



## NOTICE OF DETERMINATION OF TREE APPLICATION

**Development Application No:** DA2008/0092

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Xi Jing Liu

**Applicant Address:** Lot 176 DP 237762 26 Woodward Street, Cromer

**Land to be developed (Address):** Lot 176 DP 237762 26 Woodward Street, Cromer

**Proposed Development:** Tree Removal x 1

### DETERMINATION

**Made on (Date):** 30 January 2008

**Consent to operate from (Date):** 30 January 2008

**Consent to lapse on (Date):** 30 January 2009

### 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.

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 12 months 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. Approved Development and Supporting Documentation

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

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

### 2. 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.*

### 3. New Development Application Required

This consent is for the removal 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 or any works on Council land.

**Reason:** *To ensure compliance with the approved development.*

### 4. Tree(s) which may be removed

This consent includes approval to remove the following tree(s) as indicated on the sketch included in Part 4 of the application form:

Council Reference No:	Species	Location
1	Japonica	Front Setback

**Reason:** *Trees presenting a hazard.*

### 5. 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 tree species	Suitable on-site location

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

### 6. Silt & Sediment Control

Provision shall be made to prevent transmission of soil to the public road and drainage system from any tree removal.

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

**7. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from any associated tree pruning works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

**Reason:** *To ensure residential amenity is maintained in the immediate vicinity.*

**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. 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. Work 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.

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

**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](http://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 is 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.*

### **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's reports must comply with Council's "Guidelines for obtaining an Arborist's 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** **Ryan Cole, Team Leader, Development Assessment**

**Date** **30 January 2008**