



**Warringah
Council**

Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website www.warringah.nsw.gov.au
Email council@warringah.nsw.gov.au

8 October 2012

Swanbury Penglase Architects
244 Gilbert St
ADELAIDE SA 5000

Dear Sir/Madam,

RE: Development Application No: DA2012/1151
Description: Proposed Tree Application
Address: 53 Mitchell Road BROOKVALE NSW 2100

We are writing to advise you that the abovementioned Tree Application has now been determined. The formal determination notice is attached.

Please find attached your Notice of Determination.

Please read your Notice of Determination 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.

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 6 months after the date of the determination shown on this notice.

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant a right of appeal to the Land and Environment Court within 6 months of receipt of this letter.

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 Applications (eServices) at www.warringah.nsw.gov.au.

Yours faithfully

Kathryn Hills
Tree Assessment Officer, Development Assessment







NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2012/1151

DEVELOPMENT APPLICATION DETAILS

Applicant Name and Address: Swanbury Penglase Architects
244 Gilbert St
ADELAIDE SA 5000

Land to be developed (Address): 53 Mitchell Road BROOKVALE NSW 2100

Proposed Development: Tree Removal (3)

Approved Development: Tree Removal (1) and Tree Pruning (2)

DETERMINATION

Made on (Date): 8 October 2012

Consent to operate from (Date): 8 October 2012

Consent to lapse on (Date): 8 October 2017

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.

NOTES:

- This determination 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 by an appropriately qualified person, to prevent the likelihood of branch or tree failure.

FAILURE TO COMPLY WITH THE CONDITIONS OF THIS CONSENT MAY RESULT IN ON THE SPOT FINES BEING ISSUED, OR COUNCIL PURSUING ANY ACTION REQUIRED (INCLUDING LEGAL PROCEEDINGS)



Warringah Council

TO ENFORCE THE REQUIREMENTS WITHOUT PRIOR WARNING.

GENERAL CONDITIONS

APPROVED WORKS

1. Works

The following applies to the site:

(a) Trees approved for removal

This consent includes approval to remove the following trees:

Council Reference No:	Species	Location
3	Corymbia maculata (Spotted Gum)	Front setback, tree closest to the building

Notes; Trees 1 and 2 (two trees closest to the street frontage) were refused removal for the following reasons;

1. Trees 1 and 2 were in good health and condition at the time of visual inspection
2. Trees 1 and 2 provide habitat and amenity to the area.
3. Tree removal is generally not justified for reasons such as a tree is causing damage to minor ancillary structures such as a driveways or footpaths.
4. It is considered that alternative engineering solutions be considered prior to issuing consent for the removal of a tree.
5. Furthermore, it was noted at the time of inspection that some re surfacing to the driveway had been undertaken.

Approval is granted for the removal of Tree 3 (Tree closest to the building) due to its poor health and condition and selective pruning the canopies of Trees 1 and 2.

(b) Trees which may be pruned

This consent includes approval under Council's Tree Preservation to prune the following trees:

Council Reference No:	Species	Location	Percentage (%) of Tree Canopy Permitted for Pruning
1	Corymbia maculata (Spotted Gum)	Front setback, trees closest to the street frontage	Pruning not to exceed 15% and remove the deadwood
2	Corymbia maculata (Spotted Gum)	Front setback, tree closest to the street frontage	Pruning not to exceed 15% and remove the deadwood



2. Approved Development and Supporting Documentation

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.*

SITE REQUIREMENTS

3. 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.*

4. Protection of Footpaths and Roadways

- (a) 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.
- (b) 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 footpath and roadways.*

5. 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.*

6. 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.*

7. 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.*

8. Noxious Plants

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

Eradication of noxious weeds shall be conducted within three (3) months of the approved works being conducted.

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

9. Hours of Work

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.

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

10. Health and Safety

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

Reason: *To ensure the health and safety of the community and workers on the site.*

11. 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.*



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 lodged and determined be within 6 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 6 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Name Kathryn Hills, Tree Assessment Officer, Development Assessment