

Development Application Tree Removal and Tree Pruning

Made under the Environmental Planning and Assessment Act 1979 (Sections 78A)
for works associated with a Complying Development Certificate Application

Address the application to:

- ☐ The General Manager
Warringah Council
Civic Centre, 725 Pittwater Rd
Dee Why NSW 2099

Or

- ☐ Customer Service Centre
Warringah Council
DX 9118
Dee Why

If you need help lodging your application:

- ☐ Phone our Customer Service
Centre on (02) 9942 2111 or
come in and talk to us

Office Use Only

- ☐ WLEP 2000 Locality:
☐ WLEP 2011 Zone:

D A 2 0 1 3 / 1 0 6 3

- | | |
|--|--|
| <input checked="" type="checkbox"/> Owners Consent | <input type="checkbox"/> Flood Zone |
| <input checked="" type="checkbox"/> Lot and DP | <input type="checkbox"/> Riparian Zone |
| <input type="checkbox"/> 40m Buffer | <input type="checkbox"/> Vegetation/
Threatened |
| <input type="checkbox"/> Acid Sulfate | <input type="checkbox"/> Wave Impact |
| <input type="checkbox"/> Bushfire Zone | <input type="checkbox"/> Coastal Zone |
| <input type="checkbox"/> Heritage | <input type="checkbox"/> 100m MHW |
| <input type="checkbox"/> Slip Zone | |

July 2013

For applicable fees and charges, please refer to Council's website: www.warringah.nsw.gov.au
or contact our Customer Service Centre

Privacy and Personal Information Protection Notice

The personal information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 and will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on E-Services Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager: see s.739 of the Local Government Act 1993 (NSW).

Part 1 Summary Applicant(s) Details

Applicant(s) name

Barbara Jones

Owner(s) name

Barbara Jones

If any owner/applicant of this development application is a current employee or elected representative of Warringah Council.

Warringah Council Employee Yes ☐

Elected Representative Yes ☒

Part 2 Application Details

2.1 Location of the
property

Unit no. House no. 73 Street ANZAC AVE

Suburb COLLAROEY

We need this to correctly identify
the land. These details are shown
on your rates notice, property title
etc.

Legal property description Lot: 25 Sect: 18 DP/SP: 12928

This information must be supplied.

Part 2 Application Details

2.2 Exemptions

Council consent is not required for removal if the tree is less than 5 metres in height or seven (7) metres in canopy width, the tree is dead, a noxious weed, is referred to in the list of exempt species in Appendix 5 of WDCP, or is considered dangerous to life or property.

If a level 5 qualified arborist provides written confirmation that a tree is dangerous to life or property, the tree can be removed without obtaining Consent from Council. Please forward a copy of the arborist's report to Council prior to removal if practical.

You may also prune a tree by less than 10% of the foliage within a 12 month period without Council consent.

2.3 Application Fee

\$110 - Fee to be confirmed with Council's current Fees and Charges

2.4 Owners Consent

The owner of the land on which the tree(s) are located must sign the consent on the application.

Any consent issued as a result of this application is not a directive or order and does not oblige the owner to undertake the consented works. The consent is valid for **five years** from the date on the determination.

2.5 Description of works

Please Provide details of the work to be carried out in the box below

Tree no.	Tree species (if known)	Work required (prune/remove/assess)	Reason for the work
1	Bangalow	remove	Property damage
2	"	"	"
3	"	"	"
4	"	"	damage to pool/property
5	"	"	"
6	"	"	"
7	"	"	"
8	"	"	"
9	"	"	damage to property
10	"	"	"
11			
12			
13			
14			

Please indicate whether any of the above trees are considered dangerous to life or property. Please refer to section 2.2 Exemptions

Part 2 Application Details

2.6 Sketch

Please indicate in the box on the right:

Sketch the outline of the allotment, street, position of structures eg. house, garage and the location of each tree as numbered in 2.3

Please tie a yellow ribbon around the tree trunk.


Are there any dogs on the property?

Yes ☐ No ☒

Are there any locked gates blocking access?

Yes ☐ No ☒

See attached



Indicate location of all underground infrastructure such as pipes, sewer etc within 5 metres of the tree

2.7 Integrated development

Is this application for integrated development?

Please tick appropriate boxes.

