

29 June 2011



Nick Pyner & Assoc
43 Wheeler Parade
DEE WHY NSW 2099

TF(SDS)

Dear Sir / Madam,

RE: Modification Application No: Mod2011/0092 - (DA2007/1254)
Description: Modification of Development Consent DA2007/1254 granted for
Subdivision of 1 Lot into 2 Lots
Address: 51 Wheeler Parade DEE WHY

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 22 June 2011 as follows:

(a) Amend Condition No. 1 to read as follows:

1. Approved Plans and Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Dated	Prepared By
Sheet 1/9	21/12/2008	Nick Pyner & Associates
Sheet 2/9	22/12/2008	Nick Pyner & Associates
Sheet 3/9	22/12/2008	Nick Pyner & Associates
Sheet 4/9	22/12/2008	Nick Pyner & Associates
Sheet 7/9	22/12/2008	Nick Pyner & Associates
Sheet 8/9	22/12/2008	Nick Pyner & Associates

Except where modified by the following plans:

Drawing No.	Dated	Prepared By
1 of 1	25/4/2011	Nick Pyner & Associates

No building works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

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

(b) Amend Condition No. 14 to read as follows:

14. Submission of Engineering Plans

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of vehicular access which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

(c) Amend Condition 41 to read as follows:

41. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

Existing trees which must be retained

Approval is NOT granted for the removal of the following trees, which Council has determined to be significant landscape elements.

All trees not indicated for removal on Driveway Plan - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
1 of 1	25/4/2011	Nick Pyner & Associates

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

(d) The following condition is to be included:

41a. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.



- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

41b. Required Planting

Species	Location	MinPot Size
1 x <i>Araucaria heterophylla</i>	Road verge forward of the subject property and not affecting sight lines	100 litre

Required trees are to satisfy the following:

If any replacement tree dies prior to reaching five (5) metres in height that tree is to be replaced; and

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

This letter should therefore be read in conjunction with Development Consent DA2007/1254 dated 22 January 2009.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

Should you require any further information on this matter, please contact **Michael Edwards** 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 E-Services System at www.warringah.nsw.gov.au.

Yours faithfully

Michael Edwards
Development Assessment Officer
Strategic and Development Services

