



**STATEMENT OF ENVIRONMENTAL EFFECTS
PROPOSED TREE REMOVAL AND TREE REPLACEMENT
MANLY VILLAGE PUBLIC SCHOOL
DARLEY ROAD, MANLY**

1.0 Introduction

DFP has been commissioned by the Department of Education to prepare a Statement of Environmental Effects for the proposed tree removal and replacement tree planting at Manly Village Public School (MVPS), Darley Road, Manly.

This report is to accompany a development application (DA) to Northern Beaches Council (Council) for the proposed removal of 2 trees and replacement tree planting and includes the information necessary for Council to assess and determine the application including:

- A background to the proposed development;
- A brief description of the site context;
- Details for the proposed development;
- An environmental assessment; and
- Our conclusion and recommendations.

Pursuant to Section 4.32 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) the DA is a Crown Development Application as the works are being undertaken on the behalf of the Department of Education.

Pursuant to Section 4.33(1) of the *EP&A Act*, a consent authority (other than a Minister) must not refuse its consent to a Crown DA, except with the approval of the Minister.

This report concludes that the trees are required to be removed to ensure the on-going maintenance of Block D and to reduce the safety risk caused by the trees. The trees have not been identified as having heritage significance and the removal of the trees will not have an impact on the heritage significance of the site.

Accordingly, it is recommended that the Council approve the subject DA pursuant to section 4.16 of the EP&A Act.

2.0 Background

In addition to this SEE, the development application is supported by the following documentation:

- Survey Plan (*prepared by CMS Surveyors*)
- Arborist Report (*prepared by Birds Tree Consultancy*)

- Tree Removal and Replacement Plan (*prepared by NBRSLandscape Architecture*)
- Heritage Impact Statement (*prepared by GML Heritage*)
- Letter of Support (*prepared by Manly Village Public School*)

3.0 Site Context

3.1 Site Description

MVPS is located at Darley Road, Manly in the Northern Beaches Local Government Area (LGA). The site has street frontages to Darley Road, Wentworth Street and Victoria Parade and is located within the Manly Town Centre. The site comprises the following eight (8) lots:

- Lots 1 and 2 DP 569782;
- Lot 101 DP 849849;
- Lot 1 DP 999133;
- Lot 1 DP 999134;
- Lot 1 DP 999135;
- Lot 1 DP 999136; and
- Lot 1 DP 999137.

The subject trees are located in Lot 101 DP 849849 and Lot 1 DP 999137.

The site is irregularly shaped with a total area of 9,190m² (**Figure 1**).

