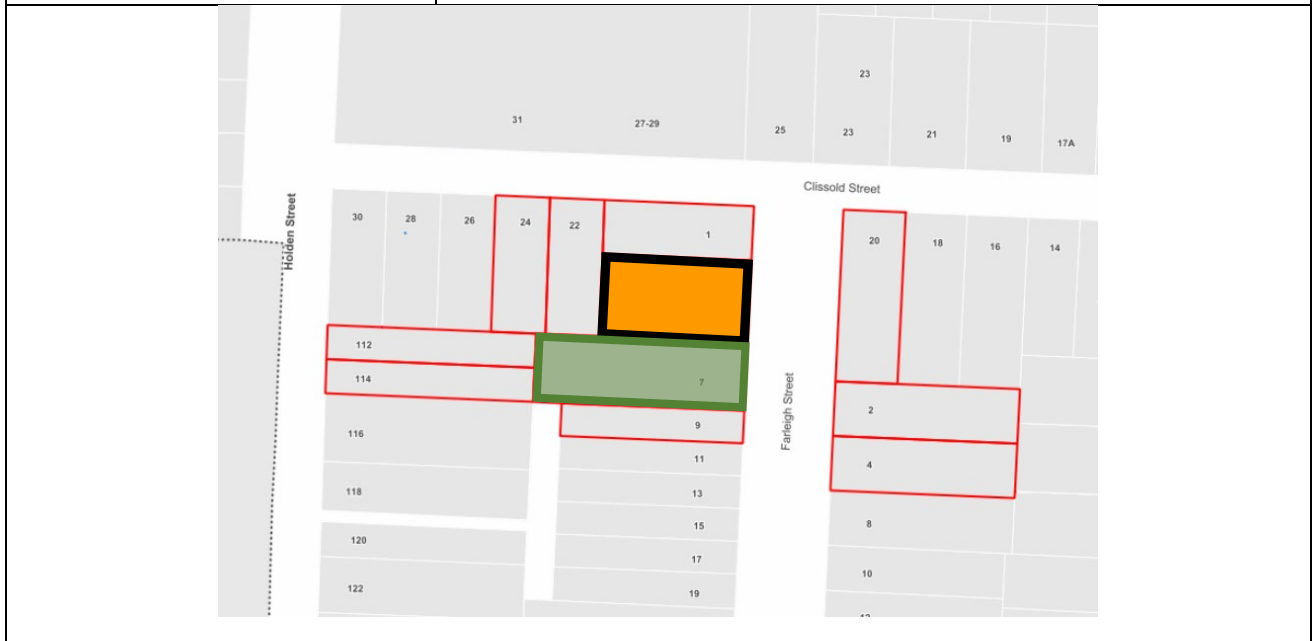




DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	REV/2022/0026
<b>Address</b>	5 Farleigh Street ASHFIELD NSW 2131
<b>Proposal</b>	S8.2 Review application of DA/2022/0244 that approved tree pruning. The review seeks tree removal and pruning.
<b>Date of Lodgement</b>	13 September 2022
<b>Applicant</b>	Mrs Joanne M Herron
<b>Owner</b>	Mr Adam J Herron Mrs Joanne M Herron
<b>Number of Submissions</b>	One (1)
<b>Value of works</b>	\$12,000.00
<b>Reason for determination at Planning Panel</b>	Refusal of S8.2 Review
<b>Main Issues</b>	Removal of healthy tree
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Reasons for refusal
<b>Attachment B</b>	Arborist's report
<b>Attachment C</b>	Conditions of consent (in the event of approval)



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council pursuant to Section 8.2 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* for a review of Determination No. DA/2022/0244 which sought removal of a *Corymbia maculata* (Spotted Gum) (Tree 1) and pruning works. The consent approved tree pruning works only and did not approve tree removal via the following condition of consent:

### 1. Limited Consent

*No approval is granted by this consent for tree removal. Tree 1 and Tree 2 as identified with the preliminary tree assessment report prepared by Malcolm Bruce dated 19 January 2022 may be pruned in accordance with the following conditions of consent:*

The consent did not approve tree removal and limited pruning for the following reasons:

- *Tree 1 is a mature species in fair health and good condition. The tree is prominent in the locality and has high amenity value. The request for removal of Tree 1 does not comply with Section 5.2 'Criteria not considered – 6' and 5.2(ix) (Potential Future Damage) of the Inner West Council Tree Management Development Control Plan 2020 (TDCP) contained within Section 4 Tree Management of Chapter C Sustainability of Inner West Comprehensive Development Control Plan 2016 (ADCP 2016).*
- *Tree 2 is a mature specimen found to be in good health and condition. No structural defects on the lower part of the tree or damage of structural roots were observed. As such, it is considered that unnecessary pruning would put the tree under stress and only pruning of deadwood and small diameter branches is considered to be necessary.*

A review of the determination under Section 8.2 of the *EP&A Act 1979* has been requested. The application was notified to surrounding properties and one submission was received in response to notification.

The main issues that have arisen from the application include:

- Non-compliance with the provisions of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* for the protection and retention of trees.
- Non-compliance with the aims, objectives and controls of Inner West Council Tree Management Development Control Plan 2020 (TDCP) contained in Section 4 Tree Management, Chapter C Sustainability of Ashfield Development Control Plan 2016 (ADCP 2016).

The proposed tree removal and additional pruning works are not acceptable given the non-compliances and therefore the application is recommended for refusal.