Yes ☐ No ☐

Integrated development is development that requires licences or approvals from other consent authorities. Most forms of development will not be "integrated". See Part 4, Division 5, Section 91 of the Environmental Planning and Assessment Act 1979 - www.legislation.nsw.gov.au. If integrated additional payment (by Cheque) is required to relevant authority.

Fisheries Management Act 1994 ☐ s144 ☐ s201 ☐ s205 ☐ s219
 Heritage Act 1977 ☐ s58
 Mine Subsidence ☐ s15
 Compensation Act 1961
 Mining Act 1992 ☐ s63 ☐ s64
 National Parks and Wildlife Act 1974 ☐ s90
 Petroleum (Onshore) Act 1991 ☐ s9
 Protection of the Environment Operations Act 1997 ☐ s43(a),(b),(d) ☐ s47 ☐ s48 ☐ s55 ☐ s122
 Roads Act 1993 ☐ s138
 Rural Fires Act 1997 ☐ s100B
 Water Management Act 2000 ☐ s89 ☐ s90 ☐ s91

Part 2 Application Details

2.8 Disclosure of political donations and gifts

Note: gift means a gift within the meaning of section 84 of the Election Funding & Disclosures Act 1981. Failure to disclose relevant information is considered an offence under Part 6 section 96H of the Election Funding and Disclosures Act 1981..

Under section 147 of the Environmental Planning and Assessment Act 1979 any reportable political donation to an elected representative of Warringah Council (Mayor or Councillor) and/or any gift to an elected representative or Warringah Council employee within a two (2) year period commencing two (2) years before the date of this application and ending when the application is determined must be disclosed.

Are you aware of any person with a financial interest in this application who made a reportable donation or gave a gift in the last two (2) years.

☐ Yes

☒ No

If yes, complete the Political Donation Declaration and lodge it with this application. If no, in signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of its determination.

For further information visit Council's website at:
www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx

Development Application Checklist

Required

Supplied

DO YOU HAVE OWNER(S) CONSENT? (All owners of the property must give consent).
(NOTE: If the trunk of the tree is located across property boundaries, consent of ALL owners of EACH property is required)

☒ Yes

☐ No

HAVE YOU ATTACHED A SKETCH OF THE PROPERTY?

(All trees to be inspected are to be clearly marked on the sketch and on site with tape, ribbon, paint spot or numbered tag)

☒ Yes

☐ No

If you have indicated that the application is Integrated Development HAVE YOU ATTACHED A CHEQUE? Please discuss with Council.

☐ Yes

☒ No

SUPPORTING DOCUMENTATION?

Have you attached all relevant documentation, reports, photographs in support of the application? e.g. below

- Arborist's Report (in accordance with Appendix of WDCP)

Note: Council's assessment of your tree will be a visual observation made at ground level. Should your tree require detailed inspection or assessment of features located more than 2 metres above ground level, or below ground such as root mapping, to justify your application, you must provide a report from a qualified level 5 arborist detailing these issues

☐ Yes

☒ No

- Sewer diagram, Plumbers report

☐ Yes

☒ No

- Structural Engineers report detailing damage to property and why alternatives to removing the tree are not feasible

☐ Yes

☒ No

Exempt and Complying Development

Is this application required as part of an Exempt or Complying Development?

If Yes - have you attached all relevant plans?

