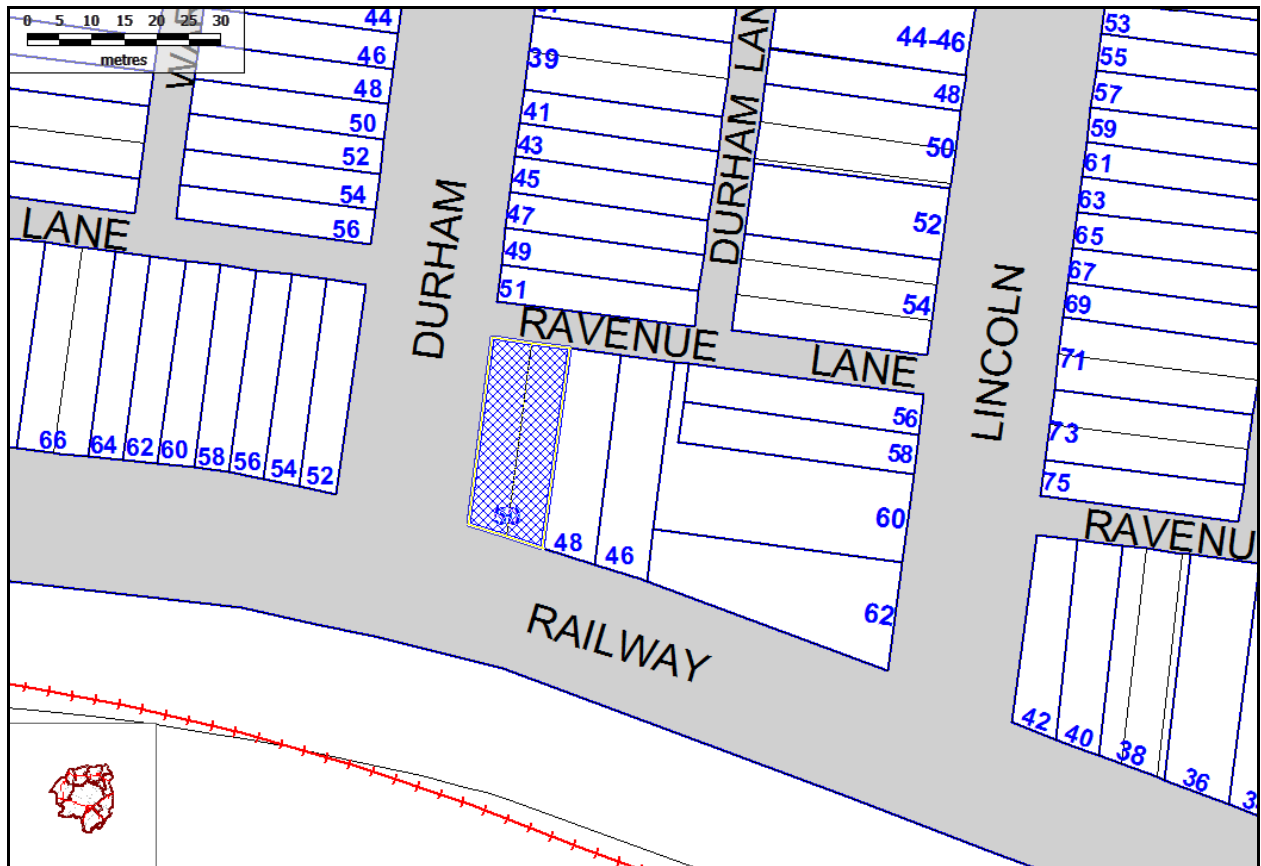




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201800307
Address	50 Railway Avenue, Stanmore
Proposal	To remove 1 Jacaranda tree at the front of the property.
Date of Lodgement	18 July 2018
Applicant	Harris Tripp First National
Owner	Mr Grayden Douglas King
Number of Submissions	NA- Not required to be notified under Council's Notification Policy
Value of works	\$4400
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 1 Jacaranda Tree at the front of the property. 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 1 *Jacaranda mimosifolia* (Jacaranda) tree at the front of the property.