## 2. Proposal

The application seeks a review of Determination No DA/2022/0244 under Section 8.2 of the *EP&A Act 1979*. The original application sought tree removal and pruning works at 5 Farleigh Street ASHFIELD. The original application was approved under delegated authority on 23 June 2022. The application was approved with limited consent for tree pruning works only.

The review application seeks the following works:

- Removal of the *Corymbia maculata* (Spotted Gum) (Tree 1) located to the rear of site in the north western corner,
- Additional pruning of the *Eucalyptus saligna* (Sydney Blue Gum) (Tree 2) located in the rear yard adjacent to the south-western corner.

## 3. Site Description

The subject site is located on the western side of Farleigh Street close to the intersection of Clissold Street. The site consists of one (1) allotment and is generally rectangular with a total area of approximately 600sqm.

The site has a frontage to Farleigh Street of approximately 18 metres. The site supports a two storey dwelling house and swimming pool. The adjoining properties support single and two storey dwelling houses.

The subject site is listed as a heritage item and is located within the Farleigh Estate Heritage Conservation Area (C3).



The following trees are located on the site and are the subject of this application:

- Tree 1 - *Corymbia maculata* (Spotted Gum) located to the rear of site in the north western corner,

- Tree 2 - *Eucalyptus saligna* (Sydney Blue Gum) located in the rear yard adjacent to the south western corner of site.



Figure 3: Site Map indicating location of subject trees in red

## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

#### Subject Site

Application	Proposal	Decision & Date
DA/2022/0244	Tree pruning	Approved, 23/06/2022
TREE/2022/0127	Tree removal	Returned, 04/03/2022
DA 10.2000.146.001	Swimming pool	Approved, 18/07/2000

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPA Act 1979).



## 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

### 5(a)(i) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

#### Chapter 2 Vegetation in non-rural areas

*State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation)* concerns the protection/removal of vegetation identified under it and gives effect to the local tree preservation provisions of Council's Tree Management Development Control Plan (TDCP) contained in Part 4, Chapter C of ADCP 2016.

The aims of the Chapter are as follows:

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

- 5(a)(ii) The application seeks the removal of vegetation from *within* the site. An assessment of the proposal against the provisions of the above is summarised as follows:

#### Tree 1 - *Corymbia maculata* (Spotted Gum)

The application seeks removal of Tree 1. The tree is approximately 20 metres in height with a canopy spread of 15 metres. The tree is considered to be of fair health and good condition. The tree is visually prominent from outside the site and provides a positive contribution to the amenity and canopy cover of the immediate area.

The applicant seeks to remove the tree due to potential damage to the dwelling, inground pool, as well as current damage having been caused to the pool fence, retaining wall and paving surrounding the pool. The application raises concern about falling branches and their potential for causing damage to the subject property roof and neighbouring property garage roof. It is considered that such damage could suitably be repaired without requiring the removal of an otherwise healthy tree.

Further, the application does not provide evidence that other management options have been exhausted, or provided documentation in support of the tree removal such as:

evidence to support any claims by an applicant of structural damage allegedly caused by the tree, such as that prepared by a structural engineer;

- an exploration of management options available to limit any alleged damage caused by the tree;
- the reasons why removal of the tree is necessary if the management options are not satisfactory.

The information submitted with the application suggests that the majority of the falling branches are dead with no evidence to suggest otherwise. The falling of deadwood is a normal process in a tree's lifecycle and should be managed by pruning on a regular basis as part of normal tree maintenance practices.

The tree is located within a heritage conservation area (HCA) and the subject site is identified as a local heritage item, however, the tree does not form part of the heritage significance of the HCA or item and can therefore be pruned of deadwood without Council consent, provided that the work is carried out in accordance with the relevant standards, as prescribed by Inner West Council Tree Management Development Control Plan (TDCP).

The review application did not include an arborist's report or addendum to the report submitted with the previous application.

Given the above, the removal of the tree is not supported.

#### Tree 2 - *Eucalyptus saligna* (Sydney Blue Gum)

The review application seeks pruning additional to that approved under DA/2022/0244. It is noted that a number of large diameter first order branches have previously been removed to south along the shared boundary line, inconsistent with Australian Standard 4373—Pruning of amenity trees: The tree has an asymmetrical crown.

The application seeks additional pruning of the branches overhanging the southern neighbouring property (No. 7 Farleigh Street). The information provided indicates that the fallen branches are dead. It is recommended that this be managed through pruning of deadwood on a regular basis as part of normal tree maintenance practices.

The proposed additional pruning to the lower lateral branches is considered excessive as extensive pruning can be hazardous to a tree and pre-dispose branches to become more susceptible to failure.

Given the above, the proposed pruning additional to that approved under DA/2022/0244 is not supported.

Overall, the proposal is inconsistent with the aims of the Chapter as it does not seek to protect the value of the trees nor preserve the amenity of the area through the preservation of trees in the non-rural area. The proposal is not considered acceptable with regard to the SEPP and TDCP. Accordingly, the application is recommended for refusal.

### 5(a)(iii) Local Environmental Plans

#### Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the application subject to this review was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The initial application, subject to this review was lodged on 7 April 2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

#### Ashfield Local Environmental Plan 2013 (ALEP 2013)

The application was assessed against the following relevant sections of the *Ashfield Local Environmental Plan 2013*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 5.10 - Heritage Conservation

#### Section 2.3 Land Use Table and Zone Objectives

The site is zoned R2 Low Density Residential under the *ALEP 2013*. The *ALEP 2013* defines the development as:

***dwelling house means a building containing only one dwelling.***

The development is permitted with consent within the land use table. The development is consistent with the objectives of the R2 zone.

