paul Bellardino
Location: 37 Barker Road, Prospect
Proposal: Removal of Significant tree

Adelaide Planning and Development Solutions (APDS) has been instructed by the Applicant Paul Bellardino to assist in the preparation and lodgement of a development application for the removal of *Jacaranda Mimosifolia* (Jacaranda) in the rear yard of the subject land at the abovementioned address.

The tree in normal circumstances would not be considered a regulated or significant tree with a circumference of 1.83 metres measures at a height of 1 metre from natural ground level but has been identified in Table PR 4 of the Development Plan as a significant tree.

An assessment in the determination of whether the tree satisfies the development plan criteria for a significant tree is detailed within the report from Outerspace. The report concludes that the tree a) does not make an important contribution to the character or amenity of the locality and b) does not form a notable visual element to the landscape of the area.

The tree removal will facilitate the redevelopment of the site for a new detached dwelling on the site with significant planting of advanced trees and other vegetation.

On this basis it is considered that the removal of the tree in this instance is suitable based on the assessment of the report from the registered landscape architect

Please find enclosed the development application information prepared for the alterations and additions as follows:

- A Development Application form;
- A Technical Regulator consent form;
- A current certificate of title;
- Copy of report from Outerspace.

Can you please provide a fee schedule for the application to the Applicant at the below address or email address paul@bbd.com.au
Paul Bellardino

BELLA BUILD AND DESIGN
74 Grange Road
Welland SA 5007



Please also send a copy to mark@adelaideplanning.com.au as the contact for my records.

If you have any further questions regarding this application or require additional information please contact me on 0499 933 311.

Yours Sincerely,

Mark Kwiatkowski
Director / Urban and Regional Planner | MPIA CPP

Adelaide Planning & Development Solutions - Town Planning Specialists | Plan - Design - Build

Attachment

Scott McLuskey

From: mark kwiatkowski <mark_kwiatkowski@hotmail.com>
Sent: Tuesday, 25 July 2017 12:07 PM
To: Gary Brinkworth
Cc: Paul Bellardino
Subject: tree removal - 37 Barker Road Prospect

Hi Gary,

As discussed, we would like to pay the fee of \$256.50 rather than the replacement trees in this instance for the application at 37 Barker Road, Prospect.

Regards

Mark Kwiatkowski
Principal Planner

Adelaide Planning and Development Solutions - Town Planning Specialists | Plan - Build - Design
e: mark@adelaideplanning.com.au | ph: 0499933311 | w: www.adelaideplanning.com.au

Attachment



Paul Bellardino
 Managing Director
 Bella Build and Design
 PO Box 7419
 Westlakes SA 5021

01/06/2017

Dear Paul,

RE: Landscape Architect Report Significant Tree 37 Barker Road, Prospect

As requested, I have reviewed the significant tree located in the rear yard of the developed residential allotment of 37 Barker Road in Prospect, South Australia. The subject property is located in the City of Prospect. Relevant provisions of the City of Prospect Council Development Plan relating to the significant tree include Principle of Development Control 1 which relevantly provides as follows:

1. *Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:*
 - (a) *makes an important contribution to the character or amenity of the local area*
 - (f) *forms a notable visual element to the landscape of the local area.*

Background

The subject tree is a mature *Jacaranda mimosifolia* (Jacaranda), an exotic species originating from the drier parts of tropical north-west Argentina and south-west Bolivia. The species typically grows into an open crowned tree with twisted branches.

The tree has a single straight main trunk that starts to branch at approximately 1.5 metres above ground. The trunk has a total circumference of 1.83 metres measured at a point 1 metre above ground level. I understand that the tree is, therefore, not considered to be a significant tree protected under the Development Act 1993.

The tree can be further described as follows:

- The tree has a height of approximately 12 metres, with an average canopy spread of 14 metres.
- Crown of the tree is generally rounded in shape, dense in density, and weighted moderately to the East.
- The health of this tree is described to be good and an apparently stable state of health with some evidence of minor and non-damaging borer activity, although not visible.

Due to its position, the tree poses potential danger to the existing structure ie granny flat/ shed and will limit the design of the proposed new house.

(Refer photo A for photo of subject tree).



Locality

The location of the subject tree has been illustrated on locality map included as Figure 1.

The property consists of a single storey dwelling on a fairly large allotment of approximately 1,300 square metres.

The subject tree is located 12.23 metres from Western boundary, 18.70 metres from Southern/ rear boundary, 10.42 metres from Eastern boundary and 13.60 metres from the rear of main house. It is also very close to the existing granny flat/ garage which is about 5 metres away.

The locality is defined as the area where the majority of views of the tree are visible and may have an influence on the character or amenity of that location.

In my view, the local area is defined by an approximate 100 x 135 metre area, bound by Barker Road to the north, Peel Street to the East, Alpha Street to the South and Priscilla Street to the West (*refer Figure 1*).

The character of the local area is that of a well-developed residential precinct composed of mostly single storey detached dwellings. The residential dwellings have established front and backyard gardens with multi-layered plantings of groundcovers, shrubs and individual trees of varying species, sizes and shapes. There is a new 2-storey house next to the subject property on lot 39.

This report considers the tree against principle of Development Control 1 of the Development Plan as outlined above.

a) Makes an important contribution to the character and amenity of the local area.

Whilst the subject tree contributes greenery to the skyline and the overall vegetation, in my opinion, the subject tree is one of the many trees in the local area and the net impact of removal of the tree would be minimal in the overall context of the landscape character and amenity for the following reasons:

- Although the tree is a mature specimen, its respective height and spread (Approximately 12 x 14 metres) does not give this tree a strong visual presence within the locality.
- The tree's location in the landscape only provides limited views from immediate and surrounding streets. The tree is located in the rear yard, with the crown becoming obscured to various degrees due to existing rooflines, street trees, trees and other vegetation located on private properties and other street features as one travels in any direction along and away from 37 Barker Road. The only location where greater than 70% of the tree can be viewed is standing in the rear-yard facing the tree.
- A number of other mature trees within private properties were observed within the locality contributing to the amenity and character of the local area.
- The road reserves within the locality are dominated by avenues of well-established *Melia sp.* (White Cedar trees) (*refer photo point 1*). The majority of trees are mature specimens and contribute significantly to the amenity of the area.



f) Forms a notable visual element of the local area.

I do not believe the tree forms a notable visual element to the landscape.

Given the fact that the subject tree is located at the rear of the property and obscured by residential dwellings and vegetation, there is a very limited opportunity to view this tree from the surrounding area (*figure 2 demonstrates the locations of where the subject tree or parts of the canopy can be seen from the surrounding area*).

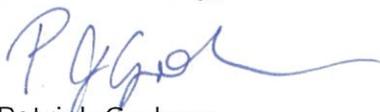
- When viewed directly from the front across the street, it is obscured by the existing residential building and the mature street trees including the front yard vegetation (*photo point 2*); only the upper 30% of the canopy is visible.
- When viewed from Muriel Street, the visual influence slightly improves revealing about half of the tree canopy. However, the street trees and trees in the front of the properties shroud and take the focus away from the subject tree (*photo point 3*).
- Further towards the East in front of lot 39 along Barker Road (*photo point 4*), the tree is totally blocked by the new neighbouring 2-storey residential dwelling.
- Standing between lots 24/26 along Alpha Road, there is a narrow gap between residential buildings that allows a limited view about 50% of the subject tree (*photo point 5*).
- More than 50% of the subject tree can be viewed between lots 2/4 along Peel Street (*photo point 6*), but again, this is obscured by established vegetation in the foreground.
- The tree cannot be viewed from Priscilla Street in the West and anywhere else other than the photo points in Figure 2.

Conclusion

As a mature specimen, lacking visual presence with limited vantage points where the subject tree can be viewed, this tree offers little to the community. Although this tree is a mature specimen located in the rear yard of the subject land, its contribution to the landscape character of the streetscape is considered minimal.

Although regretful, the removal of the tree would not have any meaningful impact on the character or amenity of the local area and does not form a notable visual element. It is my understanding the owners have expressed a desire to enhance the character of their new development with significant landscaping and a number of advanced trees upon completion. Also the owners believe the tree does not suit the design of the dwelling or the lifestyle of their family and may pose a risk to the proposed new home and residence. Ultimately, the proposed 2-storey and over 8-metre high new house will block the view of the tree from Barker Street reducing the already very limited viewing opportunities from the surrounding area.

