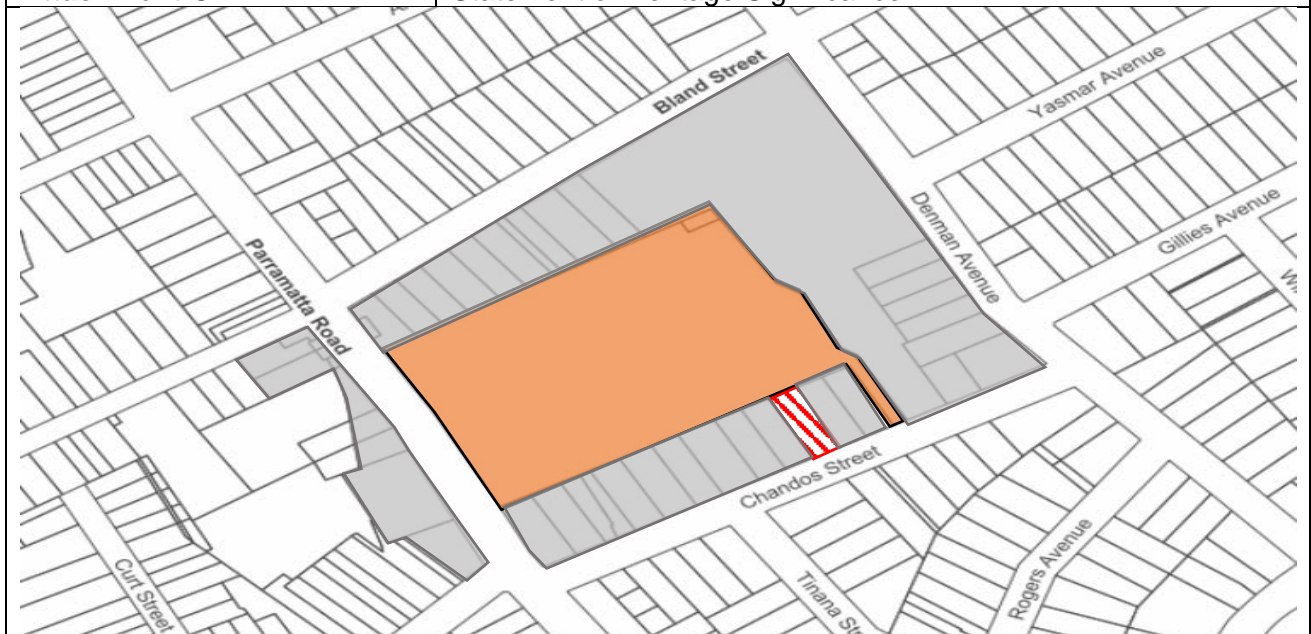






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA10.2019.000186.1
Address	185 Parramatta Road HABERFIELD NSW 2045
Proposal	Tree removal and pruning
Date of Lodgement	5 December 2019
Applicant	Soil Conservation Service
Owner	Dept. Planning Industry & Environment – Crown Land
Number of Submissions	1
Value of works	\$591.66
Reason for determination at Planning Panel	Heritage Item
Main Issues	Tree management
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Heritage Exemption
Attachment C	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for tree removal and pruning at 185 Parramatta Road, Haberfield. The application was notified to surrounding properties and one (1) submission was received in response to the notification.

The proposal generally complies with the applicable planning controls. The proposal will not result in any significant impacts on the streetscape or the amenity of the adjoining properties subject to conditions of consent.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

The application seeks development consent for tree removal and pruning.

Specifically, the application seeks to remove 13 trees and prune 12 trees from within the site, between the Remand Centre and the adjoining residential properties on Chandos Street.

3. Site Description

The subject site is located on the eastern side of Parramatta Road, between Bland Street and Chandos Street, Haberfield. The site area is approximately 9,834sqm with a primary frontage to Parramatta Road and a secondary frontage to Chandos Street. The site contains the Juvenile Justice – Yasmar Training Facility.

Surrounding land uses are predominantly single storey dwelling houses. Haberfield Public School is located immediately to the north of the subject site.

The site is listed as Heritage Item (namely “Yasmar”) under the Heritage Act. The site is listed as Heritage Item No.444 (namely “House and gardens”) under ALEP 2013 and is located within the Haberfield Heritage Conservation Area.

