

REPORT REFERENCE: CAP030523 – 4.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 MAY 2023
CONFIDENTIAL ITEM



Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Adelaide Benevolent Society
Development Description:	Demolition of 22 existing dwellings and construction of 24 dwellings (comprising 3 x two-storey residential flat buildings each with two dwellings, 8 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and seven (7) regulated trees.
Site Location:	3 and 7-9 Franklin Street, Sturt
Zone & Policy Area:	Residential Marion Plains Policy Area 8
Lodgement Date:	2 February 2021
Development Plan:	Consolidated – 14 January 2021
Referrals:	Internal - Development Engineer
Delegations Policy:	4.1.8 <i>Any application where an appeal has been made to the Environment, Resources and Development Court, and the General Manager City Development has referred to the Panel a proposed compromise made by the appellant.</i>
Categorisation	Category 2 <i>Schedule 9 Part 18 (b) of the Development Regulations 2008 which specifies construction of the following as Category 2:</i> <i>(a) 1 or more buildings of 2 storeys comprising dwellings; or</i> <i>(b) 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high.</i>
Application No:	100/2021/195
Recommendation:	Advise the General Manager City Development to inform the Environment, Resources and Development Court that Council supports the compromise plans

Attachments

Attachment I:	Decision Notification Form
Attachment II:	Minutes from Council Assessment Panel Meeting held 16 November 2022
Attachment III:	Compromise Proposal Plan and supporting documentation

BACKGROUND

The subject Application was previously presented to the Council Assessment Panel (CAP) at the meeting held on 16 November 2022 and was refused for the reasons listed below.

The original report's plans and attachments can be found in the member's agenda from the 7 September 2022 meeting and the deferred report from the meeting of 16 November 2022. Administration will provide Members who were not present at the previous meeting with a copy of the previous proposal plans and supporting documentation. This documentation will be uploaded to Members lpad and provided via email (by way of dropbox) the day the agenda is released.

Prior to making their decision to refuse the application, CAP discussed in detail their concerns with the proposal. Much of this revolved around the context of the proposal and the extent of tree damaging activity occurring. Whilst the Panel considered the density to be acceptable, concerns were held that no reasonable attempt was made to provide development solutions to retain some of the regulated or significant trees.

The CAP reasons for refusal were:

- 1. The proposal does not satisfy Regulated Trees Objectives 1 and 2 and Significant Trees Objectives 1 and 2 as the proposed design does not satisfactorily seek to provide development in balance with preserving regulated and significant trees that are considered to provide an important aesthetic and environmental benefit, provide a significant contribution to the character and visual amenity of the area and provide important habitat for native fauna.**
- 2. The proposed development does not satisfy Regulated Trees Principle of Development Control 1 as the design will have substantial adverse effects Regulated Trees 2-4 & 6-10.**
- 3. Contrary to Regulated Trees Principle of Development Control 2, it is not considered that it has been sufficiently demonstrated that where trees form a notable visual element to the landscape of the local area they are not diseased with short life expectancy and do not represent an unacceptable risk to public or private safety, and that reasonable alternative development solutions or design options to retain regulated trees on the land have been sought.**
- 4. Contrary to Significant Trees Principle of Development Control 1, the development has not sought to preserve the Significant Trees 1 & 5 as they are considered to make an important contribution to the character and amenity of the local area, represent an important habitat for native fauna, are important to the maintenance of biodiversity in the local environment and form a notable visual element to the landscape character of the local area.**
- 5. The trees are not considered to have the following characteristics that provide a case for removal in accordance with Significant Trees Principle of Development Control 3 in that they;**
 - (a) are not diseased with short life expectancy**
 - (b) have not been shown to present an unacceptable risk to public or private safety**
 - (c) are not damaging existing buildings or structures**
 - (d) could be retained through reasonable alternative development options and design solutions.**
- 6. The proposed design and layout is not considered appropriate in accordance with Significant Trees Principle 5 which states 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.

The Applicant appealed CAP's decision to refuse the application to the Environment, Resources and Development Court. On 14 February 2023 a preliminary conference was held between the Adelaide Benevolent Society (Appellant) and Marion Council (Respondent) where it was agreed to provide a compromise propose plan for the Panel's consideration. The applicant has sought to adjourn the preliminary conference to 12 May 2023 and has provided a compromise proposal for the CAP to consider.

