

ITEM NO: **5.6**  
 REPORT NUMBER: 400/18

TO: **COUNCIL ASSESSMENT PANEL**  
 DATE: **19 DECEMBER 2018**  
 SUBJECT: **COUNCIL ASSESSMENT REPORT**  
 AUTHOR: **A STAMATOPOULOS**  
**DEVELOPMENT OFFICER - PLANNING**

ATTACHMENTS: **1. LOCALITY MAP**  
**2. SYMATREE ARBORIST REPORT ON BEHALF OF COUNCIL**  
**3. HERITAGE ADVICE PROVIDED BY ANDREW STEVENS**  
**4. ARBORIST REPORT PROVIDED BY APPLICANT**

HEARING OF REPRESENTORS: **NOT APPLICABLE**  
 HEARING OF APPLICANT: **NOT APPLICABLE**

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DA NO.	:	<u>110/00821/18</u>
APPLICANT	:	<u>SACRED HEART COLLEGE</u>
LOCATION	:	<u>23 CUDMORE STREET, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>REMOVAL MORETON BAY FIG TREE (LOCAL HERITAGE ITEM)</u>
REFERRALS	:	<u>ARBORIST AND HERITAGE ARCHITECT</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

## 1. Proposed Development and Background

An application was lodged with council on the 24 November 2018 to remove a significant and Local Heritage listed Moreton Bay fig tree located first in a line of trees to the north of the entrance gate at the car park on Scarborough Street. The application was referred to an arborist to assess the health of the street along with a heritage architect. The application is a Category 1 development pursuant to Schedule 9 Part 1, 13 of the Development Regulations 2008.

## 2. Site and Locality

The subject site falls within the Sacred Heart College grounds on the western side of Scarborough Street. The subject tree is located in the carpark of the redeveloped Sacred Heart Oval and is the first tree north of the entrance gate. There are a row of Moreton Bay fig trees on the western side of Scarborough Street to the north and south of the tree in question. To the east of site are the Sacred Heart College grounds which is comprised of educational buildings and open recreational areas.

*Refer to Attachment 1*

### 3. Tree Characteristics

**Species:** Ficus Macrophylla (Moreton Bay Fig)

**Crown Attributes (approximations)**

**Height (clinometer):** 18 metres

**Width (canopy diameter):** 10.9 metres to the east, 6.9 metres to the west, 7.2 metres to the south and 9.0 metres to the north.

**Circumference at One metre above Natural Ground:** 9.2 metres

### 4. Development Plan Provisions

**HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – SIGNIFICANT TREES – COUNCIL WIDE – PRINCIPLES OF DEVELOPMENT CONTROL**

<b>SIGNIFICANT TREES</b>	
<b>Objectives</b>	
1. The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.	Complies – tree does not provide aesthetic and environmental benefit
2. The conservation of significant trees in balance with achieving appropriate development.	Not applicable -no development is proposed in this current application.
<b>Principles of Development Control</b>	
1. Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes: (a) makes an important contribution to the character or amenity of the local area; or (b) is indigenous to the local area and its species is listed under the <i>National Parks and Wildlife Act 1972</i> as a rare or endangered native species (c) represents an important habitat for native fauna (d) is part of a wildlife corridor of a remnant area of native vegetation (e) is important to the maintenance of biodiversity in the local environment (f) forms a notable visual element to the landscape of the local area.	Complies
2. Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.	Not applicable - no development is proposed in this current application.

<b>SIGNIFICANT TREES</b>	
<b>Principles of Development Control (Cont)</b>	
<p>3. Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:</p> <p>(a) in the case of tree removal, where at least one of the following apply:</p> <p>(i) the tree is diseased and its life expectancy is short</p> <p>(ii) the tree represents an unacceptable risk to public or private safety</p> <p>(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area</p> <p>(b) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value</p> <p>(c) all other reasonable remedial treatments and measures have been determined to be ineffective</p> <p>(d) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.</p> <p>(e) in any other case, any of the following circumstances apply:</p> <p>(i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree</p> <p>(ii) the work is required due to unacceptable risk to public or private safety</p> <p>(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area</p> <p>(iv) the tree is shown to be causing or threatening to cause damage to a substantial building or structure of value</p> <p>(v) the aesthetic appearance and structural integrity of the tree is maintained</p> <p>(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.</p>	<p>Complies – the tree is diseased and its life expectancy is short</p>
<b>SIGNIFICANT TREES</b>	
<b>Principles of Development Control (Cont)</b>	
<p>4. Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.</p>	<p>Not applicable - no development is proposed in this current application.</p>
<p>5. Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.</p>	<p>Not applicable - no development is proposed in this current application.</p>

