



AGENDA

FOR TREE MANAGEMENT APPEALS SUB COMMITTEE MEETING TO BE HELD ON

**15 MARCH 2022 AT THE CONCLUSION OF THE ASSET MANAGEMENT SUB
COMMITTEE MEETING**

**IN WITTBER AND DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

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

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager City Infrastructure, Mr J Devine
Team Leader Natural Assets, Mr C Johansen
Manager Governance, Mr R Deco

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Tree Management Appeals Sub Committee Meeting held on 14 February 2022.

REPORTS

- TMASC1 Future Reports for the Tree Management Appeals Sub Committee
(please note there are no forward reports as a result of a Council resolution
to be listed at this time)
- TMASC2 Tree Removal Requests - Monthly Update for January 2022 5
- TMASC3 Review of Tree Removal Request - Various Locations 11

OTHER BUSINESS

CLOSE



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

14 FEBRUARY 2022

MEMBERS PRESENT	Cr S Reardon (Chairman) Mayor G Aldridge (ex officio) Deputy Mayor, Cr C Buchanan Cr P Jensen (Deputy Chairman) Cr S Ouk
OBSERVERS	Cr L Braun, Cr K Grenfell, Cr D Proleta, Cr J Woodman and Cr G Reynolds
STAFF	Chief Executive Officer, Mr J Harry General Manager City Infrastructure, Mr J Devine General Manager City Development, Ms M English General Manager, Business Excellence Mr C Mansueto Manager Governance, Mr R Deco Manager Strategic Development Projects, Mrs S Klein Minute Taker, Ms S Howley

The meeting commenced at 6:30 pm.

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

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

PRESENTATION OF MINUTES

Moved Mayor G Aldridge
Seconded Cr S Ouk

The Minutes of the Tree Management Appeals Sub Committee Meeting
held on 08 November 2021, be taken as read and confirmed.

CARRIED

REPORTS

TMASC1 Future Reports for the Tree Management Appeals Sub Committee

Moved Cr C Buchanan
Seconded Cr P Jensen

That Council:

1. Notes the report.
2. Approves for the removal of the Future Report Items listed as:
 - a. Motion Without Notice: Proposed Cost Reduction for Pensioners – Tree Removal; and
 - b. Motion Without Notice – Street Tree Policy
 noting that they will be included in the Major Asset Category – Street Trees report that will be submitted to the Asset Management Sub Committee in May 2022.

CARRIED

TMASC2 Tree Removal Requests - Monthly Update for November and December 2021

Moved Cr C Buchanan
Seconded Cr P Jensen

That Council:

1. Notes the report.
2. Staff work with Central Ward Councillors to give consideration to the number of requests for the removal of trees on Lennox Drive and potentially include Lennox Drive in the Street Renewal Program.

CARRIED

The meeting closed at 6:50pm.

CHAIRMAN.....

DATE.....

**INFORMATION
ONLY
ITEM**

TMASC2

TREE MANAGEMENT APPEALS SUB COMMITTEE**DATE**

15 March 2022

HEADING

Tree Removal Requests - Monthly Update for January 2022

AUTHOR

Jamie Hosking, Team Leader Urban Built Assets, City Infrastructure

CITY PLAN LINKS

- 1.1 Our City is attractive and well maintained
- 4.1 Members of our community receive an exceptional experience when interacting with Council

SUMMARY

This monthly report provides Elected Members with updates on tree removal requests received from residents.

RECOMMENDATIONThat Council:

- 1. Notes the report.

ATTACHMENTS

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

- 1. Tree Removal Requests - January 2022

1. BACKGROUND

- 1.1 At its meeting held on Tuesday, 27 April 2021 Council resolved that:

“That a standing report be established for every meeting of the Tree Management Appeals Sub Committee to inform Council of every application received for tree removal and the outcome of that request.”