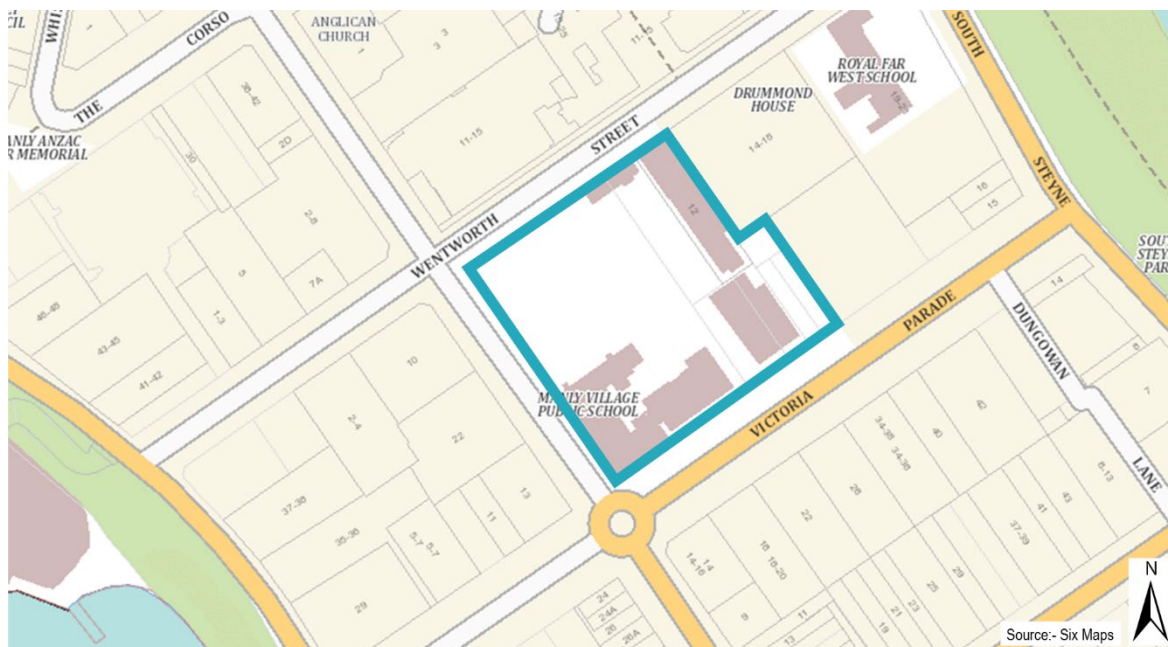


Figure 1 Site Location

The site is relatively flat. A site survey has been prepared by CMS Surveyors and is submitted with the DA.

Figure 2 is an aerial photograph of the site.



Figure 2 Site Aerial

Existing buildings on the site include:

- Building A: Three (3) storey red face-brick school building with terracotta tile-clad hipped roof (built 1931 with later additions). Building A contains classrooms and the school administration;
- Building B (former Infants School): Two (2) storey interwar Georgian Revival style brick classroom building (opened in 1917 with later additions);
- Building C (former Manual Training and Sciences building): Two (2) storey interwar Georgian Revival style blonde brick building with hipped metal roof (built 1924). The ground floor is occupied by Manly Out of School Hours Care (OSHC) and the first floor is vacant;
- Building D (former School of Arts building): Part one (1) and part two (2) storey brick building. In recent times, part of Building D was leased to Northern Beaches Council (former Manly Municipal Council) as the Manly Community Centre. The single storey part of the building is occupied by the school library. The building was originally built in 1909 however, the front elevation to Wentworth Street dates from 1941 and is Art Deco Style; and
- Building E: Single-storey school hall building, built in 2009.

Other structures include shade structures, raised seating areas and Covered Outdoor Learning Areas (COLAs). Staff parking is located in the south-east corner of the site and is accessed from Victoria Parade.

The following figures show images of the existing site and the location of the trees that are subject to removal as part of this DA.



Figure 3 Photograph of the two trees subject to removal



Figure 4 Photograph of existing covered learning area and location of one of the trees subject to removal (towards the right)

3.2 Surrounding Development

MVPS is located within Manly Town Centre which is characterised by a mix of land uses including commercial, retail, tourist accommodation and residential focused along The Corso.

North of the site is predominantly retail and commercial uses.

East of the site is the Royal Far West complex and residential flat buildings facing Victoria Parade. Further east is Manly Beach.

South of the site is predominantly residential along with tourist accommodation.

West of the site is a mix of uses. Further to the west is Sydney Harbour and the Manly Ferry Terminal.

4.0 Proposed Development

The proposed development comprises:

- Removal of two trees located towards the north east corner of the site; and
- Replacement planting of two trees towards the south east of the site, within an existing outdoor play area to the west of Building E.

4.1 Tree Removal

The two trees that are subject to removal as part of this DA are *Casuarina cunninghamiana*. Both trees are approximately 16m in height. Tree 1 comprises a canopy spread of 6m and a trunk diameter spread of 440mm. Tree 2 comprises a canopy spread of 5m and a trunk diameter spread of 420mm.

Both trees are identified within the submitted Arborist Report as being self-sown trees that are in good health and condition. For this reason, the Arborist has recommended that the trees are viable to be retained and protected.

Both trees are located close to an existing single storey building (Block D) that is used as the school library. Tree 1 is located less than 2m from Block D and Tree 2 is located between 2-3m from Block D.

As documented in the accompanying letter prepared by Manly Village Public School, the proposed works will minimise the risk to infrastructure and reduce the maintenance and upkeeping of Block D that is caused by the two trees.