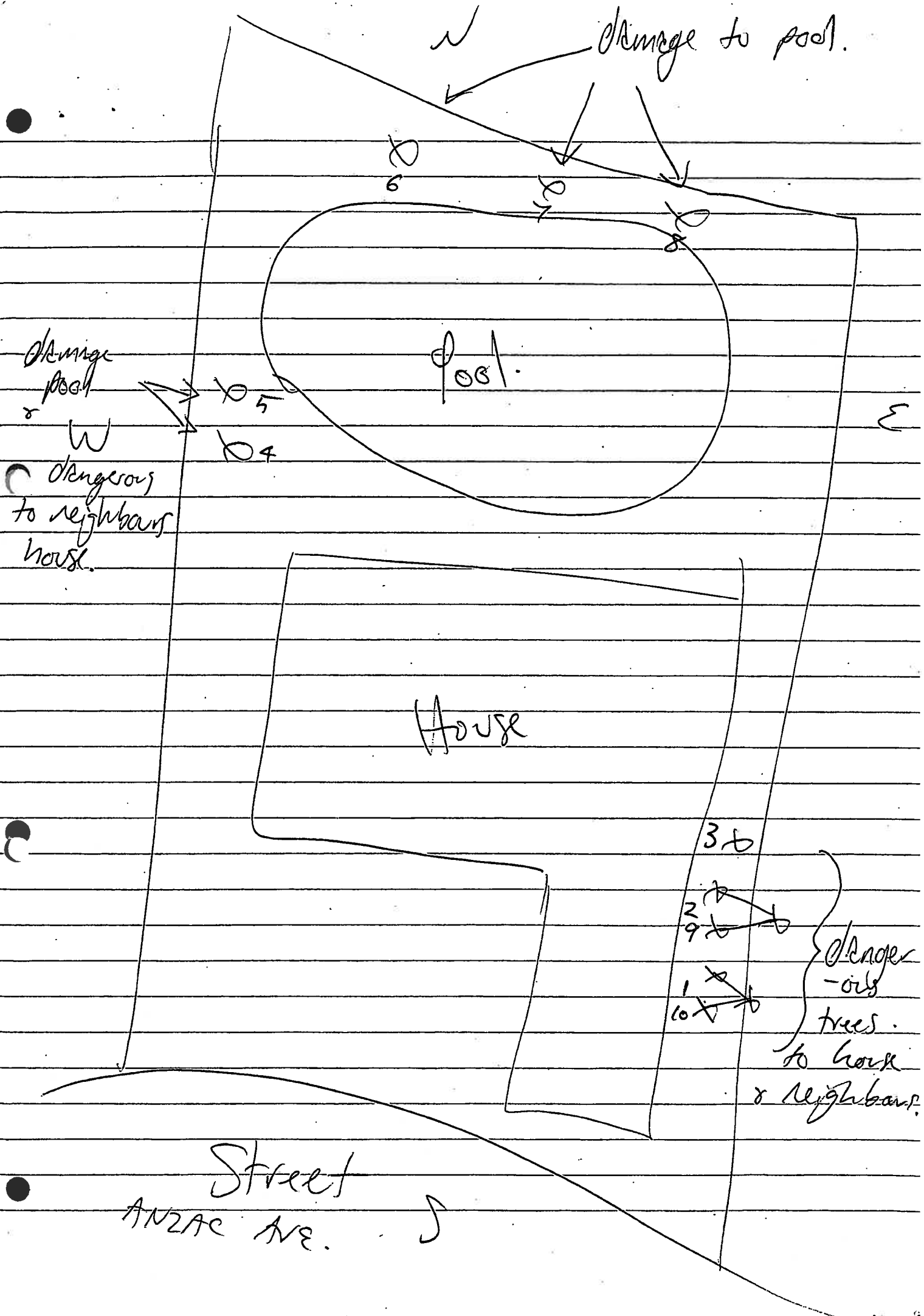
A Site Plan showing existing and proposed development with trees identified in Part 2.5. Warringah Development Control Plan, Part H, Appendix 11 - Class 2-9 Building and Appendix 12 - Tree Protection Plan may apply.

☐ Yes

☒ No

☐ Yes

☒ No





TREE APPLICATION ASSESSMENT REPORT

Development Application Number: DA2013/1063

Assessment Officer: Tree Officer

Property Address: 73 Anzac Avenue COLLAROY NSW 2097

Legal Address Lot 25 Sec 18 DP 12928

Proposal Description: Tree Application

Recommendation: **APPROVED with Conditions**

Notification Required? No

Applicable Controls: EPA Act 1979, EPA Regulations 2000, WLEP 2011, WDCP

SEPPs: Applicable?: No

REPs: Applicable?: No

LEPs Applicable? Yes

Consideration of Warringah Local Environmental Plan 2011 (WLEP2011)

Land Use Zone Low Density Residential

Aims and Objectives consistent with the sone objectives Yes

WLEP 2011 Permissible or Prohibited Land Use Permissible

Does the proposed development meet the objectives of CL 5.9 WLEP 2011 "Preservation of Trees or Vegetation" Yes



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To use this inspection criteria: Bold highlight denotes code, where there is no bold, check the accompanying notes and user the appropriate code or insert the necessary information.

Information Category	No.1 (Trees 1-3,9-10)	No.2 (Trees 6-8)	No.3 (Trees 4-5)	No. 4	No. 5
Species	Archontophoenix cunninghamiana	Archontophoenix cunninghamiana	Archontophoenix cunninghamiana		
Remnant/Planted/ Self sown	P	P	P		
Special significance					
Age class Y/S/M/O	M	M	M		
Tree height (m)	8-10	8-10	8-10		
Average crown diameter (m)	7	9	7		
Crown condition 0, 1, 2, 3, 4, 5	3	3	3		
Root zone	C, Ga	C, Ga	C, Ga		
Defects	O	O	O		
Services/adjacent structures	Bu	Bu	Bu		
Failure potential 1, 2, 3, 4	3	3	3		
Size of defective part 1, 2, 3, 4	2	2	2		
Target rating 1, 2, 3, 4	3	3	3		
Hazard Rating (-/12)	8	8	8		



Warringah Council

Recommendations	No. 1	No. 2	No. 3		
Remove Tree	Y	Y	Y		
Pruning					
Repair/replace surface					
Root pruning/root barrier					
Replanting required	Y	Y	Y		
Other					

Consideration of Warringah Development Control Plan (Adopted on 8/6/2010 and effective as of 9/12/2011)

Report Section	Applicable – Yes or No
D1 - Landscaped Open Space and Bushland Setting	Yes
E1 - Private Property Tree Management	Yes
E2 - Prescribed Vegetation	Yes
E3 - Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	No
E6 - Retaining Unique Environmental Features on Site	Yes
E8 - Waterways and Riparian Lands	No
Built Form Controls under WLEP 2011: Applicable	No



Consideration of Removal of Tree Test (WDCP Appendix 8)	Tree No.1	Tree No.2	Tree No.3		
Does the tree pose an unacceptable risk that cannot be adequately or appropriately managed by arboricultural treatment or other risk management measures?	Yes	Yes	Yes		
All possible methods to manage the risk other than tree removal have been considered prior to issuing consent for the removal of a tree.	Yes	Yes	Yes		
Is the tree in a diseased condition that cannot be corrected by pruning or other arboricultural treatment? And all possible options for managing the diseased condition have been considered prior to issuing consent for the removal of a tree.	Yes	Yes	Yes		
The remaining life expectancy of the tree has been identified to be less than 5 years therefore consent for the removal of the tree is justified subject to replacement planting.	Yes	Yes	Yes		
Is the tree significantly affecting public or private property by way of its presence/location or growth?	Yes	Yes	Yes		
Have all abatement options been considered and removal of the tree is the only option to avoid further conflict.	Yes	Yes	Yes		
Is the tree likely to succumb to major injury as a result of public infrastructure work where all alternatives such as relocation or reconfiguration of the works have been considered?	No	No	No		
Is the tree located in an area required for a Proposed Driveway Crossings, Private Structures or Works affecting Public Land?	No	No	No		
Is Council satisfied that the proposal would maximize public benefit, that there is no reasonable alternative to removing the tree, and would not have any adverse heritage, pedestrian, streetscape or traffic impacts.	Yes	Yes	Yes		



Warringham Council

Consideration of Removal of Tree Test (WDCP Appendix 8)	Tree No.1	Tree No.2	Tree No.3		
Consideration of Tree Retention Assessment (WDCP Appendix 9)	Tree No.1	Tree No.2	Tree No.3		
Tree Retention Assessment: Applicable?	No	No	No		
Is Council satisfied that the balance between economic imperatives of land development and the preservation of natural features is achieved?	Yes	Yes	Yes		
Consideration of Class 2- 9 Buildings (WDCP Appendix 11)	Tree No.1	Tree No.2	Tree No.3		
Consideration of Appendix 11 Class 2- 9 Buildings: Applicable?	No	No	No		
Consideration of a Tree Protection Plan (WDCP Appendix 12)	Tree No.1	Tree No.2	Tree No.3		
Tree Protection Plan: Applicable?	No	No	No		
Conclusion	Tree No.1	Tree No.2	Tree No.3		
Based on the above matters, the assessment against the Environmental Planning Instrument Provisions, and the Development Control Plan, is the removal of the Tree Warranted / Justified in the circumstances of the case?	Yes	Yes	Yes		



Section 79C Act 1979	
Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	Yes
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	N/A
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	Yes
Section 79C (1) (a)(iiiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	Yes
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	Yes
Section 79C (1) (c) – Is the site suitable for the development?	Yes
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	Yes

Additional Comments:

APPLICATION DETERMINATION

Conclusion:

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

RECOMMENDATION - APPROVAL with Conditions

That Council as the consent authority:

GRANT DEVELOPMENT CONSENT to the development application subject to:

The conditions detailed within the associated notice of determination; and

"I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"

The application is determined under the delegated authority of:

Signed

Date

Tree Assessment Officer



Warringah Council

Explanatory Criteria for Tree Inspection Schedule within Assessment Report

Note: The detail below is general and is provided in good faith as a guide to assist persons reviewing the assessment report understand and interpret the assessment and a determination which may include the removal of a tree outside the criteria set can be for reasons beyond technical consideration and can be based on the expertise of the Council Officer conducting the assessment. If you require clarification or have any questions, please contact Council's Planning and Development Tree Assessment Officer.

Key	Criteria	Comments
Tree No.	Must relate to the number on your site diagram	
Species	May be coded – include a key to the codes; botanical names and common names in key. (eg Lc = <i>Lophostemon confertus</i> Brush Box)	
Remnant/ Planted / Self sown	Self explanatory; of use when negotiating cost sharing for line clearing operations	
Special Significance	A Aboriginal C Commemorative Ha Habitat Hi Historic M Memorial R Rare U Unique form O Other	This may require specialist knowledge
Age Class	Y Young = recently planted S Semi mature (<20% of life expectancy) M Mature (20-80% of life expectancy) O Over-mature (>80% of life expectancy)	
Height	In metres	
Spread	Average diameter of canopy in metres	
Crown condition	Overall vigour and vitality 0 Dead 1 Severe decline (<20% canopy; major dead wood 2 Declining (20-60% canopy density; twig and branch dieback) 3 Average/low vigour (60-90% canopy density; twig dieback) 4 Good (90-100% crown cover; little or no dieback or other problems 5 Excellent (100% crown cover, no deadwood or other problems)	This requires knowledge of species
Failure Potential	Identifies the most likely failure and rates the likelihood that the structural defect(s) will result in failure within the inspection period. 1. Low – defects are minor (eg dieback of twigs, small wounds with good wound wood development) 2. Medium – defects are present and obvious (eg cavity encompassing 10-25% of the circumference of the trunk) 3. High – numerous and/or significant defects present (eg cavity encompassing 30-50% of the circumference of the trunk, major bark inclusions) 4. Severe – defects are very severe (eg heart rot fruiting bodies, cavity encompassing more than 50% of the trunk)	This requires specialist knowledge
Size of Defective Plant	Rates the size of the part most likely to fail. The larger the part that fails, the greater the potential for damage. 1. Most likely failure less than 150mm in diameter 2. Most likely failure 150-450mm in diameter 3. Most likely failure 450-750mm in diameter 4. Most likely failure more than 750mm in diameter	

Key	Criteria	Comments
Target Rating*	<p>Rates the use and occupancy of the area that would be struck by the defective part.</p> <ol style="list-style-type: none"> 1. Occasional use (eg jogging/cycle track) 2. Intermittent use (picnic area, day use parking) 3. Frequent use, secondary structure (eg seasonal camping area, storage facilities) 4. Constant use, structures (eg year-round use for a number of hours each day, residences) 	
Hazard Rating*	<p>Failure potential + size of part + target rating. Add each of the above sections for a number out of 12.</p>	<p>The final number identifies the degree of risk. The next step is to determine a management strategy. A rating in this column does not condemn a tree but may indicate the need for more investigation and a risk management strategy.</p>
Root Zone	<p>C Compaction D Damaged / wounded roots (eg by mowers) E Exposed Roots Ga Trees in Garden Bed Gi Girdled Roots Gr Grass K Kerb close to tree L+ Raised soil level L- Lowered soil level M Mulched Pa Paving / concrete / bitumen Pr Roots pruned O Other</p>	<p>More than one of these may apply</p>
Defects	<p>B Borers C Cavity D Decay PF Previous Failures I Inclusions L Lopped M Mistletoe / Parasites S Splits / cracks T Termites F Fungi E Epicormics MD Mechanical Damage O Other</p>	<p>More than one of these may apply</p>
Services / adjacent structures	<p>Bs Bus stop Bu Building within 3m HVo High voltage open-wire construction HVb High voltage bundled (ABC) LVo Low voltage open-wire construction LVb Low voltage bundled (ABC) Na No services above Nb No services above ground Si Signage Sl Street light T Transmission lines (>33KV) U Underground services O Other</p>	<p>More than one of these may apply</p>