



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

RECEIVED  
WARRINGAH COUNCIL

11 APR 2012

December 11

## Office Use Only

- ☐ WLEP 2000 Locality:  
☐ WLEP 2011 Zone:

D A 2 0 1 2 / 0 4 0 5

- |   |  |
|---|--|
| <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/<br>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      |  |

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

## Privacy and Personal Information Protection Notice

REC 100157

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 HARRISON INVESTMENTS PTY LTD

Owner(s) name HARRISON INVESTMENTS PTY LTD

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

Warringah Council employee Yes ☐ No ☒ Elected representative Yes ☐ No ☐

## Part 2 Application Details

2.1 Location of the property Unit no.  House no. 75 Street OLD PITWATER ROAD  
Suburb BROOKVALE  
We need this to correctly identify the land. These details are shown on your rates notice, property title etc.  
Legal property description Lot: 2 Sect:  DP/SP: DP 600059  
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 **three 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	GREY GUM <del>PUNCTATA</del> EUCALYPTUS <del>PUNCTATA</del>	REMOVE	There is a very large invasive cavity located just above the main trunk forks.
2			
3			Aerial inspection revealed a very deep and
4			ongoing structural cavity
5			The cavity places that section of the tree
6			to a great risk of failure + permanent
7			unbalancing of structure.
②	Nichollii tree	Remove	Tree is in very poor and
9			retarded state and
10			recent pruning has
11			failed to return
12			tree to robust condition
13			
14			
15			

## Part 2 Application Details

### 2.4 Sketch

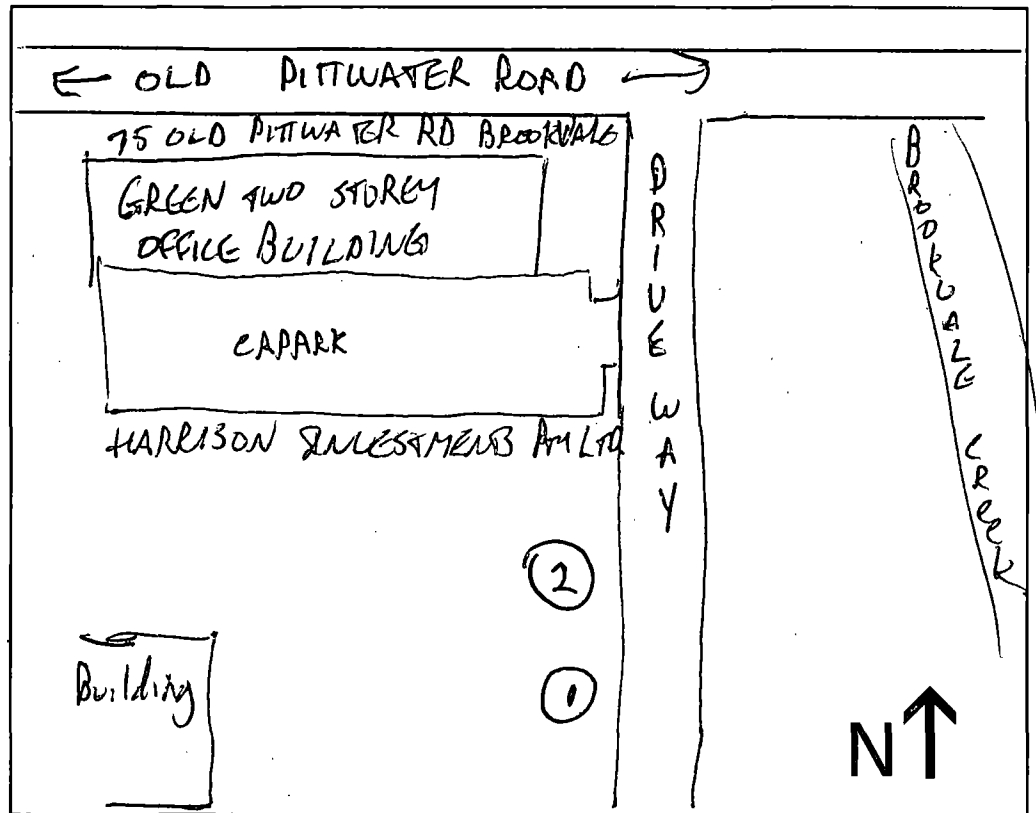
Please indicate in the box on the right:

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 ☒



### 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](http://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](http://www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx)

## Development Application Checklist

### Required

### Supplied

#### DO YOU HAVE OWNER(S) CONSENT?

(NOTE: If the trunk of the tree is located across property boundaries, all owners consents are required)



#### HAVE YOU ATTACHED A SKETCH OF THE PROPERTY?



#### HAVE YOU ATTACHED A CHEQUE?



#### SUPPORTING DOCUMENTATION?

Aborist's Report (completed in accordance with Council's Guidelines)





## **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](mailto:ron.atkins@optusnet.com.au)



**ATTN:** Mr Graeme Harrison. Harrisons Manufacturing Brookvale

**SUBJ:** VTA (Visual Tree Assessment) Report as requested.

**DATE:** 12/03/2012

**A.** This report has been commissioned by Mr Graeme Harrison of Harrisons Manufacturing.

**B.** The report was initiated by Ron Atkins and Paul Miller of Evergreen Tree Services, who observed an extensive cavity located in a major structural fork, observed initially on Saturday 2<sup>nd</sup> April 2011 and a recent follow up inspection.

