

Warringah Council

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

PN150193180

March 2013

Office Use Only

☐ WLEP 2000 Locality:

☐ WLEP 2011 Zone:

D A 2 0 1 3 / 0 5 2 1

- | | |
|---|--|
| <input type="checkbox"/> Owners Consent | <input type="checkbox"/> Flood Zone |
| <input 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 MHWM |
| <input type="checkbox"/> Slip Zone | |

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

MARK JEREMY FARRELL

Owner(s) name

MARK JEREMY FARRELL, BELINDA MAREE FARRELL

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.

2-4

Street

KENT

Suburb

COLLAROY

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

Legal property
description

Lot: 10 + 11

Sect: 18

DP/SP:

12609

This information must be supplied.

Part 2 Application Details

2.2 Exemptions

Council consent is not required if the tree is less than 5 metres in height and with a foliage crown spread of less than 10 metres, the tree is dead, has been declared a noxious weed, is referred to as exempt in clause 8 of the Order, or is to be pruned by less than 10% of foliage within a 12 month period (refer to Tree Preservation Order for further clarification).

Application fee

\$110

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.

2.3 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	LILLI PILLI	REMOVE	DYING/DANGEROUS
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Part 2 Application Details

THE TREE IN QUESTION

2.4 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

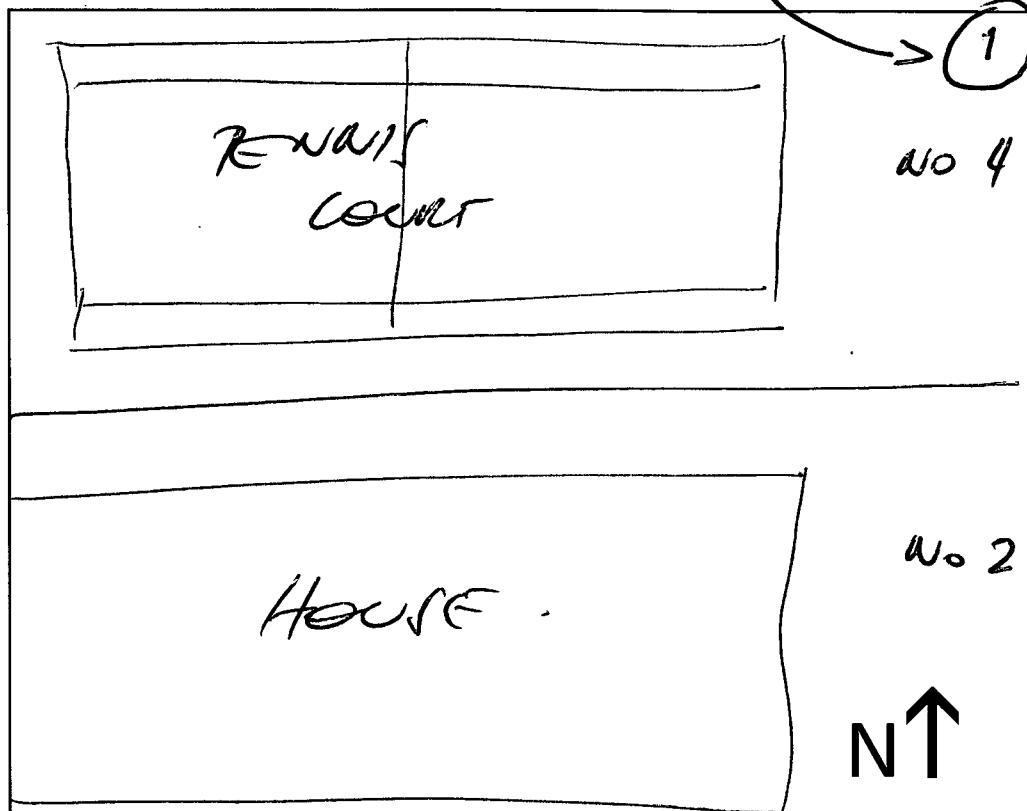
Please tie a yellow ribbon around the tree trunk.

Are there any dogs on the property?

Yes ☐ No ☒

Are there any locked gated blocking access?

Yes ☒ No ☐



2.5 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.

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 ☐ s90

Wildlife Act 1974

Petroleum (Onshore) Act 1991 ☐ s9

Protection of the Environment ☐ s43(a),(b),(d) ☐ s47 ☐ s48 ☐ s55 ☐ s122

Operations Act 1997

Roads Act 1993 ☐ s138

Rural Fires Act 1997 ☐ s100B

Water Management Act 2000 ☐ s89 ☐ s90 ☐ s91

Part 2 Application Details

2.6 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 Councils website at:
www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx

Development Application Checklist

Required	Supplied	
	Yes	No
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAVE YOU ATTACHED A CHEQUE?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUPPORTING DOCUMENTATION? Have you attached all relevant documentation, reports, photographs in <u>support</u> of the application? e.g. below <ul style="list-style-type: none"> • Arborist's Report (in accordance with Council's Guidelines). • Sewer diagram, Plumbers report. • Structural Engineers report. NOTE: Removal of trees for damage to sewer pipes/built structures will not be approved unless all engineering alternatives are considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Exempt and Complying Development</u> Is this application required as part of an Exempt or Complying Development? If Yes - have you attached <u>all relevant plans</u> ? A Site Plan showing existing and proposed development with trees identified in Part 2.3. Warringah Development Control Plan, Part H, Appendix 11 - Class 2-9 Building and Appendix 12 - Tree Protection Plan may apply.	<input type="checkbox"/>	<input checked="" type="checkbox"/>



EVERGREEN TREE SERVICES

(ABN. 65 113 273 265)

P.O. Box 245 Frenchs Forest

Ph: 9944 6270. **Fax:** 9944 6278. **Mob:** 0418 2468 12.

www.evergreentrees.com.au

email: ron.atkins@optusnet.com.au



ATTN: Mark Farrell

SUBJ: Tree Report as requested...2 Kent St COLLAROY...

DATE: 23-Apr-13

Dear Mark,

Thank you for your recent request for a tree report at the above address.

I show below my observations and recommendations as per the VTA guidelines listed.
Any questions, please contact me at any time.

Thanks again and kind regards,

Ron Atkins

Proprietor/Manager

EVERGREEN TREE SERVICES (estab 1972)

Practicing Arborists since 1995

VISUAL TREE ASSESSMENT... Values Guidelines

Basic assessment guidelines are attached separately, however for this exercise, I show below the risk value grid pertinent to your job/work profiles.

Risk Factor 1.

Indicates the tree in question, has a ***HIGH*** risk of failure or damage due to the factors involved at the particular site. ***Removal is recommended.***

Risk Factor 2.

Indicates the tree in question, has a ***MEDIUM*** risk of failure or damage due to the factors involved at the particular site. Some remedial root pruning and branch thinning may be required, along with trace element fertilisation.

Risk Factor 3.

Indicates the tree in question, has a ***LOW*** risk of failure or damage due to factors involved at the particular site. Some remedial branch thinning and pruning may be required, along with trace element fertilisation.

The assessments are conditional on factors observable and occurring at the time of inspection and are NOT predictive of any on-going conditions affecting the specimen in the future.

All prices are subject to GST

Some works may require a local council permit, RTA traffic interference fees, or other regulatory authority fees, all of which are NOT included in the quotations.

We can assist with the preparation and application of these permits should they be required.

VISUAL TREE ASSESSMENT...An overview and guidelines

Introduction

The system has been developed over several years to provide a robust methodology for the assessment and management of tree failure risk. Using a probabilistic approach to tree safety management, the system is in line with the principles commonly applied to the management of industrial risk, workplace risk and wider ranging environmental risks.

Current Tree Safety Management is prediction based and often the expectation of property managers is that the tree surveyor or inspector will provide assurances that a tree is or is not, safe. When trees fail and cause harm a question is often asked is 'was the failure foreseeable?' The ultimate failure of all trees is certain but other than extreme cases of tree instability, arborists can estimate the probability of a tree failing within a given time and can evaluate the targets upon which trees can fail. It is these skills that are harnessed by Quantified Tree Risk Assessment and Visual Tree Assessment to enable reasonable tree safety management.

Limitations

It is possible to calculate the frequency of vehicular and pedestrian targets upon which trees could fail. It is also possible to estimate the value of repairs to structures that could be damaged in the event of tree failure. The probability of tree failure itself can be estimated as can the potential impact from a falling tree or branch on the basis of comparative weights in relation to branch or stem diameter.

The Quantified Tree Risk Assessment system is based on these and other mainly estimated values and whilst the system is numerically self-consistent, the Risk of Harm outcomes are a reflection of observations made by tree surveyors, tree inspectors, and land managers. The system provides a methodology for the probabilistic assessment of risks from tree failure.

Although the system provides a recognised threshold for acceptable risk, it is not predictive and will not provide a numerical line for safe or unsafe trees.

Safe Useful Life Expectancy (SULE) (Barrell-1995)

The information derived from the visual inspection of the tree is used to determine the SULE rating. This rating gives an estimate of the expected life span of the tree and takes into account age, life span of the species, local environmental conditions, location, and tree safety.

The SULE rating is an assessment of the tree at the time of inspection. This rating may change due to local environmental changes or extreme occurrences such as a storm.

Safe Useful Life Expectancy (S.U.L.E.) table.

Category Description

1. Long, life span greater than 40 years
 2. Medium, life span from 15 to 40 years
 3. Short, life span from 5 to 15 years
 4. Remove, should be removed within 5 years
 5. Small, Young or regularly pruned, trees that can be readily moved or replaced
 6. Unstable, showing imminent signs of structural failure, unstable in the ground, significant trunk damage rendering the tree structurally hazardous.
-

The Specimens Under Review...Comments, Observations & Recommendations...VTA Risk Factor 2.....S.U.L.E rating 2.

Observations and Recommendation(s)...2 Kent St Collaroy

This site contains a mature *Syzygium luehmannii* or common name Lilli Pilli tree, native to the district.

The tree is approximately 15 metres in height, with a lateral limb spread of approximately 12 metres. The basal circumference is approximately 3 metres.

