

**From:** Jenni Kew  
**Sent:** Wed, 12 May 2021 14:56:17 +1000  
**To:** Contact Us  
**Cc:** Jenni Kew  
**Subject:** Submission re: Development Application DA0180/2021, 29 Connaught Crescent West Launceston  
**Attachments:** Submission re Development Application DA0180\_2021\_29 Connaught Crescent West Launceston\_Kew.pdf

Dear Sir or Madam

**Submission re: Development Application DA0180/2021, 29 Connaught Crescent West Launceston**

Please find attached a signed submission in relation to DA0180/2021.closing date 12 May 2021.

Should you have any questions please do not hesitate to email or call me on [REDACTED]

Kind regards

Jenni Kew

Jenni Kew

Chief Executive Officer  
City of Launceston  
PO Box 396  
Launceston TAS 7250

Dear Sir

**RE: Development Application DA0180/2021, 29 Connaught Crescent West Launceston**

I am taking this opportunity to make the Launceston City Council's Development Department aware of our objections to Development Application DA0180/2021, 29 Connaught Crescent West Launceston.

My husband and I are tenants of the property that shares [REDACTED] of 29 Connaught Cres [REDACTED]

While we are not the owners of the property, we are extremely concerned about the impact the development will have on our tenancy and that of future residents and owners of the property.

The City of Launceston's 'Tomorrow Together Campaign' is a fantastic community and stakeholder engagement tool. I understand one of its areas of focus relates to Development Applications as a way to "allow Council to ensure that the development proposal aligns with the desired character of the area, that adjoining property owner's rights/privacy are protected, and no environmental harm will be caused as a result."

We welcome and appreciate the opportunity to submit our comments and objections in relation to the proposed development DA0180/2021.

**Impact on natural light, increased shadowing, increased energy costs and impact on resident's health and well being**

Having reviewed the proposed townhouse development documents DA0180/2021 submitted by S. Group [REDACTED] we believe the construction of the proposed structures, notably townhouse 01 (TH01), will significantly increase the shadowing of the eastern side of the home at [REDACTED] where all the main living areas are located, substantially reducing the natural light and heat and resulting in some discomfort and higher energy costs.

We note the shadow plans submitted in the application have omitted an outline of the dwelling of 1A Duke Street on the western boundary and misrepresented the distance from the house to the boundary fence, inaccurately stating the distance as 7 metres. We support the property owner's request that the dwelling outline be included in the shadow plan in the same manner that the buildings on the eastern and southern boundary have been included thereby demonstrating the significant amount of shadowing on and in front of the house resulting from the proposed structure TH01.

Natural light can improve physical well-being and should be a key feature in designing healthy buildings. While we appreciate S. Group have given due consideration to the comfort and well-being of the development's future residents, we do not see that the same courtesy has been applied to the existing property owner and residents of the adjoining dwelling at [REDACTED]. Research has shown a connection between natural light and mental health at home. Studies have shown that not getting enough natural light or sunlight during the winter months can contribute to symptoms of depression and negatively affect general mental health and wellbeing. The proposed location and height of townhouse 01 will significantly impact the current amount of light and heat entering our home on the eastern side, particularly during the winter months.

### **Environmental harm**

As tenants of [REDACTED] we have been in awe of the age and size of the beautiful oak tree located on the boundary with the neighboring 29 Connaught Crescent. We note here our concerns of the significant impact the current design will have on this large, healthy old oak tree. The proposed construction of townhouse 2 (TH02) and its ongoing residency will have major implications in the immediate future and ongoing health of this historic tree.

I reference the Planning Application Checklist 18-Fmx-024 | Version 28/11/2016 Page 3 of 4 which asks:

**“Do you have trees on the property or adjoining the property that may be affected by the development?”**

If so, show vegetation on the plans and indicate species present. Provide management plan for how the trees will be protected from damage during and after construction of the development.”

I note here that a management plan for the tree does not appear to have been included in or with DA0180/2021 online documents in relation to protecting the tree from damage during and after construction of the development.

Conversely, during the course of preparing this submission and prior to the closing date for submissions, without notice to either the property owner or ourselves as tenants, on 5-6 May all the limbs of the oak tree on the 29 Connaught Crescent side of the tree were removed. The size of the tree's branches and the unprofessional manner in which the tree was 'pruned' has resulted in multiple branches that are now potentially exposed to disease.