Yours sincerely,



Patrick Graham
Director
Registered Landscape Architect





Photo A - subject tree (*Jacaranda mimosifolia*)



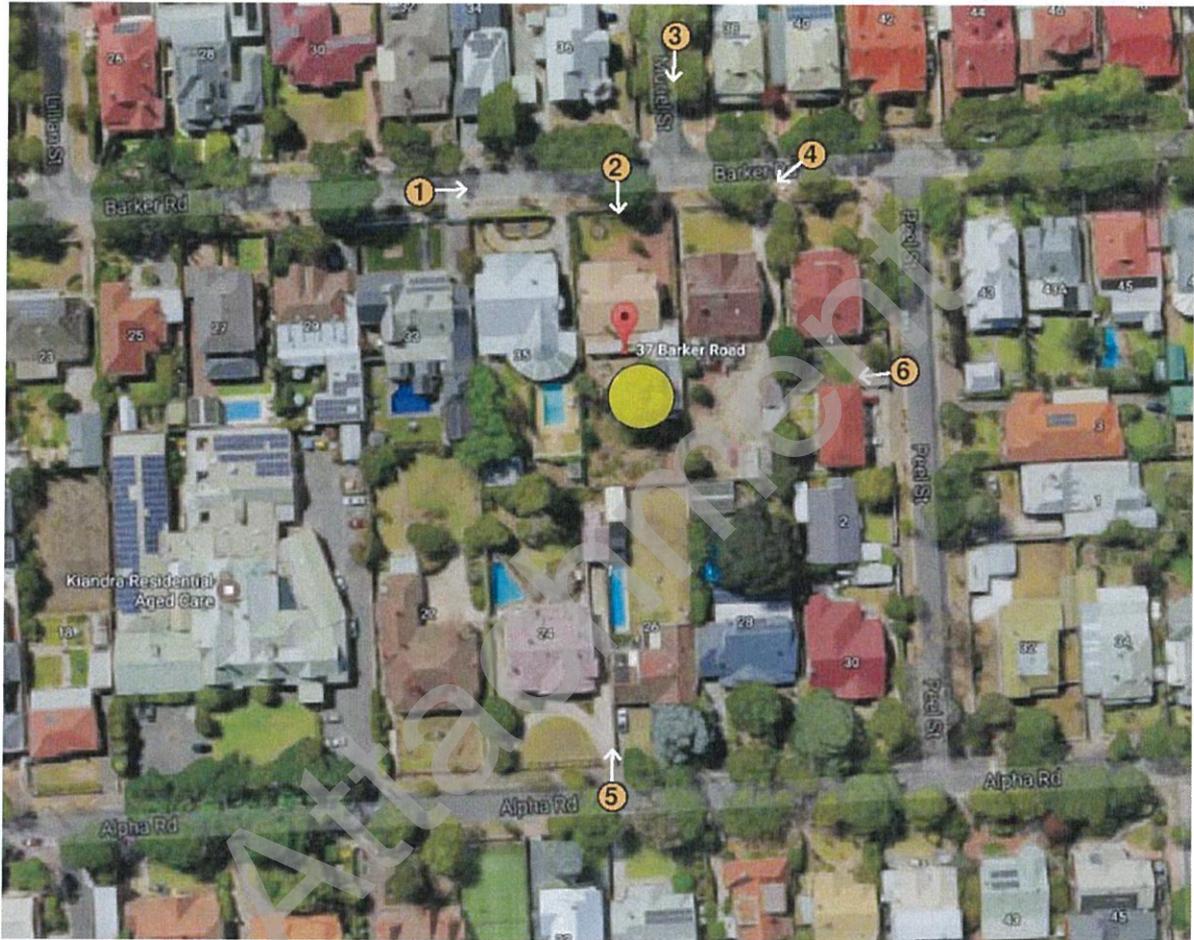


Legend

 Subject tree

Figure 1: Locality Map





Legend

-  Subject tree
-  Photo points

Figure 2: Photo points/ locations of where the subject tree or parts of the canopy can be seen from the surrounding area.



Photo point 1 - Typical character and amenity of the local area defined by mature street trees and trees within the residential properties.



Photo point 2 - view from directly in front of the subject property. Only upper 30% of canopy is visible. Vegetation in the foreground obscures the subject tree.
Note: proposed new 2-storey home will block any view of the tree from Barker St.





Photo point 3 - view from Muriel St looking back at the subject property revealing about half of the tree however, vegetation in the foreground shroud the subject tree.



Photo point 4 - view from further East along Barker Rd where subject tree is totally blocked by 2-storey residential building.





Photo point 5 - restricted view from Alpha Rd between lots 24/26 through a narrow gap allows about 50% view of the canopy of the subject tree.



Photo point 6 - restricted view from Peel St between lots 2/4 reveals more than 50% of the tree canopy however, the extent is limited due to built form and vegetation in the foreground.



SYMATREE



Tree Assessment 37 Barker Road Prospect

DA050/255/2017

Report prepared for

Mr Scott McLuskey
Senior Development Officer - Planning
City of Prospect
July 2017

Report prepared by

Sam Cassar

Cert. (Hort. 3), 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	4
Appraisal	6
Objectives and Principles of Development Control	8
Conclusion	9
Appendix A - Aerial Image	10

Attachment

Introduction

Instructions

I was instructed by Council to assess a tree located within the rear yard of 37 Barker Road Prospect. My brief was to undertake the following:

- Assess the general health and structure of the tree; and
- Assess the tree against the relevant provisions of Council's Development Plan.

Site Visit

I carried out a site inspection on the 12 July 2017.

Documents and Information provided

Council provided copy of the following documents:

- Planning Report, APDS
- Landscape Assessment Report, Outer Space

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 12 July 2017.

Observations



Figure 1. Subject tree, viewed from the south.

Location of tree

The tree is located in the rear yard (refer Figure 1). The tree's trunk centre is 13.9 metres from the existing dwelling to the north and 5.8 metres from the brick outbuilding to the east.

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

Species

Jacaranda mimosifolia commonly referred to as a Jacaranda.

Observations (cont.)

Crown attributes

Height: 12 metres (clinometer)

Width (from trunk measured out): south 7.7 metres, north 7.9 metres, west 7.2 metres and to the east 7.7 metres.

Circumference at one metre above natural ground level

Single Trunk: 1.85 metres.

The tree 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 (May 2017).

Trunk Diameter

Trunk diameters at 1.40 metres from ground: 0.47 metres.

Trunk diameter at tree base: 0.53 metres.

Tree Health and Structure

The subject tree consists of a single trunk to a height of approximately 1.6 metres from ground at which point three main leaders arises to form a domed shaped crown that has a crown bias towards the northeast.

The subject tree is in good health with foliage density and vigour normal and typical of the species. The tree is free from notable pests and diseases. A small volume of deadwood is present within the crown.

The trunk is vertical, appears sound with no cavities or evidence of termite damage.

All branch unions appear to be sound and free of any recognizable structural flaws or weaknesses from what can be observed from ground. The tree does not display a history of significant branch failure.

Pruning has occurred to remove a number of lower branches to improve access to the rear yard.

Property Damage

There is no visible evidence of damage to private property.

Appraisal

The subject tree is considered Significant given the tree has been identified in Table Pr/4 of the Council's Development Plan (May 2017).

The subject tree is a mature specimen, in good health with no notable defects that indicate it can be considered an unacceptable risk to private safety or causing damage to property at this time.

Landscape Assessment

I have viewed the tree and surrounding area from many vantage points. In my opinion, the tree does not make an important contribution to the character and visual amenity of the local area for the following reasons:

- Although the tree is a mature specimen, its respective height and spread (Approximately 12 metres x 7 metres) does not give this tree a strong visual presence within the locality.
- The tree's location in the landscape only provides limited views from immediate and surrounding streets. The tree is located in the rear yard, with the crown becoming obscured to various degrees due to existing rooflines, street trees, trees and other vegetation located on private properties and other street features as one travels in any direction along and away from 37 Barker Road. There are only four locations where views of the tree can be observed outside of the rear yard. Main views are achieved from standing on the other side of the road directly in front of the tree where approximately 20% of the crown is visible (refer Figure 2), and viewing the tree from the eastern neighbour's driveway were approximately 60% can be viewed (refer Figure 3). Views of the tree were also noted in Peel Street and Alpha Road.
- A number of other mature trees are located within private properties and planted as street trees within the locality contributing to the amenity and character of the local area.

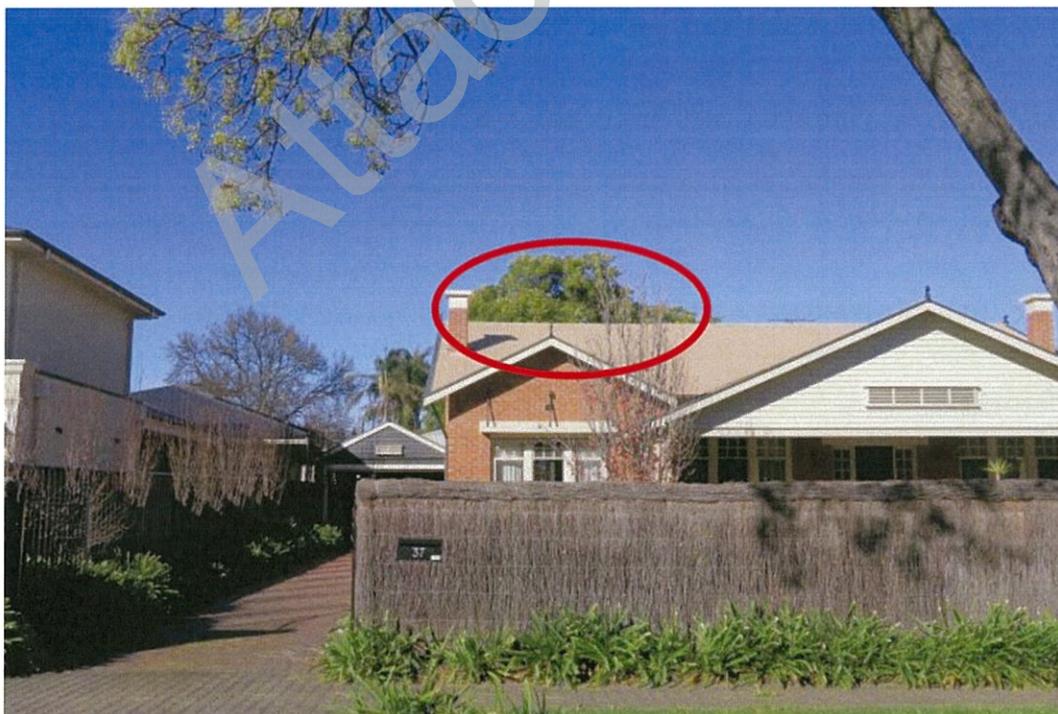


Figure 2. Subject tree circled in red viewed from the north.

