



AGENDA

FOR TREE MANAGEMENT APPEALS SUB COMMITTEE MEETING TO BE HELD ON

12 APRIL 2021 AT THE CONCLUSION OF THE ASSET MANAGEMENT SUB COMMITTEE

IN LITTLE PARA ROOM, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY

MEMBERS

Cr S Reardon (Chairman)
Mayor G Aldridge (ex officio)
Deputy Mayor, Cr C Buchanan
Cr Peter Jensen (Deputy Chairman)
Cr S Ouk

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager City Infrastructure, Mr J Devine
Team Leader Parks and Open Space Assets, Mr C Johansen
Manager Governance, Mr M Petrovski

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Tree Management Appeals Sub Committee Meeting held on 08 February 2021.

REPORTS

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OTHER BUSINESS

CLOSE



**MINUTES OF TREE MANAGEMENT APPEALS SUB COMMITTEE MEETING HELD
IN COMMITTEE ROOMS, SALISBURY COMMUNITY HUB, 34 CHURCH STREET,
SALISBURY ON**

8 FEBRUARY 2021

MEMBERS PRESENT Cr S Reardon (Chairman)
Cr C Buchanan
Cr Peter Jensen (Deputy Chairman)
Cr S Ouk

STAFF Chief Executive Officer, Mr J Harry
General Manager City Infrastructure, Mr J Devine
Team Leader Parks and Open Space Assets, Mr C Johansen
Manager Governance, Mr M Petrovski
Administrative Coordinator - Business Excellence, Mrs M Potter

The meeting commenced at 8:15 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

APOLOGIES

An apology has been received from Mayor G Aldridge.

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

This is the first meeting of the Tree Management Appeals Sub Committee, accordingly there were no minutes for confirmation.

REPORTS

TMASC1 Appointment of Chair and Deputy Chair of the Tree Management Appeals Sub Committee

This item was withdrawn because the Chair and Deputy Chair had been appointed by Council.

TMASC2 Future Reports for the Tree Management Appeals Sub Committee

Moved Cr P Jensen

Seconded Cr S Ouk

1. The information is received.

CARRIED

TMASC3 Terms of Reference Review - Tree Management Appeals Sub Committee

Moved Cr C Buchanan

Seconded Cr P Jensen

1. The information is received.
2. The Terms of Reference for the Tree Management Appeals Sub Committee as contained in Attachment 2 to this report (TMASC 08/02/2021, Item No. TMASC3) is endorsed subject to the following amendments:
 - a) The deletion of the second dot point in paragraph 2.1 and replacing it with a new dot point to read –
‘give consideration to the Tree Management Policy and the Tree Removal Procedure of Council.’
 - b) The deletion of the second dot point in paragraph 3.1.
 - c) The insertion of a new 3rd to last dot point in paragraph 3.1 to read –
‘where a tree removal request has been refused and the applicant, aggrieved by the decision, requests a review of the decision by the TMAS, staff will prepare a report to TMAS’
3. The Tree Removal Procedure be amended to provide for requests from Elected Members.

CARRIED

TMASC4 Customer Requests - Tree Management & Streetscape Renewal Program

Moved Deputy Chairman P Jensen
Seconded Cr C Buchanan

1. That consideration of this matter be referred to the next meeting of the Tree Management Appeals Sub Committee, to enable the redrafting of relevant standard correspondence for use in responding to tree management requests, taking into account the changes made to the Terms of Reference of the Sub Committee in its consideration of Item TMAS3 on the agenda for this meeting.
2. That staff provide a copy of the Review response letters to the Ward Councillors when distributed to residents.

CARRIED

OTHER BUSINESS

Nil

CLOSE

The meeting closed at 9:08 pm.

CHAIRMAN.....

DATE.....

ITEM	TMASC1
	TREE MANAGEMENT APPEALS SUB COMMITTEE
DATE	12 April 2021
HEADING	Future Reports for the Tree Management Appeals Sub Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Tree Management Appeals Sub Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent meeting, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information is received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 A list of resolutions requiring a future report to the Tree Management Appeals Sub Committee is presented for noting at each meeting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

- 3.1 At the time of preparing this report, there are currently no resolutions of Council requiring a further report to be presented to the Tree Management Appeals Sub Committee.

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Tree Management Appeals Sub Committee have been reviewed and there are none that require a report to be presented at this point in time.

CO-ORDINATION

Officer: Executive Group
Date: 01/04/2021

ITEM	TMASC2
	TREE MANAGEMENT APPEALS SUB COMMITTEE
DATE	12 April 2021
HEADING	Review of Tree Removal Request - 49 Lovelock Road, Parafield Gardens
AUTHOR	Craig Johansen, Team Leader Parks and Open Space Assets, City Infrastructure
CITY PLAN LINKS	<ul style="list-style-type: none"> 1.1 Our City is attractive and well maintained 1.3 People are valued and they feel safe, included and connected 4.1 Members of our community receive an exceptional experience when interacting with Council
SUMMARY	This report presents the street tree in front of 49 Lovelock Rd, Parafield Gardens for consideration by Council

RECOMMENDATION

1. The information within the report is noted.
2. That the tree be retained and the resident be advised of Council's decision.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Lovelock Road context map
2. Tree Removal Criteria
3. Street Tree in front of 49 Lovelock Rd, Parafield Gardens
4. Lovelock Rd streetscape

1. BACKGROUND

- 1.1 Council has had numerous requests for the removal of the street tree at 49 Lovelock Rd, Parafield Gardens dating back to 2016.
- 1.2 The reasons for the removal requests relate to sap and debris from the tree, which impacts on the maintenance of the verge and private property.
- 1.3 Works have been undertaken to maintain the tree to minimize the impact on the private property.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Natural Built Assets Team
- 2.2 External
 - 2.2.1 Ward Councillors
 - 2.2.2 Resident of 49 Lovelock Rd, Parafield Gardens

3. REPORT

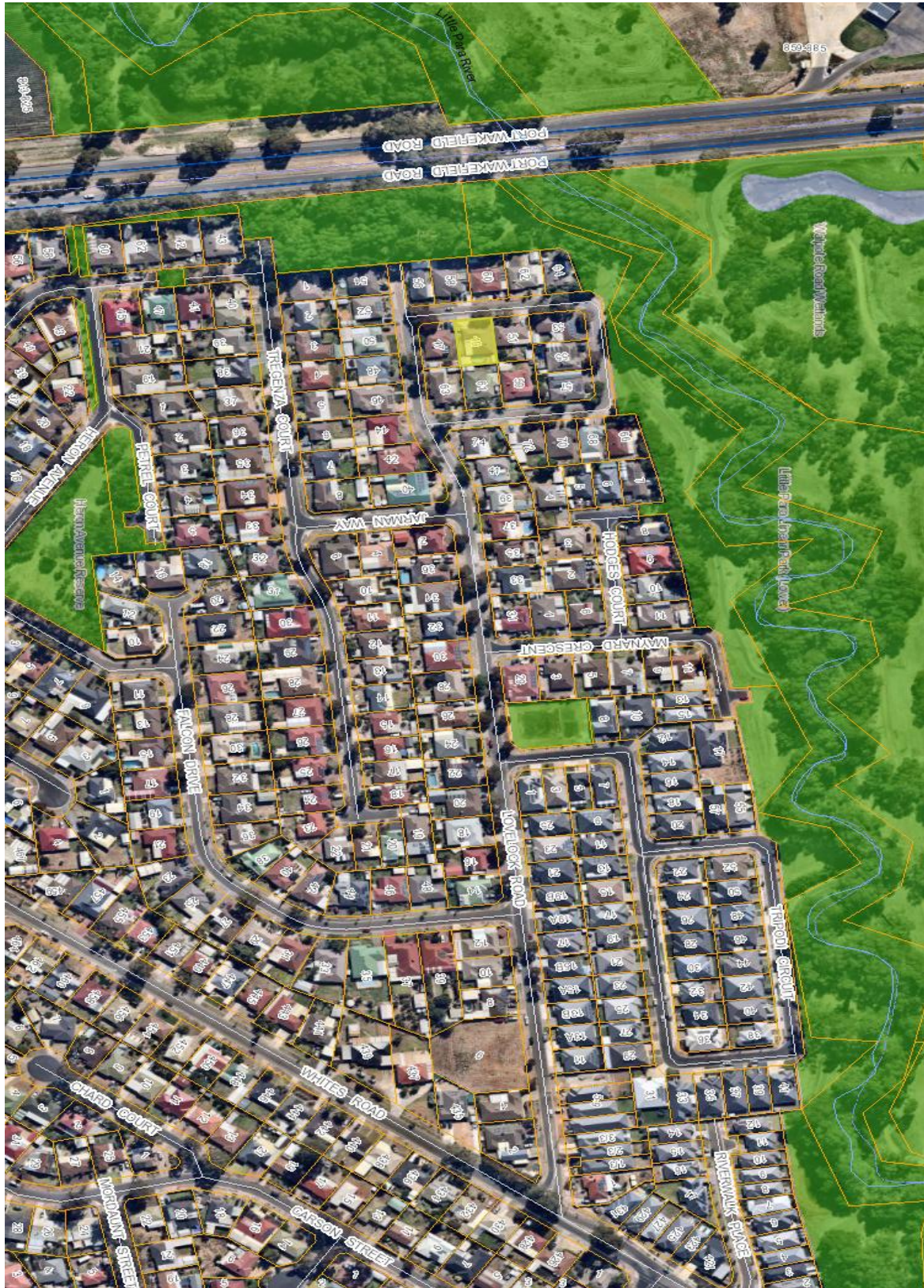
- 3.1 The tree was planted in 2007 in compliance with the planning approvals for the new development, which makes the tree less than 15 years of age. The Asset Management Plan for street trees identifies street trees to have a useful life of 35-50 years, therefore the tree has not achieved half of its useful life to date.
- 3.2 Noting that 49 Lovelock Rd is within 100m of the Little Para River and the Linear Park, the street tree species selection considered proximity of the natural corridor, leading to a native species being selected to provide a buffer and link between the Linear Park and the new residential area, as shown in attachment 1.
- 3.3 The tree is a Eucalyptus leucoxylon Megalocarpa (Yellow Gum) which is identified as a Medium tree native to South Australia suitable for median strips by the Botanic Gardens of South Australia, having a mature height of between 5-11 metres.
- 3.4 The street tree currently is estimated at 7 metres in height and 7 metres in width with a trunk circumference of 1.07 metres. This clarifies that that the tree is not controlled by the Development Act.
- 3.5 The tree is one of many trees within in this section of Lovelock Rd, which is of similar height and width which presents a consistent streetscape for the street, as shown in attachment 4.
- 3.6 This property only has one street tree on its street frontage located centrally away from the property crossover and private landscaping, as shown in attachment 3.
- 3.7 The residents' concerns with the tree have been about the amount of debris that the tree drops throughout the year, bark, flowers and sap etc. The nuisance that this creates for the resident in maintaining their property and the verge, as well as visitors to the property who park under the tree on the street.
- 3.8 With each enquiry the tree has been assessed in relation to its health, structure and potential risk to the community. On each inspection the tree in question has not displayed any concerns or risks for which removal of the tree is the only management option.
- 3.9 The resident spoke about the increased insect activity that they have seen due to the tree, such as ants which track to and from the tree and bees which come to the tree when in flower. These matters are to be expected and of no concern to the health of the tree.
- 3.10 As litter and debris is not a criteria for removal as per the Tree Removal Criteria, attachment 2, staff have undertaken pruning to reduce the nuisance that the tree causes rather than the removal of the tree.

4. CONCLUSION / PROPOSAL

- 4.1 When referencing the Tree Removal Criteria the tree does not meet any of the listed criteria to support the removal of the tree.
- 4.2 It is recommended to retain the tree at this property on the basis that it is a local native species and fits in well to the surrounding natural landscape of the Little Para River.

CO-ORDINATION

Officer:	GMCI	EXEC
Date:	31/03/2021	01/04/2021



Item TMASC2 - Attachment 1 - Lovelock Road context map



Tree Removal Criteria

In order to ensure a consistent approach to requests for the removal of trees, the City of Salisbury has developed a Tree Management Policy and procedure to administer requests for tree removal.

Tree management in the urban environment seeks to achieve a balance of minimising risks and nuisances, whilst maximising benefits to ensure the best community outcome.

Removal of a tree could be warranted if one or more of the following criteria are met:

1. The tree is in an unsuitable location and is unreasonably obstructing approved infrastructure or traffic sight lines.
2. The tree is inconsistent with the landscape style or character of the local area and/or does not contribute substantially to the landscape or streetscape.
3. The spacing of trees planted on a standard width verge is inconsistent with the "Street Tree Planting Guide" for that species of tree.
4. The tree is diseased and/or has a short life expectancy or is dead and has no significant landscape or habitat value.
5. The tree is structurally poor and/or poses an unacceptable risk to public or private safety and/or has a history of major limb failure.
6. The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure.
7. The trees roots have resulted in damage to Council's kerb or footpath that has required replacement or substantial repair works on more than one occasion within a 5 year period
8. The tree is in the location of a first single driveway of a property (sub-division excluded).
9. The tree is in the location of an approved Council development.
10. The tree has been assessed for removal as part of the "Streetscape or Landscape Redevelopment/Renewal Programme".
11. The tree, according to a medical specialist or GP, has been determined to be the cause of a detrimental effect on the health of a nearby resident. Such advice must be in writing.
12. Genuine Hardship
 - a. The person/resident is receiving HACC or a community care service or;
 - b. The person/resident does not have the functional ability to relieve the nuisance caused by the tree or;
 - c. The person/resident is aged or frail and has moderate, severe or profound disabilities which prevent them from relieving the nuisance caused by the tree; or
 - d. The person/resident is a carer of a person that meets the above criteria.

Where the above criteria is met but a tree qualifies as a "Regulated or Significant Tree" under the Development Act 1993, and the preliminary Planning Assessment concludes that Development Approval is not likely the removal of the tree may be refused, if it concludes that Development Approval is likely a Development Application (DA) is to be lodged. The DA will then be assessed against the provisions of the City of Salisbury Development Plan.

Adopted by Council April 2016



Item TMASC2 - Attachment 3 - Street Tree in front of 49 Lovelock Rd, Parafield Gardens



Looking North from 49 Lovelock Rd drive



Looking South with 49 Lovelock Rd street tree in the foreground

ITEM	TMASC3
	TREE MANAGEMENT APPEALS SUB COMMITTEE
DATE	12 April 2021
HEADING	Customer Requests - Tree Management & Streetscape Renewal Program
AUTHOR	Craig Johansen, Team Leader Parks and Open Space Assets, City Infrastructure
CITY PLAN LINKS	<p>4.2 We deliver quality outcomes that meet the needs of our community</p> <p>4.4 We plan effectively to address community needs and identify new opportunities</p> <p>4.5 We engage meaningfully and our community is aware of Council initiatives</p>
SUMMARY	This report presents amended standard template letters related to community requests for Trees and Tree renewal works.

RECOMMENDATION

1. The information is received.
2. That the standard letters as presented in April 2021, appearing as Attachment 1 to this report (Tree Management Appeal Sub Committee, 12 April 2021, Item No. TMASC2) be endorsed for use.
3. That staff provide a copy of the response letter following a review process to the Ward Councillors when distributed to residents.
4. That a New Initiative Bid for the amount of \$60,000 be submitted for 2021/22 budget to provide for the increased resourcing requirements and specialist advice, associated with the newly endorsed tree appeals process.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Tree Removal Letter Template Suite

1. BACKGROUND

- 1.1 At its meeting held on Monday, 22 February 2021 Council resolved that:

4.0.2 Customer Requests - Tree Management & Streetscape Renewal Program

- “1. That consideration of this matter be referred to the next meeting of the Tree Management Appeals Sub Committee, to enable the redrafting of relevant standard correspondence for use in responding to tree management requests, taking into account the changes made to the Terms of Reference of the Sub Committee in its consideration of Item TMAS3 on the agenda for this meeting.

Resolution No. 0852/2021

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 City Infrastructure Staff
- 2.2 External
 - 2.2.1 Nil

3. REPORT

- 3.1 Following the review of the Terms of Reference (ToR) for TMASC at its February meeting staff have reviewed the range of letters distributed in response to tree enquiries received by Council.
- 3.2 The letters have been revised in light of the ToR alterations, to provide greater clarity on the opportunity the resident has to appeal the decision of staff and for it to be brought before Council for determination.
- 3.3 Attachment 1 contains the draft letter templates that are proposed to be distributed throughout the Tree Removal process to community members who request tree removal or consideration not to plant a street tree.
- 3.4 The templates in order are:
 - 3.4.1 2021 Approval Letter – Staff Decision
 - 3.4.2 2021 Refusal Letter – Staff Decision
 - 3.4.3 2021 Approval Letter – TMAS – Council Decision
 - 3.4.4 2021 Refusal Letter – TMAS – Council Decision
 - 3.4.5 2021 Approval Letter – Lodgement of Development Application for Removal of a Regulated or Significant Tree – TMAS – Council Decision
- 3.5 The appeal process which involves a Regulated or Significant tree is expected to require the engagement of consultant services for an arborist and planner so that the process is independent of the normal process which staff have already been engaged in. As well as costs associated with community consultation on the tree/s in question and the DA lodgement following Council's recommendation to have the tree considered for removal. Total costs associated with a single appeal of a Regulated or Significant Tree could be in the order of \$4,000, with the number of trees being considered throughout the year being estimated at 15, providing an estimated total of \$60,000.

4. CONCLUSION / PROPOSAL

- 4.1 The suite of letters distributed in response to tree enquiries received by Council has been amended following the change in process. The draft letters have been included in Attachment 1 of this report for Committee endorsement.
- 4.2 It is recommended that the response letters following the removal request process also be provided to the Ward Councillors at the time the community member is sent the decision notice, so that Councillors are informed should the community member wish to appeal the decision and for the tree to be considered by TMASC.
- 4.3 Due to the newly endorsed process additional budget is required primarily to engage additional specialist arboricultural and planning assessments.

CO-ORDINATION

Officer: GMCI EXEC
Date: 31/03/2021 01/04/2021



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2021 APPROVAL LETTER – Staff Decision

Our Ref:
DWXXXXX
CRMXXXXX

Attending Officer: Staff Name

Dear

Re: Decision Notification - Removal Of Street Tree At xxxxxxxx – Approval

I write in response to your request for removal of the Council owned tree adjacent your property at xxxxxxxxxxxx.

Staff have inspected the tree, and following assessment against the criteria outlined in Council's Tree Management Policy, I am pleased to advise that it will be removed.

Council's contractors have been engaged to undertake removal works and it is expected that this will be completed by XXXXXXXX.

As trees play an important part in the environment and overall amenity of the area, arrangements have been made for a replacement tree to be planted as part of a future Streetscape Renewal Program. All residents who are scheduled to have a tree planted on their verge as part of this program will be consulted prior to any planting.

If you have any further questions in relation to this matter, please contact (Inspecting Staff Member's Name) from the Urban Built Assets team on 8406 8222.

Yours faithfully/sincerely

Staff Name
Team Leader Urban Built Assets



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2021 REFUSAL LETTER – Staff Decision

Attending Officer: Staff Name

Dear

Re: Decision Notification - Removal Of Street Tree At xxxxxxxx – Refusal

I write in response to your request for removal of the Council owned tree adjacent your property at xxxxxxxxxxxx.

Staff have inspected the tree and determined that it is in a fair and reasonable condition. As such, I regret to advise that removal of the tree has not been granted at this time as it does not meet the required criteria for removal. If you would like further information on this criteria, it can be found in Council's Tree Management Policy on our website via the following link https://www.salisbury.sa.gov.au/Council/Council_Plans_and_Documents/Policies

Should you not be satisfied with this determination, you have the right to appeal. All appeals must be submitted in writing to the Team Leader Urban Built Assets. Once your appeal has been received, staff will arrange a time for you to meet with your local Ward Councillors and a staff representative on site to discuss the reasons why your request to remove the tree has been declined.

If you have any further questions in relation to this matter, please contact (Inspecting Staff Member's Name) on 8406 8222.

Yours faithfully/sincerely

Staff Name
Team Leader Urban Built Assets

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2021 APPROVAL LETTER – TMAS - Council Decision

Our Ref:
DWXXXXX
CRMXXXXX

Attending Officer: Staff Name

Dear

Re: Outcome of Appeal – Removal Of Street Tree At xxxxxxx - Council Approval

Further to our previous communications and subsequent site meeting, I write to advise you of the outcome of the appeal process undertaken in relation to your request for removal of the tree adjacent your property at XXXXXXXX.

I am pleased to advise that at its meeting held on xxxxxx Council granted approval for the removal of the tree.

Council's contractors have been engaged to undertake removal works and it is expected that this will be completed by XXXXXXXX.

As trees play an important part in the environment and overall amenity of the area, arrangements have been made for a replacement tree to be planted as part of a future Streetscape Renewal Program. All residents who are scheduled to have a tree planted on their verge as part of this program will be consulted prior to any planting.

If you have any further questions in relation to this matter, please contact (Inspecting Staff Member's Name) on 8406 8222.

Yours faithfully/sincerely

Staff Name
Team Leader Urban Built Assets



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2021 REFUSAL LETTER – TMAS - Council Decision

Attending Officer: Staff Name

Dear

Re: Outcome of Appeal – Removal Of Street Tree At xxxxxxx - Council Refusal

Further to our previous communications and subsequent site meeting, I write to advise you of the outcome of the appeal process undertaken in relation to your request for removal of the tree adjacent your property at XXXXXXXX.

I regret to advise that at its meeting held on xxxxxx Council determined that the request for removal not be granted at this time as it does not meet the required removal criteria as outlined in Council's Tree Management Policy.

If you have any further questions in relation to this matter, please contact (Inspecting Staff Member's Name) on 8406 8222.

Yours faithfully/sincerely

Staff Name
Team Leader Urban Built Assets

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2021 APPROVAL LETTER - Lodgement of Development Application for Removal of a Regulated or Significant Tree - TMAS - Council Decision

Attending Officer: Staff Name

Dear

Re: Outcome of Appeal – Lodgement of Development Application for Removal Of Regulated or Significant Street Tree At xxxxxx

Further to our previous communications and subsequent site meeting, I write to advise you of the outcome of the appeal process undertaken in relation to your request for removal of the regulated/significant tree adjacent your property at XXXXXXXX.

Following the Tree Management Appeals Sub Committee's recommendation to Council, it was resolved that Council pursue the removal of the tree by lodging a Development Application.

This application will be assessed under the Planning, Development and Infrastructure Act and you will be advised of their determination in due course.

If you have any further questions in relation to this matter, please contact (Inspecting Staff Member's Name) on 8406 8222.

Yours faithfully/sincerely

Staff Name
Team Leader Urban Built Assets