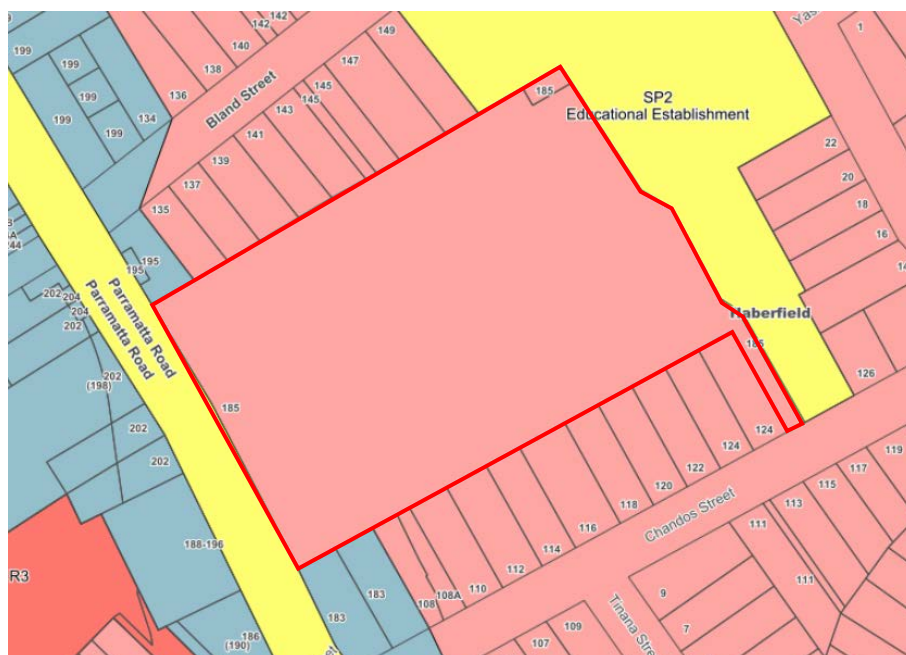


Image 1: Land zoning map (ALEP 2013)



Image 2: Tree location map

4. Background

4(a) Site history

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

Application Number	Date	Proposal	Decision
10.2014.32.1	12/02/2014	Bus Shelter- Erection of a bus shelter with advertising light box along Parramatta Road south of Bland Street on the Eastern side	Approved
10.2013.261.1	11/02/2014	Bus Shelter- Erection of a bus shelter with advertising light box along Parramatta Road south of Bland Street on the Eastern side	Approved
10.2008.15.1	14/10/2008 15/04/2009	Italian Bilingual School- Demolition of buildings at existing Juvenile Detention Centre and construction of an educational establishment.	Refused Appeal Dismissed
10.2003.210.1	07/11/2003	New (Building Work) Other - Construction of a passenger lift and lift tower servicing two levels of a classroom and library at Haberfield Public School.	Approved
5.2002.1.2	24/04/2003	Child Care Centre and Education Establishment (School) and Other and S - S.96 Application - Internal and external amendments to building for afterhours school care.	Approved
10.2001.202.1	25/07/2001	Erection of A School Notice Board on North-east Corner of The Site (Chandos Street).	Approved

5.2002.1.1	24/03/2000	1999.405.01 Construction of a building for afterhours school care.	Approved
5.1997.95.1	07/10/1997	Construct A Shade Structure	Approved
5.1995.177.1	24/07/1995	Install A Multi-Purpose Sports Patio in School Grounds	Approved
6.1970.7642.1	26/06/1970	Applies to Lot 244 Formerly 128 Chandos Street Now Demolished and Lot Split Between 149a Bland Street And 185 Parramatta Road	Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
5 December 2019	Application lodged with Council
24 January 2020	Heritage Exemption from the Heritage Council of NSW requested
19 August 2020	Heritage Exemption submitted to Council

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 (Vegetation in Non-Rural Areas) 2017*
- *Ashfield Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

Vegetation SEPP concerns the protection/removal of vegetation identified under the *SEPP* and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks to remove 13 trees and prune 12 trees from within the site, between the Remand Centre and the adjoining residential properties on Chandos Street. The application was referred to Council's Tree Management Officer whose raised no objection to the proposed works, subject to the imposition of appropriate conditions regarding tree removal and pruning.