Appraisal (cont)

Figure 3. Subject tree viewed from the eastern neighbouring driveway. Subject tree circled in red.

Objectives and Principles of Development Control

The subject tree has been identified as a significant tree. The subject tree has identified in Table Pr/4 of the Council's Development Plan (May 2017), Council identification number for the subject tree is 828. The following comments have been made in regards to Principle 361 (a) – (f) of Council's Significant Tree Controls:

- a) The height and spread of the subject tree's crown and location (rear yard) does not give it a strong visual presence within the locality with main views of the tree restricted to the rear yard and driveway of the eastern neighbouring property.
- b) Jacaranda is an exotic species native to tropical and subtropical regions of Central America, South America, Cuba, Hispaniola and the Bahama and is therefore not listed under the National Parks and Wildlife Act as a rare or endangered.
- c) There is no evidence to indicate the tree is an important habitat for native fauna. No hollows suitable for nesting were identified within the crown of the tree.
- d) There is no visual evidence to indicate the tree is part of a wildlife corridor.
- e) The tree is not important to the maintenance of biodiversity in the local environment, given it is a commonly found exotic species planted extensively in the urban environment.
- f) The tree does not form a notable visual element given its location and lack of size; views of the subject tree are restricted.

Regarding the Principles of Council's Significant Tree Controls (May 2017) Principle 364 (a) (1) these additional comments have been made:

- i. The tree is not diseased and it is expected to have a long useful life expectancy with on-going management and maintenance by a qualified arborist.
- ii. The tree currently represents a low risk to private/public safety which is deemed acceptable at this time.
- iii. The tree is within 20 metres of a residential building but is not a bushfire hazard within the Bushfire Protection Area.
- iv. There is no visible evidence of damage to adjacent private property.

Conclusion

The subject tree has been identified as a significant tree. The subject tree has identified in Table Pr/4 of the Council's Development Plan (May 2017).

The tree is in good health and has no notable defects that indicate it can be considered an unacceptable risk to private safety. The tree is not causing damage to adjacent private property.

Unfortunately the tree does not achieve any of the aesthetic and environmental qualities that would qualify it as a significant tree worthy of retention with main views of the tree restricted to the rear yard and driveway of the eastern neighbouring property.

On the basis of the factors outlined, I consider that this tree is not worthy of retention and that removal is therefore supported.

Thank you for the opportunity in providing this report. Should you have any questions or require further information, please do not hesitate in contacting me.



Sam Cassar

Attachment

**Appendix A
Aerial Image**

Attachment



AGENDA ITEM: 5.5

To: Development Assessment Panel (DAP) on 14 August 2017

From: Scott McLuskey, Senior Development Officer, Planning

Proposal: Removal of a Significant Tree (River Red Gum) (DA 050/187/2017)

Address: 24 Rosetta Street, Collinswood (CT /)

SUMMARY:

Applicant: Neville Fielder

Owner: Strata Corporation 5544 Inc

Planning Authority: Council

Mandatory Referrals: Nil

Internal Referrals: Consulting Arborist

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 21 April 2016

Zone and Policy Area: Residential Zone, A350 Policy Area

Issues: Risk to public or private safety

Recommendation: **Refusal**

ATTACHMENTS:

Attachment 1 Development Application Form

Attachment 2-3 Certificate of Title

Attachment 4 Locality Plan

Attachment 5 Subject Land

Attachment 6 Supporting Statement

Attachment 7-18 Supporting Arborist Report

Attachment 19 Additional Supporting Statement

Attachments 20-30 Consulting Arborist Report

1. EXECUTIVE SUMMARY

- 1.1 The proposal is for the removal of a River Red Gum tree located forward of an existing three storey residential flat building at 24 Rosetta Street Collinswood that is significant both because of its size and its listing within Council's Development Plan. While an arborist report provided by the applicant recommends the retention of the tree, the applicant identifies that the 'medium' risk to private safety identified by the arborist is of concern to the Strata Corporation who thus seek approval for the tree's removal.
- 1.2 Council's consulting arborist generally concurs with the assessment of the arborist engaged by the applicant, with both finding that the tree contributes notably to the amenity of its locality, is in good health, and is in reasonably good structure. While only one arborist comments on a substantial branch failure, both conclude that the risks associated with the tree are within appropriate tolerances and which can be further reduced through maintenance pruning of the tree canopy.
- 1.3 While the concerns of the Strata Corporation are readily understandable, both experts involved in the assessment of the tree have concluded that the tree warrants retention when assessed against the relevant criteria. It is therefore recommended that the proposed development be refused.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality is residential in nature, featuring a mixture of older single storey dwellings on reasonably generous allotments and more recent infill developments that are typically single storey in scale and of low to medium density. Street trees within the locality are typically juvenile to semi-mature in age, of limited height, and with rounded canopies that contribute positively to the streetscapes. Within the broader locality, street trees along the portion of Rosetta Street west of Howard Street are more mature in age and of greater height and canopy width.
- 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 4**.

2.2 Subject Land

- 2.2.1 The subject land is located on the northern side of Rosetta Street, near the intersection of Rosetta Street and Howard Street. The land is regular in shape and caters for a group of 9 units within a three storey residential flat building, with associated carports and storage areas. The land is rectangular in shape and comprises one allotment with a total area of approximately 882m², a frontage of approximately 21.3m to Rosetta Street and a depth of approximately 41.4m
- 2.2.2 The subject tree is located forward of the residential flat building, within a relatively small landscaped front yard. No other significant trees are present on or near the subject land.
- 2.2.3 The subject land is illustrated on **Attachment 5**.

3. PROPOSAL

- 3.1 The proposal is for the removal of a significant tree, a River Red Gum. In the provided supporting statements, the applicant articulates clearly the concerns of the Strata Corporation related to the extent of risk posed by potential limb failures, in the context of previously highlighted limb failures.
- 3.2 The tree is listed in Table Pr/4 of the Prospect (City) Development Plan, and was listed on the basis of its contribution to the amenity of the locality. The tree has a single trunk that is approximately 4.6 metres in circumference when measured at 1 metre above the natural ground level, having grown substantially since it was measured in 2001 at 2.5 metres in circumference. Both as a result of the listing and its circumference, the tree is defined as a significant tree pursuant to the *Development Act 1993*.
- 3.3 The proposal has been submitted by the Body Corporate Manager on behalf of the property owner, who has provided a supporting statement (refer **Attachments 7-18**) including a previous report from an arborist engaged by the Corporation. While this arborist report is not current, it provides a useful assessment of the tree's condition in late 2014. A further supporting statement was provided in support of the presentation of the application to the DAP.

4. REFERRALS

4.1 Internal (Advisory) Referrals

- 3.1.1 Upon receipt of the development application, and as per standard process, Council staff sought a report from a consulting arborist to confirm the health, life expectancy and risks associated with the tree, as well as commentary regarding any reasonable measures available to manage the tree. This report, prepared by Mr Sam Cassar of Symatree Pty Ltd, is attached (refer **Attachments 20-30**).
- 3.1.2 The report prepared by Mr Cassar is discussed in further detail during the planning assessment of this report.

4.2 External (Legislated) Referrals

- 4.2.1 No external referral was required.

5. PUBLIC NOTIFICATION

- 5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 Part 1 (13) of the *Development Regulations 2008* as it involves a tree-damaging activity on private land. As such, no public notification was undertaken.

6. PLANNING ASSESSMENT

6.1 Desirable Positive Attributes

- 6.1.1 The provisions of Council's Development Plan anticipate the preservation of significant trees which provide important aesthetic and environmental benefits. It is further anticipated that future development will preserve the attributes of significant trees, especially when the significant tree meets the following criteria (Council Wide PDC 346):
- a) it makes an important contribution to the character or amenity of the local

area; or

- b) it is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or
- c) it represents an important habitat for native fauna; or
- d) it is part of a wildlife corridor or a remnant area of native vegetation; or
- e) it is important to the maintenance of biodiversity in the local environment; or
- f) it forms a notable visual element to the landscape of the local area.

