

18 January 2016

The General Manager
Warringah Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir / Madam

Section 96(1A) Application – Amend condition 16 of DA2015/0612 to allow for pruning of street trees

This letter comprises a formal request to Warringah Council under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* to modify DA2015/0612 to allow for pruning of street trees on Oaks Avenue.

Existing Consent

DA2015/0612 for drainage and stormwater management works and installation of shoring walls and bulk excavation was approved on 22 December 2015.

DA2015/0612 has been the subject of a number of modification applications. Of relevance to the subject application, this includes a current S96 application for the removal of street tree 16 from the list of trees within condition 16 of the consent identified for retention within the site. The application has been separately lodged with Council. For the purposes of the current application it is assumed that the S96 application to allow for the removal of street tree 16 has been approved.

The current proposal does not impact on the other S96 applications also being assessed by Council.

Proposed Amendments

It is proposed to amend conditions 1 and 16 of the development consent to refer to an amended arborist report which provides information in relation to the need for certain street trees to be pruned (trees 15, 17, 18, 19, 20 and 21). These trees overhang the development site and are required to be pruned to allow for site hoarding to be erected to the site's Oaks Avenue frontage.

No additional trees are proposed to be removed as a result of the amendment.

Proposed Conditions

As pruning of specified trees is an essential component of the construction methodology for the proposed excavation of the site we seek to amend the relevant conditions of the development consent to allow for this to occur as follows (new text shown in **bold**, deleted text shown in ~~strikethrough~~):

"1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) *Approved Plans*

Architectural Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
CV-0001 rev 6	01/10/15	Enstruct
CV-0002 rev 4	01/10/15	Enstruct
CV-0005 rev 3	01/10/15	Enstruct

Engineering Plans		
Drawing No.	Dated	Prepared By
SKC05 Issue A	23/09/15	AT&L
SKC06 Issue A	23/09/15	AT&L
1793 P02	09/11/15	Storm
1793 P03	09/11/15	Storm
1793 P04	09/11/15	Storm
1793 P05	09/11/15	Storm

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Excavation Works – Noise and Vibration Impact Assessment	31/07/2015	Acoustic Logic
Flora and Fauna Assessment	19 October 2015	Niche
Flora and Fauna Assessment – Supplementary Report	16 November 2015	Niche
Construction Traffic Management Plan (revision 6)	18 November 2015	SBMG Pty Ltd
Desktop Summary – Geotechnical, Groundwater and Contamination	15 August 2014	Coffey
Supplementary Groundwater Assessment	22 June 2015	Coffey
Aboriginal Assessment Report	21 January 2015 8 September 2015	TALC

b) the development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan	30/07/2015	Karimbla Construction Services

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

16. Tree protection and roots

(a) Existing trees which must be retained (Tree Root Protection)

Trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21 in the Aboriginal Assessment Report dated ~~21 January 2015~~ **8 September 2015** prepared by TALC.

(b) Tree protection

- i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the recommendations of the Arboricultural Assessment Report dated ~~21 January 2015~~ **8 September 2015** prepared by TALC and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning ~~within the subject site~~ is to be in accordance with WDCP 2011 Clause E1 Private Property Tree Management and AS4373 Pruning of amenity trees AS4970-2009 Protection of trees on development sites.
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)"

No changes are proposed to the approved plans.

Assessment

The development will remain substantially the same as the original approval and can be considered under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*. The development is not altered in any physical way as a result of the proposal and no additional environmental impact over and above that considered in the original assessment would be generated by the proposed modification. No additional trees are proposed to be removed, the proposal is for tree pruning only.

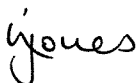
The proposed modification does not alter the permissibility of the proposal, nor does it impact on the compliance of the approved development with the relevant controls of the Warringah LEP or DCP.

The proposed modification is considered to be in the public interest as it will ensure that the excavation process can be managed safely by allowing for the erection of site hoarding without this being encroached upon by overhanging street tree branches.

If you require further information please do not hesitate to contact me on (02) 9287 2509. We look forward to receiving a positive determination in due course.

Yours faithfully

KARIMBLA CONSTRUCTION SERVICES (NSW) PTY LTD



Norelle Jones
Senior Town Planner