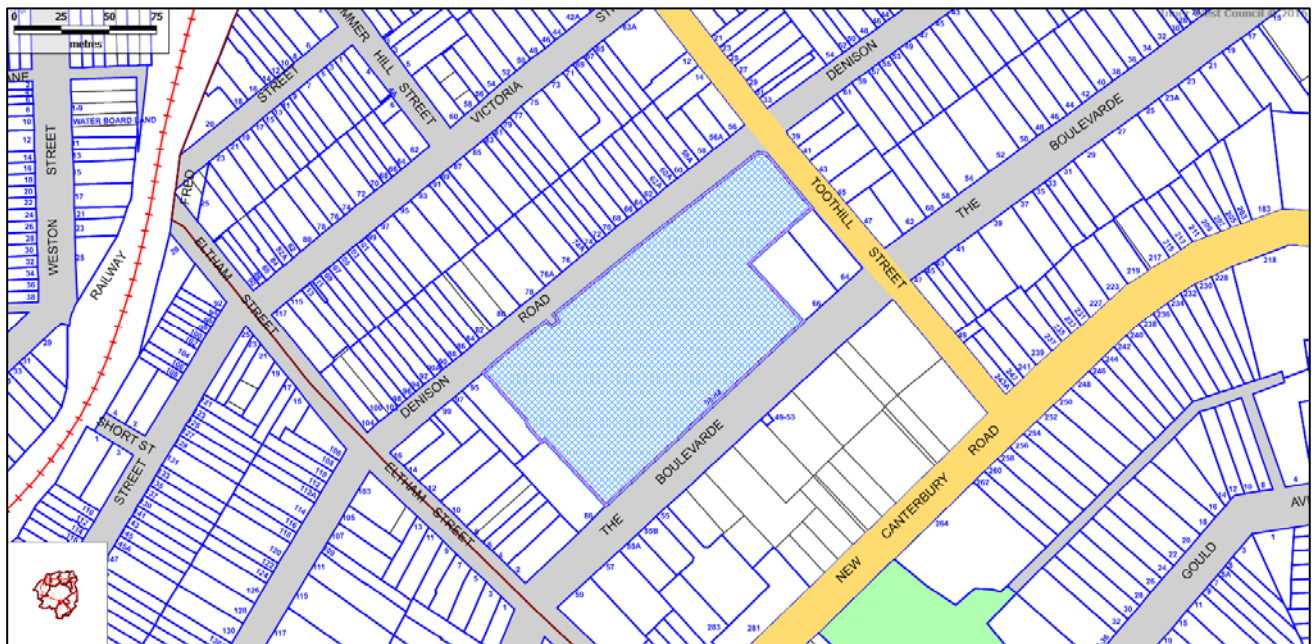




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201800243
Address	68-84 The Bouvarde, Lewisham
Proposal	To remove a Poplar Tree facing Denison Road.
Date of Lodgement	6 June 2018
Applicant	Christian Brothers High School C/O John Dinale
Owner	Trustees Of Edmund Rice Education Australia
Number of Submissions	Not required to be notified
Value of works	\$1,014
Reason for determination at Planning Panel	Subject site is a heritage item
Main Issues	Tree removal on a site that is a heritage item
Recommendation	Approval subject to conditions
Attachment A	Recommended conditions of consent



Subject Site:

Image 1: Location Map

1. Executive Summary

This report is an assessment of the application submitted to Council to remove a Poplar Tree facing Denison Road at 68-84 The Boulevard, Lewisham. The application was not required to be notified in accordance with Council's Notification Policy.

The application must be determined by Inner West Local Planning Panel, as per Clause 1(a) of Schedule 1 of the referral criteria as the proposal involves tree removal on land that is a heritage item.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process and are considered to be acceptable. The application is suitable for approval subject to the imposition of appropriate terms and conditions.

2. Proposal

Approval is sought to remove a *Populus sp.* (Poplar) tree. Removal of the tree is sought because it has been assessed as High-Risk and as being of poor health and poor structure.

The tree is located on the north western side of the site, adjacent to Denison Road. It is located within the school boundary in an existing garden bed, beside a play/ open space area.

