



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: TDA2007/0052

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Peter Tanner

Applicant Address: 11 Lanford Avenue Killarney Heights NSW 2087

Land to be developed (Address): 11 Lanford Avenue Killarney Heights NSW 2087

Proposed Development: Tree Removal 1 tree

DETERMINATION

Made on (Date): 18 December 2007

Consent to operate from (Date): 18 December 2007

Consent to lapse on (Date): 18 December 2008

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 one tree 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 compliance with the approved development.

4. Trees which may be removed

This consent includes approval to remove the following trees:

Council Reference No:	Species	Location
1	<i>Eucalyptus nichollii</i> Small Leaved Peppermint	Front yard

Reason: To ensure compliance with the approved development.

5. Trees refused removal

This consent does not allow for the removal of the following trees.

Council Reference No:	Species	Location
1	<i>Eucalyptus nichollii</i> Small Leaved Peppermint	Front yard of 86 Ballyshannon Road Killarney heights NSW 2087

Reason: The tree is located on an adjoining property. A separate application is required a different property.

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 removal / 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. 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.

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

12. Out of Hours Work Permits

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. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(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.*

13. 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.*

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 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 18 December 2007