



I hereby give notice that a Limestone Coast Southern Regional Assessment Panel will be held on:

Date: Thursday, 21 September 2023
Time: 5.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Limestone Coast Southern Regional Assessment Panel 21 September 2023

A handwritten signature in black ink, appearing to read "Tracy Tzioutziouklaris".

**Tracy Tzioutziouklaris
Assessment Manager
19 September 2023**

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGY(IES)

That the apology(ies) from Ms Meg Redman be received.

3 CONFIRMATION OF MINUTES

Limestone Coast Southern Regional Assessment Panel - 15 August 2023

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 15 August 2023 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE**5 INVITEES**

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Council Officers will advise you of the decision as soon as practical after the meeting.

Invitees for Item 6.1 - 20 Penola Road, Mount Gambier

The Applicant - Ms Barbara Cernovskis, General Manager City Infrastructure

Representor - Christopher Moors

Representor - Maryke Heaver

Representor - Margaret Spence and John Langdon

6 REPORTS

6.1 DA:23013371 - REMOVAL OF 14 LAGUNARIA PATERSONIA (NORFOLK ISLAND HIBISCUS) STREET TREES - MITCHELL STREET – REPORT NO. AR23/58973

Development No:	DA:23013371
Applicant:	City of Mount Gambier
Property Address:	Street trees adjacent to 20 Penola Road Mount Gambier
Property Owner:	City of Mount Gambier
Report No:	AR23/58973
CM9 Reference:	AF22/276
Author:	Roslyn Snaauw, Senior Planner
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Nature of Development:	Removal of 14 <i>Lagunaria Patersonia</i> (Norfolk Island Hibiscus) street trees along Mitchell Street, Mount Gambier
Description:	Removal of 14 <i>Lagunaria Patersonia</i> (Norfolk Island Hibiscus) street trees along Mitchell Street, Mount Gambier
Zoning:	Suburban Neighbourhood
Policy Area:	N/A
Heritage:	Heritage Adjacency Overlay Local Heritage Place (26114) State Heritage Place (13681) State Heritage Place (13682)

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/58973 titled 'DA:23013371 - Removal of 14 *Lagunaria Patersonia* (Norfolk Island Hibiscus) street trees - Mitchell Street' as presented on 21 September 2023 be noted.
2. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having regard to the provisions of the Planning and Design Code, the representations received and all supporting documentation, it is considered that the application is not at seriously at variance with the provisions of the Planning and Design Code and Planning Consent be granted subject to the following conditions:
 1. The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 2. The planting of the replacement trees must be completed in the first planting season concurrent with or following commencement of the development and shall be maintained in good health and condition at all times. Should any tree, become diseased or otherwise fail to thrive at any time, it shall be forthwith replaced.

Conditions imposed by Minister responsible for administration of the Heritage Places Act 1993 under Section 122 of the Act.

 3. 14 replacement trees of similar canopy scale when mature to be planted and maintained in locations to match removed trees along Mitchell Street. Species selection to suit local requirements.

BACKGROUND

The subject land is road reserve that has no specified title associated with the location but can be described as being located within the road reserve to the west, along Mitchell Street, between Jardine Street and Alexander Street and adjacent to 20 Penola Road, Mount Gambier.

The land at 20 Penola Road, Mount Gambier contains Local and State Heritage listed buildings that are known as St Paul's Roman Catholic Church and Convent of Mercy and St Paul's Roman Catholic Church Presbytery.

The subject land was part of a recent (2018) land division with a recent residential development constructed on the additional allotment within the northern part of the subject site.

PROPOSED DEVELOPMENT

This application is for the removal of 14 *Lagunaria Patersonia* (Norfolk Island Hibiscus) street trees along Mitchell Street.

DEVELOPMENT PLAN PROVISIONS

As per the attached extract from the Planning and Design Code.

PLANNING ASSESSMENT

The subject land is located within the following zone and overlays pursuant to the Planning and Design Code (Code) with the application required to be 'performance assessed' pursuant to the Code due to the Heritage Overlays that affect the subject land.

Zone:

- Suburban Neighbourhood (SN)

Overlays:

- Advertising Near Signalised Intersections
- Affordable Housing
- Heritage Adjacency
- Hazards (Flooding – Evidence Required)
- Local Heritage Place (26114)
- Native Vegetation
- Prescribed Wells Area
- State Heritage Place (13681 & 13682)
- Urban Transport Routes
- Water Protection Area

This application is for the removal of 14 *Lagunaria Patersonia* (Norfolk Island Hibiscus) street trees that are located along the western boundary of the Mitchell Street road reserve.

It is proposed to removal these trees due to the impact they are causing to the new residential development on the subject land such as throat irritation, coughing and breathing difficulties, tree fibres entering house, clothes drying area and irritation to pets. It has also been noted that the fibres and leaves from the trees are building up in gutters causing blockages and water contamination to water tanks, mould on roof solar panels and discolouration of colorbond roof coating.



An Arborist Report that accompanied this application states that the above concerns are similar to those raised by many residents and business owners where this species of tree has been planted stating that other Council's are removing the species from streets in both residential and commercial areas for these reasons.

As can be viewed in the Attachment named 'Map - Heritage Overlays, part of the road reserve is located within the Heritage Adjacency Overlay which requires that any development adjacent to State and Local Heritage Places such as the subject tree location, maintain the heritage and cultural values of this Place (20 Penola Road). The removal of the 14 *Lagunaria Patersonia* (Norfolk Island Hibiscus) street trees are considered to contribute to the heritage value of the adjacent State Heritage places, with their removal having the potential to materially affect the heritage value of the State Heritage Places. The trees form an important visual character within the subject locality and provide an edge to the State Heritage Places.

Council, as part of the assessment of this application, considered that the proposed development/removal of trees may materially affect the context within which the State Heritage Place is situated and as such, referred the application to the Minister responsible for administration of the *Heritage Places Act 1993* who has not objected to the proposal subject to a condition requiring the replacement of these fourteen (14) trees with the same number of trees that will have a similar canopy scale when mature and of a species selection to suite local requirements.

The Applicant has suggested replacement trees of *Prunus cerasifera* 'Oakville Crimson Spire' which has an expected height of 6.0 metres and width of 2.0 metres with a compact branch that is almost parallel to the main trunk. Whilst the referral response did not object to this species it does not address their recommendation of a planting that has a similar canopy scale.

The Applicant has also suggested a replacement tree of *Calistemon viminalis* 'Harkness' which has a height of between 3.0 – 6.0 metres with a width of 2.0 metres - 6.0 metres that has a dense crown which seems to address the referral authorities condition requirements.

The application was also placed on public notification as it is proposed to remove trees that may affect the context of a State and Local Heritage Place.

The application received twelve (12) representations who have raised concerns which can be summarised as follows:

Summary

- Trees provide shelter to play under, to park beneath and eat lunch.
- Trees provide shade from afternoon sun for the houses to the east.
- Trees have been existing for many years prior to new residential development
- Trees should be placed on register of significant trees
- Played in trees as a child
- Trees are not destroying anything
- Leaf litter can be controlled through use of a gutter guard
- Heritage SA requirements
- Suggestion of removal of only a few of the trees that are causing the problem
- Impact of the removal of trees on the Community
- Rate payers having to pay for the cost of removal
- Impact the aesthetic appeal of the area



- Trees are not unsafe or unhealthy
- Only one (1) person wishing for trees to be removed
- Trees are a home for the birds
- Removal of the trees will ruin the character of Mitchell Street
- Climate change concerns
- Removal of trees will decrease the value of property in this area.
- Support the removal of trees due to allergens the pods can provide

Council Response

This application is proposing to remove fourteen (14) street trees from a road reserve.

The Applicant has provided a letter and Report from an Arborist with regards to the removal of these trees. The Arborist has advised that the health and structure of the subject trees are considered to be in good and fair overall condition with extended useful life expectations.

The Arborist has stated that the species of trees proposed to be removed have raised concerns with regards to allergies etc at other Council's who have now removed this species as street trees. This tree is also known to produce brown capsules (pods which contain white fibre) after flowering that can be irritating if they get on the skin which is why it also has the name as Itch Tree and Cow Itch Tree. The Useful Life Expectancy of the Norfolk Island Hibiscus is greater than 10 years with no remedial action currently being recommended.

The Arborist has stated that the control of the fibres from the seed pods is difficult due to insect producing the honey dew that the sooty mould grows on.

The Arborist has also provided the following further comment:

- loss of the amenity short term and the resources to replace the trees being possibly substantial.
- Tree pruning can reduce the amount of fruit and foliage however the level of pruning required will disfigure the trees and substantially reduce their amenity value.
- Improve tree condition can reduce the volume of fruit produced such as removing the footpath and installing a watering system. Fruit will still be present and the issues with the fibres may remain at an unacceptable level.
- Insect control through stem injections with a systemic insecticide can control sap sucking insects however it can create toxic flower which will impact on insects, bees and potentially birds feeding on the nectar.
- Fruit suppression through stem injections to reduce flowering or the formation of fruit post flowering is not clear from information available.

Whilst consideration could be to remove only a few of these street trees, the total removal of these trees will remove problems completely from this area with regards to tree irritants and will allow for the replacement with a more suitable species in this location.

CONCLUSION

The Minister for the Heritage Places Act 1993 has not objected to the proposed removal of these trees which surmises that the heritage and cultural values of the area will be maintained as no portion of the State Heritage Place is being proposed for removal or demolition and it is recommended that the Limestone Coast Regional Assessment Panel support the removal of the 14 *Lagunaria Patersonia* be supported subject to conditions.

INVITES

Representor - Christopher Moors



Representor - Maryke Heaver

Representor - Margaret Spence and John Langdon

The Applicant - Ms Barbara Cernovskis, General Manager City Infrastructure

ATTACHMENTS

1. Application snapshot
2. Application documents
3. Subject land aerial map
4. Subject tree location
5. Map Heritage Overlays
6. Representation map
7. Representations
8. Response to Representations
9. Relevant P&D Code Policies



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE

