



John Smith - 9710 0333
File Ref: - TP22/0406

11 October 2022

Trustees Of The Sisters Of Mercy Parramatta
62-66 Dominic Street
BURRANEER NSW 2230

Dear Sir/Madam

**Tree Permit Application for Tree Assessment TP22/0406
Premises: 6 Coast Avenue CRONULLA NSW 2230**

An application for a tree assessment was received on 19 September 2022 for proposed works concerning trees at the above premises. Please find attached the determination of your application.

Your attention is directed to the conditions that form part of the determination.

If you require clarification of any aspect of the approval please contact Council via email ssc@ssc.nsw.gov.au and include your tree permit number.

Yours faithfully

John Smith

Environment, Health and Building
Sutherland Shire Council

Note; All determinations form part of Council's on line register. Sutherland Shire Council does not endorse any organisation or individual for pruning or tree removal. If you receive any unsolicited material indicating or suggesting Council's endorsement please forward the material to Sutherland Shire Council's Environment, Health & Building Unit, who will address the issue with the tree company directly.

Encl.

Sutherland Shire Council

4-20 Eton Street, Sutherland NSW 2232 • Locked Bag 17 Sutherland NSW 1499
Phone 02 9710 0333 • ssc@ssc.nsw.gov.au • sutherlandshire.nsw.gov.au



TREE PERMIT NOTICE OF DETERMINATION

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

DATE OF DETERMINATION 11 October 2022
Delegated Authority

AUTHORITY

DETERMINATION OF TREE PERMIT APPLICATION NO. TP22/0406

LAND DESCRIPTION:

Lot 14 DP 9249, Lot 1 DP 949436, Lot 3 DP 950836, Lot 1 DP 126705, Lot 1 DP 165492
6 Coast Avenue, Cronulla

APPLICANT:

Trustees Of The Sisters Of Mercy Parramatta
62-66 Dominic Street
BURRANEER NSW 2230

This Tree Assessment Application has been determined in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. Details of the determination are provided below, and any works undertaken to implement the determination are subject to the conditions specified in this notice of determination.

ASSESSMENT & DECISION:

Tree 1 Request to Remove Tree

Determination: Conditional Approval for Tree Removal with replacement tree planting

Tree Type: Araucaria heterophylla - Norfolk Island Pine

Tree Location: Side Yard

Determination Reason: Growing Condition of Tree - Tree works permitted as species is unsuitable for the location given its ultimate size and growth characteristics.
Proximity - Tree works permitted to provide necessary clearance.
Public Safety - Tree works permitted for safety and maintenance.

The conditions of this determination have been imposed to ensure the works are carried out in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. These conditions have been formatted to have regard to the environmental circumstances of the site and to reduce or eliminate any detrimental effects that the works might have on the environment including the amenity of the area.

CONDITIONS OF DETERMINATION

1. The determination approval expires once the works detailed within this approval are completed or three years from the date of determination, whichever occurs first.
2. This permit must be kept on site at all times.
3. Where the Applicant is not the Owner, the Applicant is to ensure that the tree Owner/s have agreed to the works being carried out.
4. Prior to commencement of any work written notification is to be provided to the adjoining property owners by the Applicant together with a copy of this consent.
5. Where trees are located over a common boundary of two properties, both owners shall consent to the tree removal or pruning prior to work commencing.
6. **On-Site Replacement Tree Planting** – replacement tree confirmation form attached Sutherland Shire Council's Development Control Plan (Amendment 11) requires replacement tree planting at a rate of 2 to 1 on private land. Replacement canopy tree planting must be local native species and must be selected from the attached tree selection table or as advised by Council's Tree Officer.

One (1) tree of substantial size or significance is approved for removal as part of this consent. In order to satisfy the replanting requirement, **two (2) replacement trees are required to offset this loss.**

As many trees as possible (subject to practical and bush fire restrictions) should be replanted on the property the subject of this consent within fourteen (14) days of commencing work. The trees selected must be planted within the front or rear setback of the subject property and not within 3m of a building or proposed building. Replacement trees must have a minimum container size of 5L and must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDCP Chapter 38). Any replacement trees found faulty, damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Off-Site Replacement Tree Planting – as an alternate, Council and the Applicant may enter into a Deed of Agreement for replacement planting of some or all of the trees off-site. Under this Deed of Agreement Council may agree to undertake the replanting of replacement trees on Council's own land for **a fee of \$125 per replacement tree.**

- ie. 1 replacement tree = \$125
- 2 replacement trees = \$250
- 3 replacement trees = \$375 and so on

Note: Fee is subject to review on the 1 July each year and may increase.

This fee includes planting and six months maintenance for the trees. Should you have any questions regarding Council's Deed of Agreement process contact Council at ssc@ssc.nsw.gov.au

Any Deed of Agreement must be entered into within fourteen (14) days of the removal of the tree that is the subject of this consent.

Note: If you have difficulty sourcing suitable indigenous plants from any suppliers, locally sourced plant stock is available for as little as \$15 per pot from:
Sutherland Shire Council Nursery 345 The Boulevard, Gymea
Ph: 02 9524 5672 - Monday to Friday 7.00am-3.00pm (excluding public holidays).

END OF DETERMINATION

John Smith

Environment, Health and Building
Sutherland Shire Council

IF DISSATISFIED WITH THE DETERMINATION – What are your options?

An applicant who is dissatisfied with the determination of the application has the following options.

1. The applicant may lodge a written request to Council for a review of such determination, within 12 months of the date of determination. The review application is to state the reason for such request for review with additional information to support such reasons. The application review will be allocated for assessment by another officer. Note that a Review Application fee applies.
2. Council has adopted the International Society of Arboriculture 'Tree Risk Assessment System' (known as TRAQ) method of assessing the risk of trees. Under a TRAQ assessment an arborist determines the contributing factors that would affect the safe retention of the tree, applies mitigation measures and arrives at a level of risk which is attributed to the tree.

Council will accept TRAQ reports prepared by a qualified consulting arborist to guide us in issuing permits to remove unsafe trees. Should you decide to engage a TRAQ qualified consulting arborist to determine the risk of the tree in question you are encouraged to visit The Institute of Australian Consulting Arborist website www.iaca.org.au where you will find a list of qualified arborist in your local area.

Where a TRAQ Report is received by Council which determines that the mitigation option will not eliminate the risk and recommends removal, Council will issue a Permit for Removal.

3. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Part 3, clause 12 confers on an applicant the right of appeal to the Land and Environment Court of New South Wales against the refusal by a council to grant the permit.

Any such appeal is to be made within 3 months after the date on which the applicant is notified of the decision or within 3 months after the council is taken to have refused the application (whichever is the later).

NOTES

This Tree Permit determination is issued by Sutherland Shire Council as the Authority responsible under the provisions of the State Environmental Planning policy (Vegetation in Non-Rural Areas) 2017.

Tree Preservation has been proclaimed in the Sutherland Shire under the Sutherland Shire Local Environmental Plan 2015. A person who contravenes or causes or permits the Tree Preservation requirements to be contravened is guilty of an offence. Trees, the subject of this Sutherland Shire Local Environmental Plan 2015 other than those which have become dangerous shall not be cut down, topped, lopped, injured or wilfully destroyed except with the consent of Council.

Failure to comply with the conditions of this consent (including replanting conditions) may result in the issuing of a \$3,000 (individual) or \$6,000 (corporation) infringement notice.

Sutherland Shire Council

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Replacement Tree Advice Form

Please complete and send to:

Sutherland Shire Council
Locked Bag 17 SUTHERLAND NSW 1499

Fax: 02 9710 0265 **email:** ssc@ssc.nsw.gov.au (please quote Application No. in Subject field)

Removal Ref.: TP22/0406 TP 2 Replacement Trees

Property Address: 6 Coast Avenue, Cronulla

Name: Trustees Of The Sisters Of Mercy Parramatta

62-66 Dominic Street

BURRANEER NSW 2230

Phone: _____ (required for access to inspect property)

Please indicate which of the following applies (tick ✓ applicable boxes below)

- The approved tree removal work will not be carried out.
- A replacement tree has been planted. The location and details of the replacement tree are shown below (or on a separate page attached to this form).
- The approved tree removal work has not commenced. Work is expected to be carried out in months.
- I choose to enter into a Deed of Agreement for replacement planting of some or all of the trees on Council land.

Type of tree(s) plantedor indicate on attached Selection Table

Pot Size(Minimum 5 litres)

Where on Property is Replacement Tree Planted?

- | | |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Front Yard | <input type="checkbox"/> Rear Yard |
| <input type="checkbox"/> Side | <input type="checkbox"/> Waterfront |

Sketch showing location of replacement tree (use separate sheet of insufficient room)

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CANOPY TREE SELECTION TABLE For Private Property Tree Application Replacement Tree Planting

Tree Application No: TP22/0406
Address for Planting
6 Coast Avenue, Cronulla

INDIGENOUS TREES			Use			Urban Zone			
Plant	Botanical Name	Common Name	Shade tolerant	Wet areas	Screening	Coastal & estuarine	Sandstone slopes & gullies	Exposed ridges	Clay/ shale plateaus
Coastal & estuarine									
	<i>Banksia integrifolia</i>	Coast Banksia			◆	◆			
	<i>Cupaniopsis anacardioides</i>	Tuckeroo			◆	◆			
	<i>Eucalyptus botryoides</i>	Bangalay				◆			
	<i>Livistona australis</i>	Cabbage Palm	◆	◆	◆	◆	◆		
Sandstone slopes & gullies									
	<i>Angophora costata</i>	Smooth Barked Apple			◆	◆	◆	◆	◆
	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	◆		◆		◆		◆
	<i>Eucalyptus pilularis</i>	Blackbutt			◆		◆		
	<i>Eucalyptus punctata</i>	Grey Gum			◆		◆		
	<i>Eucalyptus racemosa</i>	Narrow Leaf Scribbly Gum			◆		◆		◆
	<i>Glochidion ferdinandi</i>	Cheese Tree	◆	◆	◆		◆		◆
	<i>Syzygium paniculatum</i>	Magenta Lilly Pilly	◆	◆	◆	◆	◆		
	<i>Tristaniopsis laurina</i>	Water Gum	◆	◆	◆		◆		
Exposed ridges									
	<i>Banksia serrata</i>	Old Man Banksia			◆	◆	◆	◆	◆
	<i>Corymbia gummifera</i>	Bloodwood				◆	◆	◆	
	<i>Eucalyptus globoidea</i>	White Stringybark						◆	◆
	<i>Eucalyptus haemastoma</i>	Scribbly Gum			◆	◆	◆	◆	
	<i>Eucalyptus leumaniana</i>	Yellow Topped Ash			◆	◆	◆		
	<i>Eucalyptus obstans</i>	Port Jackson Mallee					◆		
Clay/ shale									
	<i>Eucalyptus paniculata</i>	Grey Ironbark			◆				◆
	<i>Melaleuca linariifolia</i>	Snow in Summer		◆	◆		◆		◆
	<i>Syncarpia glomulifera</i>	Turpentine			◆				◆

Compare Price with Sutherland Shire Community Plant Nursery 345 The Boulevard Gympie
7am-3pm, Mon - Fri

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Off Site Tree Replacement Election

BACKGROUND

- A. On 22 October 2012, Sutherland Shire Council (“Council”) resolved to accept offset planting on public land subject to an applicant entering into a deed of agreement that is supported by a condition of consent under S80A of the Environmental Planning and Assessment Act. (Report No. DAP010-13)
- B. The purpose of this Agreement is to provide for a funding arrangement between an applicant and Council where Council has reviewed an application involving the removal of substantial or significant trees. As part of that assessment Council has approved the removal of specific trees and required by way of a condition of consent replacement planting at a ratio of two to one as set out in the conditions of approval. An applicant may choose to either replant at the ratio required or enter into an arrangement with Council to provide funding to Council for the replanting of the trees on public land.
- C. The parties to this Agreement:
- Acknowledge that maintenance of the tree canopy of the Shire has been identified as a key environmental factor in the physical identity of the Sutherland Shire and in improving the quality of urban life and
 - Recognise that the Shire’s tree canopy is under pressure from increased residential densities. Lot sizes have reduced over time and houses have become larger. In combination with changes in lifestyle that have resulted in more paving and in-ground pools there is reduced space available for the planting of canopy trees on private land

TERMS

1. This Agreement is between Council and

Name : _____ (the Applicant”)

Address _____

2. At the time of submitting this form the Applicant agrees to pay Council for the planting of _____ trees on public land on behalf of the Applicant in accordance with TP Application reference. TP22/0406 and the Urban Tree and Bushland Policy towards the maintenance of the tree canopy of the Shire.

3. The Council agrees to

- a) replant in accordance with best practice planting
- b) regular review and maintenance for the trees
- c) replant in accordance with public works or tree replanting program
- d) report annually on the replanting program as part of the Annual State of the Environment Report

4. Miscellaneous provisions

- a) If GST or similar value added tax is imposed on any supply under or in accordance with this Deed, the amount payable for that supply is increased by the amount of that GST, unless the amount payable already specifically includes that GST. The party seeking payment must provide a GST tax invoice (or any other thing required under any legislation) in the form required, and in the time provided for, by the relevant legislation.
- b) Nothing in this agreement is intended to limit or fetter Council's proper performance of its statutory functions or duties and clauses are to be construed (if possible) consistently with the proper exercise of those functions and duties.
- c) This Deed does not create a relationship of agency between the parties. Neither party shall act or represent itself as acting on behalf of the other party.

Executed as a Deed

Executed by Applicant or an authorised representative on behalf of the Applicant:

_____	_____
Name of signatory	Name of Witness
_____	_____
Signature	Signature
Date: _____	

Executed by Council Officer :
_____ on behalf of Sutherland
Shire Council pursuant to delegation dated 16 July
2012 under the *Local Government Act*, 1993:

_____	_____
Name of Council Officer	Name of Witness
_____	_____
Signature	Signature
Date: _____	Date: _____

Upon both parties signing and payment of this agreement a copy will be provided to you. You may lodge this in person at the Customer Service Centre or mail your signed copy with payment and your copy with receipt attached will be mailed back to you.

Office Use	
Date Received	_____
Officer Initial's	_____
Receipt number	_____