6.1.2 Both arborists formed the opinion that the tree, by virtue of its height, canopy spread and position in the landscape, does form a notable visual element of the local area. The Project Green report expands on the aesthetic and environmental benefits of the tree species generally, as well as describing the important positive contribution to the locality of this particular tree.

6.1.3 Based on this concurrence in expert opinion, it is considered that the tree achieves relevant desirable positive attributes and is worthy of retention unless one or more of the removal criteria are achieved.

6.2 Removal Criteria

6.2.1 The removal of a significant tree is supported by the Development Plan however, (Council Wide PDC 349) on the proviso that:

- a) The tree is diseased and its life expectancy is short; or
- b) The tree represents an unacceptable risk to public or private safety; or
- c) The tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or
- d) The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and
- e) All other reasonable remedial treatments and measures have been determined to be ineffective.

6.2.2 Both reports conclude that the tree is not in a Bushfire Prone Area and is not causing or threatening to cause damage to a substantial building or structure of value. Both arborists undertook a tree risk assessment and concluded that the level of risk associated with the tree was acceptable. It was also noted that the level of risk could be further reduced through maintenance pruning.

6.2.3 Based on this concurrence in the expert opinion, it is considered that the tree fails to achieve the relevant removal criteria and the tree thus warrants retention.

7. CONCLUSION AND RECOMMENDATION

7.1 Council Wide PDC 346 of Council's Development Plan suggests that it is desirable for a significant tree to be retained if it makes an important contribution to the character or amenity of the area. If a significant tree does make an important contribution, it should only be removed if it fulfils the removal criteria set out by Council Wide PDC 349.

7.2 The subject River Red Gum tree is considered to be a highly notable visual element within the landscape of the local area and as such, makes an important contribution to the amenity of the locality.

- 7.3 While the concerns of the Strata Corporation are readily understandable, the tree has been found to be in good health and good structure, with no significant structural defects that indicate it poses an unacceptable risk. The tree is expected to offer a long useful life expectancy.
- 7.4 Given the above, it has not been demonstrated that the tree warrants removal. The application is therefore considered to be inconsistent with the relevant provisions of the Prospect (City) Development Plan and warrants the refusal of development plan consent.

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 050/187/2017 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 refused to DA 050/187/2017 for the Removal of a Significant Tree (River Red Gum) at 24 Rosetta Street, Collinswood (CT /), subject to the following conditions:

- Result in the removal of a significant tree that is worthy of retention.

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

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

Advisory Notes:

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

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

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

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



City of Prospect

16 MAY 2017

Received

SCANNED

17 MAY 2017

CITY OF PROSPECT
Development Services128 Prospect Road Prospect SA 5082
Telephone (08) 8269 5355 Facsimile (08) 8269 5834

Development Application Form

Application No.: 050 / 187 / 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 #: 24

Street: ROSETTA STREET

Suburb: COLLINSWOOD

Postcode: 5081

CT Volume and Folio:

3. Details of Parties

Applicant C/- Whittles

Name: Neville Fielder

Address: 176 Fullarton Road Dulwich

Contact No.: 8291 2300

Email: neville.fielder@whittles.com.au

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: Removal of River Red Gum Tree
at front of units. (significant tree)

Existing Use of Property: Residential

Estimated Cost of Development: \$ 4,000

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: _____ Signature: _____ Date: _____

Applicant Owner Builder



Product	Register Search (CT 5069/326)
Date/Time	10/08/2017 12:33PM
Customer Reference	S McLuskey
Order ID	20170810006339
Cost	\$28.25

REAL PROPERTY ACT, 1886



South Australia

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.



Certificate of Title - Volume 5069 Folio 326

Parent Title(s) CT 5018/530, CT 5018/531, CT 5018/532, CT 5018/533 and Others
Creating Dealing(s) AP 7234450
Title Issued 21/04/1992 **Edition** 1 **Edition Issued** 21/04/1992

Estate Type

FEE SIMPLE (COMMON PROPERTY)

Registered Proprietor

STRATA CORPORATION NO. 5544 INC.
OF 24 ROSETTA STREET COLLINSWOOD SA 5081

Description of Land

COMMON PROPERTY STRATA PLAN 5544
IN THE AREA NAMED COLLINSWOOD
HUNDRED OF YATALA

Easements

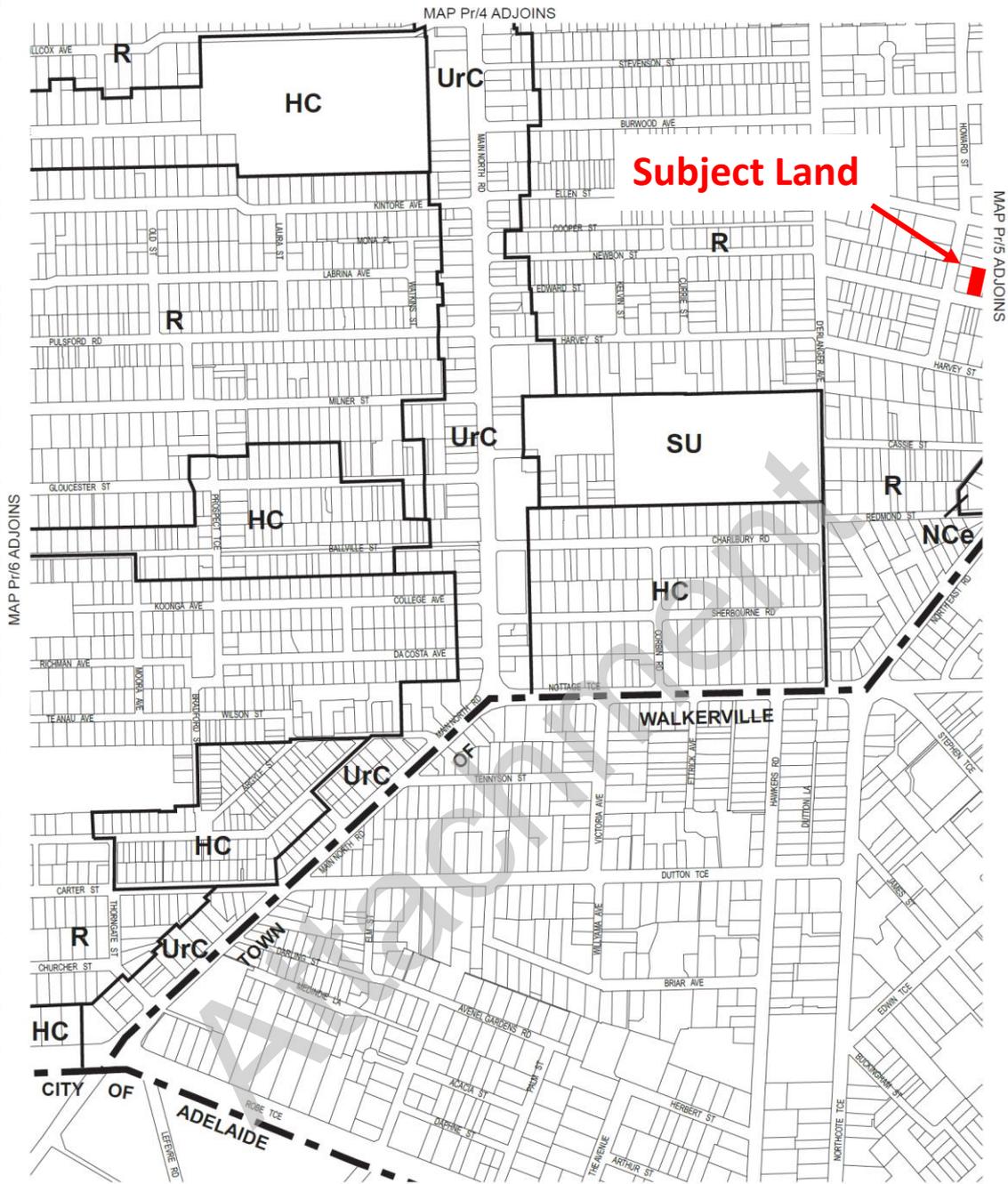
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



NOTE : For Policy Areas See MAP Pr/12

- HC Historic Conservation
- NCE Neighbourhood Centre
- R Residential
- SU Special Uses
- UrC Urban Corridor

Scale 1:8000



**PROSPECT COUNCIL
ZONES
MAP Pr/7**

- Zone Boundary
- Development Plan Boundary

Consolidated - 30 May 2017



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

24 Rosetta Street



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.



Adelaide Office
176 Fullarton Road
Dulwich
South Australia 5065
PO Box 309
Kent Town SA 5071

T 08 8291 2300
F 08 8364 1788

Whittles Management
Services Pty Ltd atf
Whittles Strata Unit Trust
ABN 31 493 603 726

www.whittles.com.au

09/05/17

CITY OF PROSPECT
DEVELOPMENT SERVICES
128 PROSPECT ROAD
PROSPECT, SA, 5082



Dear Sir/Madam,

RE: Strata Corporation 5544 Inc.
AT: 24 ROSETTA STREET, COLLINSWOOD
SUBJECT: Removal of River Red Gum Tree

Whittles are the Body Corporate Managers for the above mentioned Strata Corporation.