#### Section 5.10 Heritage Conservation

The subject site is listed as a heritage item and is located within the Farleigh Estate Heritage Conservation Area (C3).

The trees identified in this application do not form part of the heritage significance of the site or conservation area.

## 5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan 2016 (ADCP 2016) for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

<b>IWCDCP2016</b>	<b>Compliance</b>
C – Sustainability	
4 – Tree Preservation and Management	No – see discussion
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	Yes
2 – Heritage Items	Yes
3 – Heritage Conservation Areas (HCAs)	Yes

The following provides discussion of the relevant issues:

Part 4 – Tree Preservation and Management

The objectives (O) of the Part relevant to the proposal are as follows:

- O4** To manage the urban landscape so trees continue to make a significant contribution to its quality, character and amenity.
- O5** To maintain and enhance the amenity of the Inner West Local Government Area through the preservation of appropriate trees and vegetation.

Section 5.2 of Council's TDCP contains assessment criteria for tree removal. The following table is an assessment of the proposed removal of Tree 1 against the criteria:

<b>Section 5.2 Application Assessment Criteria</b>		
<b>Criteria</b>	<b>Discussion</b>	<b>Compliance</b>
i. Distance	The tree is not located within two (2) metres of a dwelling house or garage.	No



ii. Danger	As discussed in Part 5(a)(i) of this report, the applicant has not demonstrated that the tree poses danger to property. The reported falling of deadwood does not indicate branch failure and is considered able to be managed through routine pruning works.	No
iii. Property Damage	The reported damage to the pool paving, retaining wall and pool fence are considered repairable without the requirement for the tree to be removed. Further, given Council's assessment of the tree, it is considered to have reached its full growing potential and is therefore unlikely to cause future damage as a result. As discussed in Part 5(a)(i), the pruning of deadwood is considered suitable to mitigate potential damage to roofs as a result of falling dead branches.	No
iv. Condition of tree	The <i>Corymbia maculata</i> (Spotted Gum) is considered to be of fair health and good condition. An assessment of the tree did not indicate visible signs of decay or deterioration or branch failure.	No
v. Health of the tree	The tree is considered to be in fair health and good condition.	No
vi. Complying Development	The proposed removal of the tree required lodgement of a development application.	N/A
vii. Significance to Streetscape	The tree is highly visible in the streetscape and is considered to provide high amenity and canopy cover to the locality and surrounding HCA.	No
viii. Termites	The application does not suggest termite infestation of the tree.	No
ix. Potential Future Damage	As discussed within this report, the tree is considered to have reached its full growing potential and as such, is unlikely to cause further damage to the pool area in the rear yard. The potential for damage to property as a result of falling dead branches are able to be mitigated through regular deadwood pruning.	No
x. Extenuating circumstances	The application does not propose that the tree should be removed due to extenuating circumstances such as the inability to maintain the tree.	No

Section 5.2 contains 'criteria not considered' when assessing tree removal applications. The application included documentation to justify removal of the tree which cannot be considered in accordance with the following criteria:

1. The dropping of leaves, flowers, fruit, sap, seeds or small elements of deadwood (or other natural processes);
6. Minor lifting of driveways, paths and paving or minor damage to outbuildings, garden structures, walls or landscape structures;
7. Damage to underground services (such as sewer lines, water services) and where there are feasible alternatives to mitigate or solve problems and retain the tree;
8. The tree is large or overhanging neighbouring property or roof line.

Further to the above, the application is not considered to satisfy the objectives of the TDCP, which seek to manage the urban landscape, so trees continue to make a significant contribution to the quality, character and amenity of the area; and to maintain and enhance the amenity of the Inner West through the preservation of appropriate trees and vegetation.

The proposed removal of Tree 1 does not satisfy the objectives nor meet the criteria for removal contained within Council's TDCP and cannot be supported. Accordingly, the application is recommended for refusal.

#### 5(e) The Likely Impacts

The assessment of the review application demonstrates that the proposal will have an adverse impact on the locality in the following way:

##### Loss of healthy tree

As demonstrated within this report, the *Corymbia maculata* (Spotted Gum) proposed for removal is considered to be in fair health and good condition, is visually prominent from outside the site and provides a positive contribution to the amenity and canopy cover of the immediate area.

#### 5(f) The suitability of the site for the development

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

#### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. One (1) submission was received in response to notification in support of the application.

The submission raised concerns regarding the potential for damage to property due to the falling of branches, as discussed within this report.

#### 5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is contrary to the public interest.

## 6. Referrals

### 6(a) Internal

The application was referred to Council's Urban Forest Team and issues raised in their referral has been discussed in section 5 above.

## 7. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013*, *Inner West Comprehensive Development Control Plan 2016* and *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The removal of the tree and additional pruning works would result in significant impacts on the amenity of the adjoining premises/properties and the streetscape and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

## 8. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Review Application No. REV/2022/0026 for S8.2 Review application of DA/2022/0244 that approved tree pruning. The review seeks tree removal and pruning at 5 Farleigh Street, ASHFIELD for the reasons listed in Attachment A below;

## Attachment A – Recommended reasons for refusal

### REASONS FOR REFUSAL

1. The application has not demonstrated that the assessment criteria contained within Section 4, Chapter C of ADCP 2016 for tree removal are satisfied and as such removal of the tree is not supported.
2. In light of non-compliances with the relevant Environmental Planning Instruments, the resultant amenity and streetscape impacts, the development is not considered to be in the public interest.