Branches that landed on and damaged the joint boundary fence in a number of places, remain as they fell, straddling both properties with no written communication received to date as at 11 May 2021 to either the property owner or ourselves as to how or when the damage will be rectified.

We support the property owner's request that a management plan for the oak tree be submitted as part of the proposal. This plan is particularly prudent when considering that the developer has already shown callous disregard for the protection of the health and safety of the oak tree through their actions on the 5-6 May 2021.

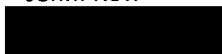
We also support the property owner's submission of the Arborist's report in relation to preserving and protecting the oak tree during construction and into the future be considered as part of the submission.

In conclusion, we appreciate the opportunity to make a submission re DA0180/2021 and sincerely hope that Development Application at 29 Connaught Cres, in its current form, is not approved and that Council requires the developer to provide a plan that resolves the very reasonable objections raised.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Jenni Kew

A black rectangular redaction box covering contact information.

**From:** Gavin Lippelgoes  
**Sent:** Mon, 10 May 2021 14:05:23 +1000 (AEST)  
**To:** Contact Us  
**Cc:** [REDACTED]  
**Subject:** Objection to Development Application DA018-2021 - 29 Connaught Crescent  
Launceston  
**Attachments:** Objection.docx

Hello

Please find attached my objection to Development Application DA018-2021 for consideration by the Planning Department.

Kind Regards

Caroline Lippelgoes  
[REDACTED]

## OBJECTION TO DEVELOPMENT APPLICATION DA018-2021 – 29 CONNAUGHT CRESCENT LAUNCESTON

I would like to take this opportunity to make the Launceston City Council Planning Department aware of my objection to the Development Application DA018-2021 – 29 Connaught Crescent Launceston.

I reside at [REDACTED], three properties from the western boundary of 29 Connaught Crescent.

Whilst I do not object to a development on this property my concern and ultimately my objection relates to the environmental impact on a very significant and healthy Oak tree that sits on the boundary of [REDACTED] and 29 Connaught Crescent.

With reference to the proposed application it does not provide a management plan outlining how this significant tree will be protected from damage during and after development which I understand forms part of the application process.

This tree which is fully visible from my property is a natural historic feature of our neighbourhood. A dominant and majestic landmark which is and has been a coveted and admired part of our local community and landscape for many generations. Not only does it demand and draw your attention it also encourages and provides a place of rest to a myriad of wildlife including Black Cockatoos, Kookaburras, Parrots and Rosellas.

On May 5 and 6 the developers had all limbs removed from the tree on the 29 Connaught Crescent side. As I understand without any prior notification or consultation with the owner from [REDACTED]

Preserving the health and vitality of this beautiful tree is paramount and can only be achieved by ensuring its root systems, bark, trunk and canopy are protected prior to and throughout the construction period and beyond.

This callous disregard by the developer along with the absence of a management plan raises serious concern and the catalyst for me raising this objection.

In addition to this the placement of the proposed townhouses will have significant impact on the trees root systems during and post construction and will vastly reduce its capacity for water absorption, quite possibly resulting in the death of additional limbs and the tree entirely.

In 2020 the Launceston City Council released its Sustainability Strategy to achieve carbon neutrality by 2025 and within recognised and acknowledged the urgency created by climate change and the importance of local council to strategically manage our natural resources.

To quote the Strategies position statement

“ The City of Launceston aspires to greater sustainability acknowledging the reality of our changing climate and other forms of environmental degradation as urgent matters to be addressed. Council commits to seeking positive solutions for climate change mitigation and adaptation under implementation of the action plan, to work towards improved community resilience and natural capital and to create a more sustainable future for our people and our environment

And in the councils own words

Launceston is already experiencing the impacts of our changing climate which pose a risk to the health, income, environment and well being of Launceston residents

In this instance preservation of this tree, this natural resource is in direct alignment with the charter of the Sustainability Strategy.

I ask that the Launceston City Council Planning Department acknowledge my objection.

I request that a consultative management plan for this majestic Oak tree be drawn and submitted as part of the proposed application with strong consideration given by the council to those actions already undertaken by the developers but with reference to its own Sustainability Strategy.

I object to the development application at 29 Connaught Crescent in its current form and hope a revised, considered and transparent application is forthcoming which will see an ethical development approved and constructed.

Yours sincerely

Caroline Lippelgoes

[Redacted signature block]

**From:** Kerry Clough  
**Sent:** Wed, 12 May 2021 16:38:19 +1000  
**To:** Contact Us  
**Cc:** Eric Smith  
**Subject:** Objection to Development Application DA0180/2012  
**Attachments:** Development Application Objection DA01802012.pdf [REDACTED] Setback.pdf

Please find attached my letter of Objection and an attachment to accompany the Objection [REDACTED] Setback. An Arborist Report will be emailed by COB Friday 14 May 2021 to accompany the Objection as an attachment.

I look forward to hearing from you.

Kind Regards

Kerry Clough



12 May 2021

Kerry Clough

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To whom it may concern,

I am taking this opportunity to make the Launceston City Councils Planning Department aware of my objections to the Development Application DA0180-2021, 29 Connaught Cres.

I own the property that [REDACTED] of 29 Connaught Cres [REDACTED]. I do not object to a development on this property but do have concerns about the current plan.

My objections are primarily about the impact of the current design on my house and on the large oak tree that sits on the boundary with the neighboring property, 29 Connaught Cres.

The Launceston City Councils, Tomorrow Together Campaign promoted that Development Applications "allow Council to ensure that the development proposal aligns with the desired character of the area, that adjoining **property owner's rights/privacy** are protected, and **no environmental harm** will be caused as a result." Consequently I, as an owner of an adjoining property, can expect that my concerns will be heard, investigated and if found to be valid, they will be actioned.

### **Objection 1**

**Property owner's rights/privacy** are protected.

The shadow plans submitted in the application have omitted an outline of my house on the western boundary and misrepresented the distance from my house to the boundary fence. The plan states the distance as 7 meters when it is around 3-4 metres. I would like my house outline included in the shadow plan as the buildings on the eastern and southern boundary have been included. This will demonstrate the significant amount of shadowing on and in the fronting yard of my house.

I am not aware of an assessment being carried out for this and it is not included in the application. What I do know is that there will be significant shadowing on the eastern side of my house which currently receives sunshine throughout winter making this a warm and comfortable section of the house. All the main living area is on this eastern face including the sunroom, kitchen, dining, office and balcony. The height and location of the first town house will cause significant shadowing on my house during the winter month, contributing to higher energy costs, and general discomfort from the loss of light and sunshine. The strip of land between my house and the first town house is the area that receives the most sunshine on my block and it is where I can enjoy the sunshine outside in the winter months and where I grow my vegetables and fruit trees.

The shape of my block, the location of the house and the location and size of the oak tree, and existing neighboring buildings, restrict the area on my property that receives winter sun. This should be taken into consideration and not just the percentage of the entire property affected by shadowing. Please see Attachment [REDACTED]

The current shadowing from Town house 1 will have a significantly detrimental impact on the amount of sunshine my house and garden receives during winter. I have the right as this property's owner to continue to enjoy and benefit from the current amount of sunshine that my house and garden receive. I request that this be considered as stated in Clause 11.4.3 and 11.4.15 of the Launceston Interim Planning Scheme.

## **Objection 2**

**No environmental harm** will be caused.

Please refer to the Planning Application Checklist 18-Fmx-024 | Version 28/11/2016  
Page 3 of 4

### **“Do you have trees on the property or adjoining the property that may be affected by the development?”**

If so, show vegetation on the plans and indicate species present. Provide management plan for how the trees will be protected from damage during and after construction of the development.”

A very large and healthy oak tree sits on the boundary of my property and 29 Connaught Cres. This tree has been nurtured and preserved for a long time by the residents who have had the privilege of residing with it. It is the dominant natural feature of this location and overlooked the Catholic Graveyard on Glen Dhu St, (where the bowls club is). The graveyard dates from c1828-1925. The age of the tree has been estimated at 130yrs old by an experienced arborist. The tree was also a landmark on the hill for the workers and their families at the Coats Paton Mill nearby. This area has significant historic and cultural value and had been recorded in the Launceston Residential Strategy map P42, as an area to be recognised for its unique features. The working-class history of this area makes the trees presence even more significant as they are not common in similar urban locations.