The tree is located on the south western corner of the site.

A copy of the site plan identifying the tree location and photos of the subject tree are reproduced below;



Image 2: Site Plan with tree identified

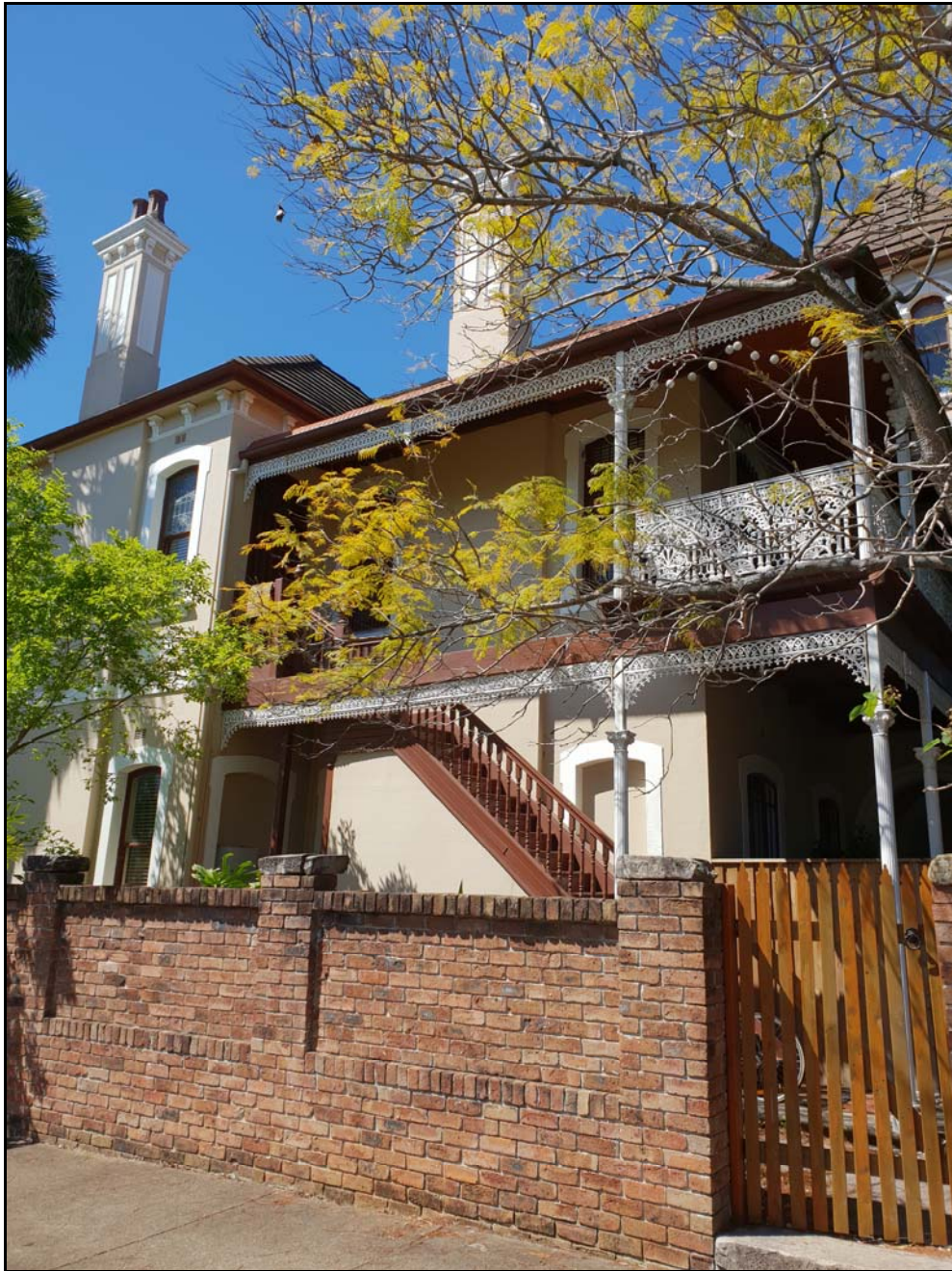


Image 3: Subject Site



Image 4: Subject Jacaranda Tree



Image 5: Subject Jacaranda tree

3. Site Description

The subject site is located on the northern side of Railway Avenue, on the corner of Railway Avenue and Durham Street, Stanmore. A laneway adjoins the site along its rear boundary. The site comprises Lot 1 and 2, Section P in Deposited Plan 1933 and is approximately 360.3 square metres in area.