We write to you on behalf of the 9 owners of the residential home units at 24 Rosetta Street Collinswood, regarding removal of a red river gum tree located at the front of the units.

The Corporation seeks approval to remove the tree as the members feel it poses a major health and safety risk to the occupants of the property, neighbouring properties and building structures. There have been two instances where limbs have fallen resulting in damage to fences. Fortunately no one was injured on those occasions and the branches did not fall on the building.

In November 2014, Project Green was engaged to report on the tree - copy attached. While the report states the tree is in good condition, the Corporation members are concerned with the risk assessment identifying the tree as "medium risk - somewhat likely" to cause significant injury/damage. Due to the location of this tree and the history of limb failure, the Corporation seeks approval to remove the tree to ensure the safety of local occupants/ neighbours/ pedestrians and damage to the units and neighbouring structures.

The unit owners strongly believe that the risk level of **'somewhat likely to cause significant injury or damage'** is unacceptable in a reasonably dense residential situation.

Please note that the Corporation have decided not to obtain a new arborist report as they feel none of the items A-F and 1-5 have changed over the 3 years.

Enclosed within is the Development Application and arborist report.

We appreciate your consideration, and look forward to hearing from you soon.

Yours faithfully,



Neville Fielder
Corporation Manager

Attachment

project GREEN



Tree Report

5 November 2014

S7097

Prepared for:

Paul Busolin

Site Details

Residential Unit

1/24 Rosetta Street
Collinswood SA

Prepared by:

Project Green Pty Ltd

25-27 Ceafield Road
Para Hills West SA 5096

ABN: 78 088 402 706

ACN: 088 402 706

Tel: (08) 8283 1300

Fax: (08) 8258 1933

admin@projectgreen.net.au

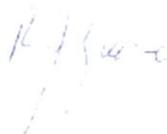


project GREEN

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Report prepared and written by:



Ross Greene
B.App.Sc. (Horticulture)
Dip.Hort. (Arboriculture)
Qualified Tree Risk Assessor (ISA)

Reviewed and approved by:



Ben Seamark
B.A. Environmental Management
Dip. Hort. (Arboriculture)
Adv. Cert. Horticulture
ISO14001 Auditor

1 INTRODUCTION

Project Green was commissioned by Paul Busolin to provide an assessment on a tree located at 24 Rosetta Street, Collinswood. The tree has recently lost a large limb and a report on the health and safety of the tree has been requested.

The aim of this report is to:

- 1) Assess the tree for health, safety and retention value.
- 2) Communicate the relevant provisions defined under the South Australian *Development Act 1993* that apply to the tree.
- 3) Provide arboriculture management strategies for the tree.

2 LEGISLATION AND STANDARDS

Regard was given to the following legislation and standards for the purpose of the tree's assessment and advising on measures to manage the tree effectively.

- *South Australian Development Act 1993*
- *South Australian Development Regulations 2008*
- *Development Plan, City of Prospect (Consolidated 31st October 2013)*
- *Australian Standard 4373-2007 Pruning of amenity trees*

3 METHODOLOGY

A site visit was undertaken on the 5th of November 2014 to conduct the assessment. The tree had undergone remedial pruning by this time wherein the failed section had been removed to the branch collar. During the visit, relevant details regarding the tree species, height, health, structure, growing environment, trunk circumference, and legislative status were identified and recorded. Photographs of the tree were also taken.

3.1 Limitations

The tree was inspected visually from the ground only. No aerial, subsurface or invasive inspections were performed and no soil or plant samples were laboratory tested. Information contained in this report is based on observations taken on the day of inspection and material provided only. It is possible that changes in environmental conditions or subsequent information may affect these findings. This report has been prepared on behalf of and for the exclusive use of the Project Green client.



4 SITE LOCATION AND DESCRIPTION

The tree is located at the front of a three storey block of units. The site is open and the tree is reasonably isolated. There is some overhang of the unit block roof to the north, lined services to the south and the common driveway to the east.



Photo 1. Shows the location of the subject tree (source Nearmap).



5 THE SUBJECT TREE

5.1 Observations and Results

Tree Species	<i>Eucalyptus camaldulensis</i>	
Common Name	River Red Gum	
Location	24 Rosetta St Collinswood	
Date	5/11/2014	
Size (m)	Height 20 Diameter 15	
Age	Mature 60+yrs	
Useful Life Expectancy*	Medium 15-40 years	
Live Crown Ratio	60%	
Crown Density	100%	
Trunk Circ. (1m)	4.3 metres	
Work Priority	Medium	
Legislative Status	The trunk circumference measures over 3 metres at 1 metre above natural ground level, therefore it is deemed to be 'significant' when assessed against the SA <i>Development Act 1993</i> . The tree appears in the Development Plan of the City of Prospect (Table Pr/4) as a Significant Tree (Council Tree ID 188).	
Health	Good – very dense crown of good vigour with healthy new growth. Crown density suggests access to water. Trunk has been affected by borers but shows good occlusion to the damage.	
Structure	Fair – single trunk to 4.5 metres where the trunk has divided to form three scaffold limbs. Two eastern orientated scaffold limbs have been removed/failed. The western scaffold now constitutes the entire tree. The east/west balance of the crown is still reasonable however it is biased to the north over the building. The southern crown has been pruned around lined services. Branch taper is good and unions are sound from ground view.	
Environment	Root zone is mostly unirrigated open ground however there is evidence of previous irrigation. Trunk is 3 metres from the dwelling. Approx. 3 metre over-hang of the roof. Some cracking of the corner of the building was observed, but this is seen in numerous locations, including parts remote from the tree.	

Photo 2. The subject tree.



5.2 Useful Life Expectancy (ULE)*

The subject tree is considered to be mature (approx. 50 years old) with a Category 2 Useful Life Expectancy of 15-40 years (see Appendix A, Useful Life Expectancy). The useful life expectancy has not been affected by the recent limb failure.

5.3 Tree Risk Assessment

The risk potential of a tree can be assessed as a function of the likelihood of failure and any subsequent impact, coupled with the consequences of the failure. In this instance, considering the level of faults observed, the subject tree has been identified as presently posing *medium* risk.

Table 1. Tree Risk Matrix (adapted from Dunster et al. 2013)

Likelihood of Failure and Impact	Consequence			
	No impact	Minor property damage	Significant injury/damage	Severe injury/damage
Very likely	Low	Medium	High	High
Likely	Low	Medium	High	High
Somewhat Likely	Low	Low	Medium	High
Unlikely	Low	Low	Medium	Medium

5.3.1 Likelihood of Failure and Impact

Assessment of the tree utilising a historical photograph (see Appendix B, photos A & B) suggests that the limb which failed recently was over-extended and showed excessive horizontal orientation for the weight it supported. The crown density and subsequent weight is a likely product of access to water, either from previous irrigation near to the tree or some subterranean source. This weight can be alleviated to reduce the likelihood of future failure.

5.3.2 Consequence (Significant Injury/Damage)

If failure of a significant limb were to occur the consequence would be dependent on which part of the crown the failure occurred from. At the present time the northern crown area is assessed at the area of highest risk. This incurs over the building and therefore the consequence of failure is assessed as significant injury and/or damage. The major risk is to the unit on the top floor. The building and roof may offer some protection factor for human injury.

5.4 Hazard Mitigation

Foliage weight constitutes a significant percentage of total branch weight in trees and the subject tree is heavily weighted with foliage. The likelihood of future branch failure can be reduced by weight reduction pruning, with particular emphasis on the scaffold limb which supports the northern crown.



5.5 Legislative Appraisal

With reference to the City of Prospect Development Plan (Significant Trees) the following assessments have been made.

Council Objectives (Significant Trees)

Objective 1: The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.

Objective 2: The conservation of significant trees in balance with achieving appropriate development.

Principals of Development Control (Significant Trees)

Principle	Assessment
1 Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:	
(a) makes an important contribution to the character or amenity of the local area; or	Yes
(b) is indigenous to the local area and its species is listed under the <i>National Parks and Wildlife Act 1972</i> as a rare or endangered native species; or	No
(c) represents an important habitat for native fauna	Yes
(d) is part of a wildlife corridor of a remnant area of native vegetation	No
(e) is important to the maintenance of biodiversity in the local environment	Yes
(f) forms a notable visual element to the landscape of the local area.	Yes
2 Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.	
3 Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:	
(a) in the case of tree removal where at least one of the following apply:	
(i) the tree is diseased and its life expectancy is short	No
(ii) the tree represents an unacceptable risk to public or private safety	No
(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	No
(b) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value	<i>Some threat but remedial treatments can be undertaken</i>
(c) all other reasonable remedial treatments and measures have been determined to be ineffective; and	No



Principle	Assessment
(d) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.	No

6 DISCUSSION

Eucalyptus camaldulensis, or River Red Gum, is a well-known native tree with a wide-spread distribution in south eastern Australia. It is a large growing tree attaining a height of over 30 metres, and is often seen as wide as it is high. It was once a popular domestic ornamental but has lost popularity due to its mature size. It is a hardy tree reputed to have a large and deep root system, which can exploit underground water sources. In habitat, it is a tree of riverine or seasonally inundated sites and is recognised as a tree with high habitat value for native fauna.