Attachment B – Arborist’s report



*Malcolm Bruce B. A,  
(MacQuarrie University)  
Diploma of Arboriculture  
(Ryde College)  
Consultant Arborist*

<b>ABN</b> <b>97 363 034 490</b>	PRELIMINARY TREE ASSESSMENT FOR A TREE LOCATED IN 5 FARLEIGH STREET, ASHFIELD
Phone 0405 626 970  Email majbruce@hotmail.com	

Malcolm Bruce

---

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

---

**Contents**

1. Introduction .....2

2 Aims.....2

3 Methods.....3

4 Observations.....7

    4.1 Tree Data.....7

    4.2 Location of Tree.....8

5 Observations and Discussion of the Tree and Environment .....9

6 Recommendations .....16

7 References .....17

    Disclaimer .....18

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

1. Introduction

1.1. Location of the site (See Figure 1)



Figure 1: Location of Subject Site (From SixMaps viewed 2022)

- 1.2 The subject site was inspected on 13/1/2022;
- 1.3 The report was prepared for the Joanne Herron.

2 Aims

- 2.1 To examine the nominated tree and assess the tree's health, structure and environmental conditions;
- 2.2 To identify and describe any health, structural or environmental issues relating to the subject tree;
- 2.3 To provide and recommend workable solutions to ameliorate and health, structural or environmental issue detected during the assessment process and to recommend suitable actions for the tree, if necessary.

### 3 Methods

- 3.1 The Crown Width was measured, by a laser distance measuring instrument, from the centre of the tree out to the edge of the crown along the four points of the compass, North, South, East and West;
- 3.2 The height was calculated by multiplying the percentage angle, measured by a Suunto Inclinometer, by a distance from the tree, measured by a laser distance measuring instrument;
- 3.3 The diameter of the trunk is measured at 1.4 metres above the soil by measuring the diameter using a diameter tape. This is the Diameter at Breast Height (DBH). (AS 4970-2009). Additionally, the diameter of the trunk at above the start of the root buttress is measured using a diameter tape. This Root Buttress Diameter (RBD) is for the calculation of the Structural Root Zone or Root Plate;
- 3.4 Tree Protection Zone (TPZ) is the principal means for protecting trees on development sites. It is an area isolated from the construction disturbance so that the tree remains viable.
- The TPZ is calculated using the formula: -  

$$TPZ = DBH \text{ (diameter at breast height)} \times 12$$
 Where multiple trunks the DBH is calculated as:-  

$$DBH = \sqrt{(DBH_1)^2 + (DBH_2)^2 + \dots + (DBH_n)^2}$$
- The TPZ is the above formula expressed in terms of a radius from the trunk of the tree. ;
- 3.5 The Structural Root Zone (SRZ) is the area required for tree stability.
- Structural Root Zone (SRZ) is calculated using the formula: -  

$$SRA \text{ Radius} = (RBD \times 50)^{0.42} \times 0.64$$
- The SRA expressed in terms of a radius from the trunk of the tree. (From AS 4970-2009);
- 3.6 Health of the trunk and branches was assessed by examination for insect and pathogen invasion, scarring, bark splitting and excess shedding, death of major branches and known structural weakness indicators, using the Visual Tree Assessment Method (VTA) to Stage 1, which includes use of a sounding (acoustic) hammer. (Mattheck & Breloer 1994, pp. 12–13, 145). No internal examination of any trees was conducted;



- 3.7 Crown Health was assessed by examination for excessive leaf drop, sparse crowing, small and medium branch death, yellow or discolouration of the leaves and insect and pathogen invasion of the leaves. Additionally, Crown Health was assigned a number based on comparison with illustrations in Figure 2. Within this comparison system the lower the number the better the health of the tree's crown. The assessed number has can be found in Table 4;
- 3.8 Soil compaction was arbitrarily assessed by pushing a 200mm flat bladed screwdriver into the soil;
- 3.9 The tree assessment has been conducted using the SULE method (Barrel 2001) (See Table 1) and Significant Retention Value (See Table 2);

