



northern  
beaches  
council

20 December 2022



Colin Murray  
C/- Uniting  
1 Wetherill Street  
LEICHHARDT NSW 2040

Dear Sir/Madam,

**Permit No:** TA2022/0736  
**Description:** Proposed Removal/Pruning of Trees  
**Address:** 27-47 Birkley Road MANLY

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

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 3 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 1300 434 434 or anytime at [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Yours faithfully

***Michael Nolan***

**Tree Assessment Officer**



## NOTICE OF DETERMINATION OF PERMIT

**Application No:** TA2022/0736

### PERMIT DETAILS

**Applicant Name and Address:** Colin Murray  
C/- Uniting  
1 Wetherill Street  
LEICHHARDT NSW 2040

**Land (Address):** 27-47 Birkley Road MANLY

**Proposed Application:** Tree Removal (1 tree)

**Approved Application:** Tree Removal (1 tree)

**THE SUPPLIED ARBORIST REPORT HAS DEMONSTRATED THAT STRUCTURAL ROOTS FROM THIS EUCALYPTUS ROBUSTA TREE ARE IN DIRECT CONTACT WITH THE WALL AND APPLYING PRESSURE CAUSING DAMAGE.  
THE ROOTS HAVE BEEN NOTED TO BE VITAL FOR STABILITY AND CANNOT BE SEVERED.**

### DETERMINATION

**Made on (Date):** 20 December 2022

**Consent to operate from (Date):** 20 December 2022

**Consent to lapse on (Date):** 20 December 2027

### 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	Eucalyptus robusta	On front wall near steps

### 2. (e) 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
1	Black She-oak <i>Allocasuarina littoralis</i> Sydney red gum <i>Angophora costata</i> Coast banksia <i>Banksia integrifolia</i> Saw-tooth Banksia <i>Banksia serrata</i> Swamp She-oak <i>Casuarina glauca</i> Red Bloodwood <i>Corymbia gummifera</i>	As close to the location of the removed as practicable.

<p>Bangalay  <i>Eucalyptus botryoides</i>  Brown Stringybark  <i>Eucalyptus capitellata</i>  Scribbly Gum  <i>Eucalyptus haemastoma</i>  Sydney Peppermint  <i>Eucalyptus piperita</i>  Red Mahogany  <i>Eucalyptus resinifera</i>  Swamp Mahogany  <i>Eucalyptus robusta</i>  Silvertop Ash  <i>Eucalyptus sieberi</i>  Broad-leaved White Mahogany  <i>Eucalyptus umbra</i>  Port Jackson Fig  <i>Ficus rubiginosa</i>  Broad-leaved Paperbark  <i>Melaleuca quinquenervia</i>  Turpentine  <i>Syncarpia glomulifera</i>  Magenta Lilly Pilly  <i>Syzygium paniculatum</i>  Lilly Pilly  <i>Syzygium smithii</i></p>	
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Replacement trees are to satisfy the following:

- a) All replacement trees must be a minimum container size of 45 Litres at planting;
- b) 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;
- c) All replacement trees must be maintained until they reach six (6) metres in heights;
- d) If any replacement tree dies prior to reaching six (6) metres in height that tree is to be replaced; and
- e) The replacement trees shall be planted within three (3) months of the approved trees removal.

**Reason:** To enhance the landscape character.

## SITE REQUIREMENTS

### 3. Permit on Site

A copy of this consent shall be kept on site at all times during and up to twelve

(12) 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.*

**4. 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.*

**5. 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.*

**6. Soil Erosion and Landslip Risks**

Any person carrying out works permitted under permit 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 permit does not absolve the landowner from their responsibility for landslip and erosion issues.

**Reason:** *To avoid soil erosion and landslip.*

**7. 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 approved permit of Council.

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

**8. 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.*

**9. Noxious Plants**

All lantana, privet, rubber trees, parateria, and other declared noxious plants on the site, shall be eradicated.

Eradication of noxious weeds shall be conducted within three (3) months of the approved works being conducted.

**Reason:** *To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome.*

#### **10. Protection of Wildlife**

Any person carrying out works permitted under this permit 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.*

#### **11. 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)*

#### **12. 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.*

#### **13. Prohibition on Use of Pavements**

Any person carrying out works permitted under this permit 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 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 3 months after the date on which you receive this notice.

**Signed**    ***Michael Nolan***    on behalf of the consent authority

Name        Michael Nolan    Tree Assessment Officer