

19 July 2016

Craig M Poole
39 Robert Street
FRESHWATER NSW 2096

Dear Sir/Madam,

Development Application No: DA2016/0669
Description: Proposed Removal/Pruning of Trees
Address: 39 Robert Street FRESHWATER

We are writing to advise you that the abovementioned Tree Application has now been determined.

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 8.30am to 5.00pm, Monday to Friday, on 9942 2111.

Yours faithfully



Tree Assessment Officer, Development Assessment

**NOTICE OF DETERMINATION OF DEVELOPMENT
APPLICATION**

Development Application No: DA2016/0669

DEVELOPMENT APPLICATION DETAILS

Applicant Name and Address: Craig M Poole
39 Robert Street
FRESHWATER NSW 2096

Land to be developed (Address): 39 Robert Street FRESHWATER

Proposed Development: Tree Removal (1) or Tree Pruning (1)

Approved Development: Tree Pruning (1)

DETERMINATION

Made on (Date): 19 July 2016

Consent to operate from (Date): 19 July 2016

Consent to lapse on (Date): 19 July 2021

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) TO ENFORCE THE REQUIREMENTS WITHOUT PRIOR WARNING.

GENERAL CONDITIONS

APPROVED WORKS

1. Works

The following applies to the site:

(a) 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	Eucalyptus saligna (Blue Gum)	Front setback	Reduction pruning to reduce canopy end weight, pruning not to exceed 20% and remove the deadwood. <i>All pruning to be in accordance with AS 4373 – 2007 Pruning of amenity trees</i>

Comments

Tree 1 was refused removal for the following reasons:

1. Tree 1, appeared in good health and good structure at the time of visual inspection from ground level. No arboricultural defect warranting removal was identified.
2. Tree 1 makes a positive contribution to the visual character and the amenity of the area.
3. Insufficient evidence was provided to support removal, such as a report from a qualified arborist, indicating structural or dangerous flaws or other information in support for the trees removal.

It is recommended that additional information such as a report from a qualified Level 5 Arborist on the health and stability of the tree should be submitted with any review to this determination.

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. Soil Erosion and Landslip Risks

Any person carrying out works permitted under this Development Consent has a duty of care in the appropriate management of soil erosion and landslip risks when removing trees and vegetation. It is the responsibility of landowners to see expert advice from a Geotechnical Engineer in relation to these matters prior to the removal of the tree/stump. Operating under this Development Consent does not absolve the landowner from their responsibility for landslip and erosion issues.

Reason: *To avoid soil erosion and landslip.*

7. 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.*

8. 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.*

9. 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.*

10. Protection of Wildlife

Any person carrying out works permitted under this Development Consent must check for native wildlife roosting and nesting within the tree hollows prior to and during tree works. Where wildlife is found to be using tree hollows which are proposed for removal, a wildlife carer must be contacted to facilitate any required animal rescue.

Reason: *Protection of wildlife.*

11. 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 in accordance with Industrial Noise Policy and the *Protection of the Environmental Operations Act 1997* (POEO Act) / Regulations.

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)*

12. 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.*

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 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.

All tree debris is to be disposed of appropriately. Should the material need to be stored, it must be contained and stored within the property boundary and in a safe and health condition.

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.

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 Tree Assessment Officer, Development Assessment