



City of Nedlands


Technical Services Reports

Committee Consideration – 13 September 2016
Council Resolution – 27 September 2016

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Committee	13 September 2016
Council	27 September 2016
Applicant	City of Nedlands
Officer	Andrew Dickson – A/Director Technical Services
Director	Andrew Dickson – A/Director Technical Services
Director Signature	
File Reference	PAR-NSDA-00393
Previous Item	Nil

Executive Summary

Coastview Australia Pty Ltd (the Applicant) have submitted a Nature Strip Development Application (NSDA) on behalf of the owners of No.33 (lot 120) Browne Avenue, Dalkeith (the Property). Administration refused the NSDA on the basis it considered there are design options that would enable retention of a street tree proposed to be removed. The Property owner has lodged an objection and advised they wish to proceed with their right to request Council review the decision.

Recommendation to Committee

Council:

- 1. refuses the Nature Strip Development Application as proposed, comprising the removal of a street tree to allow construction of a new crossover within the road reserve adjacent to No. 33 (lot 120) Browne Avenue, Dalkeith;**
- 2. requests the Applicant investigate alternative design options, prior to re-submitting an application for nature strip development approval, by relocating or reconfiguring the crossover and driveway to enable retention of the street tree; and**
- 3. advises where a re-submitted Nature Strip Development Application is intended, a minimum clearance of 1.0 metres is required between the trunk of the subject street tree and the proposed crossover or any other proposed private development.**

Strategic Community Plan

KFA: Natural and Built Environment
Governance and Civic Leadership

The determination of this request provides good governance through appropriate risk management and determination with consideration to the natural and built environment.

Background

The Manager Parks Services is delegated authority to determine proposed private development within nature strips. City procedure requires nature strip development proposals be submitted to the Manager Parks Services by way of a NSDA. Applications that propose removal of a street tree are assessed and determined with reference to both Council's Nature Strip Development and Street Trees policies.

The Applicant submitted a NSDA relating to the Browne Avenue frontage adjoining the Property, being a corner block with an additional frontage to Carroll Street. The NSDA is associated with a submitted Development Application for the Property and proposes removal of a street tree to allow construction of a new crossover to Browne Avenue.

Having consulted with the Property owner Administration determined to refuse approval of the NSDA, with reference to Council policy, as it was considered there are design options that would allow retention of the street tree. The owner of the Property lodged an objection to the decision once notified. In this circumstance, the Property owner has a statutory right in accordance with Part 9, Division 1 of the *Local Government Act 1995* to request Council review a decision made by Administration they consider to be unfavourable.

Key Relevant Previous Decisions

Item 12.5 – Council meeting 27 October 2015 – report CPS24.15

Council Resolution

Council approves the following policies:

b) Street Trees (dated 21 October 2015).

(Excerpt):

Removal

Street trees are not authorised to be removed unless one or more of the following circumstances applies:

- To facilitate private development where, following consultation between the City and the developer, it is not considered reasonable to redesign or amend the development proposal to enable retention of the street tree;
- Where a development is approved that necessitates the removal of a street tree the developer shall replace the tree and bear 100% of the cost for the City to remove the tree and plant two suitable replacement trees from the preferred species list;

Consultation

Required by legislation:

Yes No

Required by City of Nedlands policy:

Yes No

The relevant legislation requires that, in certain circumstances, persons affected by a decision made by Administration are informed of the reasons for the decision and their rights for review.

Council policy requires that residents be consulted on decisions involving street tree removals and replacement.

Legislation / Policy

Local Government Act 1995; Part 9, Division 1 – Objections and review

Local Government (Uniform Local Provisions) Regulations 1996; regulation 12 - Crossing from public thoroughfare to private land or private thoroughfare

City of Nedlands Thoroughfares Local Law

Nature Strip Development policy

Street Trees policy

Budget/Financial Implications

Within current approved budget:

Yes No

Requires further budget consideration:

Yes No

If Council approve removal of the street tree to allow construction of the crossover, policy requires the full cost for removal and replacement of the street tree be borne by the Property owner.

Risk Management

This item is associated with delivery of the Strategic Priority “Protecting our quality living environment”. This priority sits within the Strategic Community Plan and conveys the objective of providing, retaining and maintaining street trees and trees on reserves. Without regulatory control, the cumulative effect of street tree removal for private development purposes may impact delivery of this strategic priority.

Should Council uphold Administration’s decision, the Applicant and/or the owner of the Property may apply to the State Administrative Tribunal for a review of the decision.