The Heritage Exemption from the Heritage Council of NSW submitted to Council raised no objection to the proposed works with the exception of the removal of one (1) *Corymbia maculata* (Spotted Gum) from the site. As such, the removal of this particular tree is not supported, and appropriate conditions of consent have been imposed. A condition of consent has been included which requires the conditions contained in the Heritage Exemption to be complied with at all times.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and Chapter C of the Comprehensive Inner West Development Control Plan 2013.

5(a)(ii) Ashfield Local Environmental Plan (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
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation

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

The site is zoned R2 – Low Density Residential under the *ALEP 2013*. The proposed works are permissible but require development consent given the heritage status of the site. The development is consistent with the objectives of the zone.

(ii) Clause 4.3 – Height of Buildings

The site is located in an area where the maximum height of the building is 7 metres as indicated on the Height of Buildings Map that accompanies *ALEP 2013*. No change to the existing building height is proposed.

(iii) Clause 4.4 – Floor Space Ratio

The site is located in an area where maximum floor space ratio permitted is 0.5:1 as indicated on the Floor Space Ratio Map that accompanies *ALEP 2013*. No change to the existing gross floor area is proposed.

(iv) Clause 5.10 – Heritage Conservation

The site is listed as a Heritage Item (namely “Yasmar”) under the Heritage Act. The site is listed as Heritage Item No.444 (namely “House and gardens”) under *ALEP 2013* and is located within the Haberfield Heritage Conservation Area. The application was accompanied by information addressing heritage management and impacts upon heritage significance. This documentation has been reviewed by the Heritage Council of NSW who raised no objection to the proposed works with the exception of the removal of one (1) *Corymbia maculata* (Spotted Gum) from the site.

5(b) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 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 IWLEP 2020 are not particularly relevant to the assessment of the application as they do not amend the heritage status of the site or the provisions which apply to tree removal. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (CIWDCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWDCP2016	Compliance
Section 2 – General Guidelines	
C – Sustainability	
4- Tree Management	No – see discussion

The following provides discussion of the relevant issues:

Chapter C “Miscellaneous” Part 4 – Tree Management

Section 5.2 of Chapter C, Part 4 of CIWDCP 2016 provides assessment criteria when considering an application to remove a tree including distance, danger, property damage, condition of the tree, health of the tree, significance to streetscape, termites, potential future damage and extenuating circumstances.

The application was referred to Council’s Tree Management Officer whose raised no objection to the proposed works, subject to the imposition of appropriate conditions regarding tree removal and pruning, including the retention of the Spotted Gum.

As such, the development is considered acceptable having regard to Section 5.2 of Chapter C, Part 4 of CIWDCP 2016

5(d) The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

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

The application demonstrates that the site can accommodate the proposed development.

5(g) Any submissions

The application was advertised, an on-site notice was displayed on the property, and residents/property owners in the vicinity of the property were notified of the development in accordance with Council’s policy. One (1) submission was received which requested additional pruning be undertaken on trees overhanging their property boundaries. The pruning of trees overhanging properties boundaries is a civil matter and not a consideration in the assessment of this application.

5(h) 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. Subject to the retention of the identified tree, the proposed development is considered to be within the public interest.

6 Referrals

6(a) Internal

The application was referred to Council's Tree Management Officer who raised no objection to the works, subject to the imposition of suitable conditions of consent.

6(b) External

None required.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained within the relevant environmental planning instruments and development controls plans.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. 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*, approve Development Application No.10.2019.00186.1 for tree removal and pruning at 185 Parramatta Road HABERFIELD NSW 2045.

Attachment A – Recommended Conditions of Consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. Works to Trees

Approval is given for the following works to be undertaken to trees on the southern site boundary, parallel with Chandos Street.