Resolution Number 0916/2021

- 1.2 Staff currently upload a monthly tree removal request information table to the Elected Members Portal. This document has been adapted to provide further information and will now be reported to each meeting of the Tree Management Appeals Sub Committee.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 City Infrastructure Staff
- 2.2 External
 - 2.2.1 Various relevant Residents

3. REPORT

- 3.1 The attached tables are a summary of requests for tree removals received and actioned by staff during the past months and has been provided on the Elected Member Portal for January 2022.
- 3.2 61 tree removal requests were received in January. Of these requests 42 were approved for removal including 10 significant or regulated trees approved through development applications. 19 requests were refused, of these, 8 are related to significant or regulated trees under the *Planning Development and Infrastructure Act 2016*.
- 3.3 Tree removal requests often result in ongoing dialogue between the owner of the property and Council on the proposed tree removal and subsequent discussions around the species type and location of the new street tree.
- 3.4 It is important to note that through various annual programs Council plants 2,000 trees each year. These programs include Street Tree Renewal Program, In-fill Planting Program, Tree Screen Renewal Program, Reserve Upgrade Program, Feature Landscape Renewal Program, Greening Program, School Tree Planting Program, Major Projects and ad-hoc planting requests.

4. CONCLUSION / PROPOSAL

- 4.1 It is proposed that the information contained in the attachment be noted.

TREE REMOVAL REQUESTS

MONTH: January 2022

Assessed by Parks and Open Space Assets team on site and removed based on Councils Tree Removal Criteria adopted by Council April 2016

ADDRESS	DATE	REFERENCE	APP/REF
Burton 7 Merlot Court - 2 trees will be removed as part of Street Tree Renewal Program 21/22	12/01/22	CRM 386970	Approved x 2 - Street Tree Renewal 21/22
Edinburgh 71-75 West Avenue	24/01/22	CRM 388665	Approved x 1
Gulfview Heights 8 Carriage Way - Regulated	25/01/22	CRM 382741	D/A Approved - Regulated Tree
Ingle Farm 36 Wright Road	12/01/22	CRM 382847 / CRM 386628	Refused
Ingle Farm 25A Schumann Street	11/01/22	CRM 386543	Approved
Ingle Farm 11A Mozart Avenue - Lot 11 - DA 22000545 - New Single Storey Dwelling	13/01/22	DW 7133734	Approved @ Cost x 1
Ingle Farm 10 Sabre Avenue	17/01/22	CRM 387930	Refused
Ingle Farm 2 Rothwell Avenue	27/01/22	ETF 302156	Approved
Mawson Lakes 36-39 Third Avenue - DA 21042335	7/01/22	DW 7125025	Approved @ Cost x 1
Mawson Lakes Park Way Reserve, side 302 Mawson Lakes Blvd	12/01/22	CRM 386653	Approved x 1
Mawson Lakes 54 Shearwater Crescent - next to drive	13/01/22	CRM 385303	Approved
Mawson Lakes 5 Innes Circuit	13/01/22	CRM 385294	Approved
Mawson Lakes 63 Lord Howe Crescent - tree next to drive at front	12/01/22	CRM 387636	Approved x 1
Para Hills 16 Sleep Road	12/01/22	CRM 387617	Approved
Para Hills 367 Bridge Road - Regulated	25/01/22	ETF 300800	D/A Approved - Regulated
Para Hills West 9 Orlyk Street - 2 Regulated Trees	11/01/22	CRM 386754	Refused x 2 - Regulated Trees
Para Vista 212 Nelson Road - tree too close to fence	12/01/22	CRM 387015	Approved
Para Vista 362 Wright Road - Regulated	27/01/22	CRM 388256	Refused - Regulated Tree
Parafield Gardens 9A Camelia Drive - Tree 2 - DA 21039736	7/01/22	DW7124920/7125426	Approved @ Cost x 1
Parafield Gardens 1 Mitchell Street - 2 trees	12/01/22	CRM 385773	Approved x 2
Parafield Gardens side 5 Burge Street - Ryder Avenue	17/01/22	CRM 387702	Approved
Parafield Gardens 16 Tallon Street - Regulated	19/01/22	CRM 387278	Refused - Regulated Tree
Parafield Gardens 7 Carpenter Road	24/01/22	CRM 386320	Approved
Parafield Gardens side 61 Rhode Island Drive - Howell Road	27/01/22	CRM 387557	Approved x 1
Parafield Gardens 15 Chesser Street - Regulated	27/01/22	CRM 387727	Refused - Regulated Tree
Parafield Gardens 22 Shorney Road - Regulated Tree	25/01/22	CRM 384283/CRM 344454	D/A Approved - Regulated Tree
Paralowie 273 Whites Road - 2 trees	10/01/22	CRM 387390	Approved x 2
Paralowie 25 Boyara Crescent - (small tree Streetscape Renewal program 22/23)	10/01/22	CRM 385604	Approved