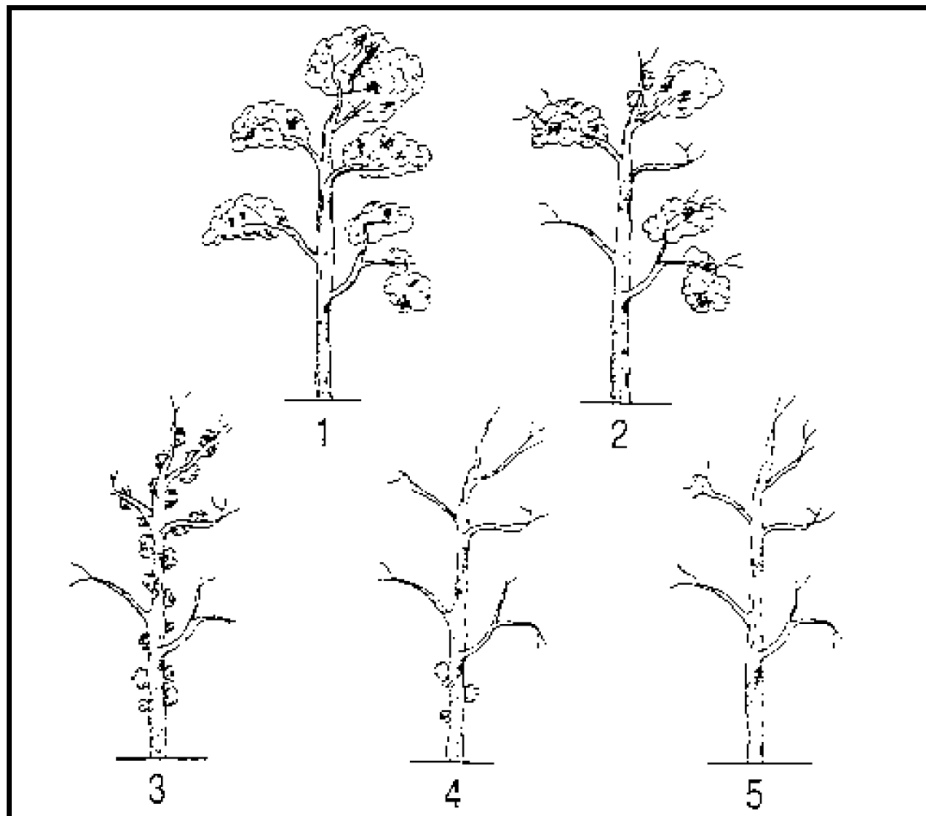


Figure 2: Crown decline

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

Table 1: SULE Table (After Barrel 2001)

	1	2	3	4	5
	Long:	Medium:	Short:	Remove	Small, Young or Regularly Pruned
	Trees that appeared to be retainable at the time of assessment for more than 40 years with an acceptable level of risk	Trees that appeared to be retainable at the time of assessment for 15–40 years with an acceptable level of risk	Trees that appeared to be retainable at the time of assessment for 5–15 years with an acceptable level of risk	Trees which should be removed in the next 5 years	Tree that can be reliably removed or replaced
A	Structurally sound trees in positions that can accommodate future growth	Trees which may only live between 15 and 40 years.	Trees which may only live between 5 and 15 years.	Dead, dying, suppressed or declining trees because of disease or inhospitable conditions	Small trees less than 5m in height
B	Trees which could be made suitable for long-term retention by remedial care	Tree which may live for more than 40 years but would be removed for safety or nuisance reasons	Trees which may live for more than 15 years but would be removed for safety or nuisance reasons.	Dangerous trees because of instability or recent loss of adjacent trees	Young trees less than 15 years old but over 5m in height
C	Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long term retention	Trees which may live for more than 40 years but would be removed to prevent interference with more suitable individuals or to provide space for new planting	Trees which may live for more than 15 years but would be removed to prevent interference with more suitable individuals or to provide space for new planting	Dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form	Formal hedges and trees intended for regular pruning to artificially control growth
D		Trees which could be made suitable for retention in the medium term by remedial care	Trees which require substantial remedial tree care and are only suitable for retention in the short term	Damaged trees that are clearly not safe to retain	Damaged trees that are clearly not safe to retain
E				Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting	Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting
F					Trees that are damaging or may cause damage to existing structures within 5 years
G					Trees that will become dangerous after removal of other trees for the reasons given in (a) to (f)
H					Trees in categories (a) to (g) that have a high wildlife habitat value and, with appropriate treatment, could be retained subject to regular review

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

**Table 2: Significant Retention Value**

Retention Value	Significance Description
High	A mature tree that contributes positively to a site due to its botanical, historical or local significance in combination with good physiological characteristics such as health, form, structure and future development. Significant efforts should be made to retain this tree and it should be considered for retention within a proposed development
Medium	A semi-mature to mature tree which exhibits fair or good characteristics of health, structure or form and/or may provide some amenity value to the surrounding area or habitat value. Should be considered for retention if possible, within a development design proposal and may be modified to allow for construction (e.g.: canopy pruning, root pruning etc).
Low	A tree that provides minimal contribution to the surrounding landscape and/or may be in poor or declining health. This tree may have a poor structure, poor form, be a noxious/poisonous or listed weed species or a combination of these characteristics. It may be in an inappropriate location. This tree is not worthy of being a constraint to a development design proposal.
Nil	A tree with no landscape significance and its retention is inappropriate. The removal of this tree would be of benefit to the landscape.

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

4 Observations

4.1 Tree Data

Table 3: Tree Data and TPZ Calculations

No	Scientific Name	Common Name	Estimate Age (years)	Trunk Diameter (metres)	Calculated TPZ radius	Root Buttress Diameter	Calculated SRA radius	Crown Width (Metres)				Height
								N	S	E	W	
1	<i>Corymbia maculata</i>	Spotted Gum	47 to 50 years	0.92	11.0	1.18	3.5	9.26	6.35	9.45	8.64	19.89

Table 4: Tree health and structural description

No	Scientific Name	Common Name	Trunk and Branch Health	Crown Health	Crown health Assessment Code	Overall Health	SULE Rating	Observed Issues	Retention Value
1	<i>Corymbia maculata</i>	Spotted Gum	Good	Good	1	Good	5F	Growing within 3.56 metres of extension on heritage dwelling, growing within 2.22 metres of swimming pool	High

5 Farleigh PTA

19/01/2022

7

Document Set ID: 37034924  
Version: 1, Version Date: 07/11/2022

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

4.2 Location of Tree



Figure 3: Position of the Tree from Sixmaps (Sixmaps 2022)