Discussion

The street tree proposed for removal is an established Yellow Gum (*Eucalyptus leucoxylon*) located on Browne Avenue adjacent to the Property (refer Figure 1 for photo). The Yellow Gum species comprises a very small percentage, less than 0.13%, of the City’ street trees. The species is generally considered suitable as a street tree, though it is not a preferred species.

On receipt of the NSDA, the City carried out an assessment of the subject tree (refer Attachment 4 – Preliminary Street Tree Assessment). The completed assessment indicated the tree is a mature specimen in ‘good’ condition. In general, a mature street tree assessed as being in good condition would not meet the City’s criteria allowing consideration for removal. Notwithstanding the tree being assessed as sound and healthy, its form has been assessed as poor. Though the tree is contributing a functional benefit to the community, its aesthetic contribution to the streetscape is open to debate.

Figure 1 - Subject street tree



Having given consideration to a range of assessment criteria including the condition of the tree, its expected life, the proximity of other street trees nearby, the overall form of the tree and the realistic potential for redesigning plans to enable its retention, the street tree was assessed as suitable for retention.

On establishing the subject tree met the City's criteria as suitable for retaining, Administration investigated redesign options that may enable its retention. Officers from the Technical Services and Parks Services departments consulted and formed the opinion there is a realistic option available for redesign that would provide a crossover compliant with R-Codes requirements and allow retention of the street tree.

Administration has taken into account the implications and any burden the decision to refuse the application may transfer to the Applicant and/or owners of the Property. Having assessed potential options available for redesign, to enable retention of the street tree, it is considered these do not impose an unreasonable burden on the Applicant and/or the owners of the Property in this circumstance.

In making its decision Administration gave consideration to Council policy and strategic direction, the contribution the street tree provides locally and broadly, the expectations of the community and the rights of the owners of the Property.

Conclusion

Having considered all relevant matters, Administration recommends Council upholds the decision to refuse approval of the NSDA. If Council refuses the approval, the Applicant and the owner of the Property shall be advised to reconsider the development proposal, to enable retention of the street tree, prior to re-submitting application for nature strip development approval.

In the event Council were to approve removal of the street tree, to allow construction of the crossover, it is recommended the Applicant be required to provide two (2) replacement trees on the Browne Avenue frontage. It is noted that the owner of the Property has indicated a willingness to accept this as a condition if approval were to be provided.

Attachments

1. Nature Strip Development Application – 33 (Lot 120) Browne Avenue, Dalkeith
2. Administration Response to Nature Strip Development Application
3. Objection from the Property Owner Requesting Review of Decision
Confidential
4. Preliminary Street Tree Assessment – Asset Identification Number 4925



Applicant contact details

04 APR 2016

Name / Company COASTVIEW AUSTRALIA PTY LTD

Postal Address PO BOX 680, COTTESLOE WA 6911

Phone H: 9284 4866 M: _____

Email lisa@riverstone.com.au

Applicant Signature [Signature] Date 04.04.16

Property details

Lot No 120 House No 33 Street BROWNE AVENUE Suburb DALKEITH

Development purpose (e.g. crossover, landscaping, garden edging etc.)

NEW PAVED CROSSOVER AND REMOVAL OF ONE VERGE TREE WITHIN PROPOSED CROSSOVER

I/We, EDWARD GOODCHILD
Property owner's name (if not applicant)

of 13 BUXTON ROAD, WEMBLEY DOWNS, WA 6019

do hereby apply for permission to develop the nature strip adjacent to the above listed property in compliance with the attached standard conditions of approval and Council Policy and procedures. I have attached a sketch of the property, surrounding area and nature strip in question indicating north and including street and plant names.

