

SESSMENT PANE **COUNCIL AS**

CAP Meeting Agenda

Presiding Member: Mr Brenton Burman

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 18 June 2024 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.

nalde

Don Donaldson Assessment Manager Dated: 05/06/2024

Members: Mr Brenton Burman, Ms Colleen Dunn, Mr Terry Sutcliffe, Mr Will Gormly, Dr. Iris Iwanicki

KAURNA ACKNOWLEDGEMENT

Ngadlurlu tampinthi, ngadlu Kaurna yartangka inparrinthi. Ngadlurlu parnuku tuwila yartangka tampinthi.

Ngadlurlu Kaurna Miyurna yaitya yarta -mathanya Wama Tarntanyaku tampinthi. Parnuku yailtya, parnuku tapa purruna yalarra puru purruna.*

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

*Kaurna Translation provided by Kaurna Warra Karrpanthi

<u>AGENDA</u>

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DEVELOPMENT NO ·	23037828
APPLICANT:	Concordia College
ADDRESS:	40 CHELTENHAM ST HIGHGATE SA 5063 10 HIGHGATE ST FULLARTON SA 5063 LOT 100 HIGHGATE ST HIGHGATE SA 5063
NATURE OF DEVELOPMENT:	Illuminated Signage (Two Signs) – Proposed Illumination is Retrospective
ZONING INFORMATION:	Zones: • Urban Renewal Neighbourhood • Community Facilities Overlays: • Airport Building Heights (Regulated) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Heritage Adjacency Technical Numeric Variations (TNVs): • Maximum Building Height (Metres) (Maximum building height is 18.5m) • Maximum Building Height (Levels) (Maximum building height is 5 levels)
LODGEMENT DATE:	9 Feb 2024
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.2 08/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Timothy Bourner Senior Planner

CONTENTS:

ATTACHMENT 1:	Site Plans and Elevations	ATTACHMENT 4:	Response to Representations
ATTACHMENT 2:	Planning Statement	ATTACHMENT 5:	Outdoor Lighting Review
ATTACHMENT 3:	Representations	ATTACHMENT 6:	Additional Representor Letter

DETAILED DESCRIPTION OF PROPOSAL:

This development proposes the illumination of existing signage at Concordia College. The existing signage (without illumination) was approved as part of previous applications for two new school buildings.

The existing signage consists of two school crests attached to two separate and recently completed buildings. One sign (figure 1) is attached to the northern elevation of the junior school building and multiuse hall located on the eastern part of the site adjacent Highgate Street, Highgate. The second sign (figure 2) is attached to the western elevation of the school gymnasium located at the southern side of the site, adjacent Cheltenham Street, Highgate.

Both existing signs are 1.8m wide and 2.5m high with the eastern sign located 4.5mm above ground level and the western sign 6m above ground level.

The proposal is to back illuminate both signs.

Since lodgement, it has been noted that the illumination has been installed and is in operation.





Figure 1 – Eastern sign

Figure 2 – Western sign

SUBJECT LAND & LOCALITY:

Location reference: 40 CHELTENHAM ST HIGHGATE SA 5063 Title ref.: CT 5994/235 Plan Parcel: D74086 AL72 Council: CITY OF UNLEY

Location reference: 10 HIGHGATE ST FULLARTON SA 5063 Title ref.: CT 5893/909 Plan Parcel: D61538 AL101 Council: CITY OF UNLEY

Location reference: LOT 100 HIGHGATE ST HIGHGATE SA 5063 Title ref.: CT 5893/908 Plan Parcel: D61538 AL100 Council: CITY OF UNLEY

Site Description:

The subject site consists of three allotments forming part of a much larger parcel of land and is located within two zones. Lot 100 and 10 Highgate Street Highgate are located wholly within the **Community Facilities Zone**. 40 Cheltenham Street, Highgate, is located wholly within the **Urban Renewal Neighbourhood Zone**. The eastern sign is located within the **Community Facilities Zone** and the western sign within the **Urban Renewal Neighbourhood Zone**.

The subject site currently forms part of Concordia College with the larger school grounds containing a range of buildings and facilities associated with the school. These buildings range in era of construction with two local heritage places being located on the Winchester Street frontage to the south of the subject site.

The subject sites contain the school gymnasium, junior school building and sports courts. The two buildings are recently constructed and are 12.75m and 14m tall respectively.

Locality

When determining the locality of the subject land the general pattern of development and the extent to which the proposed development is likely to impact surrounding occupiers and landowners was considered.

The locality spans three zones, **Community Facilities Zone**, **Urban Renewal Neighbourhood Zone** and the **Established Neighbourhood Zone**. The **Community facilities Zone** contains the school, the **Urban Renewal Neighbourhood Zone** contains part of the school, an aged care/accommodation facility and the

Julia Farr Centre, with the **Established Neighbourhood Zone** containing predominantly detached dwellings on large allotments.

Given the land uses, the locality is considered to be residential in nature despite the large buildings in the locality. The generous open areas and space between these larger buildings minimise their visual impact and maintaining a low density character. The dwellings are a mix of eras with character dwellings and post war dwellings intermixed including numerous two storey examples. The aged care facility contains two six storey apartment buildings with the Julia Far Centre containing a 10 storey tower and other two and three storey buildings.

The locality has an established landscape character with numerous large mature trees, both on private property and the council street verge.



Figure 1 – Locality, subject site and location of representors.

SERIOUSLY AT VARIANCE ASSESSMENT

The PDI Act 2016, Section 107 (2)(c) states that the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).

The Community Facilities Zone Desired Outcome states:

Provision of a range of community, educational, recreational and health care facilities.

The proposal does not change the approved educational establishment land use with the development only to illuminate existing signage. This is consistent with the above DO.

The Urban Renewal Neighbourhood Zone Desired Outcome 1 states:

Housing and other land uses which no longer meet community preferences are replaced with new diverse housing options. Housing density increases, taking advantage of well-located urban land. Employment and community services will improve access to jobs, goods and services without compromising residential amenity.

Again, the proposal does not change the approved educational establishment land use with the development only to illuminate existing signage. This is consistent with the above DO.

As seen in the following planning assessment, the proposal is considered to satisfy the intent of the **Desired Outcomes** and **Performance Outcomes**. Therefore, this proposal for the illumination of existing signage is not considered to be seriously at variance with the Planning and Design Code.

PUBLIC NOTIFICATION

REASON

Urban Renewal Neighbourhood Zone - Table 5 – Procedural Matter (PM) – Notification – advertising is not listed as excluded from public notification. Clause 1 in Column A permits development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. In this instance the proposed illumination of existing signage is not considered to be minor as it *may* impact the locality.

Community Facilities Zone - Table 5 – Procedural Matter (PM) – Notification – Clause 2 – advertising is listed as being excluded from notification.

Given the requirement for notification in the Urban Renewal Neighbourhood Zone the development was required to be publicly notified.

As part of the public notification process 29 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period. A copy of the representations can be found in **Attachment 3**.

During the notification period Council received three representation all of which oppose the development. Two of the three representors have requested to be heard by the Council Assessment Panel.

LIST OF REPRESENTATIONS

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
	I oppose the development	Yes	Self

I oppose the development	Yes	Self
I oppose the development	No	NA

Summary:

The representors raised the following concerns:

- Signage unnecessary
- Amenity impacts
- Light impacts
- Operation times
- Already installed.

The applicant provided a response to the representations which can be found in **Attachment 4**. With an accompanying Obtrusive Lighting Review report, **Attachment 5**. The response to the representation provided by Phil Brunning was emailed to the representors.

A further response was received from one of the representors and this can be found in **Attachment 6**. The applicant has chosen not to respond to this formally.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Nil

RULES OF INTERPRETATION:

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcome (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- · the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

PLANNING ASSESSMENT

The application has been assessed against the relevant policies of the **Planning & Design Code (the Code)**, which are found at the following link:

Planning and Design Code

Land Use

The subject site spans over two zones, **Community Facilities Zone** and the **Urban Renewal Neighbourhood Zone**. The **Desired Outcomes (DO)** for these zones are as follows:

Community Facilities Zone DO 1 - *Provision of a range of community, educational, recreational and health care facilities.*

Urban Renewal Neighbourhood Zone DO 1 - Housing and other land uses which no longer meet community preferences are replaced with new diverse housing options. Housing density increases, taking advantage of well-located urban land. Employment and community services will improve access to jobs, goods and services without compromising residential amenity.

The current use of the site is an educational establishment, Concordia College, and this is not proposed to change. The proposed illumination of existing signage has no impact on the approved use.

Signage

The General Development Policies - Advertising - Performance Outcomes state:

PO 1.1 - Advertisements are compatible and integrated with the design of the building and/or land they are located on.

PO 1.2 - Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.

PO 4.1 - Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.

PO 5.2 - Advertisements and/or advertising hoardings do not distract or create hazard to drivers through excessive illumination.

The General Development Policies - Interface between Land Uses - Performance Outcomes state:

PO 1.2 - Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

PO 2.1 - Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- a) the nature of the development
- b) measures to mitigate off-site impacts
- c) the extent to which the development is desired in the zone
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.

PO 6.1 - External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).

PO 6.2 - External lighting is not hazardous to motorists and cyclists.

The existing signage was approved as part of previous development applications and has been installed in accordance with those approvals. This development only seeks to back light these signs. As such the assessment of the signs themselves has already been considered and determined them to be appropriate for the site and locality. As such the signage maintains conformance with **General Development Policies - Advertising PO 1.1** and **1.2**.

The primary consideration of this assessment is whether the illumination proposed ensures limited impacts to the surrounding residential land uses. The signs are directed to the north and south and do not directly face adjacent dwellings. The signs are to be back lit rather than being internally illuminated or face lit. Both these factors contribute to the reduction in direct and visible light.

The proposal was accompanied by an Obtrusive Lighting Review report, **Attachment 5**. This report reviewed the illuminated signage. The review was undertaken using both computer modelling and on site measurements.

The report concluded the following:

- The computer analysis indicates that the signage lighting is compliant within both the curfew and non-curfew lighting technical parameters.
- The Site analysis indicated that the signage lighting does not meet the requirements of the curfew lighting technical parameters.
- On that basis we recommend signage lighting only be operated within the 'non-curfew' hours. Further restriction of curfew hours is also proposed to limit the concerns from the local residents.

Current approved operating hours of the school range from 6am until 10:30pm. In the original submission by the applicant, the illuminated signage was to operate between dusk and 10:30pm. In the response to the representors, it was stated that the applicant would accept a condition of approval limiting the hours to 6am until 11pm. These revised hours of operation are in line with the Australian Standards AS 4282:2023 Control of the obtrusive effects of outdoor lighting and refers to "non-curfew" hours.

Whilst first two points of the Obtrusive Lighting Review report's conclusion state the assessment has determined that the illuminated signage satisfies the Australian Standards for outdoor lighting, the final point recommends that the illuminated lighting should be further restricted.

As such, in order to satisfy **General Development Policies – Advertising PO 4.1** and **General Development Policies - Interface between Land Uses PO's 1.2, 2.1 and 6.1,** it is recommended that the illuminated signage only be operated within the current approved hours of operation of the school, namely until 10:30pm Monday to Saturday and 9:30 on Sundays and Public Holidays. This will ensure any impacts are minimised to the surrounding residential properties whilst allowing sufficient identification of the school during its operating hours. A condition should be added to any approval.

Heritage

Adjacent the subject site there are two Local Heritage Places (LHPs). They are located to the south of the subject site between Cheltenham Street and Winchester Street. Both buildings are separated from the site by other more recent buildings.



Figure 2 – Local Heritage Places

Heritage Adjacency Overlay PO 1.1 states:

Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.

Given the separation of the LHP's from the location of the signage and the school buildings in-between, the proposed illumination of the existing signage is not considered to impact the setting of the Local Heritage Places satisfying PO 1.1.

CONCLUSION

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code for the following reasons:

- The proposed illumination of the signage maintains the approved use and built form of the site.
- The illumination levels have been determined to be in accordance with the Australian Standards with the hours of illumination following the operating hours of the school ensuring external impacts are sufficiently mitigated.

SERIOUSLY AT VARIANCE RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Development Application Number 23037828 by Concordia College c/- Phil Brunning and Associates is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The hours of operation of the illuminated signage must not exceed the following period:

- Monday to Saturday 6am to 10:30pm
- Sundays and Public Holidays 6am to 9:30pm

Condition 3

The illumination of the existing signage shall not contain any element that flashes, scrolls, moves or changes, or imitate a traffic control device.

Condition 4

The illumination of the signage must be kept to a level which ensures, that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents.

ADVISORY NOTES

Planning Consent

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 3

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Advisory Note 4

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note 5

The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

OFFICER MAKING RECOMMENDATION

Name: Timothy BournerTitle:Senior PlannerDate:18 June 2024

ATTACHMENT 1



	DA ISSUE		
ISSUED FOR DEVELOPMENT APPROVAL			
	17/01/2024 12:10:36 PM		
Rev.	Amendment	Date	
P1	ISSUED FOR APPROVAL	17/01/24	

PROPOSED ILLUMINATED SIGNAGE LOCATION

PROPOSED ILLUMINATED SIGNAGE LOCATION





28 Chesser Street, Adelaide, South Australia 5000 9/300 Rokeby Road, Subiaco, Western Australia 6008 Telephone : 08 8203 5800 ABN 65 007 846 586 brownfalconer.com.au

CONCORDIA COLLEGE

CONCORDIA REDEVELOPMENT

LOCATION PLAN

		14
Dwg No.	3360 DA-01	Rev: P1 A1 SHEET
Job No.	2020065	\bigvee
Date	JAN 2021	
Scale	1:1000	



^{1:100}













28 Chesser Street, Adelaide, South Australia 5000 9/300 Rokeby Road, Subiaco, Western Australia 6008 Telephone : 08 8203 5800 ABN 65 007 846 586 brownfalconer.com.au

CONCORDIA COLLEGE

CONCORDIA REDEVELOPMENT

ELEVATIONS - C

ZONE:	С	
Scale	As indicated	N
Date	04/09/21	
Job No.	2020065	\sim
Dwg No.	3360 A30-C-1	Rev: C5 A1 SHEET
		15





1:100

CONSTRUCTION

ISSUE FOR CONSTRUCTION 23/02/2023 5:18:43 PM

Rev.	Amendment	Date
C1	BRC RFI & IFC ZONE E	21/03/2022
C2	COORDINATION UPDATES FOR IFC	13/05/2022
C3	IFC - CLADDING COORDINATION	02/06/2022
C4	IFC - BLOCKWORK TYPES	03/06/2022
C5	IFC UPDATES	23/06/2022
C6	UPDATES FOR IFC	01/08/2022
C7	IFC UPDATES	23/02/2023

CODE	DESCRIPTION	
AW		
BLK02A	190mm SMOOTH BLOCK	
BLK02B	140mm SMOOTH BLOCK	
CBG	Colourback glass	
EL01	Aluminium Timber Look wall cladding	
EL30	Metal Cladding - flat panel	
EL31	Metal Cladding - flat panel, varying depths	
GPT03	150mm EXT GLAZING - FRONT SET - BLACK	
GPT10	150mm EXT GLAZING - FRONT SET - SECURITY - WHITE	
SH05	Extruded steel sunshades	

CLADDING PANEL SETOUT/ EW05
665mm - 2x285
865mm - 1x285 1x485
1135/1165mm - 2x285 1x485
1310/1335/1360/1365mm - 1x285 2x485
1470- 3x285 1x485
1835 - 1x285 3x485
2335 - 1x285 4x485
2765mm - 4x285 3x485

WINDOW/ EW07 575mm - 1x485 1075mm - 2x485 1475mm 3x285 2x485 1975mm - 3x285 2x485

EW06 635 - 2x285

NOTE: CLADDING PANELS SHOULD BE RANDOMISED WITH NO MORE THAN 3 OF THE SAME SIZE IN A ROW. LIST IS JUST QUANTITY NOT ORDER. CHECK DETAILS FOR FLASHING DIMENSIONS AT JUNCTIONS

GREY HATCHING INDICATES RECESSED CLADDING LOCATIONS.

REFER PLAN DETAILS FOR FURTHER SETOUTS.





28 Chesser Street, Adelaide, South Australia 5000 9/300 Rokeby Road, Subiaco, Western Australia 6008 Telephone : 08 8203 5800 ABN 65 007 846 586 brownfalconer.com.au

CONCORDIA COLLEGE

CONCORDIA REDEVELOPMENT

ELEVATIONS - E

ZONE: E - GYMNASIUM			
Scale	1:100		
Date	07/08/20		
Job No.	2020065		
Dwg No.	3360 A30-E-1	Revia 671 SHEET	







ATTACHMENT 2

20 December 2023

Mr Don Donaldson Assessment Manager City of Unley Via the PlanSA Portal



Development Advice Strategic Management

Dear Don,

Development Application – Concordia College – Identification Sign – New Gym (Cheltenham Street) & Classroom Building (Highgate Street) – Highgate

I refer to the Development Application by Concordia College that seeks planning consent for the installation and display of two identification signs on recently approved buildings associated with Concordia College, Highgate.

As you will recall council granted consent to a new gymnasium building at 40 Cheltenham Street (DA 2104757), and a new junior school building and multiuse hall at 20 Highgate Street (DA 21008071) back in 2021.

These buildings have now been completed and the College has installed signage to identify their association with the school in accordance with previously approved plans. The College now wish to include illumination to these signs.

Signage is limited to the school crest as depicted in the images and plans submitted as part of this application. In so far as the previous applications did indicate some signage, this application seeks to regularise the 'as built' situation.

The proposed signs are constructed from 4 mm solid opaque aluminium with a twopac spray paint finish in white and yellow colours. The crests are backlit with Novaneon which is rated to 330 lumens to minimise light glare and/or spill.

The illumination of these signs will be time limited between dusk and 10.30 PM daily. This will assist visitors to the school when attending at night and not give rise to nuisance that may impact amenity.

I note that an advertisement of the nature proposed is listed as being exempt from public notification procedures in Table 5 and in any event are of a minor nature and not likely to unreasonably impact on the owner or occupiers of land in the locality.

While slightly greater in size that that otherwise provided for by Designated Performance Feature 3.1 (2 m²), they are relatively modest and certainly not dominant when viewed on the context of these substantial buildings.

Accordingly, your favourable consideration of this application is sought.

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA Registered Planner Accredited Professional – Planning Level 1, 2 & 3 Phillip Brunning & Associates





ATTACHMENT 3

Details of Representations

Application Summary

Application ID	23037828		
Proposal	Illuminated Signage (Two Signs)		
Location	10 HIGHGATE ST FULLARTON SA 5063, 40 CHELTENHAM ST HIGHGATE SA 5063, LOT 100 HIGHGATE ST HIGHGATE SA 5063		

Representations

Representor 1 -

Name	
Address	
Submission Date	05/03/2024 09:58 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

This signage does not aid identifying the gym building as it is clearly the only such development on the street. This is not a commercial precinct. There is no passing casual traffic that this would inform. The emblem does not aid in identifying as a gymnasium. Signage to direct street traffic and identify building could be at street level, not 13 metres up. It creates unwarranted light pollution throughout the night into my property. It emits way more than the suggested 300 lumen. It has already been installed prior to approvals. The light runs all night way past its operating hours specified.

Attached Documents

17096379035318847169281365457660-1343957.jpg	
17096379757238005046412086352148-1343958.jpg	
17096380239768700053175662375513-1343959.jpg	







Representations

Representor 2 -

Name	
Address	
Submission Date	07/03/2024 08:49 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

We write concerning this application for a lit sign on the school building at 10 Highgate St Fullarton. Our houses are opposite this sign. Last year the sign lighting was installed without approval. It was lit all night and, in conjunction with the very bright security lighting on several levels of the building, was quite disruptive to our sleep, particularly for No. **Constitution** as it was directly aligned with the central passage and the children's bedrooms. The letter accompanying the application notes the crests are backlit with Novaneon which is rated to 330 lumens to minimise light glare and/or spill. However, because the sign is not backlit but sidelit, the light spills directly across the road. We therefore request a) We see evidence that the sign complies with AS/NZS 4282 Control of the obtrusive effects of outdoor lighting b) If necessary dimmers are fitted to ensure compliance c) The time of operation be limited to between dusk and 9pm due to the orientation with respect to the childrens' bedrooms as noted above. Trusting this receives favourable consideration

Attached Documents

Representations

Representor 3 -

Name	
Address	
Submission Date	07/03/2024 09:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

The specific reasons that I believe planning consent should be refused are: This is a school with the stated hours of ELC - Year 6: 8.30am to 4pm and Year 7 to Year 12: 8.30 - 4.30pm. I note the PBA Town planning advice stating: "The illumination of these signs will be time limited between dusk and 10.30 PM daily. This will assist visitors to the school when attending at night and not give rise to nuisance that may impact amenity" As a school with the above stated hours, there should not be significant numbers of visitors attending the school at night and these should be limited to friends and family of school attendees. These people should know where the school is located. If there are a significant number of visitors to the school at night, who are not associated with the school, then the I question the validity of these visitors - what is their business there and what other business activities are being undertaken by the school that warrants a significant number of visitors at night other than those people associated with the school? If the school is operating primarily as a school, then it should be operating primarily within the stated school hours and with limited activities outside the stated hours particularly at night. Furthermore, I again refer to the PBA Town planning advice that states the signs "are relatively modest and certainly not dominant when viewed on the context of these substantial buildings". This statement is contradictory to the stated reason for the illumination of the signs - to assist visitors to the school at night. The buildings dominate the local landscape making it almost impossible to miss the school. Any visitor will see the school buildings without the assistance of an illuminated signs. Furthermore, with the majority of cars now having a navigation system this should also direct them to the school. Illuminated signs are generally associated with advertising. For reasons outlined above this is blatant advertising in a residential area which detracts from residential amenity, is not in keeping with the local neighborhood and not in keeping with the nature of the activity, a school, which should be operating primarily during daylight hours.

Attached Documents

ATTACHMENT 4

23 May 2024

Amelia DeRuvo Planning Officer City of Unley aderuvo@unley.sa.gov.au



Development Advice Strategic Management

Dear Amelia,

Development Application 23037828 – Response to Representations

I refer to the Development Application by Concordia College that seeks approval (retrospectively) for the illumination of signage displayed on two recently completed buildings on the grounds of Concordia College, Highgate.

I understand that 3 representations were received by council form nearby residents as a result of public notification procedures. I provide the following on behalf of the Applicant in relation to the concerns expressed.

- The illuminated signs are thought necessary to identify the physical presence of the recently completed facilities together with the branding of the school in a manner that is reasonable and expected in the circumstance.
- Reasonable and expected in so far as educational establishments and associated sporting/recreational facilities are forms of development that are specifically envisaged and provided for in this location.
- 3. The proposed signage was shown on the drawings approved for the classroom and gymnasium buildings, albeit not specified as being illuminated. In essence this proposal is for the illumination of existing signage.
- As documented by BCA Engineers dated 21 May 2024 the intensity of the illumination for these signs will perform within the parameters set out in Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.
- 5. The planning authority may rely on the above-mentioned Australian Standard as the objective measure for the performance of this lighting, and therefore is not considered to be excessive or unreasonable.
- In so far as there were inconsistencies between the computer and site analysis undertaken by BCA, the Applicant is prepared to accept a condition limiting illumination within 6.00 AM and 11 PM (non-curfew hours).

As provided for, I will attend the Panel meeting to respond to any questions arising.

Yours faithfully

PHILLIP BRUNNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA Registered Planner Accredited Professional – Planning Level 1 Phillip Brunning & Associates

ABN 40 118 903 021



ATTACHMENT 5

BCA ENGINEERS

Concordia College

Obtrusive Lighting Review

(Building Services Engineering) BCA Ref. 6929.240520.G.1





BCA Engineers / Adelaide / Melbourne / Darwin T +61 8 8132 1700 / T +61 3 8697 8000 / T +61 8 8169 8901 enquiry@bcaengineers.com bcaengineers.com



OBTRUSIVE LIGHTING REVIEW ASSOCIATED WITH LED SIGNAGE

Memo

To: Date: 20 May 2024 Project ref.: 6929.240513.E.1 Project name: Concordia College – St Johns Campus / Senior Campus Gymnasium

Revision	Date	Description	Checked	Approved
1	21/05/2024	Issued for Stakeholder review	SWG	FML



1. Introduction and Installation details

BCA Engineers were approached by Concordia College to provide engineering analysis of the recently installed LED backlit signage installed in two locations:

- St John Campus, Treehouse building, northern elevation adjacent Highgate Street
- Senior Campus Gymnasium, southern elevation adjacent Cheltenham Street

The purpose of the review is to respond to concerns raised by residents in the vicinity of the installed backlit signage.

The signage was designed and installed by Norwood Signarama; refer attachment 1 - '*Concordia 32255 0823 – SE1 Signage.pdf*'. The signage consists of solid elements mounted proud of the building cladding with side mounted flexible LED strip lighting to create a back light or halo effect behind the sign.

The installed LED light source has been identified as BounceLED Pivot Novaneon Range; refer attachment 1 - *Bounce LED Novaneon – Pivot.pdf*.



Figure 1: Treehouse Building and Gymnasium Building signage details (Extract from Signarama document – Appendix 1)





Figure 2: Plan drawing of St Johns Campus Treehouse and the area of concern



Figure 3: Plan drawing of Senior Campus Gymnasium and area of concern

May 2024



2. Compliance Requirements

Relevant Australian Standard: AS/NZS 4282:2023 Control of the obtrusive effects of outdoor lighting

Lighting Technical Parameters, refer clause 3.2.2:

- Maintenance factor of 1.0 (initial luminaire output)
- Environmental Zone applicable A3 (Table 3.1 Medium district brightness; "Generally roadways with streetlighting through suburban areas..")
- Curfew hours = 11pm to 6am daily
- Vertical illuminance (Ev) < 10 (Non-curfew); < 2 (Curfew).
- Luminous Intensity (L) < 12,500 cd (Non-curfew Level 1); < 2,500 cd (Curfew).
- Maximum average luminance of surfaces: n/a

3 Assessment

3.1 Methodology

Two methods were utilised to review the signage lighting installation:

- Computer analysis to be undertaken utilizing lighting modelling package AGI32 Version 21.3.0.23. We note that AGI32 included 'Obtrusive Light – Compliance Test' reference AS/NZS 4282:2019 (previous standard) however the lighting technical parameters required are produced for comparison with the current 2023 standard. AGI32 software is yet to capture the update.
- 2. Site measurements utilizing an illuminance meter with theoretical conversion to derive the lighting technical parameters noting that these measurements are met with limitations as described within AS/NZS 4282 and therefore are for indication / comparison only.

3.1 Computer Analysis

AGI32 Lighting calculation software was utilised to build a representative model of both installations with the lighting technical parameters determined by the software tools.

The installed LED Strip 'Bounce LED Novaneon – Pivot' does not have an IES file (photometric file) for direct use within the software. Therefore the photometric file of what is considered an equivalent luminaire was utilised with modification to replicate the luminous output, and the luminous surface area of the luminaire.

Figure 4 below shows the Pivot luminaire to have an output of 330 lumens per meter with a luminous width of



Figure 4: Bounce LED Novaneon Pivot dimensions



LIGHT TECHNICAL DATA

Luminous flux per meter [lm]	600	
Beam angle [°]	120	
Colour consistency (McAdam ellipse)	SDCM3	
Colour rendering index CRI	>80	
Colour temperature [K]	4000	

Smallest possible bending radius 200 mm

Dimension (L x W x H): 5010.0 mm x 13.2 mm x 16.0 mm

Figure 5: Bilton BL Air Side (equivalent luminaire utilized for AGI simulation) dimensions

General —		Attri	butes	
	LDT BILTONAIBSIDE 450		Displau Name	Value
Label			Filename	LDT_BILTONAIRSIDE_450.ldt
Description	101318_00		[MANUFAC]	BILTON
Tag			[LUMCAT]	101318_00
Filename	LDT_BILTONAIRSIDE_450.ldt			
- Dhotomativi		M-*		
Photometry-		Me	rics	
Lumens Per Luminaire Lu Luminaire W Total LLF Luminous Photometric From Inserti	Lamp 450 Number Of Lamps 1 imens 450 Efficiency (%) 100 atts 14.6 S/P Ratio 1 0.660 Specify 9 9 Box Size X 1 Y 0.014 Z 0.003 Offset X 0 Y 0 Z -0.0015 Center Offset on Point X 0 Y 0 Z -0.0315			Roadway Classification Type VS Longitudinal Classification Very Short Upward Waste Light Ratio 0.00 Indoor Classification Direct Luminaire Efficacy Rating (LER) 31 Maximum UGR 27.7 BUG Rating B0-U1-G0 Cutoff Classification (deprecated) Cutoff
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		1		Arm Length
	Horizontal Photometric Center			U
Drawing	Factory Symbols \ General Rectangular Down		+->	
	Wireframe			
	Line Width			

Figure 6 AGI32 IES (photometric) file details




Figure 7: St Johns Campus_Calculation Render

M AGI32-21.3.0.23 (6929 Concordia Gymnasium Spill_Bilton) - [Render] M File Edit View Tools Help
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17

Figure 8: Senior Campus Gymnasium_Render

Refer Appendix 2 and 3 for each installation obtrusive lighting generated by AGI32.

Both installations report as compliant for both curfew and non-curfew hours.



3.3 Site Analysis

A site visit was undertaken on 10th April to observe the signage for each installation with the signage turned on and off several times to determine the illuminance associated with the signage at multiple locations in the area of concern.

The illuminance measurement equipment used is Protech QM1584 Light Meter; serial number 200719578.

We note that the meter while purchased within the last 12 months does not included a calibration certificate and on that basis the measurements taken and subsequent calculated Luminous Intensity is for indication purposes only.

Methodology:

- Record illuminance in fixed observer position adjacent area of concern with both signage on and off then determine the change in Illuminance.
- Convert Illuminance (lux) to Luminous intensity (candela)

Observations and Results:

Refer to Appendix 4: Site Plan Working.pdf for observer locations.

St Johns Campus	Observer position 1
Illuminance (Ev) Sign 'On'	Range 1.11 – 1.12
Illuminance (Ev) Sign 'Off'	Range 0.40 – 0.44
Illuminance (Ev) Difference	0.72 lux @ ~22m
Luminous Intensity	350 cd

The measurements indicate the installation is compliant at the observer position.

Senior Campus Gymnasium	Observer position 1	Observer position 2
Illuminance (Ev) Sign 'On'	Range 2.79 – 2.81	Range 1.00 – 1.03
Illuminance (Ev) Sign 'Off'	0.18	Range 0.77-0.88
Illuminance (Ev) Difference	2.63 lux	0.26 lux
Luminous Intensity	1160 cd	196 cd

The measurements indicate the installation is compliant for non-curfew parameters at the observer position.

4. Recommendations and Summary

The computer analysis indicates that the signage lighting is compliant within both the curfew and non-curfew lighting technical parameters.

The Site analysis indicated that the signage lighting does not meet the requirements of the curfew lighting technical parameters.

On that basis we recommend signage lighting only be operated within the 'non-curfew' hours. Further restriction of curfew hours is also proposed to limit the concerns from the local residents.



5. Appendices

Appendix 1_Concordia 32255 0823 - SE1 Signage.pdf Appendix 2_Gymnasium_Obtrusive Lighting_including Calc Points.pdf Appendix 3_St Johns_Obtrusive Lighting_including Calc Points.pdf Appendix 4_Site Plan_Working.pdf

DESIGN PROPOSAL



Disclaimer Please Read Below

It's time to confirm that our design proposal looks just how you want it so we can get your project into production.

Your approval of our design indicates you have taken responsibility for all spelling, sizing, colours and materials indicated within this document. More than anything, we want you to be thrilled with the finished product so it's really important that you take this revision task seriously and check for errors that could have crept in during the processing of your files.

Please take the time to check all information very carefully as you will be responsible for costs incurred to replace items if they are produced as per the approved design.

Now that we have that out of the way, it's time for you to review your project so we can move another step closer to getting it into production.

Please Note:

Two (2) basic artwork changes allowed for in quote. Extra design changes may incur additional fees.



Sarah Constructions - Concordia

Job No. 32255





Cross Section (8x Scale)

Treehouse Signage: Qty. x1

Supply and on-site installation of laser-cut 4mm Aluminium logo (2pac spraypainted white and cross elements PMS 1235 C) and to feature halo illumination via rear fixed NeonFlex (cool white). 12mm dia. pins to be welded to rear of aluminum logo for fixing through cladding and into supporting structure offset from face of cladding 50mm with brown spacers.







Sarah Constructions - Concordia

Date: 01.08.2023 Design: Version: 1





Cross Section (8x Scale)

Gymnasium Signage: Qty. x1

Supply and on-site installation of laser-cut 4mm Aluminium logo (2pac spraypainted white and cross elements PMS 1235 C) and to feature halo illumination via rear fixed NeonFlex (cool white). 12mm dia. pins to be welded to rear of aluminum logo for fixing through cladding and into supporting structure offset from face of cladding 50mm with black spacers.

install Delivery Pickup





Sarah Constructions - Concordia

Date: 01.08.2023 Design: Version: 1

Job No. 32255



3D Renders





BOUCE

Pivot

NOVANEON RANGE

Novaneon Pivot

Novaneon Pivot is a horizontally flexible outdoor LED strip light designed to emulate the look of traditional glass-moulded neon. Built with lettering in mind, its silicone-based housing is UV stable, weathertight and highly flexible, perfect for outdoor projects. With a refined solder-less connection system you can achieve that classic neon look with all the benefits of LED.





PIVOT ACCE	ESSORY PACK	
	2x TUBES SILICONE GLUE	To seal end caps and connectors
P	6x LEFT SIDE, 6x RIGHT SIDE POWER CONNECTORS	Seal and connect end of Novaneon strip to power
Ô	12x END CAPS	Seals the end of Novaneon length not requiring power connection.
	25x PC TERMINALS	Inserts to prevent spread of excess sillicone to LED strip
	25x CLEAR MOUNTING CLIPS	Transparent installation clips
ACCESSORIE	ES	
A)	NOVANEON SHEARS AND SCRAPER TOOL	Shears cut easily through Novaneon Scraper separates the silicone housing from the internal strip
D	CLEAR MOUNTING CLIPS	Transparent installation clips
	ALUMINIUM MOUNTING TRACK	Silver anodised aluminium track for Novaneon mounting (1000mm)

			5	Q	0	13	8
NC	VANEO	N RANGE					
		Pivot	9.0W/m (12V)	330lm/m	5YR	11 x 20 mm (5m)	2700K / 6500K
<u></u>			9.0W/m (12V)	330lm/m	5YR	11 x 20 mm (5m)	Red / Blue / Yellow / Pink / Green
•	d	Reflex	12W/m (12V)	350lm/m	5YR	11 x 20 mm (5m)	2700K / 6500K
			12W/m (12V)	350lm/m	5YR	11 x 20 mm (5m)	Red / Green / Blue / Yellow / RGB



Installation Guide



WARNING Please read these instructions completely and carefully. Risk of electrical shock. Disconnect power before servicing or installing product



SALES & SUPPORT PH 02 9517 3222 | E sales@bounceled.com.au www.bounceled.com.au



LED Product Warranty

LIMITED WARRANTY | Subject to change without notice

Bounce LED is committed to providing defect-free products that will give the purchaser years of trouble-free operation. All production facilities maintain strict quality assurance standards and our products are have been designed and thoroughly tested ensure the highest quality.

Bounce LED products are warranted to meet the performance criteria outlined in the written data sheets and specifications and are to be free from defects in materials and workmanship for the warranty period stated. Should any LED products fail to perform as specified during the warranty period, Bounce LED will replace all defective product in accordance with the terms and conditions.

Modules must be installed with qualified constant voltage SMPS with international certificate to guarantee warranty.

TERMS AND CONDITIONS

This warranty is based on reasonable indoor or outdoor usage in architectural and/or signage applications for image identification, when installed and used in accordance with instructions from Bounce LED. Normal operating conditions are defined as 8-12 hours per day, 7 days per week, continuous use in typical outdoor heat and humidity, and environmental conditions as stated in our product specification.

All LED systems, to varying degrees, have some amount of light degradation over the life of the product. Bounce LED designs all of its LED systems to minimise this light degradation but considers this a normal part of LED technology.