FURTHER INFORMATION CONTACT COUNCIL'S PARKS AND OPEN SPACE ASSETS OFFICER - 8406 8403

TREE REMOVAL REQUESTS

MONTH: January 2022

Assessed by Parks and Open Space Assets team on site and removed based on Councils Tree Removal Criteria adopted by Council April 2016

	ADDRESS	DATE	REFERENCE	APP/REF
Paralowie	25 Boyara Crescent - Regulated Tree	10/01/22	CRM 385604	Refused - Regulated Tree
Paralowie	4 Casanor Crescent	19/01/22	CRM 387379	Approved
Paralowie	8 McQueen Court - Regulated	24/01/22	CRM 387523	Refused - Regulated Tree
Paralowie	12 Briony Way	27/01/22	CRM 388155	Approved
Pooraka	21 Malkara Avenue - Regulated	12/01/22	CRM 387077	Approval Supported - Regulated Tree
Pooraka	107B Pratt Avenue	17/01/22	CRM 388042	Refused
Pooraka	Montague Road Reserve - rear 46 Van Leeuwen Drive	27/01/22	CRM 388373	Approved x 1
Pooraka	Montague Road Reserve - rear 46 Van Leeuwen Drive	27/01/22	CRM 388373	Refused x 1
Salisbury	20B Taunton Avenue - dead tree	11/01/22	CRM 387547	Approved - dead tree
Salisbury	45-47 John Street - between 45 and NAB	11/01/22	ETF 300598	Refused
Salisbury	side 7 Waterloo Corner Road - Union Street	24/01/22	CRM 387652	Approved
Salisbury Downs	side 1 Lynette Lane - 2 trees (not regulated)	27/01/22	CRM 387941	Approved x 2
Salisbury Downs	side 1 Lynette Lane - 1 x Regulated Tree	27/01/22	CRM 387941	Approval Supported - Regulated Tree
Salisbury Downs	side 291 Salisbury Highway - Regulated - Thompson Avenue	20/01/22	CRM 384312	D/A Approved - Regulated
Salisbury East	7 Spearman Avenue	10/01/22	CRM 385852	Refused
Salisbury East	side 27 Buckingham Drive - Gothic Street	17/01/22	CRM 387755	Refused
Salisbury East	10 Willow Avenue	17/01/22	CRM 387201	Approved
Salisbury East	16 Earl Avenue - Regulated	31/01/22	CRM 388577	Refused - Regulated
Salisbury Heights	side/rear 10 Rochester Drive - Lichfield Court - Tree 1 - side (nearest front of property)	12/01/22	CRM 387203	Refused
Salisbury Heights	side/rear 10 Rochester Drive - Lichfield Court - Tree 2 - side (near cnr of property at side)	12/01/22	CRM 387203	Approved
Salisbury Heights	side/rear 10 Rochester Drive - Lichfield Court - Tree 3 - rear	12/01/22	CRM 387203	Refused
Salisbury Heights	side/rear 10 Rochester Drive - Lichfield Court - Tree 4 - middle tree at rear	12/01/22	CRM 387203	Approved
Salisbury Heights	side/rear 10 Rochester Drive - Lichfield Court - Tree 5 at rear	12/01/22	CRM 387203	Refused
Salisbury Heights	7 and 8 Guildford Close - Regulated Tree on boundary	28/01/22	CRM 376603	D/A Approved - Regulated Tree
Salisbury North	11 Shorthorn Crescent - Regulated	11/01/22	CRM 386943	Refused - Regulated
Salisbury North	56 Nangari Road	17/01/22	ETF 301504	Approved

FURTHER INFORMATION CONTACT COUNCIL'S PARKS AND OPEN SPACE ASSETS OFFICER - 8406 8403

TREE REMOVAL REQUESTS

MONTH: January 2022

Assessed by Parks and Open Space Assets team on site and removed based on Councils Tree Removal Criteria adopted by Council April 2016