This particular specimen is located in the front NE corner of No. 2 Kent St Collaroy. The tree is located in a restricted position, being immediately adjacent to local powerlines, which has led to the tree requiring constant pruning leading to an unbalanced disposition and appearance.

Structurally, the tree is in stress, due to the bulk of branching & limbs grouped over the western side of the tree's frame. This may lead to stress cracks in the leading forks, placing the main limbs at risk to failure. Aerial inspection was not undertaken at this time.

The tree appears to have reached over maturity, as blooming is thinning overall and there is substantial dieback on the northern branching of the tree.

This may be caused by insect attack, borer activity or poor feeding amenity. I assess the die back to be caused by poor and stressed feeder roots being unable to satisfactorily provide sufficient nutriment to the phloem/cambium feeding system.

This will result in further dieback and the overall death of the tree in the near future.

Over some years, the tree has encroached under the boundary fence and is placing the fence under stress to falling, due to the undermining nature of the roots in evidence. There is a real possibility that this undermining will continue, affecting both properties bounding the tree.

Remedial branch thinning, pruning & fertilisation may improve (temporarily) the disposition of this specimen, however I feel the evidence of die back, unbalanced structure, over maturity and the encroachment of the roots to structures, leads the amenity of the tree to be of low value and removal and replacement with a council recommended planting is recommended.



Lilli Pilli in situ

This report is prepared & presented without favour or prejudice to any third parties, public utilities, authorities or interested persons aligned with the property in review and any comments or recommendations are determined by the factors present at the time of inspection.

A handwritten signature in black ink, appearing to be 'Ron Atkins', written over a horizontal line.

Ron Atkins
Proprietor,
EVERGREEN TREE SERVICES..estab 1972
Practicing Arborists sine 1995
(In conj with Paul Miller...Dip Arb tech, Cert 111 Hort)

Disclaimer

The potential for a tree to be damaged during a storm exists regardless of its health and vigour. The strength & unusual direction of winds during storms is the dominant contributor to damage in trees. Neither of these can be controlled or prevented in all circumstances.

The removal of the surrounding companion trees can often expose the remaining trees to prevailing winds and the elements. Replacement trees are recommended in all cases of removals in order to prevent the degradation of the area and to protect remaining trees. Replacement of trees in the middle of an avenue is often unsuccessful due to competition for light. Construction of planter pits or trenches may only be viable when constructed in long runs.

Conditions that bring about failure may occur overnight i.e. storm event or they may form over a long period of time i.e. decay development. This report is based on a snapshot in time and only on-going monitoring can hopefully foresee deterioration of a tree and allow remedial action to be taken to prevent injury or damage. The timing for re-inspection on individual trees is subjective and will vary however; an annual inspection is advisable for trees in senescent years.

Limit of Observations

There are many factors that may contribute to limb or total tree failure. Factors include, decay (in the trunk, crown or branch junctions), external damage to branches leading to decay, poor branch taper, included bark, root rot / decay. Not all these symptoms are visible i.e. internal decay; of these some external symptoms may indicate the presence of dead internal wood but not the existence or extent of decay.

The most solid looking piece of timber may be riddled with breaks in continuity of growth caused by insect damage or poor pruning practices many years previous. Trees do not heal; they simply box in the damaged area (**CODIT** Compartmentalisation of Decay in Trees) and continue to expand in girth, completely disguising the fact that the branch or trunk has a hollow or decayed section. Having said this, not all areas of decay, past or present suggests a point of failure.

Only sophisticated equipment i.e. Resitograph® or Tomograph® can detect the existence of decay or compartments within a tree's branch or trunk. The use of this highly technical equipment is expensive and is usually required when a dispute over the soundness of a tree part is made. Caution must be practiced when using a Resitograph as the method requires drilling through boundary walls within the tree and may in fact contribute to the continuance of the decaying organism¹¹

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Dimensions: All dimensions are estimated unless otherwise indicated. Measurements taken with a tape or clinometer are indicated with a '*'. Less reliable estimated dimensions are indicated with a '?'.

- **Species:** I based the species identification on my visual observations and have placed '?' after the name of a tree where I have some doubt over its identity.
- **Height:** Height is estimated to the nearest metre.
- **Trunk diameter:** Trunk diameter is estimated at 1.3m above ground level and recorded in centimetres. If appropriate, it has been measured with a diameter tape. Trees that have multiple stems are indicated with 'M'.
- **Maturity:** Tree maturity has been assessed as OVER MATURE (last one third of life expectancy), MATURE (one third to two thirds life expectancy) and YOUNG (less than one third life expectancy).
- **Vigour:** This is an indication of the health of the tree for use with Table 1 of BS 5837. Trees have either been assessed as N = normal vigour or L = low vigour in line with that table.
- **Retention category:** See retention category descriptions on the following page.
- **Notes:** This column records any relevant features that may help clarify the retention category allocation.
- **Protective zone:** The distance of temporary protective fencing from the centre of the tree as recommended in Table 1 of BS 5837 is listed in this column. Modified distances are indicated within brackets in the tree schedule with further explanation in the text of the report.