## 5. Summary of Assessment

### Arborist Comments

The subject tree divides into five main stems at 1.30 metres from ground to form an upright crown with heavy branches and a buttressed trunk. Two of the main leaders on the western side of the tree had been removed within the last five years due to branch failure. Two large diameter branch stubs remain. The tree structure is considered to be poor as basal wounds and extensive decay is noted at the base of the central and eastern main leaders. Fungal bodies are present at base of the central leader.

Tree health is considered to be fair to poor with areas of upper canopy die back, particularly on the tree's central main leader. Approximately 25% of the overall canopy appears dead. The eastern leader that extends over the road was lopped at 4.5 metres from ground. Approximately 50% of the branch was removed. Descending, horizontal branching characteristics that are over extended are apparent lower to mid crown north-eastern side. The tree also does display a history of medium diameter branch failure with two failures upper crown western side.

The subject tree was not considered to be worthy of retention and that removal is supported for the following reasons:

- An 'arboricultural' hazard assessment of the tree indicates that the potential for future branch failure is high considering the defects observed with the target areas including the unit and common driveway to the north and adjacent neighbouring property to the south.
- There are no realistic remedial actions or treatments that will improve tree structure to allow long term tree retention.

With reference to the City of Holdfast Development Plan (June 2016) it is considered that approval to remove is legitimate in this case in line with Principle 3 (a)(i) which states that:

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

- (i) The tree is diseased and its life expectancy has been shortened.

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

### Heritage Comments

Heritage comments were received by Andrew Stevens which are summarised below.

The subject tree is one of a number in a row which line the eastern boundary of the Sacred Heart College Oval along Scarborough Street. The row of Moreton Bay fig trees is listed as a local heritage place in Council's Development Plan. The heritage assessment sheet that underpinned the listing suggests that the trees are associated with nearby Paringa Hall which now forms part of the Sacred Heart College campus. It also suggests that it is probable that the trees were planted by J. F. Cudmore in the early 1880s.

As the arborists report points out, trees have a finite life so it is inevitable that, over time, more trees will need to be removed. In fact one of the trees in the row was removed in 2014 because of poor condition. The Arborist's report clearly identifies that the tree that is the subject of the current application is in poor condition. I believe therefore that the proposed limb removal is supportable.

In some circumstances it is desirable to replace historic trees that have died or are in ill-health with trees of a similar species in the same location. In this case it is not considered necessary to replace the Moreton Bay fig trees that are removed over time as the heritage value lies in the original row of trees. Furthermore the connection between the row of trees and Paringa Hall (if it was a direct connection) has been compromised by subsequent development. It is also apparent that other trees in the row been previously lost or removed. I therefore think it acceptable to retain them and maintain them for as long as practically possible and acknowledge that they will gradually be lost.

### **Conclusion**

The assessment and arborist reports produced before Council have made it evident that the health of the subject tree is in a state of decline. It currently poses a potential threat for future branch failure and given the circumstances of its location within school grounds removal is supported. There will be minimal loss of amenity as there is a surplus of mature Moreton Bay fig trees to the north and south of the subject tree.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal as amended on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the desired character of the zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

## **6. RECOMMENDATION**

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00821/18 subject to the following conditions:**

### **PLANNING CONDITIONS**

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. Works associated with the approved development shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**

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3. The removal of the regulated tree shall be subject to the planting of two replacement trees in a suitable position greater than 10 metres distance from any existing dwelling or in-ground swimming pool. The replacement trees must be indigenous to the local area, not be an exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under Chapter 8 Part 1 of the Natural Resources Management Act 2004. The trees shall be planted within three months of the substantial removal of the regulated/significant tree and shall be maintained in good condition at all times and replaced if necessary.

Or payment of \$84.00 per tree not planted as a replacement is payable within one month of the tree removal being undertaken.