**C.** This report examines the tree in situ, with considerations to particular risk and hazard assessments evident at the time of inspection.

**D.** The Visual Tree Assessment method statement is attached.

### **1. Tree Identification and Location:**

The tree under consideration is a mature Grey Gum (*Eucalyptus Punctata*) of approximately 18 metres in height with a canopy spread of approximately 10 metres.

It has a basal girth of approximately 2.5 metres.

It is located halfway along the northern side of the rear access driveway via Old Pittwater Rd.

### **2. Observations:**

2a) The subject tree is a naturally occurring species, common to the location and district.

The exhibited overall structure and form of the tree is well balanced and is showing reasonably healthy blooming and crown foliage.

2b) The tree is located close to and alongside a very busy vehicular access roads, leading to suppressed and debilitated root plates which may restrict and affect the soil compression and water table variations. This problem may affect the feeder root system, leading to limited growth and debilitated overall health conditions.

Although showing a reasonable crown and overall positive blooming, there is a very large invasive cavity located just above the main trunk forks. (image 2 ) Several limbs have fallen onto the cars, damaging panels & placing workers at risk.

2c) Aerial inspection revealed a very deep and ongoing structural cavity, currently inhabited by local cockatoos. (image 3.)

This cavity places that section of the tree at a great risk to failure and subsequent permanent unbalancing of the overall structure of the tree. An event such as this would place the tree at great risk to the location and personal injury.

### **3. Discussion:**

3a) Although trees provide many benefits to people and environments, they also pose risks. Property can be damaged and people injured or killed when trees fail. Trees however, cannot be neatly separated into hazardous and non hazardous groups. Nearly every tree has some potential to fail, particularly when exposed to a catastrophic storm, or as in this case, a very debilitating and extensive cavity located at a pivotal point in the structure of this tree.

3b) Complete tree safety could not be obtained without removing most trees. Arboricultural managers must not be able to evaluate tree hazard potential, but also convey the relative risk of failure to the tree owners. Together the arborist and owner can evaluate the situation and determine which resolution options combine a suitable reduction in tree hazard with an acceptable level of risk.

3c) A tree is considered hazardous if it is structurally unsound and there is a target that would be injured or damaged if the tree failed. An unsound tree in an area with no target is not considered a hazard, neither is a sound tree with a target.

### **4. Conclusions:**

4a) The subject tree is located at the centre/rear of the property at 75 Old Pittwater Rd Brookvale

4b) The local consent authority is Warringah Shire Council.

4c) The tree, although showing robust foliage and crown, is subject to a SULE hazard rating shown below.

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### **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.** The Grey Gum tree rating is in Red

### 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.
- 

### 5. Recommendation(s)

5a) As can be seen, there are a number of risk factors which subject this specimen to a medium to high failure rating, combined with a real safety risk to personnel and the many new cars located within the immediate vicinity.

I recommend the subject tree be taken down and the stump removed.

In the interests of the environment and the amenity of the site, a replacement tree of council's recommendation may be planted in the location.

### Secondary Tree Considerations.

Located alongside the subject tree is a mature and failing Nichollii tree. (image 5.)

This particular specimen is in very poor and retarded state and recent pruning has failed to return the tree to robust condition or amenity.

This tree is also recommended for removal and replacement if recommended by council.

### Limitations on the use of this report.

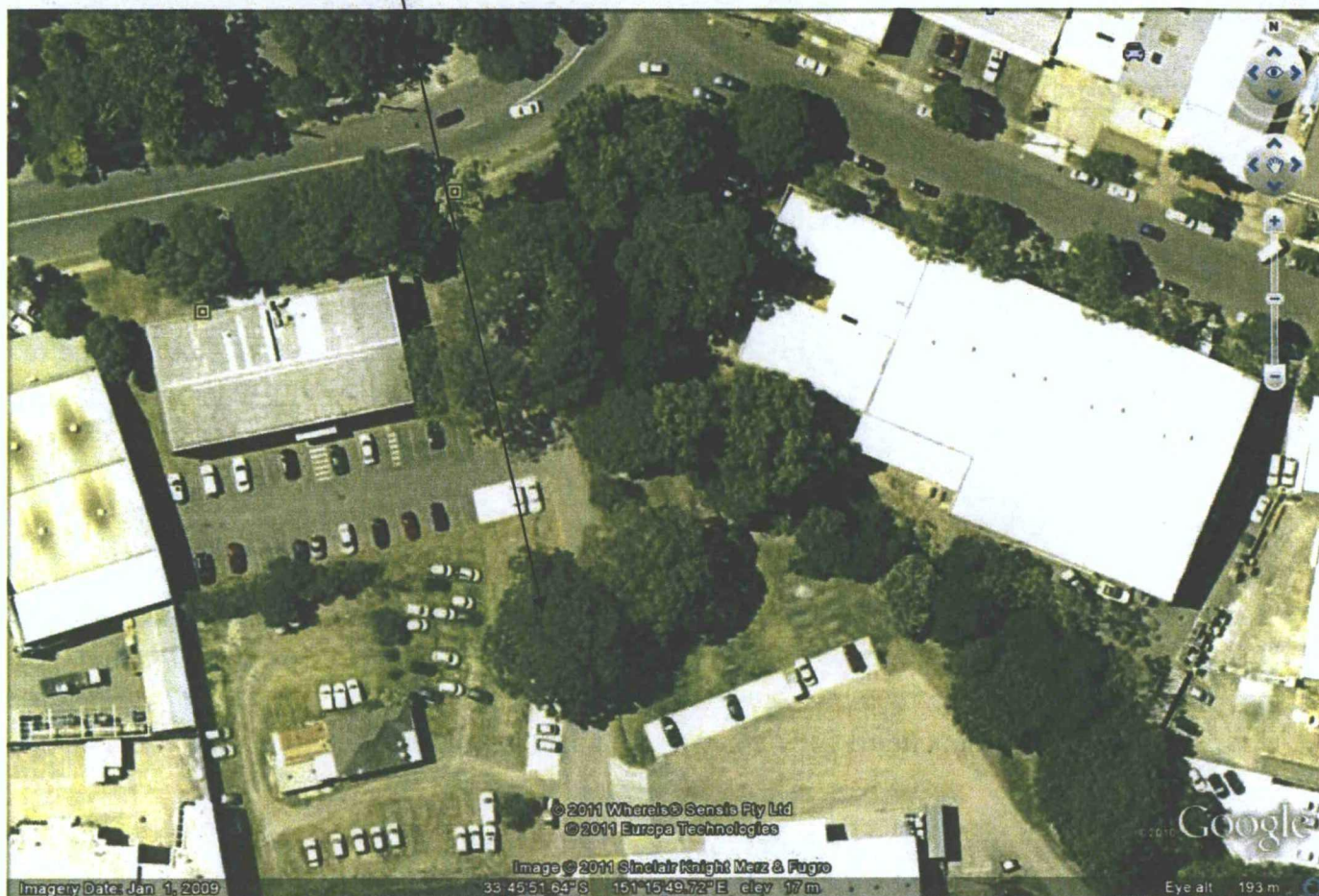
*This report is to be used in its entirety only. Any written or verbal submission, report or presentation that includes statements taken from the findings; discussions, conclusions or recommendations made in this report, may only be used where the whole of the original report (or a copy) is referenced to, and directly attached to that submission, report or presentation. Information contained in this report covers only the trees that were inspected and reflects their condition at the time of the inspection. There is no guarantee, expressed or implied, that problems or deficiencies in the subject trees may not arise in the future.*

Ron Atkins....Proprietor/ Manager Evergreen Tree Services in conjunction with Paul Miller: Consulting Arborist Dip Arb tech, Cert 111 Hort





Location of subject tree(s)





*Subject Tree (Grey Gum) in situ.. Image 1*





Large and structurally affected cavity..Image 2.





Image 3.

Arial pics of  
severe cavity &  
nesting bird eggs





*Nichollii Tree in situ...Image 5*



## **Visual Tree Assessment (VTA)**

A tree is a self-optimising mechanical structure (Mattheck and Breloer 1994 \*). A generating system which reacts to mechanical and physiological stresses by growing more vigorously to re-enforce weak areas, while depriving less stressed parts. This precept is described by Claus Mattheck as the axiom of uniform stress. An understanding of the axiom of uniform stress allows an Arborist to make informed judgements about the condition of a tree. Claus Mattheck introduced a biomechanically based system of visual tree assessment (VTA), which uses the reactive nature of tree growth. The basis behind VTA is the identification of symptoms, which the tree produces in reaction to a weak spot, or area of mechanical stress.

Although, Claus Mattheck stresses the limitations of this system by saying; "We can use VTA to state to what extent a defective tree is at greater risk of breaking, compared with a completely sound one. However, since nature's principle of lightweight structures allows a natural failure rate to occur even without defects, there can be no absolute guarantee of safety." It is essential that any arborist using VTA has a broad range of experience of different tree species, as individuals and in groups, to enable them to make informed and reasoned decisions about 'tree safety'.

*\* The Body Language of Trees – A handbook for failure analysis by Claus Mattheck and Helge Breloer - Research for Amenity trees No 4 HMSO Books – ISBN 0117530670*