

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0359
Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 1 DP 1271246, 15 Waratah Street MONA VALE NSW 2103
Proposed Development:	Removal of 26 trees and the pruning of 4 trees
Zoning:	R2 Low Density Residential SP2 Infrastructure
Development Permissible:	Yes - Zone R2 Low Density Residential Yes - Zone SP2 Infrastructure
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	NSW Government - Minister For Education
Applicant:	NSW Department of Education
Application Lodged:	20/04/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Alterations and additions
Notified:	28/04/2021 to 12/05/2021
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 15,000.00

PROPOSED DEVELOPMENT IN DETAIL

Development Consent is sought for the removal of twenty six (26) trees and the pruning of four (4) trees from the site known as the Mona Vale Public School.

Those trees are to be replaced by fifty (50) new trees, along with some 10,193 other plants described as shrubs & accents, grasses & rushes, ferns & cycads, groundcovers & climbers as detailed on the Planting Schedule.

The Planting Schedule details that the tree canopy coverage to be removed equates to an area of approximately 2,047m², and is to be replaced by a canopy of 2,560m² at maturity.

The tree removal is sought to facilitate the future development of the school which is to be determined under an alternate mechanism and is thus not for consideration under this application.

During the course of this application Council raised concern with the level of tree removal and the subsequent impacts that could be had on the streetscape and environment. Primarily it was considered that there was inadequate supporting information to justify the removal of trees. Subsequent to Council raising those concerns, a meeting was held on 31 May 2021 with representatives from NSW School Infrastructure where Council's concerns were reiterated.

Post that meeting revised information was received which provided a more comprehensive analysis of impacts to biodiversity and an increase in the tree canopy. That information also included a staging plan which ensures that, where appropriate, trees are planted as soon as possible once the initial removal occurs. This revised information presents a lesser environmental impact than that of the application as originally submitted and was therefore not re-notified to the community, in accordance with Council's Community Participation Plan.

It is on the basis of this revised information that this assessment is made herein.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- 1 An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- 1 A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- 1 Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- 1 A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- 1 A review and consideration of all documentation provided with the application (up to the time of determination);
- 1 A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Pittwater 21 Development Control Plan - B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

Pittwater 21 Development Control Plan - B4.22 Preservation of Trees and Bushland Vegetation

Pittwater 21 Development Control Plan - D9.1 Character as viewed from a public place

SITE DESCRIPTION

Property Description:	Lot 1 DP 1271246 , 15 Waratah Street MONA VALE NSW 2103
Detailed Site Description:	The subject site is legally known as Lot 1 DP 1271246 but is

more commonly known as the Mona Vale Public School.

The site is zoned SP2 Educational Establishment pursuant to the Pittwater Local Environmental Plan 2014. A small portion of the site is zoned for R2 Low Density Residential use but is not used for this purpose.

The site is irregular in shape with a primary frontage along Waratah Street to the northeast measuring 232.9m in length and a secondary frontage to Bungan Lane to the southeast of 140.5m equating to an overall surveyed area of 3.597ha. The site has further frontages to Sawmill Lane, Wangara Street, Emma Street and a pathway which traverses between the site (outlined in the diagram below) and the triangular parcel of land to the south.

The site accommodates a number of school buildings and landscaping throughout. The perimeter of the site is generally bound by fencing and mature trees.

The site is bound by residential land to the north / northwest and the Mona Vale Town Centre to the east.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no relevant application history on the site pertinent to this assessment. The land has been used for educational purposes for an extended period of time (from at least 1906).

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979,

are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to impacts on biodiversity as described earlier in this report.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed in the referral comments section and under the Pittwater 21 Development Control Plan 2014 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 28/04/2021 to 12/05/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Ms Catherine Elizabeth Baker	2 / 41 Waratah Street MONA VALE NSW 2103
Mrs Jennifer Ann Smith	43 Waratah Street MONA VALE NSW 2103
Michael Bernard Scott Green	8 Bareena Drive BALGOWLAH HEIGHTS NSW 2093

The following issues were raised in the submissions and each have been addressed below:

- 1 **Removal of trees,**
- 1 **Impact on local fauna,**
- 1 **Parking,**
- 1 **Lack of survey detail.**

The matters raised within the submissions are addressed as follows:

- 1 **Removal of trees:** Concern is raised with the extent of tree removal proposed.

Comment:

It is acknowledged that on face value the proposed tree removal appears to be extensive. As such, within the assessment process Council raised concern with the level of tree removal and the subsequent impacts that could be had on the streetscape and environment. Subsequent to Council raising those concerns, a meeting was held with representatives from NSW School Infrastructure where Council's concerns were reiterated. Overall, the removal of trees along Waratah Street shall inevitably change the existing streetscape, however on balance the works will have a positive impact with numerous additional trees and plantings interspersed throughout the site which will, upon maturity, provide a canopy coverage of 2,560m² (an increase of more than 500m²). Furthermore, the applicant has provided adequate supporting information to justify the removal of trees, which has been endorsed by Council's Landscaping division.

This matter does not warrant the refusal of this application.

- 1 **Impact on local fauna:** Concern is raised that the proposed tree removal will be detrimental to local fauna.

Comment:

Council's Bushland and Biodiversity division has reviewed the proposal's impacts on local fauna. In summary, the submitted Flora and Fauna Assessment report (Narla Environmental 2021) has identified that the trees proposed for removal may be utilised by the Grey-headed Flying Fox; as such, an assessment of the potential impacts is required to be undertaken in accordance with Section 7.3 of the NSW Biodiversity Conservation Act. This assessment has been undertaken and has concluded that the proposal is unlikely to result in significant impact to the species.

This matter does not warrant the refusal of this application.

- 1 **Parking:** Concern has been raised with the overall project's impacts on off-street parking.

Comment:

As acknowledged within the received submissions the subject application is only for the removal of twenty six (26) trees and the pruning of four (4) trees. The application requires the removal of these trees to make way for new school infrastructure which is to be approved under a separate mechanism. Therefore, the issues of parking are not a relevant consideration under the assessment of this proposal.

This matter does not warrant the refusal of this application.

- 1 **Lack of survey detail:** Concern is raised that the development application does not include a Survey Plan detailing the existing trees that are proposed for removal.

Comment:

The development application is accompanied by an Arboricultural Impact Assessment and Addendum prepared by Paul Shearer Consulting, which has adequately identified the trees proposed for removal. The information submitted is sufficient for Council to complete a comprehensive assessment of the proposal.

This matter does not warrant the refusal of this application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>This application seeks development consent for the removal of twenty six (26) trees and the pruning of four (4) trees. School Infrastructure NSW (SINSW) propose to upgrade Mona Vale Public School including new buildings (Building R and Building S), landscaping works and internal and external refurbishments.</p> <p>Tree removal is proposed to facilitate future development of new school infrastructure providing a more accessible administration area</p>

Internal Referral Body	Comments
	<p>and more equitable access to the site. The existing trees proposed for removal include twenty four (24) native trees: 15 x Forest Red Gums, and 1 each of the following species: Cheese Tree, Wallangarra White Gum, Swamp Mahogany, Red Mahogany, Scribbly Gum, Sydney Red Gum, Large-fruited Red Mahogany, Red Bloodwood, and Brushbox. Two of the trees are exempt species (Camphor Laurel).</p> <p>A Arboricultural Impact Assessment and Addendum prepared by Paul Shearer Consulting is provided with the application in regard to the justification for removal and pruning works. The report concludes that tree removal as proposed is required for future development building works, modification to the Waratah St carpark, and pruning is required to allow adequate construction building clearances.</p> <p>The application proposal includes compensatory planting as documented in the Landscape Plans, consisting of twenty six (26) native canopy trees including Coast Banksia, Red Bloodwood, Scribbly Gum and Water Gum.</p> <p>In terms of the proposal for tree removal, a number of site planning options were investigated in relation to location and position of new buildings on the site, including: Access to the school and in particular the administration sections; Provision of active and passive play spaces; Equitable access for all abilities for students, parents, staff and teachers; Parking and accessibility; School security; Overland flow paths; School operations; and Condition of existing buildings.</p> <p>The proposed location of the building that requires the proposed tree removals was considered the most appropriate for the following reasons: Provision of a secure access, compliant with NSW Department of Education design guidelines, security standards and passive design principles from the main gate through to the new administration building.</p> <p>Additional justification for the siting of a new building amongst the existing trees to be removed includes: retention of the main cleared area of the playground for active play space as the only open flat space on the main school grounds; equitable access for all abilities to a number of areas of the school without creating specialised ramps and significant level changes in the landscape; and the site is quite heavily vegetated and it is difficult to find a site for a new building where no trees would be required to be removed or impacted.</p> <p>The canopy cover of the proposed tree removal is 2,047m². Proposed tree planting as part of early works and the proposal will increase the canopy to 2,560m², providing a long term environmental benefit.</p> <p>Landscape Referral raise no objections to the proposal subject to the replacement of tree canopy as proposed in the Landscape Plans and the establishment of an early tree replacement planting works program.</p>
NECC (Bushland and	

