



CITY OF HOBART

MINUTES ATTACHMENTS

CITY PLANNING COMMITTEE MEETING

OPEN PORTION OF THE MEETING

MONDAY, 12 AUGUST 2019

AT 5:00 PM

VENUE: LADY OSBORNE ROOM, TOWN HALL

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**Address by Morris' (5 Star Street) to Hobart City Planning Committee
12/08/2019, re PLN-19-72, 3-4 Montgomery Court, Sandy Bay.**

Chairperson Deputy Lord Mayor Councillor Burnett and Planning Committee Aldermen and Councillors, thank you for the opportunity to address this meeting. I am Jim Morris of 5 Star Street and I speak on behalf of my wife Suzanne and myself.

We feel compelled to accept that this DA is now finally compliant except for stormwater after three attempts at compliance. We say compelled, because although we still have doubts about the proposal totally fitting within the building envelope, we have lost the will to keep double checking every submitted document, or having to find professionals to do so at short notice on our behalf.

Why is it we ask, that a group of 4 households, neighbouring a proposed development, have had to fight so hard for over two and a half years, just to ensure that this development complies with the Acceptable Solutions? Surely compliance should be the default position of any sensible planning scheme or planning process; and it is only that default position that can possibly make sense of this Government's claim that the interim planning scheme is 'fairer, clearer, faster and cheaper'? And why have we, residents and ratepayers, had to pursue compliance always in contradiction to the recommendations of this city's planning department?

In that two and a half years, our small group of residents have had to respond to no less than 5 versions of 3 DA's; we've had to lobby Aldermen/Councillors; speak to 3 Planning Committees; read hundreds of pages of documents written in unfamiliar jargon; spend 100's of hours of our precious time and over \$35,000 of our own money to hire professional planners, image makers, arborists and Barristers. We've endured endless anxiety and sleepless nights, all to achieve what we asked for right at the start of this process – a sensible, compliant development, not an outrageously non-compliant one!

Sadly, we are the fortunate exceptions in this planning system, because we were lucky enough as a group to have the combined knowledge and resources to oppose the first two DA's and to be able to persuade both the overwhelming majority of Council Aldermen and the RMPAT to agree with us. We remain

grateful for that support. Compare however, our good fortune to that of most citizens who face an excessively non-compliant proposal on their boundaries!

We do not blame Individual planners for what we have had to face, but we do blame a planning system that has heavily weighted the implementation of the planning scheme in favour of non-compliant development proposals, which in turn is reliant on a self-regulated industry fraught with potential conflicts of interest.

Although we feel compelled to accept that this DA is compliant, we do ask this Committee to exercise its discretion and impose a condition of approval that should be relatively easy for the Developer to comply with, that is:

'The developer engages a professional consulting arborist prior to, during and post development to supervise as far as practicable the protection of and correct cutting of roots to Australian standards of the mature trees on 5 Star Street along their shared boundary'.

We ask for this condition, not only to preserve the lives of our mature trees for the purpose of mutual privacy, but also because clumsy excavations very close to our fence could easily cause our trees to suddenly lose their root stability and collapse onto our house and/or onto its occupants or visitors.

We table both this document and our professional arborist's report in support of the reasonableness of this condition.

Thank you for your consideration.

Jim and Suzanne Morris



TREE PROTECTION MEASURES

5 Star Street, Sandy Bay

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27th April 2017

1. Terms of Reference

This report was requested by Jim and Suzanne Morris to assess the proposed development at 3 - 4 Montgomery Court, and its potential impacts on the cypresses growing along their western boundary fence at 5 Star Street.

The assessment is aligned to the Australian Standard 4970-2010 *Protection of trees on development sites*. This standard is considered a best practice document for working around trees.

The site inspection was undertaken from 5 Star Street on the 26th of April 2017¹.



Fig. 2 – an aerial view of the site with the trees numbered for use in this report (indicative only). Image courtesy of listmap.

2. The Trees

Seven mature Italian cypresses (*Cupressus sempervirens*) are situated on the western boundary fence. The landscape unit can be described as being of good health and form. In their current situation I expect that have an additional landscape life expectancy in excess of 50+ years.

As a result of exposure to prevailing westerly winds, the trees are drawn to east over the yard at 5 Star Street. In order to compensate for this lean, it is expected there will be a larger root mass in open space to the west. These roots are acting under tension and are critical for tree stability.

Due to minimal competition, lack of compaction and adequate water and oxygen availability, I assume that roots have colonised a vast amount of space within 3 – 4 Montgomery Court.

In the current situation the copse reduce the impacts of strong winds on the gardens and surround, and post development will act as a privacy screen.

3. Development Impacts

Two measurements are generated from formulas contained AS 4970-2010; the structural root zone (srz) and tree protection zone (tpz). Definitions of these are as follows.

SRZ *‘The area around the base of a tree required for the trees stability in the ground. The woody root growth and the soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres.*

This zone considers a trees structural stability only, and not the zone required for a trees vigour and long-term viability, which will usually require a much larger area.’

TPZ, *‘A specified area above and below ground and at any given distance from the trunk set aside for the protection of a trees roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.’*

The following table will outline the structural root zone and tree protection zone for the cypresses. The standard allows a 10 percent incursion into the tpz. This distance will also be identified.

3.1 SRZ and TPZ table

Tree	Diameter above root buttress	Diameter at 1.4m	SRZ	TPZ	TPZ less 10%
1	49cm	31cm	2.45m	3.72m	2.56m
2	9cm	7cm	1.5m	2.0m	1.4m*
3	24cm	19.5cm	1.82m	2.34m	1.61*m
4	43cm	34cm	2.32m	4.08m	2.81m
5	24cm	21cm	1.82m	2.52m	1.74m*
6	27cm	24.5cm	1.91m	2.94m	2.02m
7	22cm	19cm	1.75m	2.28m	1.57m*

* Encroaching into the SRZ

4. Discussion

Any development around the base of these trees needs to consider the impact of the trees stability and future viability.

Development can be in the form of:

- Machine excavation including trenching;
- Excavation for silt fencing;
- Cultivation;
- Storage;
- Preparation of chemicals, including preparation of cement products;
- Parking of vehicles and plant;
- Refuelling;
- Dumping of waste;
- Wash down and cleaning of equipment;
- Placement of fill;
- Lighting of fires;
- Soil level changes;
- Temporary or permanent installation of utilities and signs, and
- Physical damage to the tree(s).

It is expected that the majority of root mass will be in the upper soil profile, where water and oxygen are at their most available. Generally speaking, roots will not go deeper than 1m, unless there is an abundance of resources below this level.

If the neighbouring development proceeds, I strongly recommend that the directives contained in the standard are adhered to. This includes that there is no incursion into the tpz less 10% (table 3.1). It should be noted that this measurement incurs into the srz of tree 2, 3, 5 and 7. In these instances, the work needs to terminate at the edge of the srz.

I would also recommend that the tree protection zone is clearly identified and protective fencing is installed to restrict access. Further information can be obtained in AS 4687 -2007 *Temporary fencing and hoardings*.

The 10% incursion is deemed as a 'minor encroachment', but I suggest that this encroachment is on the limit of what these trees could withstand. Given the generous growing conditions they currently experience, I expect encroachment by way of development will sever a large volume of roots.

5. Conclusion

- **In order to reduce the impact on the trees I strongly recommend that work does not encroach into the tpz any more than 10%, and where this measurement overlaps the srz, work is terminated at this point.**

Yours sincerely,

Alister Hodgman

Appendix 1 – Selected Images



Fig. 1 – looking at tree 1 to 4 from 5 Star Street. Note that the canopy provides a significant screen to the neighbouring property. In the current situation the yard has an enclosed feel.



Fig. 2 – the trees as seen from Montgomery Court. If the old pears are removed in the foreground there is greater importance for the retention of these trees for privacy.