The subject tree is a mature, healthy specimen providing aesthetic and environmental benefits to the locality. This assessment is supported by its inclusion on the list of Significant Trees which is contained within the Development Plan of the City of Prospect. The tree has recently lost a large limb which caused damage to an adjacent fence and left the remaining crown supported by one scaffold branch. Despite this occurrence the tree is still considered as having a medium to high retention value.

The recent failure is most likely attributable to excessive weight being supported by an over-extended, horizontally orientated scaffold limb. This observation is substantiated by the historical photographs seen in Appendix B (photos A & B) and the location of the failure being at the point of greatest weight stress (photos C & D). The crown is very densely foliated, and indications are that this has been fostered by access to water. This may have been from water applied to irrigate surrounding gardens or from root incursion into subterranean sources (see Appendix B, photos D & E). The tree is obviously still undergoing vigorous growth. This is confirmed by longitudinal growth cracks in the trunk system, and also that its circumference was recorded by the City of Prospect as 2.5 metres in 2001. The tree is now more than 4.3 metres in circumference.

The assessment of the tree must conclude that despite the recent limb failure there are no arboricultural grounds to remove the tree. The loss of the limbs on the eastern side of the crown will not have a significant effect on the soundness of the remaining western scaffold limb. The risk of future limb failure, however, needs to be addressed with weight reduction of the crown. This is most applicable to the northern crown area which overhangs the dwelling.



7 RECOMMENDATIONS

All work recommended should be undertaken in accordance with *Australian Standard 4373-2007 Pruning of Amenity Trees* and the South Australian *Work Health and Safety Act 2012* under the direct supervision of a qualified Arborist who holds a minimum AQTF Cert III Horticulture (Arboriculture).

The following recommendations are not considered as tree damaging activity in accordance with the Development Regulations 2008 (Part 2, Section 6a [8]), therefore a Development Application is not required.

1. Given the aesthetic and environmental benefits that the tree provides, and considering its retention value as prescribed within the Development Plan of the City of Prospect, it is recommended that the tree is retained.
2. To reduce the likelihood of limb failure undertake crown thinning pruning to reduce crown weight by 10% to 20%.
3. To reduce the likelihood of limb failure over the building undertake reduction and/or selective pruning to the northern crown area to reduce crown extension by approximately 2-3 metres. A vertical clearance of at least 2 metres is required.
4. Remove epicormic growth with poor directional orientation (i.e. growing into the centre of the crown).
5. Remove dead wood >30mm.
6. Have the tree re-assessed by a qualified Arborist within 2 years.

Attachment



8 GLOSSARY

<i>Crown Density</i>	The estimated % of density of foliage present in the crown compared to that idealised for the genus and species when in good condition of normal vigour and expressed as a %, considering vigour, predation, environmental condition, epicormic shoots and dormancy (Draper & Richards, 2009).
<i>Dead wood</i>	Dead branches within a tree's canopy can be categorised as small, medium or large in size based on diameter and length, and volume within canopy.
<i>Epicormic growth</i>	A shoot or branch growing from a dormant bud from the trunk of a tree, usually as a result of damage to the tree. (Costermans, L. 1998)
<i>Health</i>	Includes the tree's vigour exhibited by density of crown, cover, leaf colour etc.
<i>Live Crown Ratio</i>	The proportion of live crown to tree height used to assist in the assessment of potentially hazardous trees.
<i>Occlusion</i>	Growth process where wound wood develops to enclose the wound face (Draper and Richards 2009).
<i>Size</i>	Tree height and canopy diameter measured in metres.
<i>Visual Tree Assessment</i>	A visual inspection of a tree from the ground undertaken by a trained arborist competent in determining tree type, structural integrity, health, growing environment and environmental benefits or impacts the tree may present. The assessment is used to determine suitable methods for managing the tree and the impact it may have on its immediate surrounds. The inspection is limited to those attributes observed on the day of inspection. No other investigative techniques are used unless stated otherwise.



Attachment

APPENDIX A - USEFUL LIFE EXPECTANCY (ULE)

The information derived from the visual inspection of the tree is used to determine the ULE rating. This rating gives an estimate of the expected life span of the tree and takes into account age, life span of the species, local environmental conditions, location, and tree safety. The ULE rating is an assessment of the tree at the time of inspection. This rating may change due to local environmental changes or extreme occurrences such as a storm.

Table A. Useful Life Expectancy (ULE)

Category	Description
1	Long, life span greater than 40 years
2	Medium, life span from 15 to 40 years
3	Short, life span from 5 to 15 years
4	Remove, should be removed within 5 years
5	Small, Young or regularly pruned, trees that can be readily moved or replaced
Unstable	Unstable Showing imminent signs of structural failure, unstable in the ground, significant trunk damage rendering the tree structurally hazardous

Attachment



APPENDIX B – Site Photos



Photo A. Shows a historical photo of the tree pre-failure. The eastern scaffold limb is over-extended, horizontally orientated and supported heavy weight on the two limbs depicted (source Nearmap).

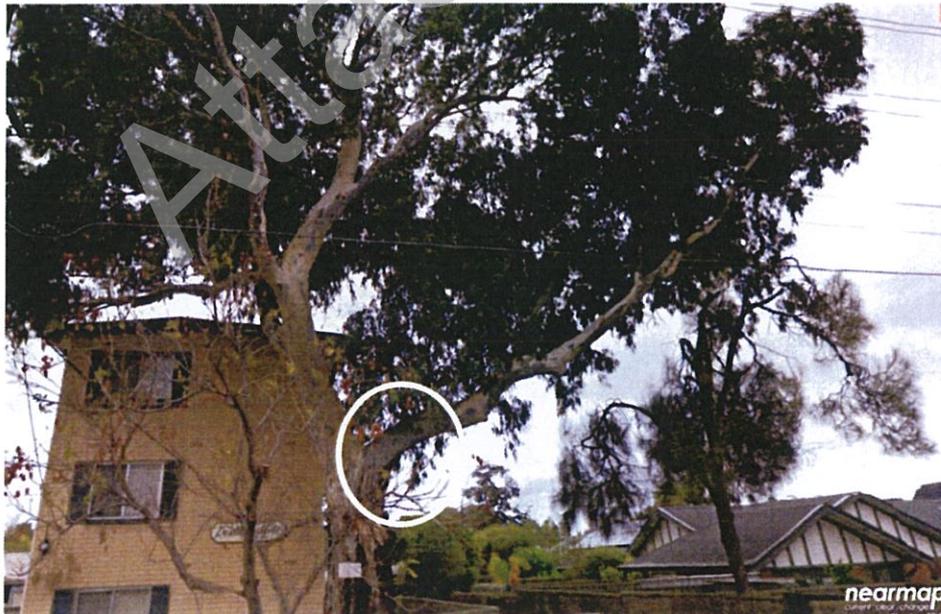


Photo B. The location of the failure is the point where the weight stress was greatest.



Photo C. The nature of the collar wound and damage to the adjacent fence (see photo D below) indicates the failure occurred close to the branch collar at the point of greatest weight stress.



Photo D. The damage to the fence within a few metres of the tree. The remains of an irrigation system indicates the area around the tree was irrigated at some point.



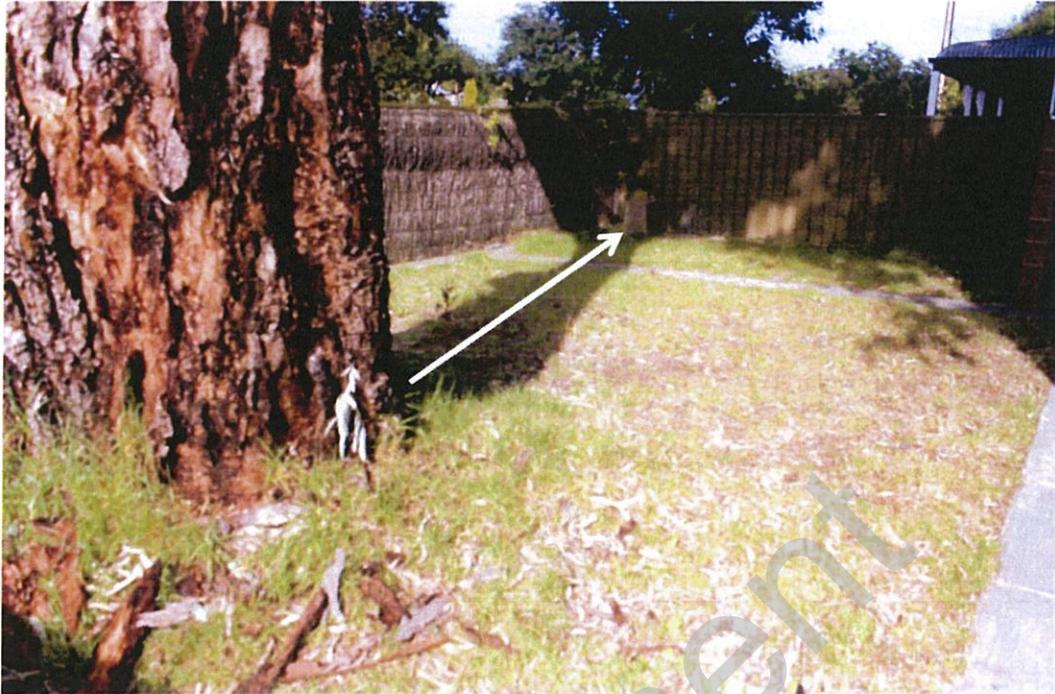


Photo E. A large root is raising the ground in the direction of the water meter.