Table 1 identifies both trees that are proposed to be removed, their retention value and the reasons for removal.

Table 1: Proposed trees to be removed at MVPS

Tree Number	Botanical Name	Tree Retention Value	Reason for Removal
1	Casuarina Cunninghamiana	Medium	Tree 1 is located less than 2m of Block D. The removal of Tree 1 will provide maintenance benefits for the school caused by the shedding of leaves and branches from Tree 1 onto Block D. The removal of Tree 1 will also alleviate the risk of damage to Block D and the safety risk to teachers and staff who

Table 1: Proposed trees to be removed at MVPS

			park in the onsite car park that is adjacent to the trees.
2	Casuarina Cunninghamiana	Medium	Tree 2 is located between 2-3m of Block D. The removal of Tree 2 will similarly provide maintenance benefits for the school caused by the shedding of leaves and branches from Tree 1 onto Block D. The removal of Tree 2 will also alleviate the risk of damage to Block D and the safety risk to teachers and staff who park in the onsite car park that is adjacent to the trees.

4.2 Tree Replacement and Planting

It is proposed to plant two (2) replacement trees within the school site to offset the removal of two (2) existing trees. It is proposed to provide new trees that at maturity will grow to approximately 15m and replace tree canopy loss.

Table 2 provides a tree schedule which includes replacement species selection, mature size and supply size.

Table 2: Proposed Tree Schedule

Botanical Name	Common Name	Mature Size (H X W)	Supply Size (L)
Hymenosporum flavum	Native Frangipani	Up to 15m H X 7.5m W	200L
Elaeocarpus reticulatus	Blueberry Ash	Up to 10m H X 3.5m W	200L

5.0 Environmental Planning Assessment

5.1 Section 4.15(1)(a) – Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with Section 4.15(a)(a) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

5.1.1 Biodiversity Conservation Act 2016

Under the *Biodiversity Conservation Act 2016* (BC Act), Section 7.3 relates to Tests for determining whether a proposed development or an activity will likely significantly affect threatened species, ecological communities and their habitats.

A Test of Significance in accordance with Section 7.3 is provided below:

- The site is not mapped as an area for biodiversity conservation and will therefore not affect any declared area of outstanding biodiversity value;
- The trees subject of this DA are not threatened species. The trees form part of a school site which is not located within a biodiversity conservation area. Furthermore, the trees are isolated from any areas of natural bushland; and
- The site is not located within an area that is identified by Northern Beaches Council as being a Threatened Ecological Community.

It is therefore considered that the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats.

5.2 Section 4.15(1)(a) – Planning Controls

5.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

The provisions of Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP BC)* are a relevant consideration in relation to the proposed development as the works will require the removal of vegetation.

Pursuant to Section 2.10(3) of the *SEPP BC*, Council cannot issue a tree removal permit that allows the clearing of vegetation that forms part of a heritage item, unless Council is satisfied that the proposed works are of minor nature and will not adversely affect the heritage significance of the heritage items on site or heritage conservation area within which the site is located.

The site is both a heritage item and within a heritage conservation area (as discussed in **Section 5.3.2** of this report).

The proposal involves the removal of two trees that are not deemed to contribute to the heritage significance of the heritage items on the site or the Town Centre heritage conservation area, as discussed in further detail in **Section 5.3.2** of this report and within the Heritage Impact Statement (HIS) prepared by GML Heritage.

5.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal Management

The site is identified as being located within a Coastal Use Area, pursuant to *State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH)*. In accordance with Section 2.11 of *SEPP RH*, the proposed works will not likely cause any adverse impacts on the existing safe access along nearby foreshore areas, no increased overshadowing, wind funnelling or loss of views, or visual amenity and scenic qualities of the coast. Furthermore, the proposed tree removal will not likely impact on any Aboriginal cultural heritage practices or places and will not likely affect other cultural and built environmental heritage places (refer to the HIS accompanying this application).