The development application for 29 Connaught Cres does not provide any information about the tree let alone its management. The only indication a tree exists is the dotted outline of a canopy on the buildings plans on the first 3 pages of the application and a reference to what the line is for on the Site Existing/Demolition Plan. The outline here is dated as 20/1/2020, over 15month ago so this canopy has increased since then.

The development application neglected to provide a management plan for the tree, but they have also removed all the limbs on the 29 Connaught Cres side of the tree on the 5-6 May 2021 without any notification or discussion with myself or tenants. The workers carrying out this work (Adams Tree Service) trespassed on the tree, climbing up it to lop the higher branches without notifying myself or the tenants. Tree branches fell onto the fence during removal causing significant damage.

I have not been contacted about this nor consulted in any manner. This highlights for me a lack of community mindedness and good neighbor practice and begs the question as to how this developer intends to proceed with this development and their adherence to building regulations and management plans during construction.

The developers knew that the tree could have an impact on their development and sort re-assurance from the council that they could remove the limbs on their side of the tree. They did not gain an assurance that the presence of the tree would not have an impact on their planning proposal. Such guarantees are not available in the Launceston Interim Planning Scheme 2015.

Therefore, the developers knew that the tree existed and sat on their boundary with a canopy, trunk and root-system projecting a significant distance onto their property at the time of purchase. They also knew that there was a chance that the presence of this tree of historic and environmental significance, could prevent or inhibit their development application. To suggest that the planting of the tree c130 years ago, close to a boundary that it may grow over, is reason to ignore its existence and significance, could be considered irrational. This tree may have been planted prior to the current boundary being established. It has been valued enough over the past 130 years to allow it to prosper and spread but suddenly now it is just a nuisance. Development at what cost? The Neighborhood Disputes About Plants Act 2017 Act No. 32 of 2017, S. 7, Part (3) (c), refers to a tree being an obstruction only if “the person is an owner of the land and the view from the dwelling was not so obstructed when the person took possession of the affected land”.

I understand that there are no restrictions on the neighboring property owner removing the limbs overhanging their property, but this does not compliment the requirements of the Planning Application Checklist for a vegetation management plan.

I have heard second hand that the developers plan to replace the fence and I am concerned about their intentions with the tree. If they intend to remove the tree as it sits on the boundary fence, then under the Launceston Interim Planning Scheme 2015 (LIPS 2015), a permit is required as stated for in Clause 6.4 Fences, 6.4.1, for (b) the removal of any threatened vegetation. I would like to see this information on the Development Plan so that the intentions of the developer regarding the tree is known.

I request that a management plan for the oak tree be submitted as part of the proposal. This plan is particularly prudent when considering that the developer has already shown disregard for the protection of the health and safety of the oak tree, through their actions on the 5-6 May 2021.

### **Objection 3**

#### **No environmental harm**

There is no doubt about the beauty and historical and cultural significance of this oak tree so it must be preserved, and its healthy canopy restored. The best way to preserve the tree is to ensure its root system, bark, trunk, and canopy are protected throughout the construction and into the future. Please see attached Arborist Report.

The Town house locations will impact the root system in their current locations. Excavation damage to the roots will occur and the root system will be smothered under the buildings, and water absorption and air circulation reduced.

The less disturbance to the root system and the less solid mass on the root system the better the chances of the tree recovering its canopy and maintaining good health. Good health also results in minimising dead limbs and the safety risk associated with them falling.

The current design for Town house 2 has its green space on the western side of the town house where it will experience significant shadowing from the town house in winter and the tree canopy once grown, in summer. The leaf matter falling in autumn and the shedding of acorns, twigs and small branches will make this green space a less desirable recreation area and place pressure on the owners to keep the canopy absent on the 29 Connaught Cres side of the fence. LIPS 2015 Clause 11.4.17 P1 and P2 refer to usability and solar exposure. This is not compatible with restoring and maintaining a healthy tree. Consequently, the current design and location of Town house 2 is unsuitable for ensuring **no environmental harm**.

Town house 1 also sits over the tree root system and has the original canopy line extended over it and poses the same risks to the health of the tree. LIPS 2015 Clause 11.4.23 P1 refers to existing landscaping which the tree arguably is a part of.

The Launceston Interim Planning Scheme 2015, Clause 8.0 Assessment of an Application for Use or Development, requires an application to provide (c) a full description of the proposed use or development. I have raised matters that display a lack of thoroughness of this Development Application and its considerable negative impact on my rights as a property owner. I sincerely hope that the Development Application at 29 Connaught Cres, in its current form, is not approved

The Launceston Residential Strategy promotes that:

“Council planning should have a wider focus than simply facilitating development. It should seek to achieve a balance between encouraging development and achieving the best possible outcomes for the community. Ideally these should not conflict. There is evidence to suggest that ‘lifestyle and community’ factors are now being demanded by the market and house builders and will therefore contribute to the desirability and marketability of new development.”

Regards

Kerry Clough



Plan: Location  
1:500

**From:** Kerry Clough  
**Sent:** Thu, 13 May 2021 07:43:45 +1000  
**To:** Contact Us  
**Cc:** Eric Smith  
**Subject:** Re: Objection to Development Application DA0180/2012  
**Attachments:** Arborist Report for DA0180 2021.pdf

Hi,

Please find attached the Arborist Report to be attached to the Objection to the DA0180/2021.

Kind Regards  
Kerry Clough

On Wed, May 12, 2021 at 4:38 PM Kerry Clough [REDACTED] wrote:

Please find attached my letter of Objection and an attachment to accompany the Objection [REDACTED] [REDACTED] Setback. An Arborist Report will be emailed by COB Friday 14 May 2021 to accompany the Objection as an attachment.

I look forward to hearing from you.

Kind Regards

Kerry Clough

# Tree Report



**Conducted by Australian Tree Care – TAS**

**Frank Rosol, Certificate 3 Arboriculture**

ITCV Registration No. 267481

Arboriculture Australia Member No. 3279



# Australian Tree Care – TAS

ABN 70 952 434 390

Frank Rosol (Cert. Horticulture/Arboriculture)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

12/05/21

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

TREE REPORT FOR [REDACTED] TAS 7250





## **Background**

A large and mature English Oak tree of significant aesthetic value and situated on the fence line of [REDACTED] and 29 Connaught Crescent has been mutilated and degraded by contractors (as of 12/05/21, tree works may still be scheduled to take place to improve saw cuts and shape) .

The tree is a stand-out specimen due to its location, size, and broad canopy when compared to surrounding vegetation.

The following tree report has been undertaken to provide an analysis of the potential impacts to the tree due its mutilation and its proximity to a proposed development at 29 Connaught Crescent.

## **Brief**

Inspect a large and mature English Oak tree located on the shared fence line of [REDACTED] and 29 Connaught Crescent and provide a report as to its current condition and future health in view of its recent heavy unorthodox lopping and potential impacts of the proposed development at 29 Connaught Cr on the specimen.

## **Abstract**

The English Oak was a stand - out specimen tree for this area. No tree of comparable size, shape, age and grandeur exists in the vicinity. The specimen had a distinctive spreading canopy and impressive height which could be seen and admired from many areas of west and south Launceston.

1. The Oak has been effectively cut in half by a fence line lopping from the 29 Connaught Cr property. The visual value of the tree is now degraded.
2. The tree now has large, exposed wounds close to the main trunk which has the potential to allow the entrance of fungal pathogens into the critical main trunk area.
3. The specimen is now significantly unbalanced with the main weight of the tree being to – and over - the western property [REDACTED]. Over time, the onset of weather (wind and rain) and potential disease infiltration may increase the risk of catastrophic failure of the entire tree in a westerly direction.
4. With the overall profile of the tree disfigured, there is the potential that newly exposed branches and limbs may fail in strong weather conditions.
5. The proposed development at 29 Connaught Cr has the potential to exacerbate the situation by excavating and building too close to the tree.

The Australian Standard (AS) 4970 - 2009 document 'Protection of Trees on Development Sites' provides information on all aspects of tree protection which need to be considered by developers.

At this stage there appears to have been no consultation with experienced arborists as to proceeding with any development close to significant trees and to carry out best practice.

It is for these reasons that I recommend that any planned development in the vicinity of this once outstanding Oak tree (29 Connaught Cr) be thoroughly examined for best practice according to AS 4970 Protection of Trees on Development Sites.

## **Methodology and Report Structure**

The tree was visually assessed from the ground. The table below presents the type of data collected.

**Table 1 – Type of Data Collected**

SPECIES	Botanical name of the tree
AGE	Age Categories: Young, Semi-mature, Mature, Senescent
DBH	Diameter of trunk at breast height (1.3m above ground surface), estimated in millimetres. On multi-trunk trees, DBH is a derived number based on the diameter of individual trunks.
HEIGHT	Estimated height of tree in metres
SPREAD	Estimated width or spread of lateral branches tips, forming the 'drip-line' of the tree
ROOTS	Visual assessment
HEALTH	Health categories: Poor, Fair, Good
STRUCTURE	Structure categories: Poor, Fair, Good

### **Tree Identification and Detail**

The tree was site inspected on 9/05/21 in good weather conditions. No aerial inspection was deemed necessary.

**Identification** – English Oak, *Quercis robur*, native to England. The tree can grow to 30 meters and live for up to 300 years.

**Diameter at Breast Height (DBH)** – 1200mm

**Height** – 24 – 26m (Can grow to 30 meters)

**Canopy spread** – 15 m radius (approx')

**Health** – good, there is no evidence of disease or destructive insect presence in the tree, dead wood is present but this normal for a tree this size and age, leaves appear healthy although the presence of aphids is noted as is the presence of mould feeding on the honey dew of the aphids.

**Structure** – good, the tree trunk quickly divides into large limbs and branches giving the tree its unique spreading habit, unions and forks are generally sound with the tree having no anecdotal history of breakages or failures.

**Age** – mature, 120 - 160 years approximately

**Root plate** – stable, no issues noted, however the one-sided disposition of the tree since the fence line lopping may add stress to the root plate system towards the west.

**Nearby structures** – fence line continues on both sides of trunk, houses are clear of canopy spread.

### **Background Methodology of Risk Rating**

The evaluation of risk uses a recognised and published method. In this case the 'Bartlett Method' (Smiley, E.T., Fraedrich, B.R., Hendrickson, N. [2002] Tree Risk Management, Charlotte NC, Bartlett Tree Research Laboratories)

The 'Bartlett Method'

In this methodology, the arborist makes an estimate of tree failure potential and the consequence of failure including the frequency of occupation of a site based on experience.

Each specimen receives a score out of 15 derived from the assessment site and tree factors.

Total risk score is the sum of 2 criteria:

### **Failure Potential / Defect Severity (F)**

### **Score**

Critical risk – failure imminent	10
High risk – failure likely, especially in storms	7
Moderate risk – failure possible, especially in severe storms	4
Low risk – failure unlikely	1

### **Consequence of Failure (C)**

Considers potential for injury / damage should a failure occur based on such factors as size of defective part, target value and frequency of use:

Severe consequence – death, injury, damage may occur	5
Moderate consequence – less likelihood of above	3
Low consequence – area of impact less used	1

### **Total Risk Rating (=F+C)**

13 -15 Critical risk: Failure imminent, injury, damage inevitable

10 – 12 High risk: Failure likely especially in storms

7-9 Moderate risk: Failure unlikely, and/or high risk of failure but low risk to property and personnel

<7 Low risk: Failure unlikely and low risk to property and personnel

### **Applying the Risk Rating to the English Oak**

**Failure Potential** – low 1, increasing to moderate (4) in strong weather conditions

**Consequence of Failure** – moderate 3, since the area around the tree is to be incorporated into a new development, however the amount of traffic beneath and around the tree is yet to be determined.

**Total Risk Rating** – moderate 4 - 7 (with strong winds and heavy rain in mind).

Note: complete tree failure most often occurs in saturated grounds and high winds.

Northern and western winds are dominant in this region of Tasmania, with the bias of the specimen clearly towards the west (1a Duke St)

### **Summary of Risk – Tolerable / acceptable**

## **DISCUSSION**

This significant tree was once part of the Launceston City Skyline Protection zone.

As such any substantial works would have required specific council approval before commencement.

Those protections have since been removed for this location.

Nor was the tree added to the Heritage Register, which would also have meant the specimen was protected.

With no specific protections for the tree, there was nothing in place to protect the Oak from the mutilation that has now occurred.

However, the 'Neighbourhood Disputes About Plants Act 2017' does give guidelines for best processes for resolving issues about cases like this.

The affected landowner (29 Connaught Cr) should contact the other tree owner (owner of 1a Duke St) to discuss the matters to be resolved through negotiation and the presentation of a Branch Removal Notice.

