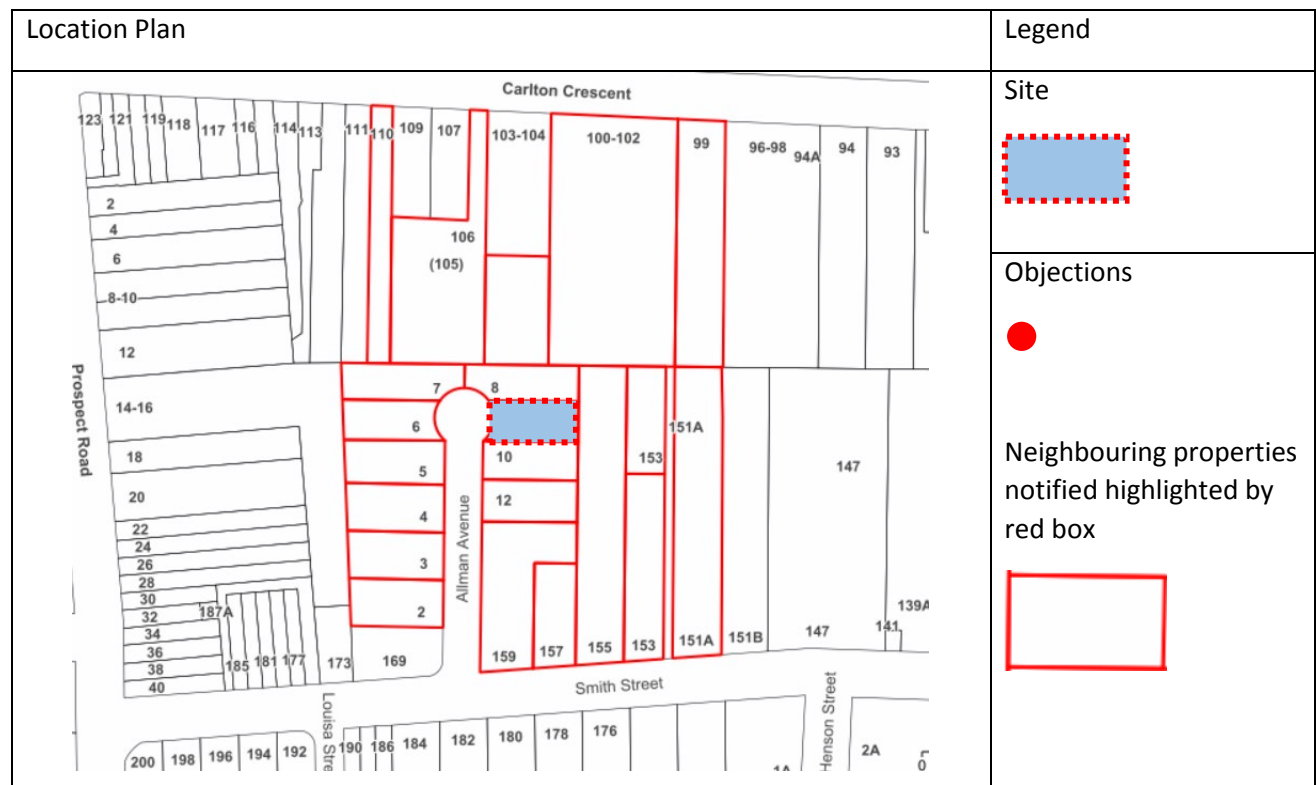




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DD010.2018.00000190.001
<b>Address</b>	9 Allman Avenue, Summer Hill
<b>Proposal</b>	Tree pruning and removal
<b>Date of Lodgement</b>	12 November 2018
<b>Applicant</b>	Stephen Hennell
<b>Owner</b>	Body Corporate Strata Plan - 49186
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$1500.00
<b>Reason for determination at Planning Panel</b>	The subject site is an item of local heritage significance
<b>Main Issues</b>	Nil.
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Tree Assessment Statement Pruning Specification





Picture 1 Aerial Photo with site identified



Picture 2 Site Photo – Allman Road Frontage



## 1. Executive Summary

This report is an assessment of the application submitted to Council for Tree Removal/ Tree Pruning at 9 Allman Avenue. 9 Allman Street is identified as an item of Local Heritage Significance and as such falls under the Local Planning Panels delegation for determination. The application was notified to surrounding properties for 21 days and no submissions were received as a result.