This warranty is valid when the LED products of Bounce LED are properly installed and wired in accordance with all instructions, building codes, the latest domestic and international safety agencies that are recognised as having applicable safety requirements.

Any improper use in conditions that are not stated in Bounce LED's written data sheets and instruction, or stated herein, including the use of third party dimming, flashing or other effect devices, extreme environmental conditions or any other unintended usage will void this warranty.

LIMITATION OF LIABILITY

Bounce LED is committed to making high quality lighting products. Returning of defective products will help us monitor and further improve product quality. Repair or replacement of the product is the sole remedy available.

Under no circumstance shall Bounce LED be liable for any incidental or consequential loss or damage whatsoever arising out of, or in any way related to any defect in or non-performance of the products. No warranty of merchantability or fitness for a particular purpose is made or implied.

Furthermore, Bounce LED shall not be responsible for any other costs, including installation or field support labour or loss of profits, income or revenue. Additionally, any drawing, layout, quotation or other communication regarding suggested product type, amount of usage is for reference only and should be treated as an estimate.

Bounce LED shall not be responsible for minimum illumination levels or other performance criteria that is not stated in Bounce LED's written data sheets and instructions, or stated herein.

Bounce LED reserves the right to test and examine all products returned under this warranty to evaluate proper usage, determine the cause of failure, and make a determination, in its sole judgement whether the products are defective and covered by this warranty.



Obtrusive Light - Compliance Report AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew Filename: 6929 Concordia Gymnasium Spill_Bilton 20-May-24 3:04:28 PM

Illuminance

Maximum Allowable Value: 2 Lux

Calculations Tested (1):

	Test	Max.	
Calculation Label	Results	Illum.	
ObtrusiveLight_1_III_Seg1		PASS	1.3

Luminous Intensity (Cd) At Vertical Planes Maximum Allowable Value: 2500 Cd

Calculations Tested (1):

	Test
Calculation Label	Results
ObtrusiveLight_1_Cd_Seg1	PASS

Obtrusive Light - Compliance Report AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew Filename: 6929 Concordia Primary_Spill_Bilton 17-May-24 3:12:07 PM

Illuminance

Maximum Allowable Value: 2 Lux

Calculations Tested (1):			
	Test	Max.	
Calculation Label	Results	Illum.	
ObtrusiveLight_1_III_Seg1		PASS	0.8

Luminous Intensity (Cd) At Vertical Planes Maximum Allowable Value: 2500 Cd

Calculations Tested (1):

	Test
Calculation Label	Results
ObtrusiveLight_1_Cd_Seg1	PASS



PROPOSED SITE PLAN

		52
Dwg No.	3360 DA03	Rev: 1 A1 SHEET
Job No.	2020065	\checkmark
Date	02/12/18	(\mathcal{X})
Scale	1:650	N

ATTACHMENT 6



31 May 2024

Planning Officer & Development Assessment Board

City of Unley

RE: Development Application 23037828 – Request of signage Illumination Concordia Gymnasium & Response to Representations.

Dear Staff/Board

I reside immediately adjacent to the Gymnasium Complex on the western side, quite close to the proposed illumination, at 42 Cheltenham Street, Highgate.

- 1. I request my original representation of objection to stand, in addition to these further notes. Note that there has been no consultation in relation to this matter from the College or their representatives.
- 2. Illumination and security lighting concerns were raised by Me at the Planning Representation for this building requesting that NO LIGHTING SHOULD BE PRESENT OVER 3M ABOVE GROUND, subsequently car park light poles of above this height were installed on the boundary, and after much negotiations, this have been lowered to satisfactory level; and now Illumination at 10m above ground is requested.
- 3. There is no practical need for this signage to be illuminated; The building is clearly evident at night by the nature of the windows and interior lighting that already stands out in the end of a cul-de-sac location. (See attached image) Any new visitor would use google maps to be directed with ease.



- 4. The building interior lighting is cycled on from 5am every morning till late at night, WAY BEYOND THE APPROVED OPERATING HOURS. Hence it is easy to distinguish without a LOGO Illuminated at 10m heigh on the front wall of the building.
- 5. The signage illumination is not shielded at the edges and hence the bare light source shines directly at angles of 70-90 degrees from direct facing to the street, hence the evident light emitted is significant and intrusive. PLEASE NOTE the BCA Engineers Concordia College Obtrusive Lighting Review has used an "Average viewing angle of 145 degrees" ie encompassing only 72.5 degrees from straight ahead view and hence has not considered the Impacts on my property, and as such this report is not relevant.



6. Curfew Lighting conditions that limit lighting illumination within 6:00am to 10:00pm (approved operating hours) would be well received for ALL Concordia site lighting that sits above 3m from ground, as recent build onto Cheltenham St. has floodlights at top of building that remain on ALL NIGHT and directly shine onto my property front windows. (see attached image)



- 7. Recommendation that a Frame could be made around the Logo to shield this unwarranted side lighting whilst allowing it to be visible from the street façade in front of the property only.
- 8. The Car Park lighting remains on from dusk till dawn every night encouraging patrons to remain in the car park well after scheduled operating hours, and regularly past midnight. **Request that these be limited to Curfew Hours.**
- 9. The Gymnasium has been observed to be operating beyond the council approved operating hours with sessions running beyond 10:00pm and in particular running on Sundays beyond 4:00pm up to 8:00pm and beyond giving no respite from traffic, parking and noise that this facility generates, impacting residents further. See attached images below.

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ITEM 5.1 APPLICATION – 24008386 – 64 NORTHGATE STREET, UNLEY PARK – INTO CONFIDENCE

DECISION REPORT

ITEM NUMBER	5.1
DEVELOPMENT NUMBER	24008386
DEVELOPMENT ADDRESS	64 Northgate Street, Unley Park
DATE OF MEETING	18 June 2024
AUTHOR	Tim Bourner, Senior Planning Officer
RESPONSIBLE OFFICER	Don Donaldson, Team Leader Planning Assessment Manager
RELEVANT AUTHORITY	Council Assessment Panel

PURPOSE

To recommend that the discussion of Item 5.1 be considered in confidence at the 18 June 2024 Council Assessment Panel Meeting following the Applicant and relevant persons address to panel.

RECOMMENDATION

MOVED:

SECONDED:

It is recommended that:

- 1. The report be received.
- Pursuant to Regulation 13(2) (a) (viii) and 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
 - Don Donaldson, Team Leader Planning | Assessment Manager
 - Gary Brinkworth, Manager Development & Regulatory
 - Tim Bourner, Senior Planning Officer
 - Amelia De Ruvo, Planning Officer
 - Nicholas Bolton, Planning Officer
 - Sandy Beaton, Development Administration Officer
 - Ailar Zakeri, Cadet Planning Officer

On the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believe on reasonable grounds will take place.

ITEM 5.1 APPLICATION – 24008386 – 64 NORTHGATE STREET, UNLEY PARK – OUT OF CONFIDENCE

DECISION REPORT

ITEM NUMBER	5.1
DEVELOPMENT NUMBER	24008386
DEVELOPMENT ADDRESS	64 Northgate Street, Unley Park
DATE OF MEETING	18 June 2024
AUTHOR	Tim Bourner, Senior Planning Officer
RESPONSIBLE OFFICER	Don Donaldson, Team Leader Planning Assessment Manager
RELEVANT AUTHORITY	Council Assessment Panel

RECOMMENDATION

MOVED:

SECONDED:

It is recommended that:

- 1. The report be received.
- 2. Formal proceedings recommence with the gallery to be reopened to the public.

REVIEW OF A DECISION BY THE ASSESSMENT MANAGER

ITEM NUMBER:	5.1
DEVELOPMENT	24008386
NUMBER:	
DEVELOPMENT	64 Northgate Street Unley Park
ADDRESS:	
NATURE OF	Tree Damaging Activity – Tree removal
DEVELOPMENT:	
RECOMMENDING	Don Donaldson
OFFICER:	Team Leader Planning Assessment Manager
CATEGORY OF	Review of a Decision by the Assessment Manager
DEVELOPMENT:	(Code Assessed – Performance Assessed)
RELEVANT AUTHORITY:	Council Assessment Panel

REQUEST FOR REVIEW

Decision to be Reviewed

An application for the removal of a significant tree (River Red Gum) at 64 Northgate Street, Unley Park was refused under delegated authority of the Assessment Manager.

The tree is regulated pursuant to Regulation 3F (2), having a circumference (measured 1 metre from natural ground level) of greater than 3 metres (approx 5.3 metres).

The application was determined within the statutory timeframes. The request to review the decision was received in accordance with the Panel's policy for such matters.

Description of the Development:

This development proposed the removal of a significant tree (River Red Gum) in the rear yard of 64 Northgate Street, Unley Park.

The tree is located adjacent the rear boundary of 64 Northgate Street, approx 16m from the subject site's dwelling and 10m from neighbouring dwellings.

Refusal reasons:

The application was refused on the following grounds:

- The Significant Tree makes an important contribution to the character and amenity of the local area, is important to the maintenance of biodiversity in the local environment and is considered to be a notable visual element of the landscape of the local area, and therefore should be retained in accordance with **Regulated and Significant Tree Overlay Desired Outcome DO 1** and Assessment Provision **PO 1.2 (a), (e)** and **(f).**
- It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or that it has or threatens to cause damage to a substantial building of value, and insufficient evidence that all remedial treatments will be ineffective. As such does not satisfy Regulated and Significant Tree Overlay Assessment Provision PO 1.3.

ITEM 5.1 DEVELOPMENT APPLICATION – 24008386 – 64 NORTHGATE STREET, UNLEY PARK

Reason for Review

The applicant has lodged a Request for the Council Assessment Panel (CAP) to review the decision of the Assessment Manager in accordance with provisions of the Planning, Development, and Infrastructure (PDI) Act and adopted policies of the CAP.

A letter has been provided (Attachment 5) detailing the reasons for the review which are summarised as:

The decision to refuse Planning Consent is against the evidence or the weight of evidence that was before the decision maker. The decision proceeded on an incorrect factual basis in coming to the decision.

No further information has been submitted in conjunction with the Request for Review.

The applicant has nominated to be heard by the Panel in support of this review.

DISCUSSION

Review Documentation

Attached to the report are copies of:

Attachment 1: Application Plans and Reports (including a report from Ecological Tree

Consulting)

Attachment 2: Delegated Assessment Report

Attachment 3: Council's Consultant Arborist Report

Attachment 4: Decision Notification Form

Attachment 5: Application for Review and accompanying letter

Attachment 6: Symatree Report – 11 July 2022

Attachment 7: TreeSolve Report – 10 May 2023

Assessment Considerations

The application was assessed against the relevant criteria as set out in the Planning and Design Code. This assessment was supported by a report prepared by Council's consulting arborist, Symatree.

The report by Ecological Tree Consulting (Ecological) identified the tree as being in poor health with a below average structure. It stated the tree is in severe decline with minimal live growth remaining on the tree. The report also stated there is borer damage to the trunk and there appeared to be a history of branch failure.

The Symatree report provided a peer review of the Ecological report. While agreeing that the health of the tree had declined, the review disagreed that the structure of the tree was poor, observing that there were no notable defects present. The Symatree report noted areas of normal healthy foliage with the tree very much alive and functioning.

Symatree also asserted that the tree's decline is consistent with herbicide damage. It was noted that despite the apparent herbicide damage the tree appeared to be in recovery and once recovered, would continue to thrive.

The Symatree report further noted that the level of borer damage was low and consistent with a specimen of this age and noted that many of the holes identified by the Ecological report as borer holes appeared to be drill holes. Concerns were noted regarding the Ecological report's evidence of borer activity with the discussion being general citations and little relevance to the subject tree.

Further, the Symatree report noted that the tree would have adapted to the developments that have occurred in the locality with the majority being outside the TPZ.

ITEM 5.1 DEVELOPMENT APPLICATION – 24008386 – 64 NORTHGATE STREET, UNLEY PARK

The Symatree report also referenced previous assessments of the tree, undertaken in July 2022 and May 2023. Both these reports (Attachments 6 & 7) identified the tree as being in good health at that time.

When faced with differing expert opinions, one opinion must be preferred to draw a conclusion. In this instance, the conclusions and opinions reached in the Symatree report were preferred in the assessment of the application to those in the Ecological report because the Ecological report:

- contrasted with the opinion of both the assessing officer and the Symatree arborist that the tree is a notable visual element of the landscape and an important contributor to the character of the area.
- contrasted with the opinion in the Symatree report that the tree provides an important contribution to the biodiversity of the locality.
- identified issues regarding the health and structure of the tree that were disputed by the Symatree report.
- failed to make note of possible herbicide damage.

The Code provisions seek the retention of significant trees. The Symatree report conclusion states that the tree is in recovery, and the species has a good capacity for recovery. This conclusion follows the premise of the Code's performance outcomes which seek to retain regulated and significant trees.

The performance outcomes are discussed in the Assessment Report (Attachment 2 with the relevant provisions of the Code are found in the below link:

Planning and Design Code Extract

RECOMMENDATION

At the conclusion of its review, the Council Assessment Panel has the delegations to make one of the following recommendations:

- 1. The Council Assessment Panel resolves to **affirm** the decision of the Assessment Manager for DA 24008386:
 - (a) That the application is NOT seriously at variance with the provisions of the Planning and Design Code.
 - (b) The application to remove a significant tree at 64 Northgate Street Unley Park is not considered to meet the following provisions for removal:
 - The Significant Tree makes an important contribution to the character and amenity of the local area, is important to the maintenance of biodiversity in the local environment and is considered to be a notable visual element of the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Tree Overlay Desired Outcome DO 1 and Assessment Provision PO 1.2 (a), (e) and (f).
 - It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or that it has or threatens to cause damage to a substantial building of value, and insufficient evidence that all remedial treatments will be ineffective. As such does not satisfy Regulated and Significant Tree Overlay Assessment Provision PO 1.3.

OR

- 2. The Council Assessment Panel resolves to **set aside** the decision of the Assessment Manager to refuse Development Approval for DA 24008386 and substitute the following decision:
 - (a) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code.

<u>ITEM 5.1</u> DEVELOPMENT APPLICATION – 24008386 – 64 NORTHGATE STREET, UNLEY PARK

(b) It is considered that the development generally accords with the provisions of the zone and relevant overlays. Therefore, the development should be GRANTED Planning Consent subject to the conditions listed below.

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

Payment of an amount calculated in accordance with the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the undertaking of development on the land.

ADVISORY NOTES

Planning Consent

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 3

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Advisory Note 4

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note 5

That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the applicant.

Advisory Note 6

The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

ATTACHMENT 1

Dear Council Team,

This application seeks Unley Council approval to apply a balanced duty of care and consideration, for the removal of a 1 x significant tree on private property at 64 Northgate Street Unley Park.

Summary

- Two trees are located at the rear boundary of 64 Northgate Street Unley Park
- This application seeks to remove only Tree 1 of 2 (both categorised as significant) Figure 1
- Arboricultural study supporting removal is attached.
- Supporting letter from Adjoining property is attached.
- An approved development (extension) has commenced at 64 Northgate Street Unley Park
 Development Application ID 22021621 which will results in 4 separate properties within <4m, <6m,
 9m and <10m from the tree *Figure 2*
- This removal is supported by adjoining neighbours as an undesirable with shared safety concerns in close proximity to homes and high foot traffic areas *Figure 3* with a history of damage and injury even with regular tree management (pruning history available upon request). Residences include children in the age ranges of 3-16 years in high traffic areas



Figure 1 – Location of Trees rear of 64Northgate Street Unley Park



Figure 2 – Proximity to existing and proposed (64 Northgate Street extension will be <6m of tree)

Figure 3 – Areas of High/Medium foot traffic with young children in the area





ARBORICULTURAL REPORT REV A

64 Northgate Street, Unley Park SA 5061

22 March 2024





1. Executive Summary

- 1.1
 This report is commissioned by
 64 Northgate Street, Unley Park SA 5061.
- 1.2 The nominated tree assessed at the site is identified as a *Eucalyptus camaldulensis* (River Red Gum) and is located in the rear yard of 64 Northgate Street, Unley Park SA 5061.
- 1.3 The nominated tree was assessed using internationally recognised method Visual Tree Assessment (VTA). The health of the nominated tree is poor, and the structure is below average.
- **1.4** The nominated tree is a significant tree as defined by the South Australian Planning, Development and Infrastructure Act 2016 and the South Australian Planning Development and Infrastructure (General) Regulations 2017.
- 1.5 The nominated tree was assessed for the risk it poses to people and property using Quantified Tree Risk Assessment (QTRA) Method and it has been determined the nominated tree has an unacceptable level of risk to people and property.
- 1.6 The Barrell Safe Useful Life Expectancy (SULE) method was rated to Remove in the next 5 years.
- 1.7 The landscape/retention rating of the nominated tree using the Legend for S.T.A.R.S Footprint Green Matrix Assessment System is rated as Consider for Removal (Low).
- **1.8** The nominated tree does not meet the requirements of a significant tree under the South Australian Planning, Development and Infrastructure Act 2016 and the South Australian Planning Development and Infrastructure (General) Regulations 2017.
- 1.9 Complete removal of the tree is recommended, and planning approval is required as the tree is a significant tree as defined by the South Australian Planning, Development and Infrastructure Act 2016 and the South Australian Planning Development and Infrastructure (General) Regulations 2017.

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3. Introduction

- 3.1 The client brief is to provide an assessment and report for the condition of one *Eucalyptus camaldulensis* located in the rear yard of 64 Northgate Street, Unley Park SA 5061. The nominated tree is one of two River Red Gums in the rear yard of the property.
- 3.2 The nominated tree is indicated in Appendix 1, Figure 1 by the number 1.
- 3.3 The tree canopy occupies a large portion of the rear yard and extends out over the neighbouring properties.
- 3.4 This assessment will consider the health and structure of the tree as well as any risk this tree may pose to people and property. This report is to include management recommendations for the nominated tree.