This process is designed to facilitate mutual consent and shared information about the desired outcome for one or both parties.

This consultative and negotiated outcome was not entered into in this case.

The lopping of the shared tree was done without any consultation or notice.

Consequently, the land - owner of 1a Duke St was surprised and shocked by what had happened to such a large, healthy, and valued tree. (Lopping works took place on 5/6 May 2021)

Fences have been damaged, and branches left on the property of [REDACTED] without any attempt being made to inform or explain the situation to the residents.

Secondly, the nature of the lopping is – at present – not in accordance with AS 4373 – 2007 Pruning of Amenity Trees.

From the Photos provided, torn stubs and protruding stubs are clearly visible, nor has the overall shape and profile been apparently considered.

The nature of the crude cuts is exposing the inner sapwood to potential pathogen entry and subsequent disease. (This condition is visible on 12/05/21. The stubs and inappropriate cuts may be addressed by the contractor in follow up work.)

The abrupt removal of up to 50% of the original canopy also potentially exposes the remaining – now more exposed branches – to wind impacts and potential failures.

Any pruning of significant trees is supposed to include the retainment of aesthetic qualities; the lopping of this tree has apparently ignored and severely degraded these qualities.

Thirdly – having viewed the development application DAO 180/2021 – there seems to be no reference as to how the tree will be either protected or incorporated into the design of two Town Houses on the site.

AS 4970 – 2009 ‘Protection of Trees on Development Sites’ is instructive for this proposed development. This standard was designed to ensure all aspects of tree protection are considered.

I can see no evidence of any consideration for the ongoing health and protection for the Oak tree in the development application.

The more specific details for the protection and health for the tree are as follows: -

- A tree of this size has a designated Tree Protection Zone (TPZ). In this case the TPZ is equivalent to the canopy spread of the tree or approximately 15 meters.

Any intrusion into this zone can sever or traumatize feeding roots of the tree and lead to the specimens’ stress and possible decline.

Typically, on development sites, roots of trees are not considered.

Roots within this zone are not to be excavated, torn, or compressed by machinery and traffic.

According to the DA, Town House Developments 1 & 2 intrude into the TPZ significantly by between 30% - 40%.

This is contrary to best practice for trees on development sites and combined with the severe lopping already carried out, may severely impact the health and longevity of this once stand out specimen tree.

- AS 4970 also refers to a Structural Root Zone (SRZ). The SRZ must not be interfered with (roots cut or damaged) since this may destabilise the entire tree and lead to a catastrophic failure of the entire specimen.

It would seem from the DA that the SRZ is not under immediate threat.

- In addition to the above requirements, a development so close to a significant tree is to involve a consulting arborist to advise on best practice in detail.
- All contractors to the site are to be made aware of tree protection requirements.
- Areas within and around the TPZ are to be fenced off and to have appropriate signs to keep the integrity of the feeding roots.

- There is to be chemical spillage in the zone.
- The area is to ideally mulched or boarded if traffic needs to pass through the zone to avoid soil compaction by foot and machinery traffic.

## **CONCLUSION**

A once healthy, mature, and attractive Oak tree has been substantially degraded through inappropriate lopping.

The tree may now be impacted by fungal disease due to the nature and size of the exposed wounds.

Strong winds may cause branch failures due to the radical exposure of once supported and protected branches and limbs.

Neighbourhood consultations regarding the lopping did not take place.

The proposed development gives no evidence that the large tree situated so close to proposed townhouses is being considered as to the tree's health, care, and longevity.

I found no reference to the services of a consulting arborist or the importance of root maintenance and exclusion zones for the tree in the development application submission.

The proposed townhouses will significantly impact and undermine feeding root function of the tree in their current form and position.

As such the prospects of the tree into the future may be severely undermined and could potentially lead to the trees decline and eventual death.

## **DISCLAIMER**

The inspection of the English Oak was limited to visual analysis.

No subterranean probes were employed, nor were soundings of the trunk used.

As such the arborist can give no guarantee that the internal structure of the tree is completely sound.

Nor can the arborist predict how strong weather will affect branches and limbs under varying degrees of stress.

No large tree of this size and position can be classified as 'safe' under all circumstances.

Elements of risk will always be associated with any large tree.

If you have any questions regarding this report, please do not hesitate to be in contact.

Yours truly,

Frank Rosol