The site contains a two storey dwelling house. The surrounding streetscape consists mainly of single and two storey dwelling houses. The site is adjoined by 48 Railway Avenue which contains a single storey dwelling house and Durham Street on its western boundary.

The subject site is listed as a heritage item, namely Victorian villa - "Dundoos" (Item I262) under Schedule 5 of MLEP 2011.

The following trees are located on the site and within the vicinity.

- Jacaranda mimosifolia (jacaranda)
- Paulownia tomentosa (princess tree)
- 2 x Cupressocyparis leylandii (Leyland cypress) – exempt by virtue of species

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
DA201800174	To remove a dead princess tree from the front of the site.	Approved 28 May 2018
ORD002076	Emergency Order to repair, make safe and secure the front and side boundary brick walls of the property.	Issued 02 July 2018

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
7 August 2018	Additional information requested by Council
20 August 2018	Aboriginal Assessment 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 Environmental Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of the Marrickville Local Environmental 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 R2 - Low Density Residential 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 Victorian villa - "Dundoos" (Item I262).

The property is located within a Heritage Conservation Area under MLEP 2011 (Heritage Conservation Area C7 – Kingston West).

The application seeks consent for tree removal works only and it is considered that the development would not adversely affect the heritage significance of the Kingston West Conservation Area or the item. It is noted that the tree does not form part of the significance of the heritage listing which relates to the building and its interiors. Therefore the development is acceptable having regard to Clause 5.10 (6) of MLEP 2011.

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 Leichhardt Development Control Plan 2013.

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 1 *Jacaranda mimosifolia* (Jacaranda) tree at the front of the property and the applicant submitted an arborist report that supports the removal of that tree.

The application was referred to Council's Tree Management Officer who provided the following comments:

"In response to Council's request for nomination of adequate and appropriate compensatory tree planting, the applicant has submitted a letter from Aaron Erbacher, Sydney Arbor Consultancy dated 17/8/18.

*The nominated species, *Elaeocarpus eumundii* (Eumundi quandong), are acceptable as are the indicative locations shown in the photo in the letter, assuming they satisfy the setbacks nominated by Council."*

The proposal, as originally submitted was lodged in response to an Emergency Order ORD201820076 issued by Council to repair, make safe and secure the front and side boundary brick walls of the property. Notwithstanding the circumstances of the Order issued by Council, Council's Tree Management Officer has agreed to the removal of subject tree from the site subject to the imposition of appropriate conditions. 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 R2 – Low Density Residential. 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 with 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 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. DA201800307 to remove 1 *Jacaranda mimosifolia* (Jacaranda) tree at the front of the property subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

- 1 The *Jacaranda mimosifolia* (jacaranda) 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 *Jacaranda mimosifolia* (jacaranda), two new trees shall be planted.
- 3 The two new trees shall be planted in accordance with the following criteria:
 - a) The new trees shall be located as notified in the letter by Aaron Erbacher, Sydney Arbor Consultancy (17/8/18), and shall be located a minimum of 2.0 metres from any building and a minimum of 1.5 metres of any boundary.
 - b) The species of the two new trees shall be *Elaeocarpus eumundii* (Eumundi quandong).
 - 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 trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. 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 trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
 - g) Each 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 either 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 *Jacaranda mimosifolia* (jacaranda), council shall be notified in writing that the new trees have been planted in accordance with these conditions and an inspection of the new trees shall be facilitated at any future date thereafter if council wishes to inspect the new tree.
- 5 All activities necessary for the tree removal, 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.