



Warringah Council

**TREE APPLICATION ASSESSMENT REPORT**

**Application No. DA2011/0978**

**Proposal Description: Tree Application**

**Legal Address: Lot 3 DP 868761**

**Property Address: 120 Old Pittwater Road BROOKVALE NSW 2100**

<b>Assessment Officer:</b>	Kathryn Hills
<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
<b>Category of Development</b>	Category 2 (other works)
<b>Draft WLEP 2009 Permissible or Prohibited Land use:</b>	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 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>	Compliant?
<b>CL56</b>	
<b>Retaining Unique Environmental Features on Site</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>CL58</b>	
<b>Protection of Existing Flora</b>	<input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input 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
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**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.

Information Category	No 1	No 2	No 3
Species	Casuarina spp.	Casuarina spp.	Casuarina spp.
Remnant/Planted/ Self sown	S	S	S
<b>Special significance</b>			
Age class <b>Y/S/M/O</b>	M	M	M
Tree height (m)	16	16	16
Average crown diameter (m)	4	4	4
Crown condition <b>0, 1, 2, 3, 4, 5</b>	4	4	4
Root zone	Ga	Ga	Ga
Defects			
Services/adjacent structures	Bu, O	Bu, O	Bu, O
Failure potential <b>1, 2, 3, 4</b>	1	1	1
Size of defective part <b>1, 2, 3, 4</b>	1	1	1
Target rating <b>1, 2, 3, 4</b>	4	4	4
Hazard Rating (-/12)	6	6	6
<b>Recommendations</b>			
Remove Tree	Y	N	Y
Pruning			
Repair/replace surface			
Root pruning/root barrier			
Replanting required			
Other			

**Additional Comments:**

Trees 2 and 5 were in good health and condition at the time of inspection and provide amenity to the area. Tree removal is not justified for reasons such as a tree dropping leaves, fruit, sap etc. and consequently is blocking gutters and drains. Leaf drop is a natural occurrence of a trees cycle. The lifting of the brick pavers are considered minor. Approval is granted for the removal Trees 1, 3, and 4 because they are considered to be poor specimens being suppressed by adjacent trees.



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<b>Information Category</b>	<b>No 4</b>	<b>No 5</b>	
Species	Casuarina spp.	Casuarina spp.	
Remnant/Planted/ Self sown	S	S	
<b>Special significance</b>			
Age class Y/S/M/O	M	M	
Tree height (m)	16	16	
Average crown diameter (m)	4	4	
Crown condition <b>0, 1, 2, 3, 4, 5</b>	4	4	
Root zone	Ga	Ga	
Defects		PF	
Services/adjacent structures	Bu, O	Bu, O	
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	N	
Pruning			
Repair/replace surface			
Root pruning/root barrier			
Replanting required			
Other			



Consideration of Council Policy ENV-PL 440	Tree 1	Tree 2	Tree 3
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal maintain a continuous tree canopy consistent with native vegetation characteristics?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the tree dying, diseased or dangerous?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the tree significant value to the floristic and faunal diversity of the area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



Consideration of Council Policy ENV-PL 440	Tree 4	Tree 5	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the proposal maintain a continuous tree canopy consistent with native vegetation characteristics?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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	<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	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the tree significant value to the floristic and faunal diversity of the area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



Warringah Council

<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)(iii) - 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

#### **DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:**

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

Definition: Tree removal

Land Use Zone: General Industrial

Permissible or Prohibited: Permissible in accordance with CL5.9 “Preservation of Trees or Vegetation.”

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

#### **APPLICATION DETERMINATION**

##### **Conclusion:**

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



Warringah Council

**Recommendation:**

**That Council as the consent authority**



**GRANT DEVELOPMENT CONSENT** to the development application subject to the conditions detailed within the associated notice of determination;



**REFUSE development consent** to the development application subject to 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:

Kathryn Hills

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	





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  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 (&gt;33KV)  U      Underground services  O      Other</p>	<p>More than one of these may apply</p>