



Warringah Council

**TREE APPLICATION ASSESSMENT REPORT**

Application No. DA2010/2137

Proposal Description: Tree Application

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 WestG9 Warringah Mall
<b>Category of Development</b>	Category 2 (other works)
<b>Draft WLEP 2009 Permissible or Prohibited Land use:</b>	Commercial core & General Industrial
<b>Desired Future Character Consideration:</b>	
<b>Is the development considered to be consistent with the Locality's Desired Future Character Statement?</b>	<input type="checkbox"/> Yes <input checked="" 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>	Compliant?
<b>CL56</b>	
<b>Retaining Unique Environmental Features on Site</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>CL58</b>	
<b>Protection of Existing Flora</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>CL59</b>	
<b>Koala Habitat Protection</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>CL60</b>	
<b>Watercourses &amp; Aquatic Habitats</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>CL63</b>	
<b>Landscaped Open Space</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Schedules: Applicable?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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<b>Schedule 8 Site analysis</b>	Adequate Detail?
	<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</b>
Species	Corymbia citriodora
<b>Remnant/Planted/ Self sown</b>	P
<b>Special significance</b>	
Age class <b>Y/S/M/O</b>	M
Tree height (m)	25
Average crown diameter (m)	15
Crown condition <b>0, 1, 2, 3, 4, 5</b>	4
Root zone	C, Pa
Defects	
Services/adjacent structures	
Failure potential <b>1, 2, 3, 4</b>	1
Size of defective part <b>1, 2, 3, 4</b>	1
Target rating <b>1, 2, 3, 4</b>	2
Hazard Rating <b>(-/12)</b>	4
<b>Recommendations</b>	
Remove Tree	N
Pruning	Y
Repair/replace surface	
Root pruning/root barrier	
Replanting required	
Other	

**Additional Comments:** Tree 1 was in good health and condition at time of inspection and provides amenity to the area. Tree 1 provides landscape significance in an area fairly void of trees and vegetation. No sign or indication of previous branch failures was evident on the tree. Arboricultural report by Sydney Arbor Trees Pty Ltd dated 26/10/2010 does not support the removal of the tree. The branch failure from storms as highlighted in the Liability Incident Report (case number L06432) by AMP show photos of the failed tree branch. Branch failure due to storm activity is not a justifiable reason to approve removal of a tree. Additionally, the photos show a tree branch that emanated from the adjacent tree (Eucalyptus microcorys – Tallowood) not the tree as applied for in this application. Therefore the removal of the tree is not supported overall.



Consideration of Council Policy ENV-PL 440	Tree 1
Will the proposal retain the character and identity of the Council area by maintaining and, where possible, enhancing the soft landscape qualities of the area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal be fully justified and ensure that proposed changes to the soft landscape through removal or maintenance of trees are protect and enhance the tree canopy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal preserve the existing environmental amenity by preventing unnecessary damage to limbs and roots, pruning and removal of trees?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal encourage new tree planting and tree replacement to achieve an adequate tree canopy density?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal maintain a continuous tree canopy consistent with native vegetation characteristics?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the tree dying, diseased or dangerous?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the tree interfering or likely to interfere with the provision of a public utility or road construction?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have all reasonable design attempts been made to prevent the removal of a tree interfering or likely to interfere with the provision of a public utility or road construction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the tree located in an area required for the construction of a building (seeking consent under this application)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have all reasonable design attempts been made to design the building to avoid the unnecessary destruction of trees?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the tree within 3m of existing buildings, causing or is likely to cause, damage to the buildings, structures or utility services?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the tree out of character with the area by virtue of its species, location and existing number of trees?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the tree likely to have an adverse effect on the local soft landscape?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the tree significant value to the floristic and faunal diversity of the area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the tree or group of trees has significant value by virtue of it being a rare or endangered species, or forms part of an endangered ecological system (as defined in the Threatened Species Conservation Act 1995), has cultural, historical, botanical or Aboriginal significance, contributes to soft landscape quality or serves a functional purpose?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the removal of a tree affect soil stability, run off, fauna habitats and scenic and aesthetic qualities of the environment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Based on the above matters, the assessment against the Environmental Planning Instrument Provisions, and the Hazard Assessment is the removal of the Tree Warranted / Justified in the circumstances of the case?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



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<b>SECTION 79C EPA ACT 1979</b>	
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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:**

**Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)**

Definition:

Land Use Zone:

Permissible or Prohibited:

Additional Permitted used for particular land – Refer to Schedule 1:

Principal Development Standards:

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>	<b>Clause 4.6 Exception to Development Standard</b>
Minimum Subdivision Lot Size:				
Rural Subdivision:				
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:				
Height of Buildings:				

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

**APPLICATION DETERMINATION**

**Conclusion:**



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The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council 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.

"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:

Jason Goldstein

Date

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**Tree Assessment Officer**



## 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 = Lophostemon confertus 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	



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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"> <li>1. Occasional use (eg jogging/cycle track)</li> <li>2. Intermittent use (picnic area, day use parking)</li> <li>3. Frequent use, secondary structure (eg seasonal camping area, storage facilities)</li> <li>4. Constant use, structures (eg year-round use for a number of hours each day, residences)</li> </ol>	
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  HV0   High voltage open-wire construction  HVb   High voltage bundled (ABC)  LV0   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 (&gt;33KV)  U      Underground services  O      Other</p>	<p>More than one of these may apply</p>