

**TREE APPLICATION ASSESSMENT REPORT**

Application No. DA2009/0291

Proposal Description: Removal of 4 trees

Legal Address: Lot 100 DP 1015283

Property Address: Warringah Mall 145 Old Pittwater Road **BROOKVALE NSW 2100**

<b>Assessment Officer:</b>	Jason Goldstein
<b>Notification Required?</b>	<input type="checkbox"/> Yes (14 days) <input checked="" type="checkbox"/> No
<b>Applicable Controls:</b>	<input checked="" type="checkbox"/> EPA Act 1979 <input checked="" type="checkbox"/> EPA Regulations 2000 <input checked="" type="checkbox"/> WLEP 2000 <input checked="" type="checkbox"/> WDCP
<b>SEPPs: Applicable?:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>REPs: Applicable?:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>LEPs Applicable?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>WLEP</b>	
<b>Locality:</b>	G10 Brookvale Industrial West G9 Warringah Mall
<b>Category of Development</b>	Category 2 (other works)
<b>Desired Future Character Consideration:</b>	
<b>Is the development considered to be consistent with the Locality's Desired Future Character Statement?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Built Form Controls: Applicable?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General Principles of Development Control (GP's): Applicable?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>(Relevant GP's are:)</b> CL56 <b>Retaining Unique Environmental Features on Site</b> CL58 <b>Protection of Existing Flora</b> CL59 <b>Koala Habitat Protection</b> CL60 <b>Watercourses &amp; Aquatic Habitats</b> CL63 <b>Landscaped Open Space</b>	Compliant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Schedules: Applicable?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Schedule 8 Site analysis</b>	<b>Adequate Detail?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Clause 31 (How can Council make Tree Preservation Orders (TPO)?)**

**Does the proposed development meet the objectives of the TPO?**

Yes , subject to condition  No

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

<b>Information Category</b>	<b>No 1, 2 &amp; 3</b>	<b>No 4</b>	
Species	Melaleuca quinquinervia	Eucalyptus saligna	
Remnant/Planted/ Self sown	P	P	
<b>Special significance</b>			
Age class <b>Y/S/M/O</b>	M	M	
Tree height (m)	10	20	
Average crown diameter (m)	4	20	
Crown condition <b>0, 1, 2, 3, 4, 5</b>	4	4	
Root zone	Ga, Pa	Ga, Pa	
Defects			
Services/adjacent structures	U	Bu, U	
Failure potential <b>1, 2, 3, 4</b>	1	1	
Size of defective part <b>1, 2, 3, 4</b>	1	1	
Target rating <b>1, 2, 3, 4</b>	4	4	
Hazard Rating <b>(-/12)</b>	6	6	
<b>Recommendations</b>			
Remove Tree	Y	Y	
Pruning			
Repair/replace surface			
Root pruning/root barrier			
Replanting required	Y	Y	
Other			

**Additional Comments:** Trees 1-4 has major stormwater & sewer mains under the root crown and plates. No other viable engineering alternative is available to rectify the issues at hand. The estimated cost to rectify is financially unviable.

**SECTION 79C EPA ACT 1979**

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (c) – Is the site suitable for the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (e) – Is the proposal in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**APPLICATION DETERMINATION**

**Conclusion:**

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

- Yes, subject to condition
- Unsatisfactory

**Recommendation:**

**That Council as the consent authority**

- GRANT DEVELOPMENT CONSENT** to the development application subject to:
  - (a) the conditions detailed within the associated notice of determination; and
  - (b) the consent lapsing within three (3) years from operation.
- REFUSE development consent** to the development application subject to:
  - (a) the reasons detailed within the associated notice of determination.

The application is determined under the delegated authority of:

Jason Goldstein

Signed

Date

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**Tree Assessment Officer**