4. Methodology

- 4.1 The assessment of the nominated tree was made from the ground using the internationally recognised Visual Tree Assessment (VTA) Procedure.
- 4.2 The equipment used for the assessment were diameter tape, Ryobi Laser, measuring tape, sounding mallet, binoculars and screwdriver.
- 4.3 A smart phone and SA Property and Planning Atlas were used to take all photographs in this report and are inserted in Appendix 1.
- 4.4 The height and spread of the nominated tree were estimated.
- 4.5 The health of the tree was assessed and rated within the following parameters,
 - 1. Good: The tree / vegetation demonstrates a full canopy of foliage or living tissue for the species. The tree / vegetation should be free of or exhibit only minor signs of decline or pest or disease signs and symptoms.
 - Average: The tree / vegetation demonstrates a moderate canopy of foliage or living tissue for the species. The canopy may contain dead branches and may exhibit minor to moderate signs of decline or pest or disease signs or symptoms.
 - 3. Below Average: The tree/ vegetation demonstrates a declining canopy of foliage or failing tissue for the species. The canopy may contain multiple dead or dying sections and may display moderate to significant signs of decline or pest or disease signs or symptoms.
 - 4. Poor: The tree/ vegetation shows signs of extreme stress and or decline. A high percentage of the canopy foliage may be made up of declining epicormic growth. A high percentage of the canopy foliage may be chlorotic or necrotic. A high percentage of the canopy foliage and tissue may be dead. Or the tree has declined and is not producing defences sufficient to stop secondary insect and or pathogen attack.
 - 5. Dead: The tree / vegetation shows no signs of life.
- 4.6 The structure of the tree was assessed and rated within the following parameters,
 - 1. **Good (G):** The approximate structural root zone appears unaffected; the trunk exhibits proportional buttressing and taper. Stem and branch unions are free of recognisable flaws, few if any insect or fungal signs or symptoms are visible. The tree is considered a good example of the species.
 - Average (A): Minor impacts may have occurred in the approximate structural root zone, the trunk exhibits proportional buttressing and taper, some second or third order branch unions may contain minor recognisable flaws, insect or fungal signs or symptoms may be visible. The tree could be retained with some corrective pruning.
 - 3. **Below Average (BA):** Moderate impacts may have occurred in the approximate structural root zone, the trunk may exhibit moderate disproportional buttressing and taper, some second or third order branch

unions may contain recognisable flaws, minor branch over extension may be occurring, minor to moderate inappropriate pruning may have occurred, the tree may have a moderate lean, insect or fungal signs or symptoms may be visible. The tree may not be able to be reasonably retained with some corrective pruning.

- 4. Poor (P): Damage to the structural root zone may be likely, damage to the trunk may be likely, the tree may exhibit multiple branch failures, trunk buttressing and taper may be disproportionate, the main union has recognisable flaws, first, second and/or third order branch unions may contain recognisable flaws, moderate to major branch over extension may be occurring, major inappropriate pruning may have occurred, the tree may have a lean near or above 25°, insect or fungal signs or symptoms are visible and have progressed to beyond moderate levels, the tree is unlikely to be reasonably retained with corrective pruning.
- 4.7 The findings of this tree assessment are addressed and scientifically referenced using the Harvard Referencing System throughout this Arboricultural Report.
- 4.8 The risk the tree poses was assessed using Quantified Tree Risk Assessment (QTRA) (refer Section 6.6).
- 4.9 The Barrell Safe Useful Life Expectancy (SULE) method was used to determine the trees SULE (refer Section 6.7).
- 4.10 The Landscape Significance/Retention Rating of the tree was assessed using the Legend for S.T.A.R.S Footprint Green Matrix Assessment System (refer Section 6.8).
5. Findings

- 5.1 The nominated tree was inspected by the author on 14 March 2024.
- 5.2 Detailed information on the nominated tree is outlined below:

Eucalyptus camaldulensis (River Red Gum)	
Family:	Myrtaceae
Approximate Tree Height:	30 metres
Approximate Tree Spread:	24 metres
Diameter at Breast Height (DBH)	1730 mm
Root Buttress Diameter (RBD)	2000 mm
Tree Protection Zone (TPZ)	15 metres
Structural Root Zone (SRZ)	4.43 metres
Circumference at 1 metre above ground level:	> 3000 mm
Legal Status:	Significant (South Australian Planning Development and
	Infrastructure Act 2016 and the South Australian Planning
	Development and Infrastructure (General) Regulations
	2017)

- 5.3 The health of the tree is rated as Poor (refer section 4.5).
- 5.4 The structure of the tree is rated as Below Average (refer section 4.6).
- 5.5 The tree is in severe decline with minimal live growth remaining on the tree.
- 5.6 There is Borer (*Phoracantha spp.*) damage to the trunk. *Phoracantha* spp. are a secondary pest that attack weakened trees (refer Figures 4 7).
- 5.7 The nominated tree has a history of branch failure. The tree is approximately 30 metres tall and so has a high ground to crown clearance.
- 5.8 Development has recently occurred within neighbouring properties 5, 5A and 9 Hatherley Avenue, Hyde Park SA 5061.
- 5.9 The decline of the nominated tree has been quite rapid with the tree having healthy live growth in November 2023 (refer figures 9 -10).

6. Discussion

6.1 Environmental Stressors

- 6.1.1 Australia is the driest continent on earth with South Australia being the driest state in Australia (Brears 2020). Precipitation reductions leading to reduced water availability coupled with warm temperatures have deleterious effects on vegetation. These issues are linked to the decline and mortality of trees and plants on all six vegetated continents inclusive of Australia and its Eucalypts. These effects are more prevalent in seedlings and the tallest trees (McDowell *et al.*, 2008).
- 6.1.2 Water limitations are a causal factor of tree decline and mortality world-wide. Water shortage causes trees to respond by closing their stomata which is an inbuilt self-preservation mechanism. Stomatal closure stops the flow of water through the xylem to the leaves by stopping the cohesive tension created by the transpiration pull created by open stomata. This reduces the water consumption of the tree. However, with the stomata closed, the tree is unable to absorb carbon dioxide which must enter the Calvin cycle via open stomata as an essential element in photosynthesis. The tree is no longer making simple and complex carbohydrates but is continuing to respire and is now reliant on stored non-structural carbohydrate (NSC) energy reserves. Trees in this situation are performing photorespiration which is deleterious to trees (Servanto 2013; McDowell *et al.*, 2008).
- 6.1.3 Elevated temperatures typically accompany dryer conditions and the higher temperature increases tree respiration which in turn further depletes the stored energy causing carbon starvation and tree decline leading to mortality (Servanto 2013; McDowell et al., 2008).
- 6.1.4 Carbon starvation is also a risk in low intensity drawn out dry periods lasting longer than the trees carbon energy reserves (McDowell *et al.*, 2008).
- 6.1.5 If trees do not close their stomata during times of water deficit as aforementioned, they risk hydraulic failure through cavitation and embolism which is a major cause of tree stress leading to tree mortality. This is because even within favourable climate conditions, trees operate at narrow embolism thresholds. With water deficit due to dry soils and the stomata open, the xylem water conduits become gas filled causing cavitation and embolism (Tomasella *et al.*, 2019). Complete desiccation of the trees hydraulic system can occur through this process leading to cellular death rendering the hydraulic conduit system useless causing tree stress leading to mortality (McDowell *et al.*, 2008).
- 6.1.6 Increased temperatures accompany dryer periods increasing tree stress. Photosystem two, within the chloroplasts in leaves within the thylakoid membrane is a critical component of photosynthesis as it makes NADPH and ATP which leave the thylakoid membrane, enter the stroma, and are the energy that critically drive the Calvin cycle. Damage to photosystem two caused by temperatures above 40-500C appears to be irreversible. These temperatures sound high, however, both trees and soils reach temperatures higher than the ambient air temperature of a day because of high light levels termed thermal solar radiation. Still conditions on hot days exacerbate the solar radiation effect (Hirons and Thomas 2018). This axiomatic deleterious situation is given further momentum by manmade surfaces creating urban heat islands (Chang *et al.*, 2007) interfering with the water cycle as they restrict water availability limiting evapotranspirational cooling of the leaves (Hirons and Thomas 2018).
- 6.1.7 Further deleterious effects on cellular, leaf and whole tree growth and function caused by high temperatures include,
 - Photosystem two
 - · Rubisco activity
 - · Photosynthesis
 - · Stomatal conductance
 - · Transpiration
 - · Leaf area development
 - · Growth

• Fecundity (Hirons and Thomas 2018)

- 6.1.8 Trees enduring the aforementioned stressors build thinner structured growth rings year on year (DeSoto *et al.*, 2020) because cell expansion is unable to occur as is required (Hirons and Thomas 2018)
- 6.1.9 Trees declining from environmental stressors have a reduced ability to use carbon plus simple and complex carbohydrates gained from photosynthesis for all growth including thigmomorphogenesis to maintain and grow sufficient structure (Hirons and Thomas 2018; Lonsdale 2013; Lilly 2010; AS4970-2009).
- 6.1.10 Weakened trees have lower defence capability and attract biotic stressors by releasing volatile organic compounds including ethanol. Certain pathogens and insects that damage trees thrive in such situations obtaining omnipotent status inclusive of increased fecundity increasing tree stress and mortality risk (Hirons and Thomas 2018; McDowell *et al.*, 2008).

6.2 Borers

- 6.2.1 Weakened trees have lower defence capability and attract biotic stressors by releasing volatile organic compounds including ethanol. Certain pathogens and insects that damage trees thrive in such situations obtaining omnipotent status inclusive of increased fecundity increasing tree stress and mortality risk (Hirons and Thomas 2018; McDowell *et al.*, 2008).
- 6.2.2 Borers tend to attack damaged or stressed trees as healthy trees produce defensive chemicals capable of killing borers (Prado *et al.*, 2009). Borer (*Phoracantha spp.*) create bark wounds as they ring bark trees eating the symplasm and apoplasm weakening the tree structure in the process reducing the trees elastic modulus causing tree failure (Dunster *et al.*, 2017; Crawford 2015). As little as a 14% reduction in elastic modulus can reduce the impact bending strength by more than 60% (Schwarze *et al.*, 2000).
- 6.2.3 Borers (*Phoracantha spp.*) create bark wounds in trees, and they ring bark trees as they eat the symplasm and apoplasm and weaken the tree structure in the process reducing the trees elastic modulus causing tree failure (Dunster *et al.*, 2017; Crawford 2015). As little as a 14% reduction in elastic modulus can reduce the impact bending strength by more than 60% (Schwarze *et al.*, 2000).

"The two major plant stress factors associated with weather are drought and too much soil moisture. The result in either case is the same—the plant's vascular system shuts down. When the vascular system is troubled, leaf-feeding pests usually don't have to deal with as many plant defensive chemicals, and borers can gain entrance through the trunk because there is a lack of pitch or sap".

"Recent research has indicated that most insect borers (bark beetles, metallic wood borers, and clearwing moths) seem to be attracted to stressed trees and shrubs. Apparently, plants under vascular stress can be detected by these pests, and the stressed plants are often subject to mass attacks or at least to successful entrance. Scientists believe that these borers detect the stressed plants by odors and ultrasonic noise. The ultrasonic noise is caused by the breaking of water columns in the vascular bundles of plants" (Shetlar n.d.)."

6.2.4 This pest creates bark wounds throughout trees. The outer bark is a waterproof protective layer that stops desiccation by keeping the moisture inside the tree. It also prevents latent decays from having an environment where they can become successful pathogens. Bark acts as a barrier to stop pests and outside pathogens from entering the tree. These vital functions become compromised when the bark is wounded. (Hirons and Thomas 2018; Lilly 2010).

6.3 Increased Risk with Height:

6.3.1 The risk to targets is elevated by the height a failure would come down from being approximately up to 30 metres above ground level (*Dunster et al.*, 2017). Height will increase the force with which the tree strikes the ground and targets. This is because the force of fall is proportional to tree height to the fifth power (height⁵) (Coder 2000).

6.4 History of Failure:

6.4.1 Trees with a history of branch failure often have continued branch failure (Dunster *et al.*, 2017).

6.5 Neighbouring Development:

- 6.5.1 The site, 9 Hatherley Avenue, Hyde Park SA 5061 is within the Tree Protection Zone (TPZ) and slightly within the Structural Root Zone (SRZ) of the nominated tree.
- 6.5.2 The extent of the development is unknown as well as whether tree protection standards have been adhered to in order to reduce the impacts to the nominated tree under AS4970 *Protection of trees on development sites.*
- 6.5.3 It appears levels have been changed up to the fence line, the author calculated the impact to the tree protection zone to include up to the fence line and the TPZ impact is 21.7% and is slightly within the SRZ (refer figure 1).

6.6 QTRA User Number 6987 Basic Tree Risk Assessment:

6.6.1 The level of risk this nominated tree poses has been calculated using the Quantified Tree Risk Assessment Method (QTRA user number 6987) on 14 March 2024.

Risk becomes unacceptable at 1:10,000 (Ellison 2018).

The methods and outcome of this risk assessment are outlined below:

Part: Second order branch

Risk to: People

- · Target Range (2) 2.4 hours 15 minutes per day (occupancy period)
- · Size of Part (2) 450 260 mm diameter
- Probability of Failure (3)
- Level of Risk (Risk of Harm) RoH = 1/10,000

Risk to: Property

- Target Range (2) \$380,000 > \$38,000 (property value)
- Probability of Failure (3)
- Level of Risk (Risk of Harm) RoH = 1/3,000

As risk becomes unacceptable at 1:10,000 (Ellison 2018), the risk to people and property are at a level deemed unacceptable.

6.7 Safe Useful Life Expectancy (SULE):

4: Remove: Trees that should be removed within the next 5 years.

(a) Dead, dying, suppressed or declining trees because of disease or inhospitable conditions.

(b) Dangerous trees because of instability or recent loss of adjacent trees.

(c) Dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.

(d) Damaged trees that are clearly not safe to retain.

(e) Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.

(f) Trees that are damaging or may cause damage to existing structures within 5 years.

(g) Trees that will become dangerous after removal of other trees for the reasons given in (a) to (f).

(h) Trees in categories (a) to (g) that have a high wildlife habitat value and, with appropriate treatment, could be retained subject to regular review.

View appendix 2 of this arboricultural report for further details

6.8 Legend for S.T.A.R.S Matrix Assessment:

When this tree is assessed within the Legend for S.T.A.R.S Matrix Assessment, the nominated tree is within the following category.

Low Significance in landscape

The tree is in fair-poor condition and good or low vigour; - The tree has form atypical of the species; - The tree is not visible or is partly visible from surrounding properties as obstructed by other vegetation or buildings, - The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area, - The tree is a young specimen which may or may not have reached dimension to be protected by local Tree Preservation orders or similar protection mechanisms and can easily be replaced with a suitable specimen, - The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa in situ - tree is inappropriate to the site conditions, - The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms, - The tree has a wound or defect that has potential to become structurally unsound.

View appendix 3 of this arboricultural report for further details.

When the nominated tree's low landscape significance and Safe Useful Life Expectancy of 0 - 5 years are considered within the Legend for S.T.A.R.S Matrix Assessment Table, the retention value is determined as follows:

Consider for Removal (Low) - These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.

6.9 Legislation (Sections Relevant to This Tree):

The following legislation relates to the nominated tree under the *Planning and Design Code* in accordance with the *South Australian Planning, Development and Infrastructure Act 2016* and the *South Australian Planning Development and Infrastructure (General) Regulations 2017.*

To determine whether the nominated tree meets the desired outcome, the performance outcome was assessed as follows:

DESIRED OUTCOME (DO) PERFORMANCE OUTCOMES (PO)

DO 1

Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

DO 1

TREE RETENTION AND HEALTH

Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

PO 1.2

Significant trees are retained where they:

- (a) make an important contribution to the character or amenity of the local area: No. The nominated tree is in severe decline; therefore, it does not make an important visual contribution to local character and amenity (refer figure 3).
- (b) are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species: No, the tree is not indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species.
- (c) represent an important habitat for native fauna: No, there were no nests or dreys in the tree at the time of inspection, nor were there any fauna scratch marks faeces or odours to indicate its use in this way.
- (d) are part of a wildlife corridor of a remnant area of native vegetation: No, the tree is not part of a wildlife corridor of a remnant area of native vegetation. The locality of the tree is that of habitat fragmentation due to human development.
- (e) are important to the maintenance of biodiversity in the local environment: Yes, the tree is important to the maintenance of biodiversity in the local environment.

and / or

(f) form a notable visual element to the landscape of the local area: No, the tree is in severe decline; therefore, it does not form a notable visual element to the landscape of the local area.

PO 1.3

A tree damaging activity not in connection with other development satisfies (a) and (b):

- (a) tree damaging activity is only undertaken to:
- (i) remove a diseased tree where its life expectancy is short: Yes, the Oxford Languages Dictionary defines disease as "A disorder of structure or function in a human, animal or plant, especially one that produces specific symptoms or that affects a specific location and is not simply a direct result of physical injury." As the tree is declining, tree damaging activity is recommended as the tree is diseased, and its life expectancy is short.
- (*ii*) mitigate an unacceptable risk to public or private safety due to limb drop or the like: **Yes**, *refer risk assessment*.
- (iii) rectify or prevent extensive damage to a building of value as comprising any of the: following:
- A. a Local Heritage Place: Not applicable

- B. a State Heritage Place: Not applicable
- C. a substantial building of value: Not applicable

and there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity: *Not applicable*

- (iv) reduce an unacceptable hazard associated with a tree within 20m of an existing residential, tourist accommodation or other habitable building from bushfire: *Not applicable.*
- (v) treat disease or otherwise in the general interests of the health of the tree: *Not applicable.*

and / or

(vi) maintain the aesthetic appearance and structural integrity of the tree: *Not applicable*. in relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective. *Risk reduction has been considered by installing a permanent exclusion zone under the canopy. This option is not viable as the tree is in a residential rear yard with branches extending out over neighbouring properties, therefore cannot be constructed.*

- 7. Conclusion:
- 7.1 After careful consideration following the Visual Tree Assessment (VTA) for the nominated tree it is evident the tree is in severe decline. Borer damage has occurred to the trunk and the tree has had multiple recent branch failures. Development has occurred in the neighbouring properties and a TPZ impact of up to 21.7% may have occurred. The life expectancy of the tree is short, and the tree poses an unacceptable risk to people and property.
- 7.2 The nominated tree does not meet the Performance Outcome (PO) 1.2 (a), (b), (c), (d) and (f) to demonstrate it is a tree possessing attributes worthy of a significant tree under the *South Australian Planning*, *Development and Infrastructure Act 2016* and the *South Australian Planning Development and Infrastructure (General) Regulations* 2017. The tree meets the Performance Outcome (PO) 1.3 (a) (i) and (ii) and (b) in support of tree-damaging activity.
- 7.3 Complete removal of the nominated tree is recommended. This will require planning approval as the tree is still alive and therefore is a significant tree as defined by the *South Australian Planning*, *Development and Infrastructure Act 2016* and the *South Australian Planning Development and Infrastructure (General) Regulations* 2017.