The application results in no impact to the heritage significance of the existing residential flat building, as the proposed trees to be removed are not a part of the original development, nor do they contribute to the heritage significance. The is recommended for approval.

## 2. Proposal

The development application seeks consent for the pruning or removal of several on-site trees. In particular the following on-site trees are subject to pruning or removal:

**Prune** - Tree 1 – Indian hawthorn (*Rhaphiolepis indica*), located within the front setback

**Prune** - Tree 2 – Blue Berry Ash (*Elaeocarpus reticulatus*), located within the front setback

**Prune** - Tree 3 – Wattle (*Acacia* SP), located along the northern side boundary setback

**Remove** - Tree 4 – Mandarin (*Citrus Reticulata*), located within the rear yard

**Prune** - Tree 5 – Cocos Palm (*Syagrus romanzofiana*), located within the rear yard



Picture 3 Tree Location Plan

## 3. Site Description

The subject site is located on the eastern side of Allman Street, between Smith Street and Carlton Crescent. The site is a generally rectangular shaped allotment with a total area of 349.7m<sup>2</sup> and is legally described as Lot 1 – 4 DP/SP49186.

The site has a frontage of 13.9m to Allman Street. Currently located upon the site is an existing two storey brick and tile residential flat building, which is not altered by the current development application.

## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site.

#### Subject Site

Application	Proposal	Decision & Date
006.1940.9221	Building Application	Approved 8/7/1940

### 4(b) Application history

Not applicable

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 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 No 55—Remediation of Land

The following provides further discussion of the relevant issues:

#### 5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

#### 5(a)(ii) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the following relevant clauses of the Ashfield Local Environmental Plan 2013:

- Clause 2.3 – Land Use Table and Zone Objectives

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	R3 Medium Density Residential	Tree Pruning/ Tree Removal	Yes
5.10	Heritage Item	Heritage Item 470, Local Significance – Item identified as significant is a flat building		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	In this instance the application is for the pruning and removal of existing on-site trees. No building works are proposed by this application. Council has undertaken an assessment of the proposed trees to be pruned/ removed and is satisfied that is pruning will not impact upon the heritage of the existing building or of the locality, as the trees proposed to be removed/pruned are not part of the original development.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: <ul style="list-style-type: none"> <li>(a) On land on which heritage item is located, or</li> <li>(b) On land that is within a heritage conservation area, or</li> <li>(c) On land that is within the vicinity of land referred to in paragraph (a) or (b),</li> </ul> Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	In this instance Council does not require the submission of a heritage impact statement or heritage management plan.	Yes

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

The property is zoned R3 – Medium Density Residential under the provisions of ALEP 2013. Tree removal/ tree pruning is permissible with Council's consent under the zoning provisions applying to the land.

## 5(b) Draft Environmental Planning Instruments

### Draft Environment SEPP (Environmental)

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

## 5(c) Development Control Plans

The proposal has been considered against the provisions of the Comprehensive Inner West Development Control Plan 2016.

In this instance Council's Tree Management Officer has outlined that 3 of the subject, site trees *Raphiolepis indica* (Indian Hawthorn), *Eleocarpus reticulatus* (Blueberry Ash) and *Acacia* sp. (Wattle) are covered by Council's Tree Management Controls and show fair condition and average retention value.

The remaining 2 trees are located on strata property are exempt from tree management controls. *Citrus reticulata* (Mandarin) is dead and beyond remedial works to restore its condition and *Syagrus romanzoffianum* (Cocos Palm) is an exempt species, classed as a general biodiversity risk.

Council's Tree Management Officer has outlined no objections are raised to pruning and removal of the prescribed trees subject to appropriate conditions of consent.

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the Comprehensive Inner West Development Control Plan 2016. The proposed development is capable of complying with the BCA.