Signature [Signature] Date 3-3-2016

Office Use Only

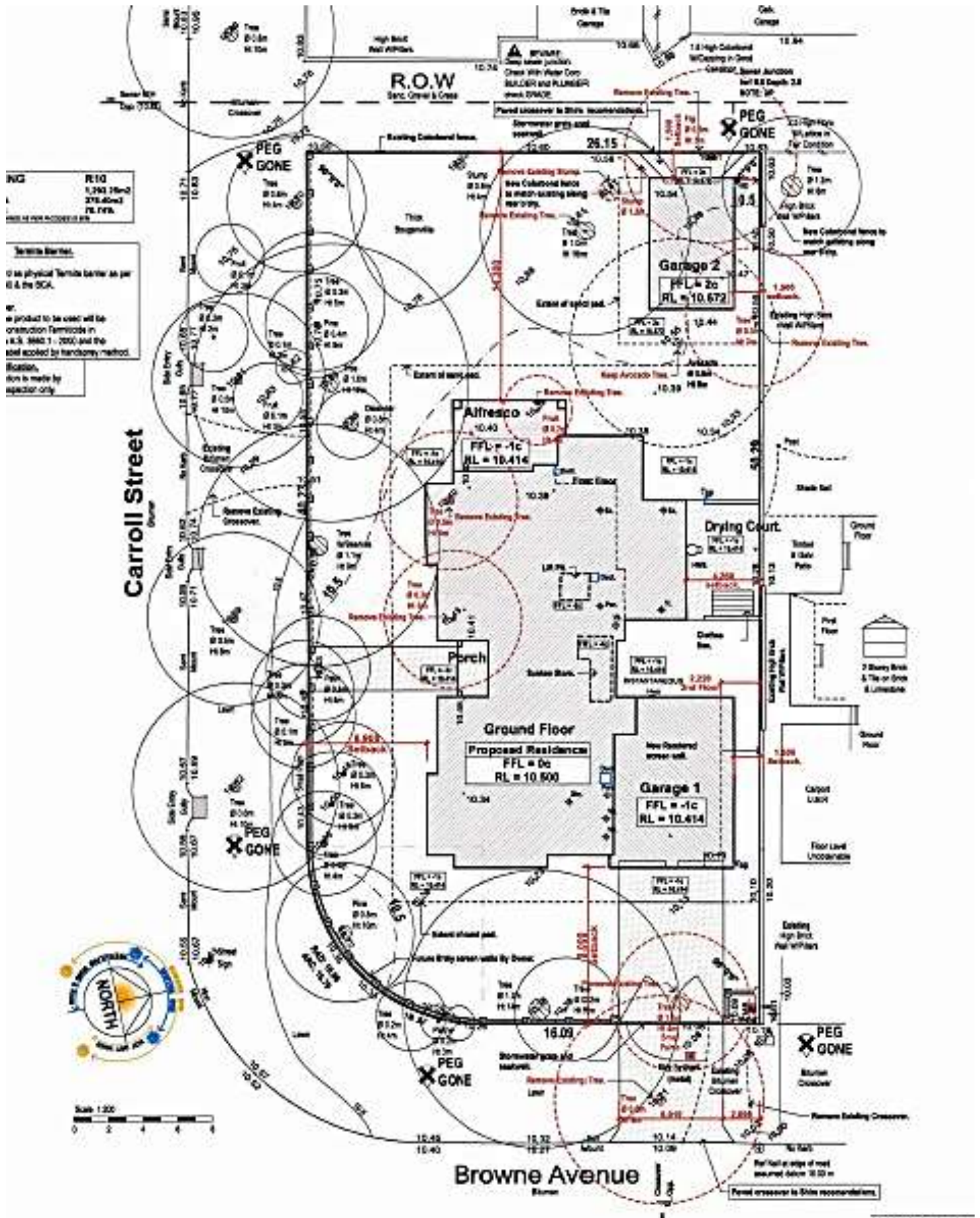
Crossover Assessment Drainage Assessment Fee \$111-

Approval: Approved Not Approved R# 472432

Specific conditions _____

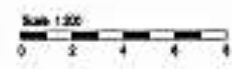
Signature _____ Date _____
Manager Parks Services

Attachment 1 - Nature Strip Development Application – 33 (Lot 120) Browne Avenue, Dalkeith



NG R10
1,293.25m
378.60m
76.17%

Terminology
 To be physical Terminology as per
 6.4. the DCA.
 W.
 as product to be used will be
 construction Terminology in
 (N.S. 3942.1 - 2002) and the
 steel applied by handover method.
 location, form is made by
 spectator only.



Site Plan Scale: 1:200

Drawing List	
1	Perspectives
2	Plans
4	Details

Enquiries: Parks Technical Officer - 9273 3500
Our reference: PAR-010175



City of Nedlands

ABN 92 614 728 214

16 June 2016

Mr & Mrs Goodchild
13 Buxton Road
WEMBLEY DOWNS WA 6019

Dear Mr & Mrs Goodchild,

Nature Strip Development Application – 33 Browne Avenue, Dalkeith

I refer to the above application received on 4 April 2016 regarding the proposal to remove a street tree and install a new crossover on the nature strip adjacent to your property.

In accordance with statutory provisions, Council policy and the authority delegated to the City, your application has been **refused**. The basis on which permit approval has been refused is detailed below:

1. The City has assessed the street tree proposed to be removed and considers that it is in a healthy and sound condition and is suitable for retention; and
2. The City has assessed the proposal and considers there is the option to provide a vehicle crossing point that complies with the R-Codes, and which would allow retention of the street tree.

In order to proceed in seeking approval to construct a vehicle crossing point servicing the property, you are required to submit a Nature Strip Development Application with amended plans indicating retention of the street tree.

Please note; in accordance with clause 7(1)(b) of the City of Nedlands Thoroughfares Local Law it is an offence to place or construct anything on, or remove any City asset from, a nature strip/verge without lawful authority in writing from the City. Any person who commits an offence under the City of Nedlands Thoroughfares Local Law is liable, upon conviction, to a penalty not less than \$500 and not exceeding \$5,000.



Should you be aggrieved by this decision, in accordance with clause 37 of the City of Nedlands Thoroughfares Local Law, there is a right to apply for a review of the decision to Council. The application for review must be submitted on, or in the arrangement of, the attached form and returned to the City within 28 days of the date of this decision.

If you have any enquiries regarding this matter, please contact the City's Parks Technical Officer on 9273 3500.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Dickson', written over a faint circular watermark.

Andrew Dickson
Manager Parks Services

Encl: Form 4 – Objection to Decision



Address of DA: 33 Browne Avenue, Dalkeith

SharePoint Ref: DA pending

Tree Asset ID	4925					
Botanic Name	<i>Eucalyptus leucoxylon 'rosea'</i>					
Common Name	Yellow Gum					
Height (m)	7.0					
Width (m)	10.0					
DBH (cm)	26					
Tree Value (\$)	~ \$1,000					
Health	<input checked="" type="radio"/> Good	<input type="radio"/> Fair	<input type="radio"/> Poor	<input type="radio"/> Very Poor	<input type="radio"/> Dead	Removal Consideration Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Option(s) available for re-design?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		Further investigation <input type="checkbox"/>			
Take Below Scores Into Consideration if - Street Tree Condition Allows Removal or No Options for Re-Design or Further Investigation for Re-Design is Required						
Canopy Size	Medium	Score (1-5)	3	Removal Consideration	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Form	Poor	Score (1-5)	2	Removal Consideration	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Importance	Some Importance	Score (1-5)	3	Removal Consideration	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Other Trees	Many	Score (1-5)	2	Removal Consideration	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Setting	Just/Fairly Suitable	Score (1-5)	3	Removal Consideration	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	
Expected Life	5-40 years	Score (1-5)	3	Removal Consideration	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

Street Tree: Meets criteria for retention Meets criteria allowing removal

Technical Services Advice note:

Street tree meets criteria for retention and will not be considered for removal. Refer back for re-design demonstrating relocation / reconfiguration of the crossover enabling retention of the street tree.

Date of Assessment: 26 May 2016

Assessment by: Andrew Dickson
Manager Parks Services

Scores for Canopy Size

Assessment Description	Score
Very Small	1
Small	2
Medium	3
Large	4
Very Large	5

Scores for Form

Assessment Description	Score
Very Poor	1
Poor	2
Average/indifferent	3
Good	4
Very Good	5

Scores for Importance

Assessment Description	Score
Very Little Importance	1
Little Importance	2
Some Importance	3
Considerable Importance	4
Great Importance	5

Scores for Other Trees

Assessment Description	Score
Woodland	1
Many	2
Some	3
Few	4
None	5

Scores for Setting

Assessment Description	Score
Totally Unsuitable	1
Moderately Unsuitable	2
Just/Fairly Suitable	3
Very Suitable	4
Particularly Suitable	5

Scores for Expected Life

Assessment Description	Score
Less than 2 Years	1
2 to 5 Years	2
5 to 40 Years	3
40 to 100 Years	4
More than 100 Years	5

Assessment Notes:

- Other than Queensland Box, only street trees assessed as being in poor or very poor condition will be considered for removal. Queensland Box trees assessed as Fair will be considered for removal where appropriate.
- A score of 2 or less in the scoring component results in a Yes in the Removal Consideration box.
- 2 or more ticked Yes boxes in the scoring component results in a tree meeting the criteria allowing removal where the health of the tree is taken into consideration and it is deemed appropriate.