8. Disclaimer

This report only covers identifiable defects present at the time of inspection. The author accepts no responsibility or can be held liable for any structural defect or unforeseen event/situation that may occur after the time of inspection.

The author cannot guarantee tree(s) contained within this report will be structurally sound under all circumstances, and cannot guarantee that the recommendations made will categorically result in the tree(s) being made safe.

Unless specifically mentioned, this report will only be concerned with above ground inspections, that will be undertaken visually from ground level. Trees are living organisms and as such cannot be classified as safe under any circumstances. The recommendations are made on the basis of what can be reasonably identified at the time of inspection; therefore, the author accepts no liability for any recommendations made.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the author can neither guarantee nor be responsible for the accuracy of information provided by others.

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10. Appendices Appendix 1, Site Photos



Figure 1: Site plan with nominated tree plotted and TPZ impact (red hatching) calculated for the neighbouring development .



Figure 2: Nominated tree, Eucalyptus camaldulensis (River Red Gum).



Figure 3: Image of the nominated tree taken from the footpath, photo shows one healthy *Eucalyptus camaldulensis* on the left and the nominated *Eucalyptus camaldulensis* on the right which is in severe decline.



Figures 4 - 7: Borer damage to nominated tree trunk.



Figure 8: Neighbouring development, including level changes and shed.



Figures 9 – 10: Small branch failures in November 2023 indicating live healthy growth.



Figure 11: The tree Canopy appears full in April 2023 (Google Earth).

1: Long SULE: Trees that appeared to be retainable at the time of assessment for more than 40 years with an acceptable level of risk.

(a) Structurally sound trees located in positions that can accommodate future growth.

(b) Trees that could be made suitable for retention in the long term by remedial tree care.

(c) Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.

2: Medium SULE: Trees that appeared to be retainable at the time of assessment for 15-40 years with an acceptable level of risk.

(a) Trees that may only live between 15 and 40 more years.

(b) Trees that could live for more than 40 years but may be removed for safety or nuisance reasons.

(c) Trees that could live for more than 40 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.

(d) Trees that could be made suitable for retention in the medium term by remedial tree care.

3: Short SULE: Trees that appeared to be retainable at the time of assessment for 5–15 years with an acceptable level of risk.

(a) Trees that may only live between 5 and 15 more years.

(b) Trees that could live for more than 15 years but may be removed for safety or nuisance reasons.

(c) Trees that could live for more than 15 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.

(d) Trees that require substantial remedial tree care and are only suitable for retention in the short term.

4: Remove: Trees that should be removed within the next 5 years.

(a) Dead, dying, suppressed or declining trees because of disease or inhospitable conditions.

(b) Dangerous trees because of instability or recent loss of adjacent trees.

(c) Dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.

(d) Damaged trees that are clearly not safe to retain.

(e) Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.

(f) Trees that are damaging or may cause damage to existing structures within 5 years.

(g) Trees that will become dangerous after removal of other trees for the reasons given in (a) to (f).

(h) Trees in categories (a) to (g) that have a high wildlife habitat value and, with appropriate treatment, could be retained subject to regular review.

5: Small, young, or regularly pruned: Trees that can be reliably moved or replaced.

(a) Small trees less than 5m in height.

(b) Young trees less than 15 years old but over 5m in height.

(c) Formal hedges and trees intended for regular pruning to artificially control growth.

Appendix 3, Legend for S.T.A.R.S Matrix Assessment

IACA Significance of a Tree, Assessment Rating System (STARS) © (IACA 2010) ©

In the development of this document IACA acknowledges the contribution and original concept of the Footprint Green Tree Significance & Retention Value Matrix, developed by Footprint Green Pty Ltd in June 2001.

The landscape significance of a tree is an essential criterion to establish the importance that a particular tree may have on a site. However, rating the significance of a tree becomes subjective and difficult to ascertain in a consistent and repetitive fashion due to assessor bias. It is therefore necessary to have a rating system utilising structured qualitative criteria to assist in determining the retention value for a tree. To assist this process all definitions for terms used in the Tree Significance - Assessment Criteria and Tree Retention Value - Priority Matrix, are taken from the IACA Dictionary for Managing Trees in Urban Environments 2009.

This rating system will assist in the planning processes for proposed works, above and below ground where trees are to be retained on or adjacent a development site. The system uses a scale of High, Medium and Low significance in the landscape. Once the landscape significance of an individual tree has been defined, the retention value can be determined.

IACA Significance of a Tree, Assessment Rating System (STARS) © (IACA 2010) ©

	Significance					
		1. High Significance in Landscape	2. Medium Significance in Landscape	3. Low Significance in Landscape	4. Environmental Pest / Noxious Weed Species	5. Hazardous / Irreversible Decline
ctancy	Long >40 years					
d life expe	Medium 15-40 Years	_				
Estimated	Short <1-15 Years					
	Dead					

Legend for Matrix Assessment:

Priority for Retention (High) - These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 Protection of trees on development sites. Tree sensitive construction measures must be implemented e.g. pier and beam etc if works are to proceed within the Tree Protection Zone.

Consider for Retention (Medium) - These trees may be retained and protected. These are considered less critical; however, their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.

Consider for Removal (Low) - These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.

Priority for Removal - These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of development.

Tree Significance - Assessment Criteria:

1. High Significance in landscape:

The tree is in good condition and good vigour; - The tree has a form typical for the species; - The tree is a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age; - The tree is listed as a Heritage Item, Threatened Species or part of an Endangered ecological community or listed on Councils Significant Tree Register; - The tree is visually prominent and visible from a considerable distance when viewed from most directions within the landscape due to its size and scale and makes a positive contribution to the local amenity; - The tree supports social and cultural sentiments or spiritual associations, reflected by the broader population or community group or has commemorative values; - The tree is appropriate to the site conditions.

2. Medium Significance in landscape

The tree is in fair-good condition and good or low vigour; - The tree has form typical or atypical of the species; - The tree is a planted locally indigenous or a common species with its taxa commonly planted in the local area - The tree is visible from surrounding properties, although not visually prominent as partially obstructed by other vegetation or buildings when viewed from the street, - The tree provides a fair contribution to the visual character and amenity of the local area, - The tree's growth is moderately restricted by above or below ground influences, reducing its ability to reach dimensions typical for the taxa in situ.

3. Low Significance in landscape

The tree is in fair-poor condition and good or low vigour; - The tree has form atypical of the species; - The tree is not visible or is partly visible from surrounding properties as obstructed by other vegetation or buildings, - The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area, - The tree is a young specimen which may or may not have reached dimension to be protected by local Tree Preservation orders or similar protection mechanisms and can easily be replaced with a suitable specimen, - The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa in situ - tree is inappropriate to the site conditions, - The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms, - The tree has a wound or defect that has potential to become structurally unsound.

4. Environmental Pest / Noxious Weed Species

The tree is an Environmental Pest Species due to its invasiveness or poisonous/ allergenic properties, - The tree is a declared noxious weed by legislation.

5. Hazardous/Irreversible Decline

The tree is structurally unsound and/or unstable and is considered potentially dangerous, - The tree is dead, or is in irreversible decline, or has the potential to fail or collapse in full or part in the immediate to short term.

The tree is to have a minimum of three (3) criteria in a category to be classified in that group.

Note: The assessment criteria are for individual trees only, however, can be applied to a monocultural stand in its entirety e.g. hedge.

To Whom It May Concern.

Re: Significant Tree at <u>64 Northgate Street Unley Park</u>

The tree **and the set of <u>64 Northgate Street Unley Park</u> is applying to remove, sits along our shared boundary line and overhangs part of our house at 9 Hatherley Avenue Hyde Park.**

has advised his arborist is recommending its removal, which we support.

Regards,



To whom it may concern,

For the last 7 years we have been concerned about the danger that the gums trees present to our property and persons at the second seco

In the past we have voiced our concerns to the council after a limb had fallen and luckily wedged Itself into a folk of the tree.

In the light of previous events that has happened on various council properties with limbs falling without any prewarning and in cases resulting in deaths. As recently as last week a gum tree had dropped a limb onto Northgate Ave blocking traffic.

We are obviously mostly concerned about the tree behind our property at, 64 Northgate Ave and the danger it presents to our property, family and friends that frequent our property.

If a limb falls onto our property, it will cause catastrophic damage to our home. But mostly kill or maim a member of our family.

I have witnessed firsthand the catastrophic damage one limb can cause. As a business owner of a Childcare centre. After requests to Mitcham council without a satisfactory outcome. The limb of the tree fell into the children's play area and crushed the fences and equipment. Thankfully, without any consequences as it was after hours.

I support the removal of the tree as the result of events and the safety of my property and family.

If you wish to discuss this matter further, please do not hesitate to call me.

Your Sincerely

ATTACHMENT 2

DEVELOPMENT NO.:	24008386		
APPLICANT:			
NATURE OF DEVELOPMENT:	Removal of a significant Tree (River Red Gum), Tree 1		
ZONING INFORMATION:	Zones:		
	Established Neighbourhood		
	Overlays:		
	Airport Building Heights (Regulated)		
	Building Near Airfields		
	Historic Area		
	Heritage Adjacency		
	 Hazards (Flooding - General) 		
	Local Heritage Place		
	Prescribed Wells Area		
	 Regulated and Significant Tree 		
	Stormwater Management		
	Urban Tree Canopy		
	Technical Numeric Variations (TNVs):		
	Maximum Building Height (Metres) (Maximum building height is 9m)		
	Minimum Frontage (Minimum frontage for a detached dwelling is 30m)		
	 Minimum Site Area (Minimum site area for a detached dwelling is 1,500 sqm) 		
	 Maximum Building Height (Levels) (Maximum building height is 2 levels) 		
	 Minimum Side Boundary Setback (Minimum side boundary setback is 4m for the first building level; 8m for any second building level or higher) 		
	• Site Coverage (Maximum site coverage is 50 per cent)		
LODGEMENT DATE:	28 Mar 2024		
RELEVANT AUTHORITY:	Assessment manager at City of Unley		
	recooling and a construction of the second		

PLANNING & DESIGN CODE	P&D Code (in effect) Version 2024.5 14/03/2024
VERSION:	1232 19

DETAILED DESCRIPTION OF PROPOSAL:

This development proposes the removal of a significant tree (River Red Gum) in the rear yard of the subject site.

LOCATION OF DEVELOPMENT:

Location reference: 64 NORTHGATE ST UNLEY PARK SA 5061

Title ref.: CT 5299/49 Plan Parcel: F11720 AL94 Council: CITY OF UNLEY

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- PER ELEMENT: Tree-damaging activity: Code Assessed - Performance Assessed
- OVERALL APPLICATION CATEGORY: Code Assessed - Performance Assessed
- REASON
 P&D Code

PUBLIC NOTIFICATION

No

• REASON Table 5 5 (q)

AGENCY REFERRALS

NA

INTERNAL REFERRALS

Consultant Arborist

PLANNING & DESIGN CODE POLICIES

Relevant Policies
ZONE
Established Neighbourhood Zone
DO 1, DO 2
OVERLAYS
Regulated and Significant Tree Overlay

DO 1

Policy Appendix

Refer to document - P&D Code Rules - at Assessment Start

PLANNING ASSESSMENT

This development proposes the removal of a significant tree (River Red Gum) in the rear yard of the subject site.

The tree is identified as being a regulated tree pursuant to Regulation 3F (2) as it has a circumference as measured 1 meter from natural ground level exceeds 3m at approximately 5.3m.

The subject site is an irregular residential allotment containing a single storey detached dwelling, outbuildings and two large gum trees, one of which is the subject of this application.

The tree is located adjacent the rear boundary approximately 16m from the subject site's dwelling and 10m from neighbouring dwellings.

The locality is a predominantly residential area with large allotments and large detached dwellings making up the main pattern of development. The locality is characterised by a large area of public open space containing many large trees with the street and locality to the west of the site having many large trees, both native and non-native. The immediate character of the locality surrounding the site is relatively sparsely vegetated bar the two trees to the rear of the subject site and one other large tree to the front.

The application was accompanied by a report prepared by Ecological Tree Consulting.

This report identified the tree as being in poor health with a below average structure. It stated the tree is in severe decline with minimal live growth remaining on the tree. The report also stated there is borer damage to the trunk and there appeared to be a history of branch failure.

Council engaged Symatree to peer review the report and provide an assessment of the tree.

This report acknowledged the poor health and noted that this had occurred quite rapidly. The report disagreed that the structure of the tree was below average with no notable defects observed and disagreed that the tree was in severe decline with minimal live growth. It was observed that two canopy areas, lower eastern and western displayed normal healthy foliage. It is also noted that the cambium layer is still green, alive and functioning throughout the trunk and branch structure. The Symatree report identified that the tree's decline is consistent with herbicide damage. The report made note of recent reports on the tree which showed the tree to be in good health with images dated March 2023 showing a full healthy canopy. The tree has been identified as having a low risk rating and is considered to be notable in the locality.

Regulated and Significant Trees PO 1.2 states:

Significant trees are retained where they:

- a. make an important contribution to the character or amenity of the local area
- b. are indigenous to the local area and are listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species

- c. represent an important habitat for native fauna
- d. are part of a wildlife corridor of a remnant area of native vegetation
- e. are important to the maintenance of biodiversity in the local environment

and / or

f. form a notable visual element to the landscape of the local area.

The tree can be observed from the surround street network and forms part of a stand of two large mature River Red Gums. Due to its height and canopy size, it dominates views from surrounding sites and is considered to be notable and provides an important contribution to the character of the locality. Being an indigenous species, the tree does provide part of the local biodiversity maintenance.

As such the tree satisfies PO 1.2 (a), (e) and (f) for retention.

PO 1.3 seeks a tree damaging activity not in connection with other development satisfies (a) and (b):

(a) Tree damaging activity is only undertaken to:

- *i. remove a diseased tree where its life expectancy is short*
- *ii. mitigate an unacceptable risk to public or private safety due to limb drop or the like*
- *iii.* rectify or prevent extensive damage to a building of value as comprising any of the following:
 - A. a Local Heritage Place
 - *B.* a State Heritage Place
 - C. a substantial building of value
- *iv.* and there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity
- v. reduce an unacceptable hazard associated with a tree within 20m of an existing residential, tourist accommodation or other habitable building from bushfire
- vi. treat disease or otherwise in the general interests of the health of the tree and / or
- vii. maintain the aesthetic appearance and structural integrity of the tree
- viii. in relation to a significant tree, tree damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective.

Despite the apparent herbicide impacts to the tree, the tree remains alive and is considered to be in recovery. As such its life expectancy is not short and once recovered will likely continue to thrive. A risk assessment has determined the tree poses a low risk to private safety with pruning options available to maintain this risk. No damage has been observed to any buildings of value. Finally, no evidence has been provided demonstrating that any and all remedial actions would be ineffective.

Given this, the tree does not satisfy PO 1.3 for removal and consent is not warranted.

Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code.

The application to remove a significant tree at 64 Northgate Street Unley Park is not considered to meet the following provisions for removal:

- The Significant Tree makes an important contribution to the character and amenity of the local area, is important to the maintenance of biodiversity in the local environment and is considered to be a notable visual element of the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Tree Overlay Desired Outcome DO 1 and Assessment Provision PO 1.2 (a), (e) and (f).
- It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or that it has or threatens to cause damage to a substantial building of value, and insufficient evidence that all remedial treatments will be ineffective. As such does not satisfy Regulated and Significant Tree Overlay Assessment Provision PO 1.3.

REFUSAL REASONS

Planning Consent

The application to remove a significant tree at 64 Northgate Street Unley Park is not considered to meet the following provisions for removal:

- The Significant Tree makes an important contribution to the character and amenity of the local area, is important to the maintenance of biodiversity in the local environment and is considered to be a notable visual element of the landscape of the local area, and therefore should be retained in accordance with Regulated and Significant Tree Overlay Desired Outcome DO 1 and Assessment Provision PO 1.2 (a), (e) and (f).
- It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or that it has or threatens to cause damage to a substantial building of value, and insufficient evidence that all remedial treatments will be ineffective. As such does not satisfy Regulated and Significant Tree Overlay Assessment Provision PO 1.3.

CONDITIONS

Planning Consent

N/A

ADVISORY NOTES

Planning Consent

Advisory Note 1

The applicant has the right of review and appeal pursuant to section 202 of the PDI Act 2016.

An application to the Council Assessment Panel to review a decision by the Assessment Manager must be made within 1 month of applicant receiving this notice of decision.

An appeal to the Court against a decision by the Assessment Manger or Council Assessment Panel must be made directly to the Environment, Resources and Development Court within 2 months of the applicant receiving this notice of decision. The Court is located at the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

OFFICER MAKING RECOMMENDATION

Name: Timothy BournerTitle: Senior PlannerDate: 23/04/2024

DECISION AUTHORITY

Relevant Authority: Assessment manager at City of Unley

Consent:	Planning Consent
Date:	23/04/2024
Delegation Policy:	Instrument D
Delegate Name:	Don Donaldson
Delegate Title:	Assessment Manager

ATTACHMENT 3



Client	Timothy Bourner, City of Unley		
Location	64 Northgate Street Unley Park		
Date	8 April 2024		
Subject:	Significant Tree Removal ID 24008386		

Dear Tim

An assessment was conducted on the morning of the 28 March 2024 in the presence of Council's Compliance Officer Mr Tindall, Mr Birss Team Leader Building IIII also have personally conducted an inspection on the 11 July 2022. The initial assessment has focused on Additions, Alfresco Area, Carport proposed for the subject land. Observations, comments and recommendations are provided below.

Associated Documents

Tree Report Ecological Tree Consulting March 2024.

Brief History

The mature *Eucalyptus camaldulensis* – River Red Gum appears to have been impacted by herbicide damage. The previous assessment, July 2022 found tree health overall was good showing average foliage density with leaves exhibiting good colour and size (Image to right). Branch unions appear to be sound with no significant structural defects and the tree displayed a history of small/medium diameter branch failure with no recent pruning history to manage the crown of the tree.