ADDRESS		DATE	REFERENCE	APP/REF
Salisbury North	15 Shearer Crescent	19/01/22	CRM 388137	Approved
Salisbury North	Uraidla Avenue - 2 dead trees - Lake Windemere B-7 School - western end near walkway adjacent to Taringa Road	27/01/22	CRM 387837	Approved x 2 (dead)
Salisbury North	17 Farnham Avenue - Regulated	25/01/22	CRM 380814	D/A Approved - Regulated Tree
Salisbury Park	Howey Bowey Reserve - western end near BBQ area	24/01/22	ETF 300479	Approved x 1
Valley View	Dunkley Green	13/01/22	CRM 386831	Approved - dead tree
Valley View	80 Walkleys Road	27/01/22	ETF 302440	Approved
Walkley Heights	11 Farmhouse Avenue	10/01/22	CRM 386329	Refused

FURTHER INFORMATION CONTACT COUNCIL'S PARKS AND OPEN SPACE ASSETS OFFICER - 8406 8403

ITEM	TMASC3
	TREE MANAGEMENT APPEALS SUB COMMITTEE
DATE	15 March 2022
HEADING	Review of Tree Removal Request - Various Locations
AUTHOR	Jamie Hosking, Team Leader Urban Built Assets, City Infrastructure
CITY PLAN LINKS	1.1 Our City is attractive and well maintained 1.2 The health and wellbeing of our community is a priority 2.1 Salisbury has a balance of green spaces and natural environments that support biodiversity
SUMMARY	In line with the approved tree removal procedure several decisions relating to the retention of trees have been appealed

RECOMMENDATION

1. That the Tree Management Appeals Sub Committee, in accordance with its delegated powers set out in the adopted Terms of Reference in relation to non-regulated/significant trees:
 - a. Approves the removal of 1 *Eucalyptus* tree in front of 7 Shorney Road, Parafield Gardens;
 - b. Approves the removal of the *Koelreuteria paniculate*, in front of 36 Wright Road, Ingle Farm; and
 - c. Approves the removal of the non-regulated *Eucalyptus Sideroxylon* in front of 14 Garrin Street, Salisbury North.

AND

That Council:

1. Approves the lodgement of a development application seeking removal of:
 - a. The regulated *Eucalyptus Sideroxylon* tree in front of 14 Garrin Street, Salisbury North, noting that should the application be approved two replacement trees are required to be planted.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 In line with the approved tree removal procedure, residents are able to appeal decisions relating to the retention of trees. This appeal process involves:
 - On-site meeting with residents and ward members
 - Report to the Tree Management Appeals Sub Committee (TMAS)
 - Notification of outcome to residents

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Staff

2.2 External

2.2.1 Residents

2.2.2 Ward Councillors in line with the adopted procedures

3. REPORT

- 3.1 The following appeals have been lodged under the Tree Removal Policy and the residents are seeking removal of the trees.

Street	Suburb	Ward	Trees
7 Shorney Road	Parafield Gardens	Para	1 x <i>Eucalyptus leucoxylon</i>
36 Wright Road	Ingle Farm	South	1 x <i>Koelreuteria paniculate</i>
14 Garrin Street	Salisbury North	North	1 x non-regulated <i>Eucalyptus Sideroxylon</i> 1 x regulated <i>Eucalyptus leucoxylon</i>

3.2 7 Shorney Road Parafield Gardens



Assessment

3.2.1 Assessment was undertaken on 16 December 2021, and identified two mature *Eucalyptus leucoxylon* present within the verge in front of the property:

- Tree 1 - foreground

The health was found to be in good condition with fair density and foliage colour. The structure was found to be good with no structural flaws. The tree was recommended to be retained.

- Tree 2 – background

Upon inspection the tree was found to be in decline with die back in a large portion of the crown. The tree met criteria for removal due to declining health and was removed.

3.2.2 The resident identified that the tree drops lots of leaves and gum nuts that make it difficult to walk along the footpath and inhibits growing grass on the verge.