Chapter 4: Remediation of Land

Chapter 4 of *SEPP RH* relates to remediation of contaminated land and requires, amongst other things, investigations to be undertaken as part of the development assessment process, in order to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

Having regard to Section 4.6 of *SEPP RH*, the site has been used as an educational establishment (school) since the late 20th century and the proposed works do not constitute a change of use. The removal of two (2) trees and replacement planting is unlikely to trigger any requirements to undertake remediation of the site.

5.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3: Educational Establishments and Child Care Facilities

Chapter 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI)* sets out specific development controls for schools. Section 3.36(1) states that development

for the purpose of a school may be carried out by any person with development consent on land in a 'prescribed zone' (identified within Section 3.34 of SEPP TI). The SP2 Infrastructure Zone (SP2 zone), within which the site is located, is identified as a prescribed zone for the purposes of Section 3.34.

The proposed tree removal is not able to be undertaken as exempt development, pursuant to Section 3.39(1)(b) of SEPP TI. Section 3.39(1)(b) states:

(1) Development for any of the following purposes is exempt development if it is on land within the boundaries of an existing or approved school and complies with any requirements of this subsection that apply to the development—

(b) the removal or pruning of a tree that has been assessed by a Level 5 qualified arborist as posing a risk to human health or safety or of damage to infrastructure, but only if a replacement tree that is capable of achieving a mature height of 3 metres or more is planted within the grounds of the school,

The Arboricultural Assessment Report that accompanies this application does not specify that the trees pose a risk to human health or risk of damage to infrastructure. Therefore, development consent is required for the removal of the trees.

5.2.4 Manly Local Environmental Plan 2013

The site is zoned SP2 Infrastructure under the *Manly Local Environmental Plan 2013* (the LEP). The proposed works are ancillary to the existing use of the site, being an Educational Establishment (school). In accordance with the LEP, Educational Establishments are permissible with development consent in the SP2 zone.

An extract of the zoning map is provided in **Figure 5** below.

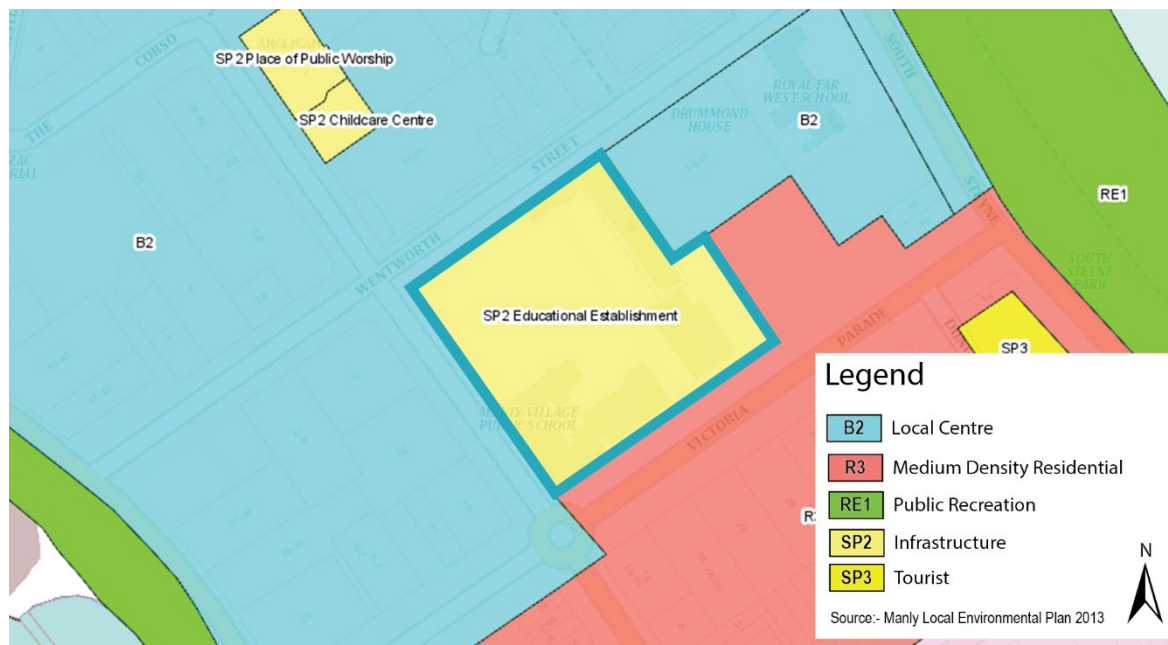


Figure 5 Land zoning map extract

The following table provides an assessment of the proposed development against the relevant provisions of the LEP.