It is conserved that the proposal will have no significant detrimental effect relating to the environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### 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 R3 Medium 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

The application was notified in accordance with the Inner West Comprehensive Development Control Plan 2016 for a period of 21 days to surrounding properties. As a result of this notification no submissions were received.

### 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 the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Tree Management Officer – Council's Tree Management Officer has reviewed the proposal and raised no objection subject to suitable conditions of consent.

## 7. Section 94 Contributions

Section 94 contributions are not payable for the proposal as the proposed cost of works is under \$100,000.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and the Inner West Comprehensive Development Control Plan 2016. 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 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 10.2018.190 for Tree Removal/Tree Pruning at 9 Allman Avenue subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS

DA 2018.190.1  
9 Allman Avenue SUMMER HILL 2130

Description of Work as it is to appear on the determination:

Tree Removal/ Tree Pruning

#### A General Conditions

##### (1) Approved Works

Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Rhaphiolepis indica</i> (Indian Hawthorn) front	Prune
<i>Eleocarpus reticulatus</i> (Blueberry Ash) front	Prune
<i>Acacia</i> sp. (Wattle) Rear	Prune
<i>Citrus reticulata</i> (Mandarin) Common property rear	Remove
<i>Syagrus romanzoffianum</i> (Cocos Palm) Common property rear	Prune or Remove

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

The following trees can be pruned, as described in the Pruning Specification, Vertical Tree Management & Consultancy.

Schedule	
Tree/species	Approved Pruning
<i>Rhaphiolepis indica</i> (Indian Hawthorn) front	Reduction prune as per Clause 7.3.2 to clear the buildings Nos 8 + 9 Allman Avenue and side passageway of No 8.
<i>Eleocarpus reticulatus</i> (Blueberry Ash) front	Crown Lift as per Clause 7.3.3 to clear footpath and front courtyard No 9.
<i>Acacia</i> sp. (Wattle) Rear	Crown thin as per Clause 7.2.3 to reduce canopy density of <i>Acacia</i> sp. by maximum 15% of total live canopy. Deadwood all trees as per Clause 7.2.2

Pruning approval of the above trees is subject to all pruning works being undertaken by a minimum Level 3 (AQF 3) qualified Arborist and in accordance with Australian Standard 4373—*Pruning of amenity trees*. No climbing spikes/spurs are to be worn.

##### (2) Storage Of Materials

No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.



**(3) Limitation of Tree Pruning/Removal**

No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

**E Conditions that must be complied with during construction or demolition****(1) Construction Hours**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and  
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

**H Conditions that are ongoing requirements of development consents**

The canopy replenishment tree required by this consent is to be maintained in a healthy and vigorous condition until it attains a height of 5 metres whereby they will be protected by Council's Tree Management Controls.

Any tree found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

*I*     **Advisory Notes**

- (1) Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
- (2) Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.
- (3) This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
- (4) This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act:
- (2) Prior to the works commencing, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

## Attachment B - Tree Assessment Statement Pruning Specification



# Vertical Tree Management & Consultancy

---

## *Tree Assessment Statement & Pruning Specification*

Commissioned by: Stephen Hennell

Site: 9 Allman Avenue Summer Hill, NSW 2130

Date of Inspection: 26 October 2018

Statement Version: 1

Prepared by

Vertical Tree Management & Consultancy

Derek Arnaiz, Consulting Arborist

**Email Address:** [vertical\\_tree@yahoo.com.au](mailto:vertical_tree@yahoo.com.au) **ABN:** 48244687913 **Telephone:** 0434 486 322

Page | 1



**Introduction/Aims :**

This Arboricultural Hazard Assessment Statement version 1 has been prepared by the author Derek Arnaiz, Vertical Tree Management & Consultancy for the client, Stephen Hennell. The Statement shall assess the trees on the site Lot 1-4 SP49186, 9 Allman Avenue, Summer Hill, NSW 2130. The subject land shall be referred to as the site from here within.

This statement will assess the trees located on the site in accordance with the local government Development Control Plan (DCP). The relevant DCP for properties within the suburb Summer Hill, is Ashfield Council's. The former Ashfield local government area is within the amalgamated Inner West Council. However. At this stage the Ashfield Council's DCP applies.