3.2.3 The following table shows the results of the initial assessment carried out on the tree against Council's tree removal criteria:

1	The tree is in an unsuitable location and is unreasonably obstructing approved infrastructure	No, there is minor disturbance of the footpath and kerb which is within level of service.
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	No
3	The spacing of trees planted on a standard width verge is inconsistent with the "Street Tree Planting Guide" for that species of tree, in accordance with the Streetscape Renewal Policy	No
4	The tree is diseased and has a short life expectancy or is dead and has no significant landscape or habitat value	No
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	No
6	The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure	No

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	No
8	The tree is in the location of a first single driveway of a property	No
9	The tree is in the location of an approved Council development	No
10	The tree has been assessed for removal as part of the "Streetscape or Landscape Redevelopment Program"	No
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	No
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.	No.

Appeal

- 3.2.4 Following receipt of appeal against the decision for retention of Tree 1 an on-site meeting was arranged with the applicant and Ward Councillors.
- 3.2.5 Discussion reinforced the outcome of the initial tree assessment and justification for retention based on the health and structure of the tree.
- 3.2.6 It was noted that the footpath was in poor condition but still met proper level of service and that leaf and gum nut drop is part of the natural process for all trees and not justification for removal of the tree.
- 3.2.7 It was agreed that the tree would be recommended for removal and a more suitable species planted.

3.3 36 Wright Road Ingle Farm



Item TMASC3

Assessment

3.3.1 Request for assessment of tree in front of the property was received 29 October 2021. The tree has previously been assessed a number of times with a summary of those inspections as follows:

- 2002 Tree roots behind retaining wall, staff attended and cut roots
- 2008 Root pruning in front of retaining wall, staff attended and cut roots
- 2010 Blocked sewer, contractor attended and removed roots
- 2011 Blocked sewer, contractor attended and removed roots
- 2011 Tree roots lifting driveway, inspection undertaken

- 2012 Tree roots in sewer, inspected and arranged contractor attend
- 2012 Tree pruning request, canopy reduction undertaken.
- 2013 Tree roots lifting artificial turf inside property, attended and inspected
- 2015 Request for tree pruning, canopy reduction undertaken,
- 2015 Request for removal, tree roots damaging wall, request refused.
- 2017 Blocked drain, contractor attended and removed roots
- 2018 Request for tree inspection, inspection completed no further action

3.3.2 Assessment was undertaken on 9 November March 2021, and identified:

- 1 *Koelreuteria paniculate* present within the verge in front of the property. The health was found to be fair with fair density and foliage colour. The structure was found to be fair with no structural flaws, although some wounding is present from previous pruning consistent with this species and age of tree.
- Likely that many of the residents' complaints are due to the regulated tree in the neighbours front property that is adjacent the sewer line tree on the left, sewer line marked in white (subject tree on right)



3.3.3 The following table shows the results of the latest assessment carried out on the tree against Council's tree removal criteria:

1	The tree is in an unsuitable location and is unreasonably obstructing approved infrastructure	No
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	No

3	The spacing of trees planted on a standard width verge is inconsistent with the "Street Tree Planting Guide" for that species of tree, in accordance with the Streetscape Renewal Policy	No
4	The tree is diseased and has a short life expectancy or is dead and has no significant landscape or habitat value	No
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	No
6	The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure	Possible, however the front wall is poorly constructed and possibly impacted by the tree roots.
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	No
8	The tree is in the location of a first single driveway of a property	No
9	The tree is in the location of an approved Council development	No
10	The tree has been assessed for removal as part of the "Streetscape or Landscape Redevelopment Program"	No
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	No
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	Yes, the resident is ageing and unable to relieve nuisance caused by the tree.

	d. The person/resident is a carer of a person that meets the above criteria.	
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Appeal

- 3.3.4 Following receipt of appeal against the decision for retention a desktop assessment was undertaken.
- 3.3.5 While a site inspection has not occurred, there is a long history of complaints going back over many years associated with the tree.
- 3.3.6 While it is unlikely that the residents' concerns relating to sewer, blocked drains and movement of the wall has been caused by the tree, the matter is causing undue stress for the resident and it was agreed that the tree would be recommended for removal and a more suitable species planted.

3.4 14 Garrin Street Salisbury North

Assessment

3.4.1 Assessment was undertaken on 14 March 2021, and identified:

- 1 regulated *Eucalyptus sideroxylon* present within the verge in front of the property. The health was found to be fair with fair density and foliage colour. The structure was found to be fair with no structural flaws. Remedial pruning and canopy reduction works were recommended.

3.4.2 The following table shows the results of the initial assessment carried out on the tree against Council's tree removal criteria:

1	The tree is in an unsuitable location and is unreasonably obstructing approved infrastructure	No, works have been undertaken to reduce the impact on the kerb and water table by construction of a new kerb and water table around the roots. However, it is noted that stormwater builds up in the kerb and water table which has an impact on the two properties; this is likely due to the flat grade of the area.
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	No
3	The spacing of trees planted on a standard width verge is inconsistent with the "Street Tree Planting Guide" for that species of tree, in accordance with the Streetscape Renewal Policy	No
4	The tree is diseased and has a short life expectancy or is dead and has no significant landscape or habitat value	No
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	No
6	The trees roots are shown to be causing or threatening to cause damage exceeding two thousand dollars to adjacent infrastructure	Yes, there is some movement of the footpath and driveway.

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	No
8	The tree is in the location of a first single driveway of a property	No
9	The tree is in the location of an approved Council development	No
10	The tree has been assessed for removal as part of the "Streetscape or Landscape Redevelopment Program"	No
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	No
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.	No.

- 3.4.1 The regulated trees when considered against the provisions within the *Planning, Development and Infrastructure Act 2016* would be unlikely to meet criteria for removal and a Development Application would not be supported.

3.4.2 Desired Outcome - Conservation of regulated trees to provide aesthetic and environmental benefit and mitigate tree loss.

PO1.1	Performance Outcome. Regulated Trees are retained where they	Satisfied	Comments
a)	make an important visual contribution to local character and amenity	No	<p>Visual contribution While the tree offers moderate visual amenity, by virtue of its height and position within the road verge, the tree does not make an important contribution and is not highly notable relative to other established trees within the locality.</p> <p>Local Character The tree is consistent with the character of the suburb and wider Council area and is consistent with the character of the street.</p> <p>Amenity The tree provides visual amenity to the street with a dominant healthy canopy. The tree also provide amenity through passive cooling and shade over the footpath and road.</p>
b)	are indigenous to the local area and listed under the <i>National Parks and Wildlife Act 1972</i> as a rare or endangered native species	No	
c)	provide an important habitat for native fauna	No	Obvious nesting hollows aren't evident

PO 1.3 (a)	Performance Outcome. Tree damaging activity is only undertaken to:	Satisfied	Comments
(i)	remove a diseased tree where its life expectancy is short	No	Tree is in good health
(ii)	mitigate an unacceptable risk to public or private safety due to limb drop or the like	No	Tree has no sign of structural issues
(iii)	rectify or prevent extensive damage to a building of value as comprising any of the following A. Local Heritage Place B. State Heritage Place C. Substantial building of value and there is no reasonable alternative to rectify or prevent such damage other than to undertake a tree damaging activity	No	While there is evidence of lifting of the driveway and pavers there appears no visual evidence of structural damage to the building and alternate measure have been undertaken to prevent damage (root barrier installation).
(iv)	reduce an unacceptable hazard associated with a tree within 20 metres of an existing residential, tourist accommodation or other habitable building from bushfire	NA	
(v)	treat disease or otherwise in the general interests of the health of the tree	No	
(vi)	Maintain the aesthetic appearance and structural integrity of the tree	No	

Appeal

- 3.4.3 Following receipt of appeal against the decision for retention an on-site meeting was arranged with the Ward Councillor.
- 3.4.4 Discussion reinforced the outcome of the tree assessment and justification for retention based on the health and structure of the trees.
- 3.4.5 In addition the resident identified blockages to his sewer, likely a result of old earthenware pipes and the other non-regulated verge tree, which was agreed to be removed.
- 3.4.6 It was agreed that due to the impact of the sewer and the evidenced displacement of the driveway and paving within the property that it be put forward for recommended removal through a development application.

4. CONCLUSION / PROPOSAL

- 4.1 In accordance with the approved tree removal procedure, some decisions relating to the retention of trees have been appealed.
- 4.2 Site meetings have been completed and recommendations are made regarding the tree removal appeals and actions recorded.