

Anthony Peters

DA: 2016/598



Department of Education & Communities
PO Box 638
ALSTONVILLE NSW 2477

**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

(Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act 1979)

Development Application No:	DA 2016/598
Applicant:	Department of Education & Communities
Subject Land:	Lot 94 DP 755745, No. 58 Main Street, Alstonville
Development Proposal:	Vegetation management works comprising the removal of one <i>Syzygium moorei</i> — Durobby tree which is listed as vulnerable under the Threatened Species Conservation Act 1995 (TSCA)
Determination:	The development application has been determined by Ballina Shire Council on 7 February 2017 by way of the grant of consent subject to the conditions specified in this notice:
This consent operates from:	7 February 2017

GENERAL

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant including Location Plan, photograph of the Durobby tree and the Tree Assessment prepared by Australian Wetlands Consulting Pty Limited, except as modified by any condition in this consent.
2. **Trees to be Removed**
This consent authorises the removal of one Durobby tree as shown on the approved plan. Separate development consent from Council is to be obtained for the removal/pruning of any further vegetation located on the site unless such removal/pruning meets the exempt requirements within Chapter 2a – Vegetation Management of the Ballina Shire Development Control Plan 2012.

_____(initial)
Assessment Officer

3. The trees surrounding the Durobbey tree are to be retained and protected during removal works.
4. The loss of the tree is to be compensated for via offset plantings at a ratio of 5:1. If offsets are not able to be conducted on-site, offsets at a ratio of 10:1 are to be provided.

PRIOR TO TREE REMOVAL COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to the commencement of the approved tree removal and/or pruning works.

General

5. The Durobbey tree to be removed is to be clearly marked prior to the commencement of work at the site.

6. **Sediment and Erosion Control**

To prevent the pollution of waterways, the applicant is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and are to be maintained during the removal of the tree until the site has been stabilised by permanent vegetation cover. This is to include:

- (a) The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land;
- (b) Buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and or watercourses;
- (c) Sediment and erosion control measures are to be maintained throughout the tree removal process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

DURING TREE REMOVAL WORKS

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the approved tree removal and/or pruning works.

General

7. **Hours of Work**

Any tree removal work involving the use of noisy mechanical plant or noisy equipment must only be carried out within the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and Public Holidays	No noisy work at all

8. All tree removal works are to be undertaken in accordance with Australian Standard AS 4373-2007.
9. All tree removal works are to be undertaken on the subject site. No works are to be undertaken within the adjoining street system.

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Environmental

10. All vegetation removal is to be undertaken in a manner that ensures the ongoing integrity of the adjoining vegetation to be retained.
11. All vegetation from the removal works is to be removed from the site and disposed of in an appropriate manner.

Revegetation of disturbed areas

12. All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as tree removal works are completed.

Utility**13. Repair Damaged Infrastructure**

Any damage to Council Infrastructure such as water mains, utility services or road works resulting from this work, shall be immediately reinstated to a satisfactory condition.

REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan 2012;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

ADVISORY MATTERS**1. Revegetation**

Following removal of the nominated vegetation, the applicant is encouraged to provide suitable replacement plantings within the location of the tree removal. Details of suitable species can be obtained from the Ballina Shire Urban Garden Guide produced by Council.

2. Protection of the Environment

The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

3. Noise Control

Use of the premises/services/equipment/ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment & Operations Act 1997.

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Assessment Officer

4. WorkCover Requirements

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

5. Before You Dig

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure

The information relating to your property is to be obtained prior to any works commencing.

The consent shall lapse on **7 February 2022** unless the development has commenced in accordance with the provisions of section 95 of the Act.

Other Approvals: **The following approval bodies have given general terms of approval in relation to the development:**

N/A

Note: **The Planning Assessment Commission has not conducted a public hearing in respect of the application.**

Signed: _____ **on 7 February 2017**

Rod Willis
Group Manager
Development and Environmental Health Group
On behalf of Ballina Shire Council

Right of Appeal: If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the NSW Land and Environment Court within 6 months after the date on which you receive this notice or the date on which the application is taken to have been determined under Section 82(1).

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

Except in the case of designated development, there is no provision within the Environmental Planning and Assessment Act 1979 for a third party (objector) to appeal against the consent issued by the Council.

Review of Determination: Section 82A of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within the time prescribed by Section 82A (2A) and be accompanied by the fee prescribed by Section 257 of the Environmental Planning & Assessment Regulation 2000. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the Council under Division 4 in respect of an application by the Crown.

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Assessment Officer