The statement shall also give consideration to the heritage legislative requirements for the dwelling and trees within the site. Following, recommendations for tree removal replacement shall be given. Additionally, specification for the pruning of the trees in accordance with the Australian Standard AS4373 'Pruning of Amenity Trees'.

An inspection of the subject tree and the immediate environment around the tree was carried out by the author, accompanied 26 October 2018.

**Location :**



Figure 1 : Tree locations at 9 Allman Avenue, Summer Hill, NSW 2130. SixMaps.

**The site :**

The Flats know as Allman Court, 9 Allman Avenue, summer hill is listed under the Ashfield Council Local Environment Plan 2013, heritage item number 470. As such a Heritage Development Application must be submitted when considering pruning or removing trees on the site. There are five trees subject to this Arboricultural statement. One tree would be in keeping with the heritage and character of the site.



**The trees on the site (refer to Figure 1):**

Tree 1 - Indian hawthorn (*Rhaphiolepis indica*)

Tree 2 - blue berry ash (*Elaeocarpus reticulatus*)

Tree 3 - wattle (*Acacia Sp.*)

Tree 4 - madarine (*Citrus reticulata*)

Tree 5 - cocos palm (*Syagrus romanzoffiana*)

**Recommended/ specification in accordance with AS4373 'Pruning of Amenity Trees' :****Tree 1 Indian hawthorn (*Rhaphiolepis indica*)**

Dead wooding, as described under clause 7.2.2:

Reduction pruning, as described under Clause 7.3.2:

- a) Prune by reducing the overall length of branches to internal lateral branches or stems no greater than 3.5 m in length
- b) The maximum diameter of the final cut shall be no larger than 35 mm
- c) A maximum of 10 % of the total live canopy may be removed

**NOTES:**

- The lateral branches to which the final cut is made should be at least one third of the diameter of the branch being reduced at the point of the final cut
- Reduction pruning is not lopping or topping

**Tree 2 blue berry ash (*Elaeocarpus reticulatus*)**

Suppressed tree under tree 1 overhanging neighbouring property and limited pruning options.

Reduction pruning, as described under Clause 7.3.2:

- a) Prune by reducing the overall length of branches to internal lateral branches or stems no greater than 0.5 m in length

**Tree 3 wattle (*Acacia Sp.*)**Dead wooding, as described under clause 7.2.2:Thinning, as described under Clause 7.2.3:

- a) Reduce canopy density through removal of lower order branches whilst retaining the main structural branches of the tree.
- b) Final cut shall have a maximum diameter no larger than 25 mm

Selective Pruning, as described under Clause 7.2.4:

- a) Prune to remove dying diseased and conflicting branches.
- b) To allow a maximum 1.5 m clearance from the external face and above the roof of the dwelling house, prune to remove branches with a maximum diameter of 25 mm at the point of attachment or branch collar

Reduction pruning, as described under Clause 7.3.2:

- a) Prune by reducing the overall length of branches to internal lateral branches or stems no greater than 0.5 m in length

**Tree 4 - madarine (*Citrus reticulata*)**

Dead – Remove and replace with tree in keeping with the period of the house (Magnolia sp)

**Tree 5 - cocos palm (*Syagrus romanzoffiana*)**

Prune to remove dead fronds, seed pods, and flower inflorescence.

**Conclusion:**

- Prune trees 1, 2, 3, 5 in accordance with the specification above.
- Remove Tree 4, 1 dead mandarin tree.
- Replace tree 4 with a suitable tree in keeping with the period of the heritage of the site (Magnolia Sp).

**Site photos :**

	
<p>Tree 1 <i>Raphiolepis indica</i>, Front left of site.</p>	<p>Tree 3 <i>Acacia</i> sp, rear left of site. Pruning recommended.</p>
	
<p>Tree 4 Dead madarine rear left of the site.</p>	<p>Tree 5 <i>Syagrus romanzoffiana</i> Rear right of the site. Pruning recommended.</p>