Current Health

Significant and rapid health decline of the tree as indicated by the large quantity of retained dead foliage (Image opposite page). Image taken 28 March 2024.

What appears to be drill holes, 6 in total observed on the lower trunk. Two canopy areas, lower eastern and western displaying normal healthy foliage. The cambium layer is still green, alive and functioning throughout the trunk and branching structure. There has been no notable branch failures or changes in the tree's overall branching structure since my last inspection, July 2022. Overextension issues are developing mid-crown north-eastern, eastern, and southern sides.



Risk Assessment

I am qualified in the 'International Society of Arboriculture Tree Risk Assessment Qualification methodology (TRAQ). More information regarding this methodology is 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.

This methodology calculates risk in three steps: the likelihood of a failure occurring, the likelihood of the failure impacting a target and the potential consequences of the branch failure event.

Factors considered during a risk assessment include history of branch failure, likelihood of failure, tree age, health and vigour, level of previous maintenance performed, current defects, species characteristics, surrounding site factors, potential targets, and occupancy rates. The following assessment is based upon existing site use under normal seasonal weather conditions.



Target Assessment

The table below lists the targets, occupancy rates and distance/direction from the target to the tree considered as part of this assessment.

Target	Occupancy Rate	Direction/Distance
Carport Building	Constant	Immediately S
People using the rear yard within the property.	Occasional	Immediately E, W and SE
People using the northern neighbouring garden	Occasional	4.0m N

Tree Factors

Tree Part	Consideration	Part Size	Impact Force
Primary branch	Minor concern - Stable attachments	Large	High
Secondary branch	Primary concern –history of failure, overextension issues are developing mid-crown north-eastern, eastern, and southern sides		Moderate
Whole tree/trunk failure	Minimal concerns – Well-formed buttress and absence of decay within the trunk.	Large	High

Risk Matrix

The attributes and factors within the tables on the previous page were applied within the matrices below.

LIKELIHOOD OF	LIKELIHOOD OF IMPACTING TARGET			
FAILURE	Very Low	Low	<u>Medium</u>	High
Imminent	Unlikely	Somewhat Likely	Likely	Very Likely
Probable	Unlikely	Unlikely	Somewhat Likely	Likely
Possible	Unlikely	Unlikely	<u>Unlikely</u>	Somewhat Likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Table One - Likelihood of a tree Failure, with the likelihood of Impacting a person.

Table Two - Likelihood of failure and impact, combined with the consequence of impact.

LIKELIHOOD OF FAILURE AND IMPACT	CONSEQUENCE OF FAILURE			
	NEGLIGIBLE	MINOR	<u>SIGNIFICANT</u>	SEVERE
Very Likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat Likely	Low	Low	Moderate	Moderate
<u>Unlikely</u>	Low	Low	<u>Low</u>	Low

I have considered the following attributes in the likelihood matrix:

- The tree is in poor health.
- The tree has a history of past small/medium diameter branch failure.
- Secondary branch overextension issues are developing mid-crown north-eastern, eastern, and southern sides. The crown appears stable.
- The trunk and buttress are well-formed.
- The likelihood of a medium tree part failing under normal weather conditions in the coming two years is possible.
- The likelihood of a large diameter tree part failing under normal weather conditions in the coming two years is improbable.

Risk Matrix Outcome

- This methodology found the subject tree to have a low-risk rating at this stage. Risks are likely to increase if the tree does not recover.
- This rating can be interpreted as the subject tree does not pose unacceptable levels of risk to private safety nor is it threatening to cause extensive damage to a substantial building of value.
- The likely risk scenario is a branch failure causing minor/moderate damage to the carport roof.

Current Application for Tree Removal

The current application to remove the significant tree is supported by the applicant's arborist. This support is largely based on the following points and my assessments are provided as sub-points.

- Current Tree Health and Structure
 - I agree the tree is in poor health and this occurred quite rapidly. My observations disagree with the tree structure rated as below average with no notable defects observed and the tree is in severe decline with minimal live growth remaining on the tree. Two canopy areas, lower eastern and western displaying normal healthy foliage. The cambium layer is still green, alive and functioning throughout the trunk and branching structure.
- Environmental Stressors
 - River Red Gums are the most common Eucalypt in Australia. The species is well-suited to the greater Adelaide area with 1000's of examples of mature specimens growing throughout the Adelaide Area. Note the neighbouring mature River Red Gum 12.7 m from the subject tree is growing well. Much of the details provided by the Applicant's arborist are general citations with no specific relevance to the subject tree.
- Limited contribution of amenity
 - Previous Symatree reports have identified the character and amenity contribution provided by the subject tree are important.
- Limited notability
 - Previous Symatree reports have identified the tree as being notable.
- Reduced Useful Life Expectancy
 - Previous Symatree reports have identified the tree as being in good health. Recent decline is consistent with Herbicide damage. The species has good capacity to recover from herbicide damage.
 - The level of borer damage observed is low and consistent with a mature specimen of this species. Holes noted in the applicant's arborist report appear to be drill holes. No hole above 1.5m was observed. Much of the detail provided by the Applicant's arborist regarding borers are general citations with no specific relevance to the subject tree.
- Risk classified as 'unacceptable'.
 - Symatree has identified the tree risk rating to be low when applying the Tree Risk Assessment Qualification (TRAQ) methodology which is endorsed by the International Society of Arboriculture.
 - Pruning options conforming with Australian Standard AS 4373-2007 Pruning of amenity trees and Minimum Industry Standard MIS308 Tree Pruning are available to maintain low levels of risk. Beyond the scope of this report
- Neighbouring Developments.
 - Developments identified by the applicant's arborist at 5, 5A and 9 Hatherley Avenue are either outside the designated TPZ radius of 15m, minor encroachment or low impact or the development occurred sometime ago and the tree has had time to adapt.

Overall, my assessment refutes the general assessment and recommendation of the applicant's arborist report.

Prognosis

In my experience, the species has good capacity to recover from herbicide damage, if this is the cause of the tree's decline. The potential for a full health recovery of the subject tree is unknown. Given the cambium layer is still green, alive and functioning throughout the trunk and branching structure and two canopy sections are still alive, the species' capacity to recover and the low TRAQ risk rating, more time should be afforded to observe potential recovery.

Codes of Development Control

The subject has been identified as significant tree. The following comments pertain to the relevant Codes:

PO 1	.2		
Sign	ificant trees are retained when they:		
a)	make an important contribution to the character	Yes: The size and form, indicates it offers a high level of	
	or amenity of the local area	amenity to the streetscape.	
b)	are indigenous to the local area and are listed	No: The species is indigenous to the local area but not	
	under the National Parks and Wildlife Act 1972	listed under the <u>National Parks and Wildlife Act 1972</u> as a	
	as a rare or endangered native species	rare or endangered native species.	
c)	represent an important habitat for native fauna	No: It offers a moderate benefit to native fauna such as	
		perching. No hollows that may be suitable as a nesting site	
	are part of a wildlife consider of a removat area of	for native fauna was noted.	
a)	are part of a wildlife corridor of a remnant area of	No: The tree is not part of local wildlife corridors, nor is it	
-)		Unectly infreed.	
e)	are important to the maintenance of blodiversity	therefore is important to the biodiversity to the legal	
	in the local environment.	environment	
f)	form a notable visual element to the landscape of	Yes The tree is a large specimen therefore its considered a	
.,	the local area.	notable visual element to the landscape of the local area	
PO 1 3			
A tre	e damaging activity not in connection with other	development satisfies (a) and (b):	
(a)	(a) tree damaging activity is only undertaken to:		
i.	remove a diseased tree where its life	No: An opportunity should be given to see if the tree	
	expectancy is short	recovers given the presents of live foliage and cambium.	
		The tree may recover under existing environmental and site	
		conditions with regular assessments and periodic pruning	
	without an unconstable vial, to widdle on	by qualified arborists.	
.	mitigate an unacceptable risk to public or	No: The tree currently represents a low risk to private	
	private salety due to limb drop of the like	of risk	
iii	rectify or prevent extensive damage to a	No damage to a building of value attributed to the subject	
	building of value as comprising any of	tree was observed during my assessment.	
	the following:		
	a.a Local Heritage Place		
	b.a State Heritage Place		
	c.a substantial building of value		
(b)	in relation to a significant tree, tree- damaging	Insufficient evidence has been provided to demonstrate the	
activity is avoided unless all reasonable		removal of the subject tree is warranted at this stage.	
remedial treatments and measures have been			
determined to be ineffective.			

Recommendations

The subject tree should be assessed within the coming six months by a qualified arborist experienced in assessing trees suspected of herbicide damage. The future assessment should review this report and photos to assist with the prognosis assessment.

Thank you for the opportunity to provide this summary report. Please feel free to contact me with any queries.



ATTACHMENT 4



DECISION NOTIFICATION FORM

Section 126(1) of the Planning, Development and Infrastructure Act 2016



IN REGARD TO:

Development application no.: 24008386	Lodged on: 28 Mar 2024	
Nature of proposed development: Removal of a significant Tree (River Red Gum), Tree 1		

LOCATION OF PROPOSED DEVELOPMENT:

Location reference: 64 NORTHGATE ST UNLEY PARK SA 5061		
Title ref.: CT 5299/49	Plan Parcel: F11720 AL94	Council: CITY OF UNLEY

DECISION:

Decision type	Decision (granted/refused)	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision (relevant authority)
Planning Consent	Refused	23 Apr 2024			Assessment Manager at City of Unley
Development Approval - Planning Consent					City of Unley

FROM THE RELEVANT AUTHORITY: Assessment Manager - Section 96 - Performance Assessed at City of Unley

Date: 23 Apr 2024

REFUSAL REASONS

Planning Consent

The application to remove a significant tree at 64 Northgate Street Unley Park is not considered to meet the following provisions for removal:

- The Significant Tree makes an important contribution to the character and amenity of the local area, is
 important to the maintenance of biodiversity in the local environment and is considered to be a notable
 visual element of the landscape of the local area, and therefore should be retained in accordance with
 Regulated and Significant Tree Overlay Desired Outcome DO 1 and Assessment Provision PO 1.2 (a), (e)
 and (f).
- It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or that it has or threatens to cause damage to a substantial



Government of South Australia

building of value, and insufficient evidence that all remedial treatments will be ineffective. As such does not satisfy Regulated and Significant Tree Overlay Assessment Provision PO 1.3.

ADVISORY NOTES

Planning Consent

The applicant has the right of review and appeal pursuant to section 202 of the PDI Act 2016.

An application to the Council Assessment Panel to review a decision by the Assessment Manager must be made within 1 month of applicant receiving this notice of decision.

An appeal to the Court against a decision by the Assessment Manger or Council Assessment Panel must be made directly to the Environment, Resources and Development Court within 2 months of the applicant receiving this notice of decision. The Court is located at the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

CONTACT DETAILS OF CONSENT AUTHORITIES

Name: City of Unley	Type of consent: Planning
Telephone: 0883725111	Email: DevelopmentServices@unley.sa.gov.au
Postal address: PO Box 1, Unley SA 5061	
ATTACHMENT 5

Unley THE CITY

Unley Council Assessment Panel (CAP) Application to CAP to Review Decision of Assessment Manager

Decision Review Request

Prescribed form pursuant to section 203(1) for review of a decision of an Assessment Manager under section 202(1)(b)(i)A) of the *Planning, Development and Infrastructure Act 2016* (Act)

Applicant details:		
Development Application Number:	24008386	
Subject Land:	64 Northgate Street, Unley Park	
	[street number, street name, suburb, postcode] [lot number, plan number, certificate of title number, volume and folio]	
Date of decision of the Assessment Manager:	23 April 2024	
Decision (prescribed matter ¹) for review by Assessment Panel:	Decision refusing planning consent to remove a significant tree	
Reason for review:	See Attachment 'A'	
	[Briefly state the facts, circumstances and other relevant matters upon which this application is based. Attach additional pages as necessary]	
Do you wish to be heard by the Assessment Panel?	⊠ Yes □ No	
Date:		
Signature:		

¹ Prescribed matter, in relation to an application for a development authorisation, means-

⁽a) any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the application; or

⁽b) a decision to refuse to grant the authorisation; or

⁽c) the imposition of conditions in relation to the authorisation; or

⁽d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of the assessment manager under the Act in relation to the authorisation.

ATTACHMENT 'A'

Planning Consent has been refused with two reasons being given for such refusal.

Firstly it is asserted that the Significant Tree makes an important contribution to the character and amenity of the local area, is important to the maintenance of biodiversity in the local environment and is considered to be a notable visual element of the landscape of the local area and therefore should be retained in accordance with Regulated and Significant Overlay Desired Outcome DO 1 and Assessment Provision PO 1.2 (a), (e) and (f) ("the first decision").

Secondly it is asserted it has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or that it has or threatens to cause damage to a substantial building value and insufficient evidence that all remedial treatments will be ineffective. As such does not satisfy Regulated and Significant Tree Overlay Assessment Provision PO 1.3 ("the second decision").

The decision to refuse Planning Consent is against the evidence or the weight of the evidence that was before the decision maker. The decision maker proceeded on an incorrect factual basis in coming to the decision.

There was no factual basis to found the first decision that the Significant Tree makes an important contribution to the character and amenity of the local area.

The Arboriculture Report provided by Ecological Tree Counselling dated 22 March 2024 (which was before the decision maker) determines that the Significant Tree does not meet the conditions for retention identified in Desired Outcome DO 1 by reference to the assessment Provisions PO 1.2 and 1.3. We refer to the entire report and do not repeat its contents here. The decision maker appears to have ignored the report and its conclusions. The decision maker has failed to consider the contents of the report in coming to the decision to refuse Planning Consent.

The report mentioned above goes on to deal with the second decision and identifies that the Significant Tree should be removed as its life expectancy is short. Again, we refer to the report in its entirety in this respect. The decision maker has again ignored the contents of this report in coming to the decision.

The decision maker has failed to consider the matters addressed in this report. To the extent that the conclusions reached by the report writer are at odds with the contents of the report of Symatree dated 8 April 2024, then the conclusions of the Ecological Tree Consulting should be preferred.

The decision maker has failed to reconcile the differing views of the two report writers and has not identified why the views of Symatree should have been preferred to the views of Ecologcial Tree Consulting.

ATTACHMENT 6



Tree Report

Client	Mr Mark Troncone Planning Officer Development & Regulatory Services City of Unley
Proposal	Additions, Alfresco Area, Carport
Tree Location	64 Northgate Street Unley Park
Date of Inspection	11 July 2022
Application ID	22021621

This report details an inspection of two trees, both mature *Eucalyptus camaldulensis* (River Red Gums) referred to as Tree One (refer Image 1) and Tree Two (refer Image 2). Please note numbering used as part of this report corresponds with those used by the applicant's arborist.



Tree One

Tree Two



Observations Made During Site Visit

Tree One is 3.9 metres from the rear boundary fence and 14 metres to the shedding to the west. Tree Two is 3.9 from the rear boundary fence and 0.8 metres to the shedding to the west and 12.7 metres from Tree One.

The approximate location of the trees is identified on the aerial image below:



Tree One

Tree One is 20 plus metres tall and has a trunk circumference of 5.64 metres when measured at 1 metre above ground level. The tree is therefore subject to planning controls and considered a significant tree. The canopy extends 11.6 metres to south, 8.6 metres to east, 8.6 metres to west, 9 metres to north.

<u>Health</u>

Tree health overall is good showing average foliage density with leaves exhibiting good colour and size. Some deadwood is evident at various points within the crown, largest being approximately 200mm midcrown eastern side.

Form and structure

The trunk appears to be sound, stable with no cavities, scarring or evidence of internal decay or termite activity. Tree form is broad spreading. The crown has a bias towards the south.

The branch unions appear to be sound with no significant structural defects (from what can be observed from ground) detected.



The tree displays a history of branch failure. Pruning has occurred in the past with the removal of several lower to mid crown branches. No recent pruning has occurred to manage the crown of the tree. Overextension issues are developing mid-crown north-eastern, eastern, and southern sides.

- 3 -

Tree Two

Tree Two is also 20 plus metres tall and has a trunk circumference of 4.83 metres when measured at 1 metre above ground level. The tree is therefore subject to planning controls and considered a significant tree. The canopy extends 6.0 metres to south, 6.7 metres to east, 8.0 metres to west, 8.0 metres to north.

<u>Health</u>

Tree health overall is good showing average foliage density with leaves exhibiting good colour and size. Minor volumes of deadwood are evident inner crown, largest having a diameter of approximately 100mm.

Form and structure

The trunk appears to be sound, stable with no cavities, scarring or evidence of internal decay or termite activity. Tree does have a bias towards the west. Good trunk flaring is apparent. Overall form is typical of the species. The tree has a bias towards the north due to past clearance pruning from adjoining neighbouring property

The branch unions both primary and secondary appear to be sound with no significant structural defects (from what can be observed from ground) detected.

The tree displays a minor history of branch failure. Pruning has occurred to this tree in the past with a number of pruning wounds are apparent. No recent pruning has occurred to manage the crown of the tree.

Appraisal (Both Trees)

Both Trees One and Two qualify as Significant under the current Development Codes.

Both trees have a strong visual presences/appeal within the locality and are prominent features in the landscape. Trees One and Two have a high aesthetic value and make important contributions to the landscape character and amenity of the local area. Both trees are considered local indigenous species.

The trees are mature specimens, both in good health with no notable structural defects that indicate they pose an unacceptable risk to private safety or are the trees causing damage to a building or structure of significant value.

I therefore recommend that the subject trees be retained and protected from possible adverse impacts of the proposed development, with Tree Protection Zones and protection measures.

Tree Protection Zones

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 heath and long-term viability.

In addition to the TPZ, the structural root zone (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 TPZs and SRZs have been calculated:

Tree Id	TPZ (radius)	SRZ (radius)
Tree One	15.0 metres	4.6 metres
Tree Two	15.0 metres	4.2 metres

Impacts from Development Activities

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.

The proposed development activities and existing encroaches into the standard TPZ and SRZ areas of the subject trees are as follows:

Tree Id	Proposed Encroachment into TPZ	Existing Encroachments into TPZ
Tree One	Major encroachment, proposed additions, carport and alfresco areas.	Major encroachment, existing, paving to the east and west, including owner's carport, neighbouring dwelling to the north and neighbour's masonry carport to the southwest.
Tree Two	Minor encroachment proposed additions	Major encroachment masonry neighbour's carport to the south, paving to the east, shedding to the west, neighbouring dwelling to the north

Existing encroachments for both trees appear to have been present for some time and not considered given the trees have adapted to their presences.

The levels of encroachment for Tree One from the proposed development is considered major however the owner has proposed a deck for the alfresco area. If the deck is constructed using tree sensitive construction techniques then the levels of encroachment would be reduced to acceptable levels. Given its distance no Impact to Tree Two is expected.

Therefore, the level of proposed encroachment is unlikely to have a detrimental impact upon the subject trees if the following tree sensitive construction techniques and protection measures are utilised to ensure tree damaging activity does not occur.



No pruning is required to allow the proposed development to proceed. However pruning to address crown defects is supported.

Tree Sensitive Construction Techniques

To reduce any potential impacts from the development activities identified the following measures must be adhered to at all times.

Demolition

The demolition of existing structures and hardstands must be done carefully carried out by hand or small machinery (i.e., Jack hammer, bob cat) within the designated TPZs. No heavy machine within the designated TPZ is permitted.

Removal of the existing hardstand/s will require working away from TPZ areas with sections of concrete/paving being pulled away onto the non-TPZ areas following completion of all other works. When removing this material do not remove the subsoil below the paving subbase. Care must be taken to pull the surface away from any roots that are in contact or grown around, do not use roots as lever/pivot point.

Deck Construction

The following tree sensitive construction techniques must be used to construct the deck area that encroach the designated TPZ areas:

- The soil surface should be carefully skimmed to establish a base. The natural soil level should not be lowered.
- Any excavations which must be undertaken within the TPZ to construct the footings for posts should be carried out using non-destructive techniques such as hydro vac or similar or careful hand digging. Prevent damage to all structural roots, (roots with a diameter greater than 30 millimetres) encountered within or outside of the recommended TPZ. The post holes should be relocated if structural roots (roots with a diameter greater than 30 mm) are encountered.
- Posts are to be pre-excavated using non-destructive techniques as specified above to 1000 mm to ensure no significant roots are present in the proposed post holes.

Underground Services

All new underground services should be located outside the designated TPZ areas. Any existing services running through the TPZ areas can be re-used or relocated outside of the TPZ areas.

Only non-invasive methods, such as directional boring or hand digging should be used to install new underground services within the TPZ areas if necessary. Trenching by machinery should not be used under any circumstances. Refer to Appendix A for specific guidelines. Manual excavation should be carried out under the supervision of the project arborist to identify roots critical to tree stability.

Proposed Landscaping

All undeveloped areas below the canopies of the subject trees should be converted to soft landscaping once the proposed development has been completed. Soft landscaping could include



the garden area covered with a 75 mm thick layer of organic mulch (e.g. Forest Mulch), and interplanted with small-growing, preferably local, native species.

Tree Protection Measures

Protective fencing cannot be erected around the subject trees to the full extent of the TPZ radius. Therefore, on the sides development is proposed protective fencing must be erected at 5 metres from Tree One before construction on site commences, measured from the tree's trunk centre. The fencing should be erected in an arc between the rear fence to the neighbouring shed masonry wall.

Tree protection fence should be designed to be robust and withstand easy movement or ingress. Chain mesh fencing, temporary fencing panels or solid hoarding are all good examples.



: Indicative TPZ fencing

The following should be prohibited within a TPZ area (adapted from AS 4970-2009):

- built structures or hard landscape features (i.e. paving, retaining walls unless previously identified)
- materials storage (i.e. equipment, fuel, building waste or rubble)
- soil disturbance (i.e. stripping or grade changes)
- excavation works including soil cultivation (specifically surface-dug trenches for underground utilities)
- placement of fill
- lighting of fires
- preparation of chemicals, including preparation of cement products
- pedestrian or vehicular access (i.e. pathways) unless they are already present.

Include the following procedures in setting up and maintaining any TPZ before the commencement of the construction (adapted from AS 4970-2009):

- erect warning signs at regular intervals along the entire length of any protective TPZ fencing
- construct TPZ fencing to prevent pedestrian access into the protected areas.
- mulch the TPZ areas to a depth of 100mm with woodchips (if available, use woodchips generated from onsite tree clearing).
- irrigate TPZs periodically, as determined by the consulting arborist.

If works are required to occur within the designated fenced TPZ areas then an access point that is as small as possible and covers the shortest distance to the construction edge is required. Access to these areas must be kept to a minimum.



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Site Storage

• A defined storage area for building materials and hazardous chemicals and a wash out area should be marked out far away from any of the designated TPZs of the subject trees.

Conclusion

Trees One and Two are both in good health with no notable structural defects that indicate they can be considered an unacceptable risk to private or public safety at this time.

Both trees possess attributes worthy of protection. The subject trees qualify as significant under the current Design and Development Codes.

I therefore recommend Trees One and Two be retained and protected from possible adverse impacts of the proposed development.

The level of encroachments for the proposed additions, alfresco area and carport appears acceptable under the current proposal if the alfresco area uses a deck constructed using tree sensitive construction. Additional tree protection and tree sensitive construction techniques have been recommended to ensure tree damaging activity does not occur. These measures and techniques should be included as part of the conditions of approval

No pruning is required to allow the proposed development to proceed.

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.



ATTACHMENT 7



Ref: TAC0020-64-NorSt-UnIPkAIAV2 Date: 10th May 2023

TreeSolve ABN: 54940292936

Executive Summary

TreeSolve have assessed two significant trees (Trees 1-2) located within the allotment at 64 Northgate Street, Unley Park. The proposal includes the renovation of the existing dwelling, an extension, alfresco area and swimming pool. As both trees are located within 15 metres of the proposal, potential impacts to their viability must be considered and impact mitigation strategies provided where appropriate. This document provides appropriate arboricultural management and tree protection methods in accordance with *Planning, Development, and Infrastructure Act 2016 (PDI Act 2016)* and Australian Standards AS4373-2007 *Pruning of amenity trees* (AS4373-2007) and AS4970-2009 *Protection of trees on development sites* (AS4970-2009).

The subject trees have been identified as mature specimens of *Eucalyptus camaldulensis* – River Red Gum. As their trunk circumference measurements are greater than three metres when measured at one metre above ground level, they are controlled as significant trees as defined in the *PDI Act 2016*. Their protection within the proposal is imperative as they are significant trees worthy of retention.

Tree 1 has a calculated encroachment within its Tree Protection Zone (TPZ) of 22% which is classified as a major encroachment as per AS4970-2009. Design change has been implemented to mitigate potential impacts to the viability of Tree 1. The alfresco area has been changed from a non-permeable surface (concrete) to a permeable surface (decking). This will allow for gaseous exchange to occur and will improve the current rootzone of the tree as the majority is comprised of sealed surfacing. Additionally, of the 22% encroachment, 12% is new, the remaining 10% consists of existing encroachment (sealed surfacing and double garage). Root development within these areas is highly unlikely to be encountered as a result. Tree 2 has no encroachment within its TPZ; however, it requires basic tree protection methodologies (TPZ fence) as it is a significant tree worthy of retention.

Crown management such as Deadwooding is required within southern crown of Tree 1. This portion of the crown contains moderate levels of medium diameter deadwood. This should be removed prior to the construction of the addition. No live tissue is to be removed. This will maintain tree function at optimum levels and reduces stress associated with the removal of live tissue. No pruning is required for Tree 2.

Given the species, age and condition of Trees 1 and 2, they are unlikely to display substantial impacts resulting from this development. The management recommendations within this document ensure tree sustainability is maintained and conforms with AS4970-2009 and AS4373-2007.

Thank you for you engaging us to provide this information. If you require further clarification, please do not hesitate to contact me.

Yours sincerely,



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Brief

TreeSolve have been engaged by the property owner, to attend the allotment at 64 Northgate Street, Unley Park to provide an Arboricultural Impact Assessment on two trees located at the rear of the allotment. The original arboricultural impact assessment was compiled on the 12^{th of} May 2022, this document was compiled on the 10^{th of} May 2023 and replaces the original document. The findings within the original document are still valid however we have also considered the additional design modifications that have recently been proposed.

In accordance with Australian Standard AS4970-2009 *Protection of trees on development sites* which will determine the following: -

- A visual tree assessment of the subject trees including Useful Life Expectancy and overall condition.
- Legislative status of the subject trees as defined within the *Planning, Development, and Infrastructure Act 2016.*
- The long-term effect of the redevelopment in relation to the overall condition of the subject trees and if the trees will remain viable post development.
- Identify and define the Tree Protection Zones (TPZs) for the trees identified for retention.
- Recommend any relevant treatments to be used within the TPZs that will assist in the successful retention of the subject trees.
- Recommend any relevant arboricultural management options for the subject trees.

This assessment has captured the following information in relation to the site: -

- Existing structures adjacent or within the allotment.
- Recent or active soil disturbances or grade changes.
- Existing topography.
- Recent changes to wind dynamics and/or increase or decrease to exposure.
- Recent changes to light availability.
- Evidence of abiotic and/or biotic disorders or issues within the site.

Document Submission

III.

- I. Detail Survey 22118 detail (2)
- II. ______64 Northgate St Unley Park_EXISTING_11.04.22 (1)
 - _64 Northgate St Unley Park_CONCEPT_13.04.221
- IV. _____64 Northgate St Unley Park_PL_REVA_SWIMMING

POOL_04.04.2023

Site Observations

- The subject trees (**Figure 1**) are located within the allotment of 64 Northgate Street, Unley Park (subject land).
- The proposal includes the renovation of the existing dwelling, an extension and alfresco area and swimming pool which encroaches into the Tree Protection Zone of Tree 1.
- The trees' root zones primarily consist of sealed surfacing (block paving) and a large double car garage within the subject land.
- There is a moderate amount of open lawn located within the northern allotments.
- The majority of all the nearby allotments are comprised of similar infrastructure.
- Root development within the proposed building footprint of the extension and alfresco area would be unlikely to be encountered given the volume of sealed surfacing within the root development area.
- The majority of the existing dwelling is to remain however the existing sunroom and laundry are to be demolished.
- Additionally, the garage is to be demolished as part of the addition with the alfresco and extension to be constructed in situ.
- There is not expected to be substantial change to the hydrology or topography of the site from the proposal.
- Light availability should not be impaired either and the wind dynamics of the subject trees should remain unchanged, given the nature of the built-up surrounds.



Figure 1 – Tree/Site Location



Development Impact - LOW

The encroachment within the Tree Protection Zone of Tree 1 is major as defined within AS4970-2009, however design change and tree friendly construction methodologies have been implemented to mitigate any potential impacts from the proposal.

General Observations Tree 1 Species Classification & Dimensions

Tree 1 is identified as a mature specimen of *Eucalyptus camaldulensis* – River Red Gum. It achieved an approximate height of 15-20 metres and crown spread of >20 metres.

Form

Tree 1 ascends as a single trunk to approximately ten metres above ground level where first order branches emerge. The stem continues to rise continue to rise and support an array of lateral branches which form a broad, spreading crown which is typical of the species.

Health

Tree health was observed as good as indicated by the normal foliage colour, size and density. There were minor volumes of epicormic growth within the mid-upper crown. There was minimal evidence of pest or disease. Due to the observed characteristics, the health rating has been categorised as good.

Structure

Tree structure was observed as good as indicated by the well-formed unions and lack of substantial branch failure. Root flare and buttress formation were apparent whilst the southern crown displayed minor overextension however it is not considered to be a structural flaw. Due to the observed characteristics, the structural rating has been categorised as good.



Figure 2 – Root zone of Tree 1 eastern aspect

Age & Useful Life Expectancy

Given the good overall condition and the tree's mature age class, it is expected to remain in this state for an extended time period. It is continuing to grow and function albeit at a slower rate. The above characteristics are used when calculating the tree's Useful Life Expectancy (ULE). Due to the ratings achieved, the tree's ULE has been categorised at >30 years.



Development Impact - NIL

There is no encroachment within the Tree Protection Zone of Tree 2, however it requires basic tree protection methodologies (TPZ fence) as it is a significant tree within 15 metres of the proposal.

General Observations Tree 2 Species Classification & Dimensions

Tree 2 is identified as a mature specimen of *Eucalyptus camaldulensis* – River Red Gum. It achieved an approximate height of 10-15 metres and crown spread of 5-10 metres.

Form

Tree 2 ascends as a single trunk to approximately four metres above ground level where two stems emerge. The stems continue to rise to support an array of lateral branches which form a compact upright corn which is not typical of the species.

Health

Tree health was observed as good as indicated by the normal foliage colour, size and density. There were minor volumes of epicormic growth within the mid-upper crown. There was minimal evidence of pest or disease. Due to the observed characteristics, the health rating has been categorised as good.

Structure

Tree structure was observed as fair as indicated by the codominant stem formation and previous lopping sites. Small- moderate branch failures were also noted as well as the potential decay found within the lopping sites. Root flare and



Figure 3 – Tree 2 root zone eastern aspect

buttress formation were apparent. Due to the observed characteristics, the structural rating has been categorised as fair.

Age & Useful Life Expectancy

Given the fair overall condition and the tree's mature age class, it is expected to remain in this state for an extended time period. It is continuing to grow and function albeit at a slower rate. The above characteristics are used when calculating the tree's Useful Life Expectancy (ULE). Due to the ratings achieved, the tree's ULE has been categorised at 15-30 years.

Legislative Assessment

Trees 1 and 2 are controlled as significant trees under the *Planning, Development, and Infrastructure Act 2016.* They therefore must be assessed against the *Planning and Design Code 2017* as Desired Outcomes and Performance Outcomes pertaining to the Regulated and Significant Tree Overlay must be addressed.

Desired Outcomes (DO)

DO 1. The conservation of significant trees that provide aesthetic and environmental benefits and to mitigate tree loss.

The subject trees provide substantial aesthetic and character benefits. As an indigenous species they contribute a substantial level of environmental value to the locality.

Performance Outcomes (PO) – Tree Retention and Health

PO 1.2 Significant trees are retained where they [achieve any of the following attributes]:

a) The trees make an important contribution to the character and amenity of the local area.

The subject trees provide a substantial contribution to the amenity of the area and are consistent with the character of the area, which is primarily comprised of similar genera.

b) The trees are indigenous to the local area and is not listed as rare under the *National Parks and Wildlife Act* 1972.

The trees are indigenous to the area, however, are not listed as rare under the *National Parks and Wildlife Act 1972.*

c) The trees do not represent important habitat for native fauna.

The trees offer important habitat value for native fauna. As mature indigenous specimens in fair overall condition they provide habitat value which surpasses a smaller example of the species or a larger example of an exotic species.

d) The trees are not part of a wildlife corridor of a remnant area of native vegetation.

The trees do not form part of a wildlife corridor or a remnant area of vegetation.

e) The trees are important to the maintenance of biodiversity within the local environment.

The trees support and maintain the biodiversity of the local area, as mature indigenous specimens they provide considerable input into the biodiversity of the local area.

f) The tree does not form a notable visual element within the local area.

Whilst the trees are clearly visible from their locations they are inconspicuous due to the surrounding dwellings. There are also a variety of trees of similar age, size and species, and therefore they should not be considered to be notable visual elements of the area.

PO 1.4 A tree-damaging activity in connection with other development satisfies the following:

(a) it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible.

The proposal has considered the retention of Trees 1 and 2. Design change and tree-friendly construction methodologies have been implemented to ensure that no change to tree condition occurs as a result of this proposal.

(b) in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

Design change and tree friendly construction techniques have been explored and implemented to prevent any substantial tree damaging activities occur to either Tree 1 or 2.

PO 1.3 A tree damaging activity not in connection with other development satisfies (a) and (b):

- (a) tree damaging activity is only undertaken to:
- (i) remove a diseased tree where its life expectancy is short. The trees have not surpassed their ULE nor are they diseased.
- (ii) mitigate an unacceptable risk to public or private safety due to limb drop or the like. The trees do not present an elevated level of risk.
- (iii) rectify or prevent extensive damage to a building of value as comprising any of the following:
- A. a Local Heritage Place N/A
- B. a State Heritage Place N/A
- C. a substantial building of value N/A

and there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity.

Tree-friendly design methodologies have been implemented to prevent any unnecessary treedamaging activity occurring to either tree as a result of the proposal.

- (iv) reduce an unacceptable hazard associated with a tree within 20m of an existing residential, tourist accommodation or other habitable building from bushfire. The trees are not within a high bushfire area.
- (v) treat disease or otherwise in the general interests of the health of the tree.

and / or

The proposal should not alter the health of the trees providing the guidelines found within AS4970-2009 and this document are followed.

- (vi) maintain the aesthetic appearance and structural integrity of the tree. The integrity and aesthetic appearance of either tree will not be altered as a result of this proposal.
- (b) in relation to a significant tree, tree-damaging activity is avoided unless all reasonable remedial treatments and measures have been determined to be ineffective. Design change and tree-friendly construction methodologies have been specified to ensure that tree damaging activities are avoided for both Trees 1 and 2.

Performance Outcomes (PO) – Groundwork affecting trees.

PO 2.1 Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.

The proposal will not adversely impact the structural integrity and/or condition of the subject trees and is highly unlikely to initiate any decline in either Tree 1 or 2.

Arboricultural Impact Assessment

TreeSolve has assessed the potential impacts to Trees 1 and 2 from the proposal located at 64 Northgate Street, Unley Park in accordance with Section 3.3.4 *Encroachment considerations* Australian Standard AS 4970-2009 *Protection of trees on development sites* (AS4970-2009) and has identified the following: -

Species Tolerance to Root Disturbance - Trees 1 and 2

Eucalypt camaldulensis is regarded as a tolerant and hardy species of eucalypt, its dimorphic root system allows it the ability to switch between two different sections of its root system. This allows it to seek the nutrients and water from the water during dryer periods and utilise its lateral root system during wetter periods. It is highly likely that root system has contributed to the success of *Eucalyptus camaldulensis* as it is the most prevalent species of eucalypt through metropolitan and regional Australia.

Existing/New Encroachment - Tree 1

The encroachment from the proposal within the Tree Protection Zone (TPZ) of Tree 1 has been calculated at 22%. This is defined as a major encroachment however it only consists of 12% of new encroachment; 6% is comprised from the swimming pool and 6% is from the alfresco area. The remaining 10% is comprised from the large volume of sealed surfacing within the TPZ of Tree 1. These areas will have prevented root growth as lateral feeder roots will struggle to penetrate and therefore colonise areas with little to no oxygen and/or water. When soil is compacted, available pore space is removed, these voids are crucial for containing weather and oxygen. If roots are within areas of such compaction they will often die, roots adjacent to such areas will also not usually colonise these areas given that there is little to no advantageous material within these areas of compaction. Therefore, root density within the areas which contain sealed surfacing and soil compaction are likely to be limited.

Design Change – Tree 1

Design change has been implemented to ensure that detrimental impacts to tree condition and viability as a result of the proposal are not subjected to either Tree 1 or 2. The initial design consisted of an alfresco area constructed of a conventional concrete foundation. Whilst the condition of site depicts this construction is replacing an existing sealed encroachment. It IS prudent to improve the root zone of the tree. The incorporation of wooden decking for the alfresco area has been incorporated into the design. This allows for water infiltration to penetrate the soil and the release of gases from the root system.

Tree-Friendly Construction Methodologies – Tree 1

The demolition of the northern most block of the existing dwelling (laundry and sunroom) and the carport should be conducted with light machinery where possible. The construction of the new additions and the swimming pool must also use light machinery and/or non-destructive techniques. This will prevent any unnecessary damage occurring to any root density encountered. Tree roots can potentially grow adjacent to sealed surfaces/foundations and therefore may be encountered along the perimeter of TPZ. The existing sealed surfacing within the TPZ should also be removed with minimal disturbance and may require the supervision of the Project Arborist.

Pruning – Tree 1

Crown management such as Deadwooding is required within southern crown of Tree 1. This portion of the crown contains moderate levels of medium diameter deadwood. This should be

removed prior to the construction of the addition. No live tissue is to be removed. This will maintain tree function at optimum levels and reduces stress associated with the removal of live tissue. No pruning is required for Tree 2.

Recovered Root Development Area - Tree 2

No encroachment within the TPZ of Tree 2 is proposed, therefore impacts are not expected. It requires basic tree protection methodologies (TPZ fence) as it is a council asset within 15 metres of the proposal. These generic tree protection measures are aimed at reducing potential impacts from construction activities such as soil compaction vehicles, machinery and material storage. The area within the TPZ of Tree 2 which previously consisted of sealed surfaces such as the block paved driveway/carport will be removed and replaced with soft landscaping therefore improving the growing environment.

Whilst the encroachment is major, Tree 1 is in good overall condition and the new encroachment is minimal therefore impacts to its structural integrity and health are highly unlikely to occur. Trees which display good levels of vitality will tolerate root disturbance and/or changes within their environments. As Tree 1 possess good vitality as indicated by evidence of reaction wood, good crown density and wound occlusion throughout its crown it is likely to tolerate this encroachment. There is also a moderate sized lawn area to the north of Tree 1, this offers contiguous area for root development to occur. this will compensate for the loss of root development area to the new proposal. Additionally, there are tree-friendly construction methodologies recommended within this document to ensure impacts to Trees 1 and 2 are minimised throughout the development process and will maintain its condition post development.

Recommendations

The following recommendations will facilitate the construction of the proposal whilst ensuring the condition of Trees 1 and 2 remains unchanged.

1.1 Pre-Development

- 1. A Project Arborist should be appointed to consult any required arboricultural advice in relation to the protection of the subject trees and to implement required treatments or actions throughout the development process. Any change in plans or construction methodologies or matters relating to the Tree Protection Zones (TPZs) must be ratified.
- 2. A TPZ fence should be constructed within the subject allotment (see TPP for location) should the fence be removed, the Project Arborist must be notified, and a replacement fence must be installed, this must be a minimum of 1.8m in height as defined within Australian Standard AS4970-2009 *Protection of trees on development sites*.

1.2 During Development

- 1. No storage of building materials or equipment is permitted within any TPZ.
- 2. Nothing is to be attached to the trees, including temporary service wires, nails, screws, signs, or any other fixing device.
- 3. The cordoned off areas of each TPZ should have mulch installed and additional water applied during the development phase.
- 4. Any footing preparation/excavation within any TPZ should be installed using tree friendly methods such as hand digging, light machinery and/or non-destructive methods to ascertain root activity.
- 5. The Project Arborist should inspect the construction at key intervals (such as demolition, footing preparation and swimming pool excavation) to ensure that the recommendations within this document are followed and to provide Certificates of Compliance if necessary.

1.3 Post Development

1. The subject trees should be assessed within 24-36 months to identity if any remedial treatments are required.

Thank you for you engaging us to provide this information. If you require further clarification, please do not hesitate to contact me.

Yours sincerely,



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Glossary

Abiotic: a tree disorder which is caused by a non-living and/or non-infectious factor.

Biotic: a tree disorder which is caused by a living and/or living organism.

Diameter at Breast Height: a trunk measurement taken at 1.4 metres above ground level used to determine the Tree Protection Zone as defined in Australian Standard AS4970-2009 *Protection of trees on development sites*.

Diameter at Root Buttress: a trunk diameter measured just above the root flare/buttress as defined in Australian Standard AS4970- 2009 *Protection of trees on development sites* and is used to determine the Structural Root Zone.

Encroachment: the area of a Tree Protection Zone that is intersected by the proposed development area.

Health: a visual representation of how the tree is performing in its environment, largely derived from foliage colour, density and size.

Photosynthesis: the process where light energy is used to form glucose from water and carbon dioxide

Project Arborist: a person with the responsibility for carrying out a tree assessment, report preparation, consultation with designers, specifying tree protection measures, monitoring and certification. The Project Arborist must be competent in arboriculture, having acquired through training, minimum Australian Qualification Framework (AQTF) Level 5, Diploma of Arboriculture, and the knowledge and skills enabling that person to perform the tasks required by this standard.

Respiration: the process where carbohydrates are converted into energy by using oxygen.

Structural Root Zone: An area within the tree's root zone that is considered imperative to maintain tree stability and anchorage to the soil profile.

Structure: visual assessment of the tree's structural attributes, derived from the tree's union, branch and trunk formation, tree stability and historic branch failure.

Transpiration: the process where water vapour is lost through the stomata within the leaves.

Tree Damaging Activity: Tree damaging activity includes those activities described within the *Planning Development and Infrastructure Act 2016* such as removal, killing, lopping, ringbarking or topping or any other substantial damage such as mechanical or chemical damage, filling or cutting of soil within the TPZ. Can also include forms of pruning above and below the ground.

Tree Protection Zone: An area of root zone crucial to ensuring tree growth and function is maintained. Principal, method of tree protection is to define a TPZ as stated within Australian Standard AS4970- 2009 *Protection of trees on development sites*.

Useful Life Expectancy: expected number of years that the subject tree will remain alive (cell division occurs) and is considered to provide aesthetic and/or environmental benefit, this rating is derived from the structural and health ratings which the tree is awarded.

Vigour: the inherent genetic capacity of a tree to grow and perform vital physiological processes, a static characteristic.

Vitality: the ability the tree has the ability respond to changes within its environment, can differ significantly as this is a dynamic characteristic.

Appendix 1 – Mapping

Tree Protection Zone Encroachment Map 1



Tree Protection Zone Encroachment Map 2



Tree Protection Zone Encroachment Summary

Pictured above are the calculated encroachments from the proposal within the Tree Protection Zones of Trees 1 and 2. For clarity the different types of encroachment have been colour coded as followed: -

Purple - 12% - new encroachment, comprised of the wooden decking alfresco area and swimming pool, previously formed part of the carport, block paved driveway and lawn area.

Red - 10% - existing encroachment, comprised of the new addition, previously consisted of the block paved driveway/carport.

Green -5% - Recovered root development area, previously consisted of the existing carport/block paved driveway.

Appendix 2 – Tree Protection Plan

Tree Protection Plan Guidelines

The Tree Protection Zones (TPZ) have been identified on the encroachment map within **Appendix** 1 – **Tree Protection Zone Encroachment Mapping,** this is an area where construction activities are regulated for the purposes of protecting tree viability and structural integrity. The TPZs should be established so that they are clearly identified and should therefore prevent any unnecessary damage commonly associated with development/construction activities.

If development activities are required within the TPZs then these activities must be ratified by the Project Arborist. Prior to approval, the Project Arborist must be certain the trees will remain viable because of any activity. The TPZ should have fencing installed as Figure 1 (below) and should be clearly marked as per Figure 2 - TPZ Sign Example. Image: AS4970-2009.
Tree Protection Fence Location Map



The location of the Tree Protection Zone fence has been illustrated by the purple line above. This is to be constructed with as per the specification below which is in accordance with AS4970-2009.



- L4
 LGEND:
 Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
 Attarnative plywood or wooden paling fence panels. This fencing material also prevents building materials or soli entering the TPZ.
 Mulch installation across surface of TPZ (at the discretion of the project arboriet). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
 Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

FIGURE 3 PROTECTIVE FENCING



Work Activities Excluded from the Tree Protection Zone:

- a) Machine excavation including trenching.
- b) Excavation for silt fencing.
- c) Cultivation.
- d) Storage.
- e) Preparation of chemicals, including preparation of cement products.
- f) Parking of vehicles and plant.
- g) Refuelling.
- h) Dumping of waste.
- i) Wash down and cleaning of equipment.
- j) Placement of fill.
- k) Lighting of fires.
- I) Soil level changes.
- m) Temporary or permanent installation of utilities and signs, and
- n) Physical damage to the tree.

Certificates of Compliance

The following table is taken from Australian Standard AS4970-2009 *Protection of trees on development sites* and illustrates the various stages that the Project Arborist may be required to certify.

Staat in deadly another	Tree management process		
Stage in development	Matters for consideration	Actions and certification	
Development submission	Identify trees for retention through comprehensive arboricultural impact assessment of proposed construction. Determine tree protection measures Landscape design	Provide arboricultural impact assessment including tree protection plan (drawing) and specification	
Development approval	Development controls Conditions of consent	Review consent conditions relating to trees	
Pre-construction (Section	ns 4 and 5)		
Initial site preparation	State based OHS requirements for tree work	Compliance with conditions of consent	
	Approved retention/removal	Tree removal/tree retention/transplanting	
	Refer to AS 4373 for the requirements on the pruning of amenity trees	Tree pruning Certification of tree removal and pruning	
	Specifications for tree protection measures	Establish/delineate TPZ Install protective measures	
		Certification of tree protection measures	
Construction (Sections 4	and 5)		
Site establishment	Temporary infrastructure Demolition, bulk earthworks, hydrology	Locate temporary infrastructure to minimize impact on retained trees Maintain protective measures Certification of tree protection measures	
Construction work	Liaison with site manager, compliance Deviation from approved plan	Maintain or amend protective measures Supervision and monitoring	
Implement hard and soft landscape works	Installation of irrigation services Control of compaction work Installation of pavement and retaining walls	Remove selected protective measures as necessary Remedial tree works Supervision and monitoring	
Practical completion	Tree vigour and structure	Remove all remaining tree protection measures Certification of tree protection	
Post construction (Section	n 5)		
Defects liability/ maintenance period	Tree vigour and structure	Maintenance and monitoring Final remedial tree works Final certification of tree condition	

Appendix 3 – Visual Tree Assessment Methodology

Visual Tree Assessment Methodology

Visual Tree Assessments (VTA) conducted by TreeSolve utilise a rating system to award any given tree it's appropriate rating. VTAs are based following defined criteria. Specifically, a VTA must: -

- Locate and identify the trees to be assessed.
- Review existing site conditions and note any factors which may affect tree viability and or stability.
- Inspect the trees visually.
- Inspect the trees structure via the use of a probe, trowel and/or sounding hammer where applicable.
- Inspect the trees health either macroscopically or with binoculars where applicable.
- Record any matters of concern and/or interest specifically in relation to tree condition and recommend any remedial treatments and/or advance assessment if applicable.

Below are the primary attributes recorded during each VTA and the tabulated data represents how each individual tree is awarded its individual attribute rating.

Health

Rating	Criteria Required
Good	Foliage density, colour and size normal. Terminal dieback less than 5% of entire crown, almost no epicormic growth observed less than 5% of the entire crown. Tree should be actively growing, good internodal growth and/or flowering period evident. No evidence of pest and/or disease.
Fair	Foliage density, and size to be reduced, minor chlorotic foliage expected. Terminal dieback less than 40% of entire crown, moderate volume of epicormic growth ~40% of entire crown. Tree growth may appear slightly stunted and/or disrupted. Moderate evidence of pest or/and disease. Moderate chance of recovery utilising reasonable methods.
Poor	Foliage density and size to be substantially reduced, substantial chlorotic and/or necrotic foliage evident. Terminal dieback greater than 40% of entire crown, substantial volume of epicormic growth greater than 40% of entire crown. Tree growth may appear stunted, malformed, disrupted and/or non-existent. Substantial evidence of pest or/and disease. Highly unlikely for a tree to recover fully using reasonable methods, minor recovery may occur but will never return to optimal growth functionality.
Dead	Cellular division has ceased to occur, tree is not functioning, and all physiological process have stopped with no chance of recovery.

Structure	
Rating	Criteria Required
Good	Root plate intact and with no signs of instability. Buttress formation evident and trunk taper normal. No unstable unions and/or history of branch failure. All unions well-formed and open, no evidence of decay, previous topping, lopping or pollarding. Minimal overextension of the mid-upper crown and overall branch architecture well balanced. Improbable likelihood of failure within a 5-year timeframe.
Fair	Root plate intact and with minor signs of instability. Buttress formation evident, however not notable and trunk taper normal - abnormal. Stable included bark union/s and/or moderate history of branch/stem failure. Unions sub-optimal, minor-moderate evidence of decay, previous topping, lopping, or pollarding. Moderate overextension of the mid- upper crown and overall branch architecture sub-optimal. Possible likelihood of failure within a 5-year timeframe.
Poor	Root plate disturbed and with major signs of instability. Buttress formation not apparent, and trunk taper abnormal. Unstable included bark union/s and/or significant history of branch/stem failure. Unions acute, substantial evidence of decay, previous topping, lopping, or pollarding. Substantial overextension of the mid-upper crown and overall branch architecture a-typical and/or substantially exposed. Probable likelihood of failure within a 5-year timeframe.
Failed	Primary/secondary structure has either partially or totally failed and/or collapsed and/or separated. Imminent likelihood of failure within a 5-year timeframe.

Useful Life Expectancy

Rating	Criteria Required		
	Health	Structure	
>30 years	Good	Good	
15-30 years	Good	Fair	
15-30 years	Fair	Good	
10-15 years	Fair	Fair	
**<10 or <5 years	Poor	Fair or Good	
**<10 or <5 years	Fair or Good	Poor	
<5 years	Poor	Poor	
*0 years	Dead	Failed	
Surpassed	Only to be applied when a tree is in direct conflict with a proposal and design alternatives are not available and/or warranted.		

*If a tree achieves either a Dead or Failed rating then regardless of its remaining attributes its ULE will be 0 years unless extenuating circumstances deem it otherwise.

**Species dependant: certain species will have a shorter ULE if the structure or health is poor, in this case <5 years ULE may be applied.

Form

Rating	Criteria Required
Good	High aesthetic value which is consistent with the species at maturity and/or a striking example of the species. No evidence of phototropism and/gravitropism. No bias or history of major pruning events or history of branch/stem failure or health decline which would detract from the overall aesthetic value.
Fair	Moderate aesthetic value which is moderately consistent with the species at maturity and/or a normal example of the species. Minor evidence of phototropism and/gravitropism. Minor bias or history of major pruning events or history of branch/stem failure or health decline which would detract from the overall aesthetics.
Poor	Low aesthetic value which is not consistent with the species at maturity and/or is not an aesthetical example of the species. No evidence of phototropism and/gravitropism. Major bias or history of major pruning events or history of substantial branch/stem failure which would detract from the overall aesthetics.
Atypical	Minimal aesthetic value or is a starkly different to a typical example of the species at maturity. This will often include trees which have extraordinary levels of phototropism and/gravitropism. Multiple examples of substantial pruning events or history of branch/stem failure which would detract from the overall aesthetics.

Age

Rating*	Criteria Required
Juvenile	Tree is less than 5 years old, often still staked/supported, and watered. Growth and response to change will be rapid, however very susceptible to abiotic and biotic factors.
Young	Tree is between 5-10 years old, should not be staked, but will often still be vulnerable to abiotic/biotic factors. Growth and response to change should still be highly adaptable and quick providing the growing conditions are suitable
Semi-mature	Tree is between 10-30 years old, will be established within its growing environment and will have gained reasonable trunk diameter and crown spread. Should not be susceptible to as many abiotic and/or biotic factors. Growth and response to change should be good-moderate.
Mature	Tree is between 30-80 years old, completely established, growth will be moderate and response to change will be slow-moderate dependent on species and tree condition.
Over-mature	Trees is between 80-150 years old, will either begin or actively senescing. Branch failure may occur as retrenchment begins and the trees growth shifts to a static trait as opposed to a dynamic characteristic. Responses to change/growth slow, high levels of stress and/or change within its environment can be fatal.
Veteran	Tree is greater than 150 years old, has completed its retrenchment and overmature stage and is now concentrating its resource production into survival, structural adaptation, active growth has not ceased, however has drastically reduced. Stress and/or injury is highly likely to be fatal at this age range.
Dead	Cellular division has ceased to occur, tree is not functioning, and all physiological process have stopped with no chance of recovery

*The age ranges within each age class are highly dependent on tree species and condition, and this will factor into the tree's overall performance and growth, these criterions are a guide to estimating the age of a tree.

ITEM 6.1 APPLICATIONS BEFORE THE ERD COURT - SUMMARY OF ERD COURT APPEALS

TO:	City of Unley Council Assessment Panel
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FROM: Don Donaldson, Assessment Manager

SUBJECT: Summary of ERD Court Appeals

MEETING DATE: June 18th 2024

APPEALS - 1

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA22040422 - 7 Thornber Street, Unley Park	Demolition	Refused by CAP, March 21 st 2023	Appealed to ERD, conference adjourned until October 1st 2024