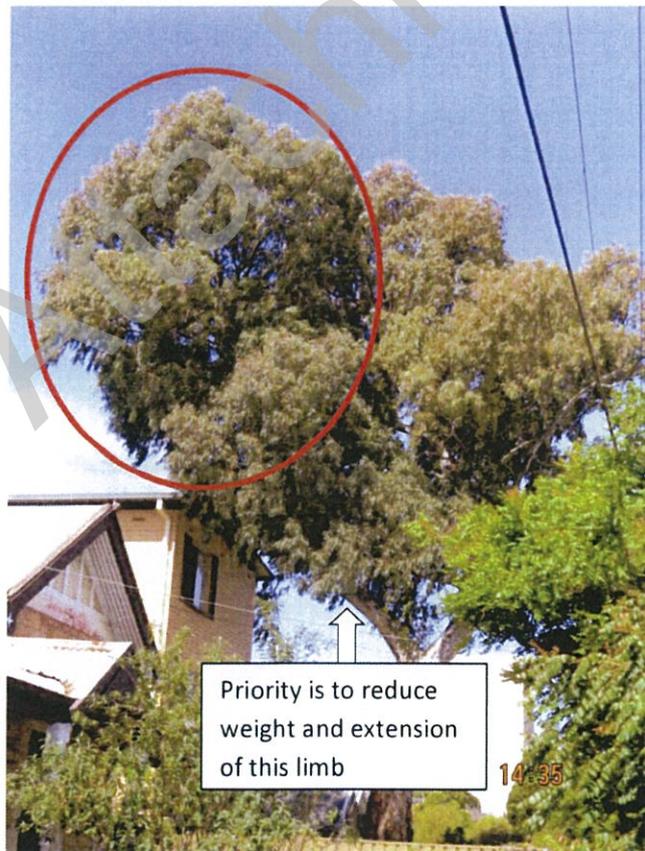


Photo F. Shows the crown extension over the building and main pruning target.



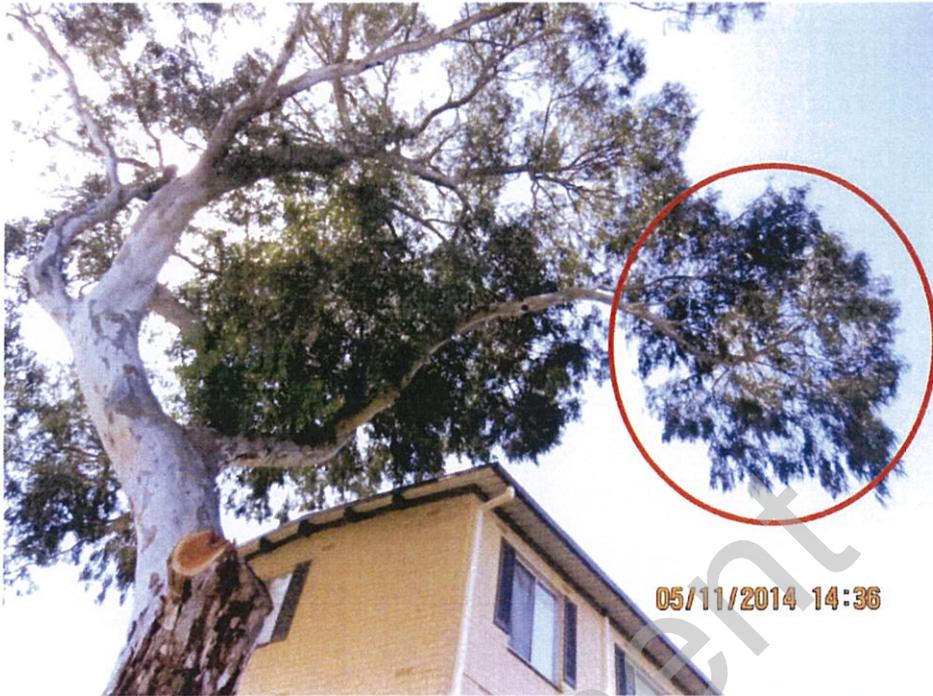


Photo G. Shows the eastern view of the limb depicted in photo F. This section also needs weight reduction.

Attachment





Strata and Community Title Services

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Whittles Strata Unit Trust
ABN 31 493 603 726

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21/07/17

CITY OF PROSPECT DEVELOPMENT SERVICES
PO BOX 171
PROSPECT, SA, 5082

Dear Sir,

RE: Strata Corporation 5544 Inc.
24 Rosetta Street Collinswood SA
DA 050/187/2017

We refer to the email response from Scott McLuskey dated 21st July 2017 regarding the above mentioned Development Application relating to a tree removal.

We wish to comment on some of the points raised in the report of the Council appointed arborist.

- On page 5 under Observations Mr Cassar claims the tree has no history of significant branch failure. In both November 2010 and November 2014 substantial branches fell from the tree, causing damage to property. We attach photographs of the result of the 2014 failure. The branch caused damage to fencing and outdoor furniture. It weighed several tonne and would have killed anyone underneath it when it fell.
- We note the pruning options available to the property owners (pages 7 and 8) but dispute the fact that that will maintain an acceptable level of risk. The risk posed to people and property is from the heavier section of a branch falling - not the lighter leafy end.
- Under Appraisal/ Risk Assessment Mr Cassar rates the likelihood of a branch failing in the next two years as 'Possible'. That is unacceptable to the property owners.
- Under Appraisal/ Target Assessment (page 8) Mr Cassar rates the likelihood of a branch impacting the target as 'Medium'. Surely this is above an acceptable range.
- Under Appraisal/ Likelihood of Failure Mr Cassar again rates the likelihood of a branch failing as 'Possible'.
- Under Appraisal/ Consequences of Failure Mr Cassar suggests the branch sizes most likely to fail are between 60 - 80mm in diameter. History of branch failure of this tree indicate the branch size is more likely to be 200mm to 400mm plus. Please refer to the attached photographs.

The Strata Corporation members wish to remove the tree to reduce a serious risk to residents, their property and to the public.

In the event that the Council denies the Corporation permission to remove the tree, then the Corporation members will assume that the Council accepts liability for any future injury or property damage.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N. Fielder', with a stylized flourish at the end.

Neville Fielder
Corporation Manager

encl: photographs of damage caused by branch failure 2014

Attachment



November 2014. Portion of substantial fallen branch removed from the driveway and evidence of structural damage to fence. The driveway is used by 9 residents and their children.



November 2014.



November 2014. Another portion of the substantial fallen branch which fell across the driveway and into a neighbouring property.