Table 3: Assessment against the relevant provisions of the LEP

Provision	Assessment	Consistent
Clause 2.2 – Zoning - SP2 Infrastructure (Educational Establishments)	The proposed works involve tree removal and replacement tree planting that is ancillary to the use of the site as an Educational Establishment (school). Pursuant to the LEP, an Educational Establishment is permissible with development consent in the SP2 zone.	Yes
Clause 2.7 – Demolition requires development consent	The proposed development involves the removal of two (2) trees which requires development consent.	Yes
Clause 5.10 – Heritage Conservation	Three (3) heritage items are identified on the school site, being I247 – Manly Village Public School (Wentworth Street (corner of Wentworth Street, Darley Road and Victoria Parade)), I243 – 1920s School Building (10 Wentworth Street), and I244 – Former School of Arts (12 Wentworth Street). The site is also identified within the Town Centre Heritage Conservation Area (C2). To assess the impact of the proposed works on the heritage significance of the site, a Heritage Impact Statement (HIS) has been prepared by GML Heritage. The HIS concluded that the proposed tree removal will not affect the heritage significance of the site and that the proposed works are acceptable in terms of heritage impact.	Yes

5.2.5 Manly Development Control Plan 2013 (DCP)

Section 3.2: Heritage Considerations

Section 3.2.1 and Section 5.1 of the DCP relate to heritage considerations that are relevant to this DA. Having regard to these sections of the DCP, a Heritage Impact Statement (HIS) prepared by GML Heritage has identified the heritage significance of the site and if there are any heritage impacts generated by the proposed tree removal.

The HIS has noted that the trees are self-sown trees and located within a service area near the perimeter of the school and subsequently not forming part of the cultural landscape of the school. The HIS has concluded that the proposed tree removal works will have a negligible adverse heritage impact on Manly Village Public School, heritage items and the Town Centre HCA. Therefore, the proposed removal is acceptable from a heritage perspective.

Section 3.3: Landscaping

Section 3.3 of the DCP sets out the requirements for clearing vegetation. Having regard to Section 3.3.2.2 of the DCP, the two (2) trees that are proposed to be removed are to be replaced by suitable compensatory planting in a more appropriate location on site to does not cause maintenance issues for buildings. Details of the replacement planting species have been provided in **Table 2** of this report.

Section 3.3.2.3 provide for exemptions to the requirements for clearing vegetation. Subsection 3.3.2.3(c)(iv) provides the following exemption:

iv) the removal of a tree, where the base of the trunk of the tree at ground level, is located within 2m of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building)

Notwithstanding that Tree 1 is located less than 2m from Block D, the school site is located within a HCA and comprises items of heritage significance. As such, a DA is required for the removal of Tree 1 and Tree 2.

5.3 Section 4.15(1)(b) – Natural and Built Environmental Impacts

5.3.1 Flora and Fauna

An Arborist Report has been prepared by Birds Tree Consultancy and included as part of this application. The Arborist Report has identified the subject trees to be of medium rating, based on the Tree Retention Value Priority Matrix as developed by the Institute of Australian Consulting Arborists (IACA). Both trees are also deemed to be in good health and condition, with no known structural defects.

The trees were self-sown and are isolated from any areas of bushland and are not identified as comprising outstanding biodiversity values. Two (2) replacement trees are proposed that are within a more suitable location on the school site. Proposed between Block B and Block E, the proposed trees will provide greater amenity and increased shading to an area that is used predominantly for play space.

5.3.2 Heritage

Manly Village Public School and two (2) of the school buildings are identified as heritage items, pursuant to the LEP. These heritage items include:

- I247 – Manly Village Public School (Wentworth Street (corner of Wentworth Street, Darley Road and Victoria Parade));
- I243 – 1920's School Building (10 Wentworth Street); and
- I244 – Former School of Arts (12 Wentworth Street)

As per the Department of Education's Section 170 Heritage and Conservation Register (DoE S170 Register), the site and some of the school's buildings are listed as heritage items. These include:

- Item No. 4640257 – Manly Village Public School – Buildings B00A, B00B and 1882 Parapet Monument (Darley Road);
- Item No. 4640257 – Manly Village Public School – Building B00C (1920's school building) (Darley Road); and
- Item No. 4640257 – Manly Village Public School – Building B00D (former School of Arts) (12 Wentworth Street).

The school site is also located within a heritage conservation area, known as the Manly Town Centre Heritage Conservation Area (C2).

The accompanying HIS prepared by GML Heritage has assessed the impact of the proposed tree removal on the heritage significance of the site and of the surrounding site context.

The trees are directly adjacent to an onsite car park and a rear addition to Block D, which the HIS identifies as having little heritage significance. As a result, the proposed tree removal works are considered to have minimal adverse heritage impact on the heritage significance of Manly Village Public School and the associated heritage items within the site and in the vicinity of the site.

The subject trees are located within the perimeter of the school campus which GML Heritage believes does not form part of the designated cultural landscape of the school and does not contribute to the significance of the Manly Town Centre Heritage Conservation Area.

Furthermore, the HIS has concluded that the proposed replacement tree planting will improve the amenity for students and staff, with the location of the proposed trees being within a landscaped area between Blocks B and E that is currently utilised for passive recreation.

5.4 Section 4.15(1)(b) – Social and Economic Impacts

The proposal will have a positive social impact, as the proposed tree removal and pruning works will assist in minimising the maintenance required for Block D, that is generated by needles and tree branches falling from the subject trees. If not maintained gutters can become congested and subsequently prevent the flow of stormwater run off in the event of heavy rainfall.

As provided in the letter prepared by Manly Village Public School that accompanies this application, the trees are a safety risk to school staff and have the potential to cause damage to vehicles that are parked on site.

The trees are also located within a peripheral area of the site, towards the north eastern side boundary and located between an existing car park and school building. The proposed replacement planting will be located within an existing landscaped area that is used as a space for recreational purposes for students and staff, which will result in a positive social impact for students and staff utilising this space.

5.5 Section 4.15(1)(c) – Suitability of the Site for Development

Pursuant to Section 4.15(1)(c) of the EP&A Act, the site is considered suitable for the proposed tree removal and replacement tree planting development. The site operates as an established school, with the proposed works being ancillary to the use of the site as a school.

5.6 Section 4.15(1)(e) – Public Interest

Section 4.15(1)(e) of the EP&A Act requires the consent authority to consider the public interest. The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report.

The proposed tree replacement works will mitigate safety risk to Block D, as well as providing building maintenance benefits. The proposal is considered to meet the provisions of relevant environmental planning instruments and as these instruments have been created having regard to the objects of the Act following community consultation, they are considered to express the planning controls that seek to protect the public interest. Accordingly, it is considered that the proposal is in the public interest.

6.0 Conclusion and Recommendations

We have assessed the proposed tree removal and replacement development at Manly Village Public School against the relevant statutory provisions and considered the potential environmental impacts. The proposed development comprises the following:

- Removal of two (2) *Casuarina Cunninghamiana* trees located towards the eastern side of the site; and
- Replacement planting, including one (1) *Hymenosporum flavum* and one (1) *Elaeocarpus reticulatus* to be planted towards the south of the site.

The proposal tree removal will manage the safety risk associated with the subject trees and minimise the maintenance required for Block D. The trees subject to removal as part of this DA are not deemed to contribute to the heritage significance of the site, with the replacement tree planting proposed in a more suitable location on site.

Accordingly, we have concluded that the proposal is acceptable in this particular instance and that the subject DA is worthy of approval.

PREPARED BY:

A handwritten signature in black ink, appearing to read 'T West', written in a cursive style.

**THOMAS WEST
PROJECT PLANNER**

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'D Kettle', written in a cursive style.

**DAVID KETTLE
DIRECTOR**