A copy of the site plan identifying the tree location and photo of the subject tree is reproduced below;



Image 2: Site Plan

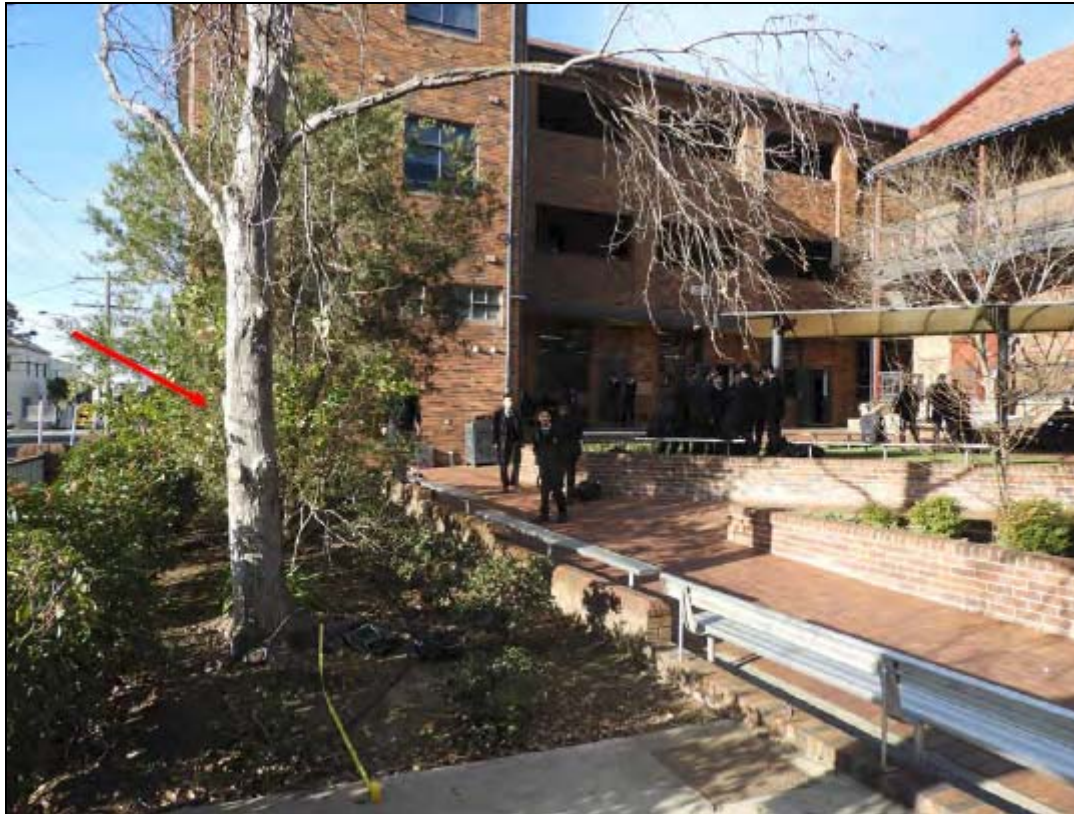


Image 3: Subject Poplar Tree

3. Site Description

The subject site is located on the north western side of The Boulevard, between Toothill Street and Eltham Street, Lewisham. The site adjoins Denison Road at the rear. The site comprises Lot 1 in Deposited Plan 1089520 and is approximately 14,552sqm in area.

The site contains various buildings and courtyards used as part of an educational establishment, namely Christian Brothers High School. The surrounding streetscape consists mainly of single and two storey dwelling houses, as well as Lewisham Public School, which is located adjacent to the premises on the southern side of The Boulevard.

The site contains a heritage item, namely ‘Christian Brothers High School’ (Item I62).

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
DA200300504	To demolish the print house, library and the dwellings of 82 and 84 The Boulevard and carry out alterations and additions to a school including the construction of a multipurpose facility and additional classrooms.	Deferred commencement consent dated 3 June 2004. The consent became operative on 15 April 2005. This consent was modified on 24 April 2018 to increase

		student numbers.
DA200900196	To carry out refurbishment works to the Treacy Building within Christian Brothers High School to provide a multi purpose hall for primary school.	Approved 13 July 2009.
DA201100540	To erect a new front fence along part of the Toothill Street boundary	Approved 19 December 2011.
DA201200236	To erect a new entry to the administration area of Christian Brothers High School off The Boulevarde, demolish and rebuild existing property boundary walls to Denison Road.	Approved 5 October 2012.

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter/ Additional Information
25 July 2018	Additional Information Requested by Council.
8 August 2018	Tree Risk Assessment Report and compensatory tree planting submitted to Council by the applicant.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Marrickville Local Environment Plan 2011 (MLEP 2011)

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 which concerns the protection of trees identified under Marrickville Development Control Plan 2011.

The application seeks consent for the removal of a tree from the site that is protected under MDCP 2011. The issue of tree management is discussed in this report under the provisions of Part 2.20 of MDCP 2011.

5(a)(ii) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environment Plan 2011:

- Clause 2.3 – Zone objectives and Land Use Table
- Clause 5.10 – Heritage Conservation

(i) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned SP2 – Infrastructure under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). The development is permissible with Council's consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives for development in the zone under Marrickville Local Environmental Plan 2011.

(ii) Heritage Conservation (Clause 5.10)

The property is listed as a heritage item under MLEP 2011, namely 'Christian Brothers High School' (Item I62).

The application seeks consent for tree removal works only and it is considered that the development would not adversely affect the significance of the heritage item as the significance of the item does not relate to the landscaping on the site but the building and its interiors. Notwithstanding, the request for removal has emerged as the tree's health is in decline and poses a risk to safety. Therefore the development is acceptable having regard to the provisions of Clause 5.10 (6) of MLEP 2011 and Part 8 of Marrickville Development Control Plan.

5(b) Draft Environmental Planning Instruments

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part of MDCP 2011	Compliance
Part 2.20 Tree Management	Yes
Part 8 Heritage	Yes

The following provides discussion of the relevant issues:

(i) Tree Management (Part 2.20)

The proposal seeks removal of one tree from the site and the applicant submitted an arborist report that supports the removal of the tree.

The application was referred to Council's Tree Management Officer who initially requested that the applicant provide a Tree Risk Assessment and propose adequate and appropriate compensatory tree planting.

Subsequently, the applicant provided the requested information on 8 August 2018. Council's Tree Management Officer provided the following comments:

“A new arborist report was submitted which is considered satisfactory.

Syncarpia glomulifera (turpentine) was nominated as the compensatory tree species. Species and location are acceptable.”

Council’s Tree Management Officer has agreed to the removal of the tree from the site subject to the imposition of appropriate conditions which includes the provision of compensatory planting. Those conditions are included in the recommendation.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(e) The suitability of the site for the development

The site is zoned SP2 – Infrastructure. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

No authorities or bodies were required to be consulted. The application was not required to be notified in accordance Council’s Notification Policy.

5(g) 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 not considered contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to Council’s Tree Management Officer and issues raised in this referral have been discussed in Section 5 above.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

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, grant consent to Development Application No. DA201800243 to remove a *Populus sp.* (Poplar) tree at 68-84 The Boulevard subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

- 1 The *Populus* sp. (poplar) shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia *Guide to Managing Risks of Tree Trimming and Removal Work*, July 2016.
- 2 Within one month from the removal of the *Populus* sp. (poplar), one new tree shall be planted.
- 3 The new tree shall be planted in accordance with the following criteria:
 - a) The new tree shall be located as notified to and approved by council.
 - b) The species of the new tree shall be *Syncarpia glomulifera* (turpentine).
 - c) The planting stock size shall be at least 75 litres.
 - d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
 - e) The new tree shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Please note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
 - f) The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
 - g) The replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
 - h) If the tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.
- 4 Within one month of the removal of the existing tree, Council shall be notified in writing that the new tree has been planted in accordance with these conditions and an inspection of the new tree shall be facilitated at any future date thereafter if council wishes to inspect the new tree.
- 5 All activities necessary for the tree removal/pruning, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
- 6 The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.
- 7 The owner shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of proposal. Council may recover in any court of competent jurisdiction, any costs to Council for such repairs.