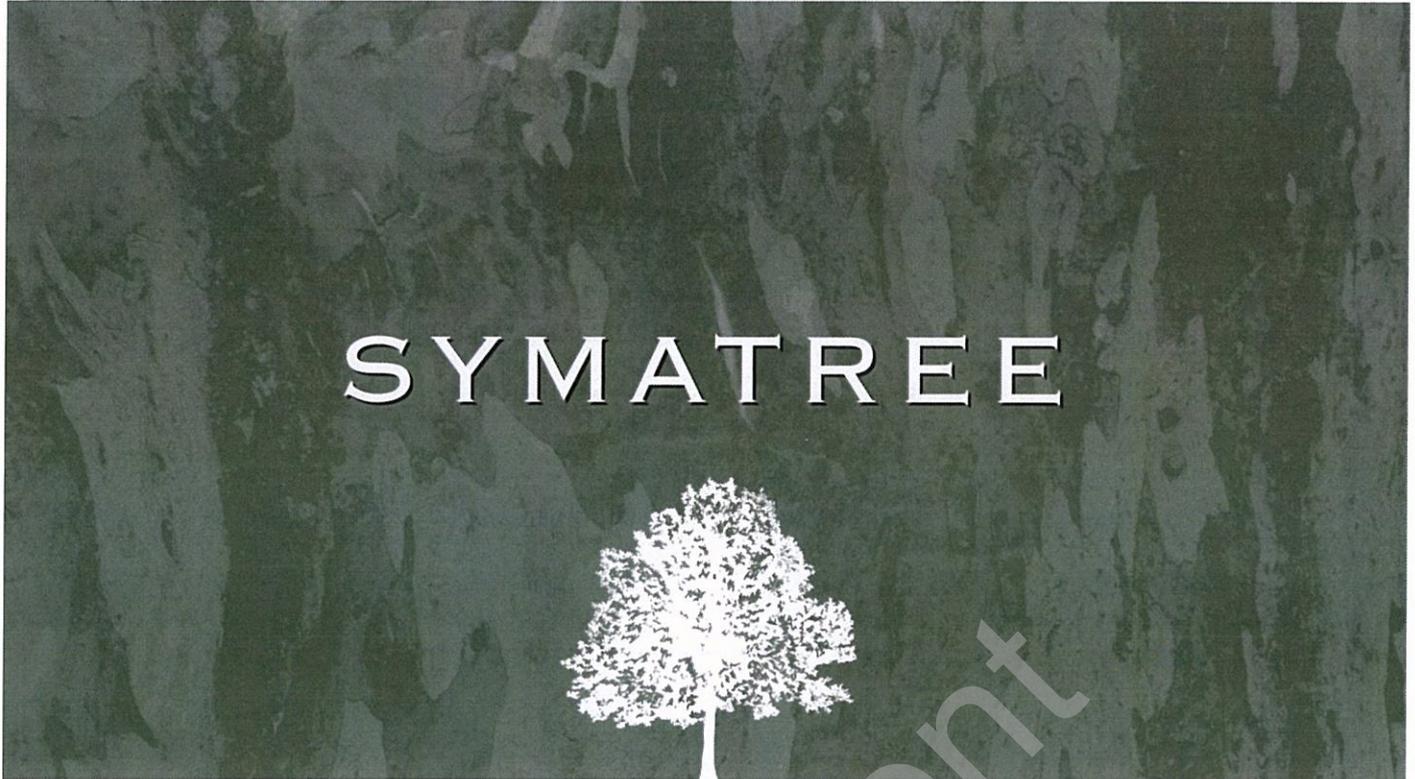


November 2014. Portion of the substantial fallen branch which fell across the public footpath and evidence of structural Damage.



November 2014. Damage to outdoor furniture in a private courtyard.

Attachment



Tree Assessment
24 Rosetta Street Collinswood

File Number: DA 050/187/2017

Report prepared for

Mr Scott McLuskey
Senior Development Officer - Planning
City of Prospect
July 2017

Report prepared by

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

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Attachment

Introduction

Instructions

I was instructed by Council to assess a mature River Red Gum located within the front yard of 24 Rosetta Street Collinswood. My brief was to undertake the following:

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

Site Visit

I carried out a site inspection on the 5 July 2017.

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 6 July 2017.

Observations



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

Location of tree

The tree is located within a lawn area. The trunk centre is 3.6 metres from the front fence and 10.6 metres from the western boundary fence and 3.6 metres from the adjacent units.

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

Species

Eucalyptus camaldulensis commonly referred to as a River Red Gum.

Observations (cont)

Crown attributes

Height: 20 metres (clinometer).

Width (from trunk measured out): south 8.0 metres, north 7.8 metres, west 9.1 metres and to the east 7.7 metres.

Circumference

Single trunk: 4.59 metres.

The tree is a mature specimen that qualifies as a Significant Tree under the Development (Regulated Trees Variation) Regulations 2011. The tree has been identified in Table Pr/4 of the Council's Development Plan.

Tree Age

Approximately 50 to 60 years.

Structure/Condition

The subject consists of a single vertical trunk to a height of 5 metres at which point main branching arises to form a rounded broad spreading shaped canopy that is relatively well balanced.

The trunk is vertical and appears to be stable with no evidence of termite activity. Borer damage in the form of kino staining and some barking lifting is noted. A trunk wound is evident on the tree's north-western side; reactionary wood is noted around the edge of this wound. Borer exit holes are present on the wounds face (refer Figure 2).

The canopy is 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 small quantity of small diameter dead wood is present at various points throughout the crown.

Large diameter pruning wounds are noted on the tree's eastern side, mid-crown. A number of pruning wounds are also noted on the tree's norther side to provide clearance from the adjacent units. No significant decay altered wood or termite damage was observed within the face of these pruning scars. There is no evidence of recent pruning to manage the crown. In response to this pruning moderate volumes of epicormic growth are present inner crown.

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

Observations (cont)

The tree does not display a history of significant branch failure. A number of the secondary branches in the lower to mid crown are near horizontal descending in orientation.

Property Damage

No damage that can be attributed to this tree was observed.



Figure 2. Trunk wound, indicated in red. Note bore exit holes lower sections of the wound.

Appraisal

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

This tree has a strong visual presence/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.

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

Pruning Requirements

The subject tree does not exhibit any defects that suggest significant pruning is required. The tree however would benefit from maintenance pruning to remove dead branches over 30mm in diameter, any excess epicormic growth and defective branches that cannot be observed from ground.

It is strongly recommended a detailed pruning plan be developed by a suitably qualified Arborist (minimum Level 5) and submitted to Council for consideration if greater than 30% of the overall canopy is proposed to be removed.

Also I recommend the subject tree be reassessed every two to three years to monitor tree health and stability.

Risk Assessment

A risk assessment of the subject tree has been provided using the *International Society of Arboriculture* tree risk assessment method.

The method calculates risk in two steps; the likelihood of a failure occurring and the likelihood of the failure impacting a target. The matrixes determine the likelihood of the possible failing part or parts impacting a target.

I am qualified to use the 'International Society of Arboriculture tree risk assessment method'. More information about this method can be found in the American Standard ANSI A300 Part 9: - Tree Shrub and other woody plant management – Standard Practices and Tree Risk Assessment Manual by International Society of Arboriculture 2013.

Factors taken into account during a risk assessment include history of branch failure, likelihood of failure, tree age, health and vigour, level of previous maintenance performed, current defects, and species characteristics, surrounding site factors, potential targets and occupancy rates.

Appraisal (cont)

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2 Risk rating matrix

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very Likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat Likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

In this tree risk assessment, I have considered the following specific factors in the likelihood matrix:

- A minor section of the northern crown extends over the roofline of the units.
- This tree does not display a history of ongoing significant branch failure.
- I found no evidence of internal decay or other notable defects within the branching structure and the tree is in good health and well formed.
- Pruning options are available to maintain risk at acceptable levels and reduce the level of overhang that extends to south.
- The likelihood of whole tree failure and main leader failure under normal weather conditions in the coming two years is considered to be improbable.
- The likelihood of a small to medium sized live branch failure under normal weather conditions within the coming two years is considered to be possible.

Target Assessment

The following assessment is based upon existing site use under normal seasonal weather conditions. An approximation of the likely occupancy of the targets identified has also been provided. The potential targets that would be impacted if branch failure were to occur include:

Potential Targets	Likelihood of Impacting the Target
The shared front yard. Usual occupancy would occur on an occasional basis.	Medium
The shared driveway. Usual occupancy would occur on an occasional basis.	Medium
Shared boundary fencing – constant target.	Medium
Small section of the overhead powerlines – constant target	Medium
Small section of the footpath – constant target	Medium

Appraisal (cont)

Likelihood of failure

I consider the likelihood of a part failing from the subject tree is possible. This determination is based upon the following assumptions:

- The crown overall has no notable defects observed.
- Pruning options are available to address crown defects to reduce the future failure potential of this tree and to maintain risk to acceptable levels.

Consequences of failure

I suggest the branch sizes most likely to fail are approximately 60 - 80mm in diameter. The consequences of a branch of this size impacting the potential targets are as follows:

Potential Targets	Consequences of failure
The shared front yard.	Severe harm to persons
The shared driveway.	Severe harm to persons, minor damage to vehicles
Shared boundary fencing	Minor damage to fencing
Small section of the overhead powerlines	Minor Damage to the overhead powerlines
Small section of the footpath	Severe harm to persons

Failure Rating

The failure rating for each of the identified potential targets are as follows:

Potential Targets	Failure Rating
The shared front yard.	Low
The shared driveway.	Low
Shared boundary fencing	Low
Small section of the overhead powerlines	Low
Small section of the footpath	Low

The result of this risk assessment for the subject tree was an overall **low** risk rating.

Conclusion

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

The subject tree is in good health and structure with no notable defects that indicate it poses an unacceptable risk to public safety. Applying the *International Society of Arboriculture* tree risk assessment method a low risk rating was determined.

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

I therefore advise that the subject tree does not meet any of the relevant Principles of the City of Prospect's Development Plan (May 2017) that would justify its removal at this time.

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

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

The subject tree does not exhibit any defects that suggest significant pruning is required. The tree however would benefit from maintenance pruning and assessment of tree health, stability and management requirements every two to three years, subject to the growth rate of the tree.

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



Sam Cassar

Appendix A
Significant Tree Principles

Attachment

Principle 361

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

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

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

No: The tree is indigenous to the local area but not 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: No evidence to indicate the subject tree is an important habitat for native fauna. No hollows suitable for nesting are present within the crown of the subject tree.

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

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

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

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

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

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

Principle 364

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

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

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

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

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

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

Not applicable

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

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

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

No: It is has not been demonstrated that all reasonable remedial treatments and measures (i.e pruning) have been considered to prevent substantial tree-damaging activities occurring.

Appendix B
Aerial Image

Attachment

