

6 December 2016

Justin M Polgar, Anna K T B Gama
49 Inglebar Avenue
ALLAMBIE HEIGHTS NSW 2100

Dear Sir/Madam,

Development Application No: DA2016/1230
Description: Proposed Removal/Pruning of Trees
Address: 8 James Wheeler Place WHEELER HEIGHTS

We are writing to advise you that the abovementioned Tree Application has now been determined.

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 6 months after the date of the determination shown on this notice.

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant a right of appeal to the Land and Environment Court within 6 months of receipt of this letter.

Should you require any further information on this matter, please contact Council between the hours of 8.30am to 5.00pm, Monday to Friday, on 9942 2111.

Yours faithfully



Tree Assessment Officer, Development Assessment

**NOTICE OF DETERMINATION OF DEVELOPMENT
APPLICATION**

Development Application No: DA2016/1230

DEVELOPMENT APPLICATION DETAILS

Applicant Name and Address: Justin M Polgar, Anna K T B Gama
49 Inglebar Avenue
ALLAMBIE HEIGHTS NSW 2100

Land to be developed (Address): 8 James Wheeler Place WHEELER HEIGHTS

Proposed Development: Tree Removal (5)

Approved Development: Tree Removal (5)

DETERMINATION

Made on (Date): 6 December 2016

Consent to operate from (Date): 6 December 2016

Consent to lapse on (Date): 6 December 2021

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards.

NOTES:

- This determination relates to the condition of the tree/s at the time of inspection by Council and is limited to a visual assessment of the subject tree from ground level.
- The responsibility of routine inspection and maintenance of trees located on private property is the responsibility of the relevant landowner.
- Tree owners are strongly advised by Council to have their trees regularly inspected and maintained by an appropriately qualified person, to prevent the likelihood of branch or tree failure.

FAILURE TO COMPLY WITH THE CONDITIONS OF THIS CONSENT MAY RESULT IN ON THE SPOT FINES BEING ISSUED, OR COUNCIL PURSUING ANY ACTION REQUIRED (INCLUDING LEGAL PROCEEDINGS) TO ENFORCE THE REQUIREMENTS WITHOUT PRIOR WARNING.

GENERAL CONDITIONS

APPROVED WORKS

1. Works

The following applies to the site:

(a) Trees approved for removal

This consent includes approval to remove the following trees:

Council Reference No:	Species	Location
1	Allocasuarina spp.	Rear setback (as per application)
2	Allocasuarina spp.	Rear setback (as per application)
3	Allocasuarina spp.	Rear setback (as per application)
4	Allocasuarina spp.	Rear setback (as per application)
5	Pinus patula (Mexican Pine)	Front boundary

2. Replacement trees which must be planted

The following replacement tree species must be planted onsite to ensure the preservation of the landscape character of the locality.

No of replacement trees required:	Species	Location
3	Suitable Species: Refer to Council's Plants and Trees List for recommended species via the following link:	Suitable location
http://www.warringah.nsw.gov.au/environment/your-backyard/plants-and-trees		

Replacement trees are to satisfy the following:

- All replacement trees must be a minimum pot size of 25L at planting;
- All replacement trees must be of a species that will attain a minimum height of six (6) metres at maturity within six (6) years of planting;
- All replacement trees must be maintained until they reach six (6) metres in height;
- If any replacement tree dies prior to reaching six (6) metres in height that tree is to be replaced; and
- The replacement trees shall be planted within three (3) months of the approved trees removal.

Reason: To enhance the landscape character.

3. Approved Development and Supporting Documentation

Approval is NOT granted for any demolition or construction works.

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

SITE REQUIREMENTS

4. Development Consent on Site

A copy of this consent shall be kept on site at all times during and up to six (6) months after the completion of works, so as to be readily available for perusal by any Authorised Officer of Council.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

5. Protection of Footpaths and Roadways

(a) The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

(b) No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in this development consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: *Protection of footpath and roadways.*

6. Silt & Sediment Control

Provision shall be made throughout the period of tree removal to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: *To avoid siltation to adjoining properties and waterways.*

7. Soil Erosion and Landslip Risks

Any person carrying out works permitted under this Development Consent has a duty of care in the appropriate management of soil erosion and landslip risks when removing trees and vegetation. It is the responsibility of landowners to see expert advice from a Geotechnical Engineer in relation to these matters prior to the removal of the tree/stump. Operating under this Development Consent does not absolve the landowner from their responsibility for landslip and erosion issues.

Reason: *To avoid soil erosion and landslip.*

8. No Work on Public Open Space

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council.

Reason: *Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.*

9. Kerbside restrictions, construction zones

The applicant's attention is drawn to the existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

Reason: *Proper management of public land.*

10. Protection of existing trees

All trees must be retained unless approved, exempt or noxious in the relevant planning instruments.

No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified arborist on site. All tree protection to be in accordance with AS4970 – 2009 Protection of trees on development sites. All pruning to be in accordance with AS4373 – 2007 Pruning of amenity trees and WDCP 2011 E1 Private Property Tree Management

Reason: *Protection of Trees.*

11. Protection of Wildlife

Any person carrying out works permitted under this Development Consent must check for native wildlife roosting and nesting within the tree hollows prior to and during tree works. Where wildlife is found to be using tree hollows which are proposed for removal, a wildlife carer must be contacted to facilitate any required animal rescue.

Reason: *Protection of wildlife.*

12. Hours of Work

Works shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays in accordance with Industrial Noise Policy and the *Protection of the Environmental Operations Act 1997 (POEO Act) / Regulations*.

The person acting upon this consent shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

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

13. Health and Safety

- a) The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan.
- b) Site fencing must be installed (where required) sufficient to exclude the public from the site.
- c) Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Reason: *To ensure the health and safety of the community and workers on the site.*

14. Prohibition on Use of Pavements

Any person carrying out works permitted under this Development Consent shall ensure that Council's footpath is maintained in a safe way to ensure safe pedestrian access throughout any tree removal / pruning. Under no circumstances are any branches or other tree debris to be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

All tree debris is to be disposed of appropriately. Should the material need to be stored, it must be contained and stored within the property boundary and in a safe and healthy condition.

Reason: *To ensure public safety and amenity on public land.*

Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be lodged and determined be within 6 months after the date of determination shown on this notice.

NOTE: *Fees will apply for any request to review the determination.*

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.



Signed on behalf of the consent authority

Name Tree Assessment Officer, Development Assessment