Refer Attachment 1 - Attachment III

Pursuant to Development Delegations Policy 4.1.8 the General Manager City Development has referred this compromise to the CAP. CAP must, following consideration of the proposal, advise the General Manager City Development of their recommendation.

The overall extent of changes are outlined in the Development Assessment below and considered within the discussion sections of this report.

COMPROMISE PROPOSAL

The compromise proposal incorporates the following amendments to the proposal:

- Revised layout to accommodate retention of Regulated Tree 8 along the southern boundary of 3 Franklin Street.
- Inclusion of an additional two storey residential flat building comprising two dwellings in lieu of a single storey residential flat building comprising two dwellings.
- Unit 13 building and stormwater infrastructure having a small encroachment into TPZ of tree 8.
- Franklin Street access of driveway 1 removed with both driveways only accessible to and from Embert Street.
- Units 6 and 7 presenting to and having access from Franklin Street rather than communal driveway.
- Revised stormwater management plan to align with revised design.

It should be noted that the proposed amendments change the description of the proposal from:

Demolition of 22 existing dwellings and construction of 24 dwellings (comprising 2 x two-storey residential flat buildings each with two dwellings, 9 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and eight (8) regulated trees,

to

Demolition of 22 existing dwellings and construction of 24 dwellings (comprising 3 x two-storey residential flat buildings each with two dwellings, 8 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and seven (7) regulated trees.

Despite the inclusion of a building with an additional level, a dwelling in the form of a residential flat building is still proposed and the general disposition of the buildings on the site are similar. As such, in line with the ERD Court judgement of *Citify Pty Ltd v City of Marion* [2021] SAERDC 30, it is still appropriate to consider the amendments as a compromise to the original application.

DISCUSSION

Assessment of Compromise Plans and Reasons for Refusal

The proposed compromise plans are assessed in relation to the CAP's reasons for refusal 1 – 6 below:

- The proposal does not satisfy Regulated Trees Objectives 1 and 2 and Significant Trees Objectives 1 and 2 as the proposed design does not satisfactorily seek to provide development in balance with preserving regulated and significant trees that are considered to provide an important aesthetic and environmental benefit, provide a significant contribution to the character and visual amenity of the area and provide important habitat for native fauna.**

The proposed compromise plan makes an adjustment to the layout to provide a tree protection zone around one Regulated Tree - Tree 8 as identified on the reports undertaken by Arborman Tree Solutions dated 4 May 2022 and Urbans Arboriculture dated 11 October 2022.

The introduction of a two-storey building in lieu of a single storey building, in addition to the deletion of a driveway entry/exit from Franklin Street results in Units 8 to 13 being shifted further north. This provides Unit 13 with a larger site area and the ability to provide greater separation between the dwelling and the Regulated Tree, thus ensuring that that Tree 8 is able to be retained.

Having regard to the quantitative provisions of the Development Plan, the density of the proposal remains the same as the original application.

The following table provides a revised numerical assessment for Units 6 to 13.

Front setback	Average of, or in-line with adjacent Adjoining: approx. 2m (adj Unit 13) and 7m (adj Unit 7) on Franklin Street	Franklin St Frontage	Unit 6 and 7 6m	Units 8 and 9 5.5m	Unit 10 and 11 5.5m	Units 12 and 13 5.5m	Satisfies			
Carport/garage setback	5.5m and behind or in-line with main face	All dwellings have a carport setback at least 5.5m and in-line with, or behind the main face of the dwelling.					Satisfies			
Attached dwellings have been treated as ‘one dwelling’ due to their appearance and common roofline.										
Side setback (ground)	0.9m	Unit 6 & 7 North – 1.5m South – 1.5m	Unit 8 & 9 North – 2.5m South – 2m	Unit 10 & 11 North – 2m South – 2m	Unit 12 & 13 North – 2m South – 8.826m	Satisfies				
Side Setback (Upper)	3m adj. southern boundary 2m	Unit 6 and 7 N/A	Unit 8 & 9 North - 2m South – 4m	Unit 9 & 10 North – 2m South – 4m	Unit 12 & 13 North - 2m South - 8.826m	8-10 - Satisfies 12&13 - Satisfies				
Rear setbacks (ground)	6m, may be reduced to 3m for <50% rear width	Unit 6 & 7 7.4m reduced to 4.5m	Unit 8 & 9 5.9m	Units 10 & 11 5.9m	Unit 12 & 13 East – 5.3m	Partially Satisfies				
Rear Setbacks (Upper)	8m		Units 8 & 9 5.9m	Units 10 & 11 5.9m	Units 12 & 13 5.3m	Does not satisfy				
Building height	2 storeys; 9m	Tallest dwellings (Units 8 to 13) are two storey at a height of 5.6m					Satisfies			
Private open space Private open space dimension	20% of site area Desired (D) m² Proposed (P)m² 5x5m – Yes/No	Unit 6 D – 46 P- 60 No	Unit 7 D – 46 P – 50 No	Unit 8 D – 43 P – 80 Yes	Unit 9 D – 41 P – 47 Yes	Unit 10 D – 41 P – 46 Yes	Unit 11 D – 41 P – 47 Yes	Unit 12 D– 40 P – 40 Yes	Unit 13 D – 75 P - 198 Yes	Partially Complies

Garage width	6m or 50% of dwelling façade width (the lesser)	All dwellings provide a single garage which take up no more than 50% of the front façade. Units 8 to 13 have an upper storey which reduces the apparent width of the garage on the ground floor.	Satisfies
Parking	2 (1 covered) 1 visitor space per 3 dwellings = 8 spaces On-street parking, 1 per 2 dwellings	Each dwelling is provided with two car parking spaces, one of which is undercover. No visitor spaces have been provided (no change to original application) 5 On-street car parks provided	Dwelling parks – Satisfies Visitor Parks – Does not satisfy On-street parks - Satisfies
Stormwater Management		Council's engineer is generally satisfied with the revised Stormwater Management Plan with the future provision of stormwater disposal calculations (which can be included as a reserved matter). Easements only required if sites are to be subdivided.	Satisfies

The proposed amendments are considered to improve the proposed scheme, whereby the dwellings incorporate greater setbacks, private open space and improved streetscape separation (in how they are sited). Despite some minor variances in setbacks, they are designed to limit impacts on each other through placement of windows and separation between dwellings. Importantly, the reduced building footprint of the two storey dwellings enables retention of a regulated tree.

This notwithstanding, the proposal still includes the removal of the remainder of the two significant and seven regulated trees.

The applicant has previously provided two separate arborist reports. The report from Arborman Tree Solutions indicated that the trees vary in their condition from poor to fair, with Tree's 3 and 7 showing signs of disease and being structurally unsound. Three trees were considered suitable for retention, the two Significant Trees (1 and 5) and one Regulated Tree (Tree 8) each determined as being moderate in their retention value rating.

The report states that *whilst partially meeting one or more criteria within the PDI Act 2016 they do not do so to a level that identifies them as important trees; they are however worthy of consideration for retention if they can be adequately protected in an otherwise reasonable and expected development.*

The remaining five trees, Trees 2-4, 6 and 7, achieve a Low Retention Rating indicating they should not form a constraint to an otherwise reasonable and expected development.

The second report from Urbans Arboriculture concurs with the original report and further identifies most of the trees incorporating a poor structure and support branches damaged by birds. Regarding the landscape quality of the trees and their condition, the report outlines the following:

Apart from Tree 8 they have grown to form a closely located group of trees and their individual structures reflect this proximity. Tree 8 is somewhat disjunct from the others and is less affected by the group dynamic.

Most of the trees at the perimeter of the group show phototropic leans and those in the middle have grown tall to access light. The group would also have become accustomed to a certain wind dynamic affecting the group as a whole. This area is prone to what is sometimes termed 'gully wind' wherein strong and swirling winds occur, usually at dusk. The result is that most of the trees are now reliant on the support and buffering provided within the group dynamic and would not be structurally strong enough to be stand-alone specimens. Most would also present as unbalanced and poorly formed in the landscape. This being the case I would therefore

conclude that the while the landscape quality of the group is reasonable, apart from Tree 8, as individuals they are not suited to be in close proximity to targets of value or areas frequently used by people.

There is an acknowledgement that the trees have some habitat value and this was observed on-site. In acknowledging the important environmental benefit of trees, the applicant has amended the plans to retain Regulated Tree 8. In addition, the landscape plan identifies substantial plantings of a range of species with a variety of heights and canopy spread throughout the entire site. The number of plantings exceed the number required to compensate for the loss of the Significant and Regulated trees (18 trees required in accordance with Regulation 117 of the *Development Regulations 2008*).

Accordingly, the proposal now seeks to balance what the applicants consider to be reasonable development with the preservation of the one regulated tree that is well separated from the main cluster.

2. The proposed development does not satisfy Regulated Trees Principle of Development Control 1 as the design will have substantial adverse effects Regulated Trees 2-4 & 6-10.

The proposed development will conflict with Regulated Trees 2-4, 6-7 and 9-10, with Regulated tree 8 now proposing to be retained.

This has been determined by the applicant as being in balance with what is reasonable and expected within the zone and being able to retain a tree with moderate retention value, that is in good health.

The plans indicate the position of the Tree Protection Zone, 9.36m away from the base of the tree. Approximately 3.3m² of the dwelling will encroach within the TPZ as well as stormwater infrastructure which equates to approximately 6% encroachment within the TPZ. For this tree, the encroachment is within the standards set in AS 4970-2009 '*Protection of Trees on Development Sites*', that is, within 10% and is outside the SRZ. Given the relatively low level of encroachment, the applicant has not deemed it necessary to provide additional arboriculture advice and the AS 4970-2009 considers that minor encroachments will generally not require detailed root investigations.

Should the Panel deem the compromise acceptable, a reserved matter can be added which seeks a Tree Protection Management Plan be provided which also includes tree sensitive techniques around construction.

3. Contrary to Regulated Trees Principle of Development Control 2, it is not considered that it has been sufficiently demonstrated that where trees form a notable visual element to the landscape of the local area they are not diseased with short life expectancy and do not represent an unacceptable risk to public or private safety, and that reasonable alternative development solutions or design options to retain regulated trees on the land have been sought.

The applicant has not provided any further information upon what has been previously supplied. In response to advice within the Urbans Arboriculture report, revised plans have been submitted which retains Tree 8, which is deemed to be in good condition, has a good structure, does not rely on the stability of other trees and has been deemed to have moderate retention value.

The Arborman Tree Solutions Report does consider the regulated trees' health to be good, however, the way in which the trees are clustered together and reliant on each other, has resulted in the structure of some trees being deemed poor as well as some having decay, included bark and a history of branch failure, in particular, Tree 2, Tree 3 and Tree 7. Each regulated tree is identified as having a useful life expectancy of less than 10 years.

The Urban Arboriculture report identifies that most of the trees are poorly structured and support branches have been damaged by birds, including newly identified regulated trees 9 and 10.

If assessed individually, the condition of Trees 2, 3 and 7 illustrate signs of declining health and poor structural form which has the potential for branch failure. Their appearance as an individual specimen is not particularly notable in that they don't possess a particularly large canopy. Each tree, in my opinion, could be deemed suitable for removal when assessed in isolation.

The removal of three regulated trees as well as non-regulated trees would likely affect the structural integrity of adjacent trees.

The Urban Environs Report states....*The result is that most of the trees are now reliant on the support and buffering provided within the group dynamic and would not be structurally strong enough to be stand-alone specimens. Most would also present as unbalanced and poorly formed in the landscape. This being the case I would therefore conclude that the while the landscape quality of the group is reasonable, apart from Tree 8, as individuals they are not suited to be in close proximity to targets of value or areas frequently used by people.*

The report also considers that whilst, at present, the risk of injury or damage to persons or property is low given the current level of use, this rating would increase significantly if development was to proceed closer towards the trees.

Accordingly, the proposal has sought to retain the one regulated tree which is not co-dependent on the other trees and remains sound in its structure to address this reason for refusal.

- 4. Contrary to Significant Trees Principle of Development Control 1, the development has not sought to preserve the Significant Trees 1 & 5 as they are considered to make an important contribution to the character and amenity of the local area, represent an important habitat for native fauna, are important to the maintenance of biodiversity in the local environment and form a notable visual element to the landscape character of the local area.**

The compromise plans do not address this reason for refusal. It is acknowledged that the Significant Trees contribute to the landscape, however, the poor form of the trees, both of which display a lean which is determined not to be correctable, raises the question as to whether they are 'notable visual elements'.

Tree 1 appears to have a greater benefit to the streetscape whilst tree 5 is set further back and screened from general view.

The Urban Arboriculture report judges the landscape quality of the trees as being 'fair' within an urban environment due to that incorrecable lean.

It is possible that at least one of the Significant Trees may have had potential to be retained with reduced setbacks and different built form.

The reluctance to retain the Significant Trees is likely to be due to the potential risk of branch failure of the trees in addition to the likely conflict with the desired built form.

- 5. The trees are not considered to have the following characteristics that provide a case for removal in accordance with Significant Trees Principle of Development Control 3 in that they;**
 - (a) are not diseased with short life expectancy**
 - (b) have not been shown to present an unacceptable risk to public or private safety**

- (c) are not damaging existing buildings or structures**
- (d) could be retained through reasonable alternative development options and design solutions.**

Arborman Tree Solutions considers Tree 1 to be in fair overall condition due to it having a moderate history of branch failure impacting its structural rating and overall condition with a useful life expectancy of less than 10 years.

Urbans Arboriculture report, in relation to Tree 1, indicates that previous failures are evident and further failures appear likely. Damage caused by birds pecking can contribute to the failures.

With regards to Tree 5, Arborman indicates that there is a moderate level of decay within the primary structure of the tree, however the tree is otherwise healthy and does not appear to be structurally unsound. The useful life expectancy has been identified as being greater than 10 years.

A history of branch failure has been observed by Urbans Arboriculture as well as a large amount of bird damage.

As identified with all but one of the regulated trees, the Significant trees are located within the cluster of trees which appear to be co-dependent on each other and which has contributed to the poor form and lean characteristic of the two significant trees.

The Urban Arboriculture report states...*Attempting to retain some trees where open space will remain available is not realistic. Their root systems will still be affected by the encroachment, and damaged or extended branches would overhang dwellings. Advice within AS4970 would support this assertion. In my opinion a decision needs to be made on whether the site should be developed or not, and tree removal should be approved if the proposal is deemed as 'reasonable and expected'.*

The above demonstrates that even if the development was built around these trees, it would result in an unacceptable level of risk as a result of an increased level of intensity and use around the trees.

The applicants consider that they have provided sufficient information that the compromise proposal now addresses this reason for refusal.

6. The proposed design and layout is not considered appropriate in accordance with Significant Trees Principle 5 which states 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.

The proposed re-design has sought to retain one regulated tree and not the Significant Trees on the site.

The applicant has provided two reports from suitably qualified arborists judging that the cluster of trees have limited retention value due to being in poor to fair condition and posing some level of risk if the development was to come within closer proximity to the trees than what it currently is at present.

Ultimately, the applicant seeks for the Panel to reconsider this reason for refusal as they have received advice from two separate qualified arborists that the trees have limited landscape value, have a history of branch failure and their structure reliant on a number of other trees, some of which display signs of poor health, all which suggests that it satisfies the criteria outlined in Significant Trees PDC 3 to warrant removal.

Whilst a re-design could have potentially gone further with the condensing Franklin Street dwellings closer together to provide greater separation to Tree 1, other streetscape implications may have arisen such as less frontage widths for landscaping, greater dominance of hard standing areas and loss of

on-street parking. In addition, there is the potential for loss of amenity such as less open space, privacy and loss of natural light through a reduction of windows (e.g. in the case of Terrace Housing).

The applicant will provide landscaping in the form of a small tree within the front yard of each dwelling and adjacent to both Franklin Street and Embert Street. Medium sized trees which will grow to 6m along the edge of Driveway 1 is proposed to provide an attractive boulevard.

CONCLUSION

The compromise plan proposes an alternative concept which reduces the building footprint of one of the residential flat buildings and moves the buildings along Franklin Street further north by closing off one of the private roads to Franklin Street. The shift provides separation to Tree 8 with a minor encroachment into the Tree Protection Zone.

The applicant seeks for the Panel to consider whether the cluster of trees is preventing reasonable and expected development and consider whether Regulated Tree PDC 2 (d) is appropriate, acknowledging that there are also Significant Trees on the site.

The applicant presented a second Arborist Report at the meeting of 16 November 2022, which generally concurred with the findings of the original arborist report with the exception that they considered that Tree 8 along the southern boundary of the site could be retained.

The reports do not deny the value the trees provide regarding the environmental benefit, the habitat value or the landscape appeal of the cluster of trees as a whole. However, there is agreement from the arborists that the removal of the cluster of trees is warranted as a result of the individual trees' poor condition, which diminishes the overall landscape value and the structural integrity of the remaining trees.

The below diagram shows the extent of TPZ's and the restricted area able to be utilised, identified in the report from Urbans Arboriculture.



The extent of TPZs on the site constitutes over 60% of the available area. The area shown in red could be utilised but is still not beyond the arc of branch failure from the taller trees.

Whilst it is acknowledged that a reduced density or an alternative building design may assist in retaining more trees, the intensification of the area compromises the safety of users of the site.

The proposed design provides a coordinated integration into the surrounding neighbourhood with a built form which provides a higher level of privacy and amenity to future tenants.

The proposal is consistent with the Desired Character of the Marion Plains Policy Area, in that it provides a cohesive development with the existing streetscape and provides a range of dwelling types to meet a variety of accommodation needs, for example, one bedroom dwellings for single person households. Furthermore, it accommodates a modest density increase, despite the inclusion of an additional site to the overall site area.

The proposed landscaping, albeit, not immediately, will over time, compensate for the loss of tree canopy and accommodate plantings better suited to a medium density residential setting.

The retention of Tree 8 is considered to be a reasonable outcome which appropriately balances the retention of existing trees and accommodates an appropriate development outcome that will provide a unique form of housing that supports a disadvantaged cohort of the community.

It remains administration's view that the proposed development demonstrates sufficient merit and appropriately satisfies the applicable Objectives and Principles of Development Control to warrant support.

It is recommended that the CAP advise the General Manager City Development to inform the Environment, Resources and Development Court that Council supports the comprise proposal, subject to the following conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That the General Manager City Development be advised to inform the Environment, Resources and Development Court that CAP support the comprise proposal submitted by Adelaide Benevolent Society for Development Application No: 100/2021/195 for the demolition of 22 existing dwellings and construction of 24 dwellings (comprising 2 x two-storey residential flat buildings each with two dwellings, 9 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and eight (8) regulated trees at 3 and 7-9 Franklin Street, Sturt be GRANTED subject to the following conditions:

RESERVED MATTER

Pursuant to Section 33 (3) of the Development Act, 1993 the matter(s) listed as Reserved Matters are reserved for further assessment to the satisfaction of the relevant authority prior to the granting of Development Approval.

- 1. That calculations are provided to demonstrate that post development flows do not exceed pre-development peak flows to support the size of the retention tanks and any necessary amendments made to the stormwater management plan for assessment and approval.
- 2. A Tree Protection Management Plan is provided which identifies measures, methods and techniques to protect the Regulated Tree on the land from the impacts of construction.

CONDITIONS

- 1. The development granted Development Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2. Prior to commencement of any site works, a Tree Protection Zone, including tree protection zone fencing, shall be established around the regulated tree in accordance with the tree protection plan.
- 3. Any structural roots (i.e. greater than 25mm in diameter) of the regulated tree to be retained that are uncovered outside of the Tree Protection Zone shall be retained where possible or, if not, shall be severed by saw cutting, sharp axe or secateurs and not with a backhoe or machinery or blunt instrument. Wounds shall be immediately dressed with a commercially available tree-wound healing compound.
- 4. Prior to the occupation of the premises, signage or markings shall be provided to prevent the parking of vehicles within the common driveways. The control measures shall remain in good condition at all times and maintained for the

5. Prior to commencement of any site works, a Tree Protection Zone, including tree protection zone fencing, shall be established around the regulated tree in accordance with the tree protection plan.
6. Prior to the occupation of the premises, signage or markings shall be provided to prevent the parking of vehicles within the common driveways. The control measures shall remain in good condition at all times and maintained for the life of the development.
7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
8. All areas nominated as landscaping or garden areas on the approved plans shall be planted, with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises and maintained for the life of the development to the reasonable satisfaction of the Council.
9. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details, with on-site water retention systems connected to collect roof stormwater from each dwelling, prior to the occupation of the premises to the reasonable satisfaction of the Council.
10. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.

NOTES

1. Street tree removal requires further action from you (the applicant). Council's Open Space team will send you a letter explaining the process associated with payment, street tree removal and street tree replacement. Following Development Approval, please contact Council's Open Space team to arrange for payment to be made. Please note that removal/replacement may only be undertaken by Council, and removal/replacement will not occur until after payment has been received. Please see Council's 'Development and Street Trees' Factsheet for further information.
2. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.
3. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly.

All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system (acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).

- 4. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**
- 5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**