Tree	Botanical/Common Name	Approved works
1	<i>Eucalyptus</i> spp. (Eucalyptus)	Remove dead tree
2	<i>Olea europaea 'africana'</i> (African Olive)	Remove tree, rated as priority one weed under Biosecurity Act, 2015,
3	<i>Eucalyptus</i> spp. (Eucalyptus)	Remove dead tree
4	<i>Eucalyptus tereticornis</i> (Forest Red Gum)	Deadwood pruning
5	<i>Olea europaea 'africana'</i> (African Olive)	Remove weed tree
6	<i>Eucalyptus</i> spp. (Eucalyptus)	Remove dead tree
7	<i>Olea europaea 'africana'</i> (African Olive)	Remove weed tree
8	<i>Callistemon salignus</i> (Willow Bottlebrush)	Remove dead tree
9	<i>Callistemon salignus</i> (Willow Bottlebrush)	Remove dead tree
10	<i>Corymbia maculata</i> (Spotted Gum)	Remove deadwood and stubs only. No canopy reduction.
11	<i>Corymbia maculata</i> (Spotted Gum)	Deadwood pruning
12	<i>Callistemon salignus</i> (Willow Bottlebrush)	Remove deadwood and minor lifting of lower canopy by 3 metres
13	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Remove deadwood and minor crown lifting of maximum 100 mm ø branches overhanging neighbouring properties.
Tree	Botanical/Common Name	Approved works
14	<i>Olea europaea 'africana'</i> (African Olive)	Remove weed tree
15	<i>Callistemon salignus</i> (Willow Bottlebrush)	Remove deadwood and minor crown lifting to clear neighbouring properties.
16	<i>Corymbia maculata</i> (Spotted Gum)	Deadwood pruning
18	<i>Corymbia maculata</i> (Spotted Gum)	Remove deadwood
19	<i>Corymbia maculata</i> (Spotted Gum)	Remove deadwood, selectively prune to clear sewerage vent, to 50 mm ø.
20	<i>Lophostemon confertus</i> (Brush Box)	Selectively prune to clear neighbouring building by 2 metres and Crown-Lift to achieve a maximum clearance of 5 metres above ground. A maximum of 5% total live canopy is to be removed with branch diameter not exceeding 50 mm.

21	<i>Olea europaea 'africana'</i> (African Olive)	Remove weed tree
22	<i>Podocarpus elatus</i> (Brown Pine)	Selectively prune to clear building by 2 metres, maximum branch diameter 100 mm.
23	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	Remove small, asymmetric tree.
24	<i>Viburnum odoratissimum</i> (Sweet Viburnum)	Remove senescent tree.
25	<i>Ficus macrophylla</i> (Morton Bay Fig)	Selectively prune to clear garage No 122 Chandos Street by 2 metres and Crown-Lift to achieve a maximum clearance of 5 metres over neighbouring gardens. A maximum of 15% total live canopy is to be removed with branch diameter not exceeding 150 mm.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

2. Heritage Exemption

All works are to comply with the Section 60 Application No.s/60/2020/109 dated 18 August 2020 at all times.

ADVISORY NOTES

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Attachment B – Heritage Exemption



Our ref: DOC20/354956

David Unger
Soil Conservation Service
Level 11, 10 Valentine Avenue
Parramatta NSW 2150

By email: David.unger@scs.nsw.gov.au

Dear Mr Unger

APPLICATION UNDER SECTION 60 OF THE HERITAGE ACT 1977
YASMAR
STATE HERITAGE REGISTER N^o 01379

Address: 185 Parramatta Road, Haberfield

Proposal: Removal and pruning of a number of trees to area between the Remand Centre and residences' back fences in Chandos St. Haberfield. The subject trees are as identified in a report commissioned by Soil Conservation Services on behalf of Crown Land.

Section 60 application no: s.60/2020/109, received 26 May 2020

Additional information requested: Yes, received 3 August 2020

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above section 60 application. Pursuant to section 63 of the *Heritage Act 1977*, approval is granted subject to the following conditions:

APPROVED DEVELOPMENT

1. All work shall comply with the information contained within:
 - a) Arboricultural Assessment for (Yasmar) 185 Parramatta Road, Haberfield, prepared by Bradshaw Consulting Arborists, dated 20 August 2019.

EXCEPT AS AMENDED by the conditions of this approval:

PROPOSED REMOVAL OF TREE 17

2. Proposed immediate removal of Tree 17, *Corymbia maculata* (Spotted Gum) is not approved. Due to its high significance within the garden, further monitoring of this tree's condition is required. Should it deteriorate to pose a high risk, a separate application for removal along with supporting documentation shall be submitted for approval to the Heritage Council (or its Delegate).

Reason: The submitted documentation does not provide adequate justification for its immediate removal.

IDENTIFICATION OF POISONED TREE

3. Once dead wood has been pruned off Tree 242, current close-up photographs of its bark, leaves, and any flowers or fruit shall be taken and sent to Heritage NSW to assist in accurate identification, better significance assessment and future management.

Reason: To ensure the rarity or other significance of this landscape element is precise.

SPECIALIST TRADESPERSONS

4. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.
5. Arboricultural management of trees within the affected area should only be carried out by qualified arborists with extensive experience in significant heritage landscapes. All remedial surgery and selective pruning work should be carried out in accordance with *Australian Standard AS4373 Pruning of Amenity Trees*.

Reason: So that the construction, conservation and repair of significant fabric and vegetation follows best heritage practice.

SITE PROTECTION

6. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including trees and other landscape elements, is not damaged or removed.
7. Tree protection zones should be identified around trunks, root zones and major limbs of significant trees to be retained on site and these trees should be appropriately protected by the project arborist in accordance with *Australian Standard AS 2970 Protection of Trees on Development Sites* during site set up, works and construction.

Reason: To ensure significant fabric including vegetation is protected during construction.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

8. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

9. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Department of Premier and Cabinet is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Premier and Cabinet has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

10. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

DURATION OF APPROVAL

11. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

Reason: To ensure the timely completion of works.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

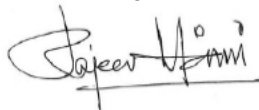
Right of Appeal

If you are dissatisfied with this determination appeal may be made to the Minister under section 70 of the Act.

It should be noted that an approval under the Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

If you have any questions about this correspondence, please contact Chrisia Ang, Senior Heritage Assessment Officer, at Heritage NSW, Community Engagement, Department of Premier and Cabinet on (02) 8275 1952 or chrisia.ang@environment.nsw.gov.au.

Yours sincerely



Rajeev Maini
Senior Team Leader
Regional Heritage Assessments South
Heritage NSW
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW
18 August 2020

cc: The General Manager, Inner West Council, email: council@innerwest.gov.au

Attachment C – Statement of Heritage Significance

Item details

Name of item:

Yasmar

Other name/s:

Yasmar Hostel; Juvenile Remand & Detention Centre; Yasmar School

Type of item:

Complex / Group

Group/Collection:

Residential buildings (private)

Category:

Villa

Location:

Lat: -33.8807727671 Long: 151.1337737730

Primary address:

185 Parramatta Road, Haberfield, NSW 2045

Local govt. area:

Ashfield

Local Aboriginal Land Council:

Metropolitan

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
LOT	1		DP	1160724
LOT	2		DP	1160724

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
185 Parramatta Road	Haberfield	Ashfield			Primary Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
Land and Property Management Authority (LPMA)	State Government	20 Apr 07

Statement of significance:

The site of Yasmar survives as a rare example of a suburban villa in its garden setting that remains in a relatively intact condition. Yasmar is the only relatively intact villa house estate remaining on Parramatta Road, the oldest roadway in Australia, commenced in 1792. Other great estate houses in the vicinity no longer exist - Annandale 1808, Elswick 1805-25, Dobroyde, Ashfield Park 1820s. The house, stables and garden survive in layout and in relation to each other as originally intended. For these reasons the site is rare.

The garden has historic and aesthetic value as a now very rare example of the Gardenesque style surviving close to the city on a major arterial road and retaining connection with its original residence. The existing remnant garden allows an understanding both of the kind of setting thought appropriate to persons of wealth and taste and of this style's principles. The garden has historic, aesthetic, social and scientific significance for its purposeful layout in relation to the house and outbuildings, range of remnant vegetation and formal entrance gates on Parramatta Road.

The gateposts, gates and curved carriageway leading to the turning circle survive in near original condition. The scale of the surviving, now mature, garden marks it a landmark feature along Parramatta Road. The garden's scale and diversity of planting make it an important element in the Haberfield and Ashfield townscape; a welcome contrast to later commercial development along Parramatta Road.

Many examples of the garden's vegetation have high individual significance as well as being physical evidence of 19th century practices. The olives may be derived from William Macarthur's Nursery at Camden Park. The garden has associational links with David Ramsay, his son Edward Pierson Ramsay and Alexander Macleay, the latter two being founders of the Linnaean and the Australian Flora & Horticultural Societies.

Yasmar's house has historic, aesthetic and social significance at state level. It is a rare example of John Bibb's residential work. The property has strong associations with Simeon Lord, the Ramsay Family and GJN Grace. The house was used as a Sunday School in 1860's, the first home Sunday School for the Presbyterian Church in New South Wales. This led onto the establishment of a week day school in the church hall, circa 1866, and subsequently Haberfield School in 1907. The use of the house as a childrens' court and in association with the remand centre and its school, has been a significant public use of the building.

Date significance updated: 04 Nov 02