5 Farleigh PTA

19/01/2022

8

Document Set ID: 37034924  
Version: 1, Version Date: 07/11/2022



---

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

---

## 5 Observations and Discussion of the Tree and Environment

- 5.1 Tree 1 is a mature *Corymbia maculata* (Spotted Gum). (See Figure 4) This is visible in the 1975 historic aerial photograph, as a small sized tree and but is not present in the 1971 historic aerial photograph. (See DCS 2020) This suggests that the Spotted Gum is between 47 and 50 years old. The Spotted Gum is in very good condition. The tree is a moderately sized Spotted Gum, with a height nearly 20 metres, a Tree Protection Zone (TPZ) of 11 metres and a Structural Root Zone (SRZ) of 3.5 metres. (See Table 3) There is swimming pool located 2.22 metres from the Spotted Gum's trunk, placing the pool within the SRZ. (See Figure 5) The problem with the Spotted Gum is the potential size that this tree may reach. Eucalid (2022) describes Spotted Gum as a "tree to 45 metres tall, forming a lignotuber". The local soil is described by OEH ESspade V2 (2022) as Blacktown Soil Landscape. Chapman and Murphy (1989) P.38 describe these soils as with "General fertility is low to moderate. Soil materials have low to moderate available water capacity." This suggests that this Spotted Gum will not reach 45 metres but may grow to between 35 and 40 metres in height. This suggests that the Structural Root Zone (SRZ) may be as large as 4 metres;



Figure 4: The *Corymbia maculata*

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield



Figure 5: Showing the proximity of the *Corymbia maculata* to the pool wall

- 5.2 The Spotted Gums structural roots are highly likely to be pressing against the wall of the swimming pool. This pressure will increase as the tree gets bigger. There is the potential that the Spotted Gum will eventually cause the development of vertical cracks in the fabric of the swimming pool wall. Mattheck et al (2003), P.758 states "As far as the interaction with buildings is concerned, the small fatigue strength of the brickwork against the fatigue loads introduced by the root also plays a major role. Even small roots may cause damage to the building by fatigue load." and "Against a wall pressing roots (lateral force) can cause different crack formations" (See Figure 7 and Figure 13) There is the potential for the swimming pool wall to fail from compression forces generated by the Spotted Gum's structural roots and amplified by strong winds. The Spotted Gum has already started to buttress, and the structural root are beginning to disturb the soil surface and artificial turf, as they expand in dimension, and the roots are becoming a trip hazard. (See Figure 9) There are structural roots starting to lift the pool safety fence. (See Figure 10) Further, there is a large crack developing in a nearby retaining wall. (See Figure 11) The cracks pattern is similar to the pattern described by Mattheck et al (2003), P.758, (See Figure 12) with the crack appearing to be larger at the top with the top of the wall curving up at the top of the crack. This Spotted Gum will continue to damage surrounding structures, with the potential to cause damage to the heritage listed dwelling. Unfortunately, the Spotted Gum is too large for the location and should be removed;

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

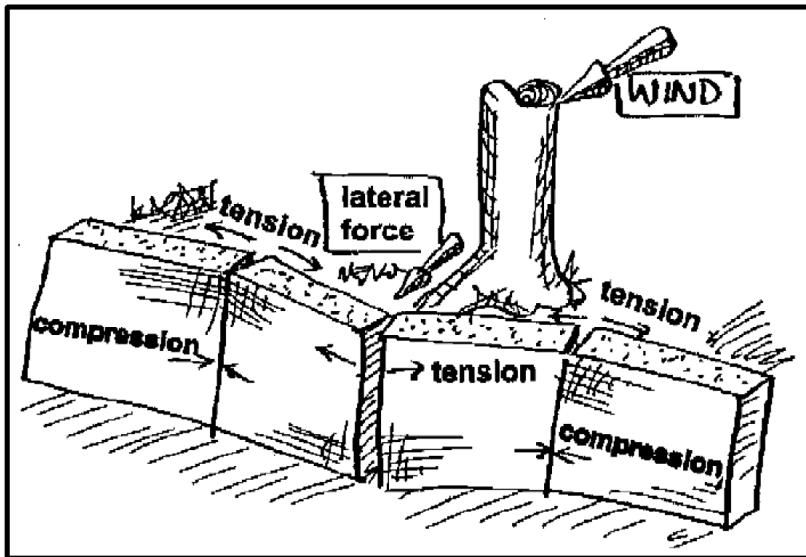


Figure 6: Showing the potential mechanism for damage to the swimming pool wall from Figure 10: Vertical crack caused by a root pressing against the wall. Mattheck et al (2003), P.759

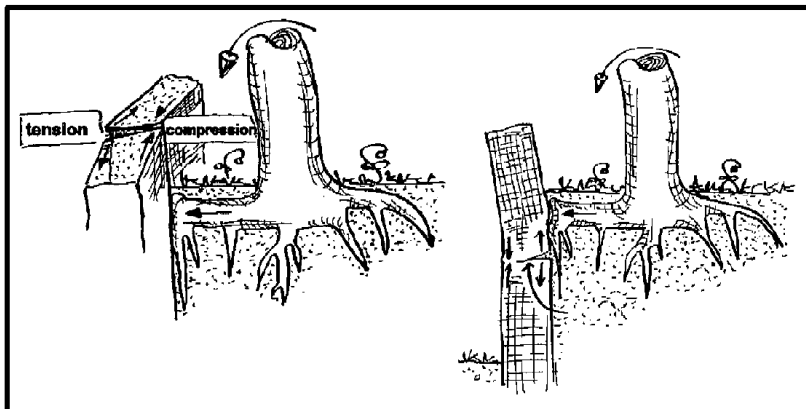


Figure 7: Showing the development of roots compressing against a wall from Figure 11: Easy to detect and hidden cracks caused by roots pressing against walls. Mattheck et al (2003), P.759



Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield



Figure 8: Showing the developing buttress on the Spotted Gum



Figure 9: Spotted Gum's structural roots lifting the flag stones around the swimming pool edge

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield



Figure 10: Showing the Spotted Gum's structural roots starting to lift the pool safety fence and interfering with the operation of the gate.

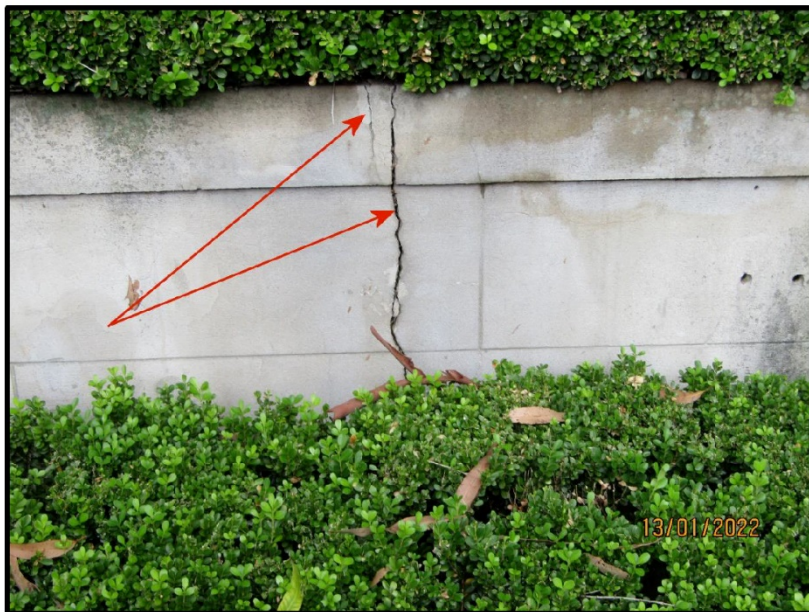


Figure 11: Showing the crack in the retaining wall with the crack larger nearer the top of the wall and a second crack developing near the top as the top of the wall starts to separate



Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

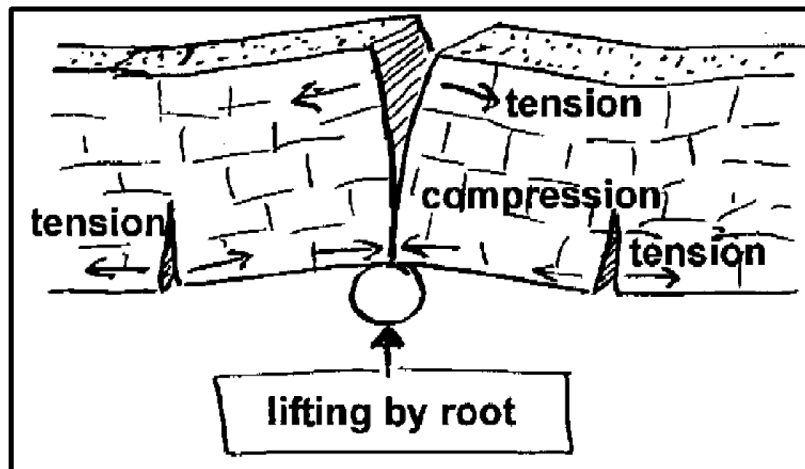


Figure 12: Showing how a root lifts and cracks a wall from Figure 9: Roots can lift heavy loads. The induced bending stresses cause cracks. Mattheck et al (2003), P.758

- 5.3 Tree 2 is a *Eucalyptus saligna* (Sydney Blue Gum). The tree is same age as the Spotted Gum (Tree 1). This tree was not measured or subjected to a complete Visual Tree Assessment (VTA) (Mattheck & Breloer 1994). The tree has been heavily crown reduced on the eastern and south-eastern sides of the trunk with at least three large first order branches having been removed, effectively crown lifting the tree. (See Figure 13) This has left the Sydney Blue Gum with an unbalanced crown. Fielding (1967) suggests that the effect of an unbalanced crown will cause a corresponding inequality in the width of growth ring around the trunk. This is supported by Mattheck (2007) P. 67, where he describes a tree "which will put on less and less radial increment from the top down". Mattheck, also, implies that the loss of the lower first order branches will reduce root growth, resulting in a smaller root plate. There is considerable weight of crown with several large first order branches over 22 Clissold Street. The branch architecture arising from these first order branches is very crowded and should be thinned. (See Figure 14) The weight of the crown must be redistributed and the crown pruned to a more symmetrical form. This may require the removal of some lower order branches and a reduction in the length of the first order branches.

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

---



Figure 13: Showing the Sydney Blue Gum and where the first order branches were removed indicated with arrows



Figure 14: Showing the crowded lower branch architecture that needs to be thinned and shortened

---

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

---

**6 Recommendations**

- 6.1 The Spotted Gum should be removed, as this tree has reached a size where damage to the allotment's infrastructure will increase and the buttress roots will become a dangerous trip hazard. If the tree is removed, replacement with a species suitable for the size of the area will be required;
- 6.2 The Sydney Blue Gum will require remedial pruning to rebalance the crown.