Internal Referral Body	Comments
Biodiversity)	<p>The application seeks approval for the removal of twenty-six (26) trees to facilitate proposed future works including construction of two new buildings and associated landscaping works.</p> <p>The proposal aims to facilitate future development of new school infrastructure providing a more accessible administration area and more equitable access to the site. The applicant, Schools Infrastructure New South Wales (SINSW) has provided Council with the options considered and concluded that the option selected is the most suitable for several reasons, including:</p> <ul style="list-style-type: none"> • It provides a secure access, compliant with NSW Department of Education design guidelines, security standards and passive design principles from the main gate through to new administration. This is essential for school design and safety moving forward. • It maintains the main cleared area of the playground for active play space. This is currently the only open flat space on the main school grounds. • Building G, which is proposed to be demolished to make way for the new building does not meet current EFSG standards and is needing to be replaced. • The school is currently over a number of levels and there is not equitable access for all abilities to a number of areas of the school. The proposed building permits this access for all abilities without creating specialised ramps and significant level changes in the landscape. These changes if required could also require the removal of vegetation to achieve appropriate accessibility. • The site is quite heavily vegetated and it is difficult to find a site for a new building where no trees would be required to be removed or impacted. <p>Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for consistency against the relevant environmental legislation and controls, including:</p> <p>Biodiversity Conservation Act 2016 (BC Act) Pittwater Development Control Plan (PDCP)</p> <p>1 B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land</p> <p>PDCP Clause 4.5 states:</p> <ul style="list-style-type: none"> 1 Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and locally native species. 1 Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation. 1 Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.

Internal Referral Body	Comments
	<p>The following trees are proposed for removal to facilitate the works:</p> <ul style="list-style-type: none"> 1 T1 – <i>Eucalyptus tereticornis</i> 1 T2 – <i>Eucalyptus tereticornis</i> 1 T3 – <i>Eucalyptus tereticornis</i> 1 T4 – <i>Eucalyptus tereticornis</i> 1 T5 – <i>Glochidion ferdinandii</i> 1 T6 – <i>Eucalyptus scoparia</i> (Exempt) 1 T7 – <i>Eucalyptus robusta</i> 1 T8 – <i>Cinnamomum camphora</i> (Exempt) 1 T9 – <i>Cinnamomum camphora</i> (Exempt) 1 T201 – <i>Eucalyptus resinifera</i> 1 T203 – <i>Eucalyptus resinifera</i> 1 T204 – <i>Eucalyptus haemostoma</i> 1 T205 – <i>Angophora costata</i> 1 T209 – <i>Eucalyptus tereticornis</i> 1 T210 – <i>Eucalyptus tereticornis</i> 1 T216 – <i>Eucalyptus scias</i> 1 T222 – <i>Corymbia gummifera</i> 1 T223 – <i>Lophostemon confertus</i> 1 T224 – <i>Eucalyptus tereticornis</i> 1 T225 – <i>Eucalyptus tereticornis</i> 1 T226 – <i>Eucalyptus tereticornis</i> 1 T227 – <i>Eucalyptus tereticornis</i> 1 T228 – <i>Eucalyptus tereticornis</i> 1 T229 – <i>Eucalyptus tereticornis</i> 1 T230 – <i>Eucalyptus tereticornis</i> 1 T231 – <i>Eucalyptus tereticornis</i> <p>Of these trees, 3 (T.6, 8 & 9) are exempt under Council provisions, and therefore do not require Council's approval. Of these trees, 8 (T.5, 7, 201, 203, 204, 205, 216, 222) are considered locally-native to the Northern Beaches Local Government Area. The Flora and Fauna Assessment (Narla Environmental 2021) has identified that the trees proposed for removal may be utilised by the Grey-headed Flying Fox as a foraging resource; as such, assessment of potential impacts is required to be undertaken in accordance with Section 7.3 of the NSW Biodiversity Conservation Act (i.e. the threatened species “test of significance”). This assessment has been undertaken and has concluded that the proposal is unlikely to result in significant impact to the species.</p> <p>Proposed landscaping (Arcadia 2021) will include provision of forty-two (42) replacement trees, including:</p> <ul style="list-style-type: none"> 1 10x <i>Banksia integrifolia</i> 1 7x <i>Eucalyptus haemastoma</i> 1 6x <i>Tristaniopsis laurina</i>

Internal Referral Body	Comments
	<p>1 19x <i>Corymbia gummifera</i></p> <p>Long-term, the proposed planting seek to increase canopy cover within the site, resulting in an increase from 2,047m² to 2,560m². The provision of these replacement plantings ensures consistency with B4.5 of the Pittwater DCP.</p> <p>Given the lack of suitable design alternatives that may retain additional trees and the proposed replacement planting efforts, subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational purposes for a significant period of time with no prior land uses. The removal of trees from the site is not considered to a pose a risk of contamination and therefore no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55. Whilst there may (or may not) be portions of that land which require some form of remedial works, this application does not create not exacerbate any known risks.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone R2 : Yes Zone SP2: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone R2 : Yes Zone SP2: Yes

Principal Development Standards

There are no Principal Development Standards relevant to this application for tree removal.

Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

There are no Built Form Controls relevant to this application for tree removal.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B4.22 Preservation of Trees and Bushland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes

Detailed Assessment

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

Council's Biodiversity Officer concluded that the proposal can be undertaken without significant or serious and irreversible impacts to threatened entities, subject to recommended conditions of consent.

B4.22 Preservation of Trees and Bushland Vegetation

This application seeks to remove approximately 2,047m² of canopy coverage and replace it with numerous additional trees and plantings throughout the site which will, upon maturity, provide a canopy coverage of 2,560m² (an increase of more than 500m²). This increased canopy, spread across the site, will be beneficial to the Waratah Street streetscape and wider Mona Vale area. The difference in age of these trees commensurate to the existing vegetation on site will also ensure that the site has a bushland character in longevity.

D9.1 Character as viewed from a public place

The removal of trees along Waratah Street shall inevitably change the existing streetscape, however on balance the works will have a positive impact.

The application requires the removal of mature and otherwise healthy trees to make way for new school infrastructure which is to be approved under a separate mechanism. The removal of trees will have a short term impact on the streetscape, but shall in longevity preserve the bushland character of the site.

A large portion of the existing trees on the Mona Vale Public School site are of similar species and age to one another. Trees can become more susceptible to failure as they age which could create an unsafe environment within the school.

This application seeks to remove approximately 2,047m² of canopy coverage and replace it with numerous additional trees and plantings interspersed throughout the site which will, upon maturity, provide a canopy coverage of 2,560m² (an increase of more than 500m²). This increased canopy, spread across the site, will be beneficial to the Waratah Street streetscape and wider Mona Vale area. The difference in age of these trees commensurate to the existing vegetation on site will also ensure that the site has a bushland character in longevity.

The works thereby achieve the desired future character of the site and enhance the bushland characteristics of the immediate area. The application is reflective of the *short term impact, long term benefit* notion which ensures the qualities of the site that are enjoyed today, will be present to be enjoyed by future generations of school children and the wider public.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- 1 Environmental Planning and Assessment Act 1979;
- 1 Environmental Planning and Assessment Regulation 2000;
- 1 All relevant and draft Environmental Planning Instruments;
- 1 Pittwater Local Environment Plan;
- 1 Pittwater Development Control Plan; and
- 1 Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- 1 Consistent with the objectives of the DCP
- 1 Consistent with the zone objectives of the LEP
- 1 Consistent with the aims of the LEP
- 1 Consistent with the objectives of the relevant EPIs
- 1 Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2021/0359 for Removal of 26 trees and the pruning of 4 trees on land at Lot 1 DP 1271246, 15 Waratah Street, MONA VALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- a) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- b) The development is to be undertaken generally in accordance with the following:

Documents		
Report Name.	Dated	Prepared By

20-716 Mona Vale Public School Plant Schedule – L-400, Issue F	15/06/2021	Arcadia
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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. No Approval for Building Works

No approval is granted under this Development Consent for the construction of any new buildings, fencing, pathways or the like.

Reason: To ensure compliance with the relevant Local Environmental Plan.

3. Prescribed Conditions (Crown Land Only)

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason: Legislative Requirement.

4. General Requirements (Crown Land Only)

(a) Unless authorised by Council:

Building construction and delivery of material hours for the works included in this development application are restricted to:

- ı 7.00 am to 5.00 pm inclusive Monday to Friday,
- ı 8.00 am to 1.00 pm inclusive on Saturday,
- ı No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- ı 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (c) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.northernbeaches.nsw.gov.au

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

5. Compliance with Standards (Crown Land Only)

The development is required to be carried out in accordance with all relevant Australian Standards.

Reason: To ensure the development is constructed in accordance with appropriate standards.

6. Tree Removal Within the Property

This consent approves the removal of the following tree(s) within the property (as recommended in the Arboricultural Impact Assessment and Addendum):

i) trees numbered T1, T2, T3, T4, T5, T6, T7, T8, T9, T201, T203, T204, T205, T209, T210, T216, T222, T223, T224, T225, T226, T227, T228, T229, T230, and T231

T1, T2, T3, T4, T205, T209, T210, T224, T225, T226, T227, T228, T229, T230, and T231 - all Forest Red Gum

T5 Cheese Tree

T6 Wallangarra White Gum

T7 Swamp Mahogany

T201 Red Mahogany

T203 Scribbly Gum

T204 Sydney Red Gum

T216 Large-fruited Red Mahogany

T222 Red Bloodwood

T223 Brushbox

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal. The following Exempt Species are listed for removal in the Arboricultural Impact Assessment and Addendum:

T8 T9 Camphor Laurel

Approval is granted subject to 1:1 tree replacement within the site in accordance with the Plant Schedule for future site landscaping, consisting of twenty six (26) native canopy trees including 10 x *Banksia integrifolia* (Coast Banksia), 2 x *Corymbia gummifera* (Red Bloodwood), 8 x *Eucalyptus haemastoma* (Scribbly Gum), and 6 x *Tristania laurina* (Water Gum).

Reason: To enable authorised building works.

CONDITIONS TO BE COMPLIED WITH DURING WORKS

7. Early Works Tree Planting Package

Within three months of commencement of works the subject of this application, an early works

package for tree planting shall be in place.

The 'Early Works tree planting should include tree canopy cover of over 590m², including nine (9) native trees.

These trees shall be 6 x *Corymbia gummifera* and 3 x *Tristania laurina*. All species shall be pre-ordered to ensure delivery of 400 litre container size, and caliper size shall be 70-100mm and tree height shall be a minimum of 3.0 metres. Trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, including a four post and top and mid rail timber tree guard, and watered until established.

Reason: Establish early tree planting program

8. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice. Reason: To protect native wildlife

9. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Pruning works

- i) T121, T124, T217, and T221
- ii) in accordance with section 3.6 Pruning Specifications

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during works under this consent or during future construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be retained by the Arborist,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on

- Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
 - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the works period, and iii) remain in place for the duration of the works.
- c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment.
- d) The arboricultural works listed in c) are to be undertaken and certified by an Arborist as required by the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited.

Reason: Tree and vegetation protection.

10. **No Weeds Imported On To The Site**

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan 2019 – 2023) are to be imported on to the site prior to or during construction works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO COMPLETION

11. **Landscape Completion**

Landscaping is to be implemented in accordance with the Mona Vale Public School Plan Schedule (L-400 Issue F, dated 15/06/2021 prepared by Arcadia).

Within 2 years of commencement of the works associated with this development application, details (from a landscape architect or landscape designer) shall be submitted to the Council, certifying that the landscape works have been completed in accordance with the Mona Vale Public School Plan Schedule (L-400 Issue F, dated 15/06/2021 prepared by Arcadia).

Reason: Environmental amenity.

Note: Please consider registering your new tree through the link below to be counted as part of the NSW State Governments 5 Million trees initiative

12. Certification of Landscape Works

Landscaping is to be implemented in accordance with the Mona Vale Public School Plan Schedule (L-400 Issue F, dated 15/06/2021 prepared by Arcadia).

Details demonstrating compliance are to be prepared by a landscape architect and provided to Council within 2 years of commencement of the works associated with this development application.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

13. Landscape Maintenance

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the Mona Vale Public School Plan Schedule (L-400 Issue F, dated 15/06/2021 prepared by Arcadia) and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

14. Replacement of Canopy Trees

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Kye Miles, Planner

The application is determined on 29/06/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments