



**Warringah
Council**

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4 February 2009

G J Will
33 Marlborough Avenue
FRESHWATER NSW 2096

Dear Sir/Madam,

RE: Application No: DA2009/0081
Description: Removal of 1 tree
Address: 33 Marlborough Avenue FRESHWATER NSW 2096

We are writing to advise you that the abovementioned Development Application (for the removal / pruning of a tree) has now been determined. The formal determination notice is attached.

Please find attached your Notice of Determination. A Development Consent will include development consent conditions, advisory notes and any relevant additional information.

Please read your development consent and conditions in detail. If you have any questions please contact Council to ensure that your interpretation is correct. If the questions you wish to put to us are more complex you should email us the question quoting DA number and the property address in the subject title.

council@warringah.nsw.gov.au.

Our conditions will guide you through the requirements, some of which are requirements that may also be found in the Environmental Planning & Assessment Act 1979, the Environmental Planning & Assessment Regulation 2000 and other statutes. Should you require any further information on this matter, please contact Council between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number 9942 2111, or at any time on facsimile number 9971 4522.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully

Jason Goldstein
Tree Assessment Officer, Development Assessment



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2009/0081

DEVELOPMENT APPLICATION DETAILS

Applicant Name and Address: G J Will
33 Marlborough Avenue
FRESHWATER NSW 2096

Land to be developed (Address): 33 Marlborough Avenue FRESHWATER NSW 2096

Proposed Development: Tree Removal (1)

DETERMINATION

Made on (Date): 4 February 2009

Consent to operate from (Date): 4 February 2009

Consent to lapse on (Date): 4 February 2012

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.

NOTE:

This determination is 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, to prevent the likelihood of branch or tree failure.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advises that this consent will lapse three (3) years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

GENERAL CONDITIONS

1. Trees which may be removed

This consent includes approval to remove the following trees:

Council Reference No:	Species	Location
1	Prunus sp (Flowering Plum)	Rear setback

Reason: To ensure compliance with the approved development.

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.

Council Reference No:	Species	Location
1	Suitable Species that will attain a minimum height of 5 metres at maturity	Suitable location

Replacement trees must be maintained till they reach 5 metres in height. Any replacement trees that die within this period must be replaced with an equivalent sized tree.

Reason: To enhance the landscape character.

3. Approved Development And Supporting Documentation

The development is to be carried out in compliance with the conditions of this Development Consent.

This consent is for **the removal and / or pruning of trees only**, the approval relates only to works within the confines of the subject allotment only.

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 and approved plans.

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

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.

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. 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.

8. No Removal of Trees on Public Property

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 existing environmental infrastructure and community assets.

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. Noxious Plants

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

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

11. Construction Hours

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.

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.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

12. Health and Safety

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. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.workcover.nsw.gov.au

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 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.

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

14. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

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 within 12 months after the date of determination shown on this notice.

With regard to Tree Removal Applications, a review of the application will only be considered pending the receipt of additional supporting information to the original application through the submission of an Arborist (prepared by a suitably qualified person) and/or Structural Engineers report.

(Note: Arborist reports must comply with Council’s “Guidelines for obtaining an Arborist Report”.)

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 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name Jason Goldstein, Tree Assessment Officer, Development Assessment