Malcolm Bruce

B.A. (MacQuarie) Land Management

Diploma of Arboriculture (Distinction) (Ryde TAFE) (AQF Level 5 Arborist)



---

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

---

## 7 References

- Barrell, J., 1995, *Pre-development tree assessment*; Proceedings of an International Conference on Trees on Building Sites in Chicago, 1995 pages 143–155.
- Barrell, J., 2001, *SULE: Its use and status into the new millennium*, Paper presented to the NAAA Conference in Sydney in April 2001
- Bartlett Tree Experts, 2016, Structural Pruning, [Structural Pruning - Tree Topics \(bartlett.com\)](http://www.bartlett.com/Structural-Pruning-Tree-Topics)
- Chapman G.A. and Murphy C.L., 1989, *Soil Landscapes of the Sydney 1:100,000 Sheet Report*, Department of Conservation and Land Management, Sydney P.35 to 38
- Department of Customer Service (DCS), 2020, Historic Imagery ([Spatial Collaboration Portal - Map Viewers \(nsw.gov.au\)](http://spatialcollaborationportal.nsw.gov.au/Map-Viewers))
- Draper, D., B. and Peter A Richards, P., A., 2009, *Dictionary for Managing Trees in Urban Environments*, CSIRO Publishing, 150 Oxford Street (PO Box 1139) Collingwood VIC 3066 Australia
- Eucalid, 2020, *Corymbia maculata* (Spotted Gum), [Corymbia maculata \(lucidcentral.org\)](http://lucidcentral.org/Corymbia-maculata)
- Fielding, J., M., 1967, *International Review of Forestry Research, Volume 2*, (Romberger, J., A., Mikola, P eds) P100 to 111.
- Gillman, E., F., 2012, *An Illustrated Guide to Pruning (3<sup>rd</sup> Edt)*, Delware Cengage Learning, New York
- Lonsdale, D., 2000, *A Practical Guide to Hazardous Trees, A General Guide*, Forestry Commission, Edinburgh
- Mattheck, C., and Breloer, H., 1998, *The Body Language of Trees*, The Stationery Office. London, England.
- Mattheck, C., Tesari, I. and Bethge, K., 2003, *Roots and buildings*, Transactions on the Built Environment vol 66, Institute for Materials Research 11 Forschungszentrum Kurlsuuhe, Germany.

---

5 Farleigh PTA

19/01/2022

17

---

Preliminary Tree Assessment for a Tree located in 5 Farleigh Street, Ashfield

---

Mattheck, C., 2009, *Update Field Guide for Visual Tree Assessment 1st edition*, Forschungszentrum Karlsruhe GmbH, Karlsruhe

Office of Environment and Heritage (OEH), 2022, NSW Soils and Landscape information (eSPADE V2) <http://www.environment.nsw.gov.au/eSpade2WebApp/>

Roberts, J., Jackson, N. and Smith, M., 2013, *Tree Roots in the Built Environment*, The Stationary Office, Norwich, England

Six Maps, 2022, viewed 20<sup>th</sup> January 2022

Standards Australia, 2007, Australian Standard AS437-2007, *Pruning of amenity trees*

Standards Australia, 2009, Australian Standard AS4970-2009, *Protection of trees on development sites*

Walker, J. and Hopkins M. S., (1990) *Australian Vegetation, Soil and Land Survey Handbook*, 2<sup>nd</sup> Ed. Inkata Press

Williams, V., 2015, *How Do You Decide When to Remove a Tree?*, University of Maryland Extension, Home and Garden Section

#### Disclaimer

While the author of this document has attempted to make the information on this subject as accurate as possible, the information provided is for use by the author's client and their direct agents only and is provided in good faith without any express or implied warranty. There is no guarantee given as to the accuracy or currency of any information supplied from texts or references used in the writing of this document. The author does not accept responsibility for any loss or damage occasioned by use of the information contained in this document. All access and use is at the risk of the client and their direct agents. Information or opinions provided about any living entity, be they flora or fauna, are an expression of the situation at the time of inspection or collection of data and are not to be taken as a stable unchanging situation. The author reserves the right to withdraw or vary such information or opinion at any time without notice and to impose limitations on the use of such information and opinion. The author is not responsible for misuse or misquotation of the text, diagram or figures within this document. The content of this report remains the intellectual property of the author in perpetuity.

---

5 Farleigh PTA

19/01/2022

18

Attachment C – Conditions of consent (in the event of approval)

CONDITIONS OF CONSENT

**GENERAL CONDITIONS**

1. Canopy Pruning

In accordance with Australian Standard 4373—*Pruning of amenity trees*, the following pruning is approved:

Tree No.	Botanical/Common Name	
2	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	<p><b>Clause 7.2.2</b>  <b>Deadwooding</b>                      Council consents the removal of deadwood.</p> <p><b>Clause 7.3.2</b>  <b>Reduction pruning</b>                      Council consents to the pruning of small branches to reduce canopy, especially to west. Pruning must not exceed <u>10%</u> total live canopy in order to achieve the desired results, while retaining the main structural branches, size and shape of the tree. Pruning wounds for live branches must not exceed <u>100mm</u> in diameter.</p>

All tree works shall be undertaken by an arborist with a minimum Level 3 in Arboriculture, as defined by the Australian Qualification Framework.

Disposal of waste material resulting from this determination shall be by private arrangement and not through Council's Domestic or Green Waste collection service.

**2. Tree Protection**

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

**3. Works to Trees**

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
Tree 1 - <i>Corymbia maculata</i> (Spotted Gum)/rear of site	Removal

The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s removal.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

#### 4. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

### **DURING DEMOLITION AND CONSTRUCTION**

#### 5. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

### **PRIOR TO OCCUPATION CERTIFICATE**

#### 6. Certification of Tree Planting

Within 30 days of the removal of T1 (Spotted Gum) the Council is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of 1 x 45 litre (container size at planting) additional tree which will attain a minimum mature height of eight (8) metres, has been planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species or on the Trees Minor Works list in the Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the tree is found dead or dying before it reaches dimensions where it is protected by Council's Tree Management Controls, it must be replaced in accordance with this condition.

**ADVISORY NOTES****Consent of Adjoining property owners**

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

**Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

**Tree Protection Works**

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

**Tree Pruning or Removal (including root pruning/mapping)**

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

**Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Failure to comply with conditions**

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action