



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

100 289390

Contact Us	
The General Manager, 725 Pittwater Road, Dee Why NSW 2099 or Customer Service Centre, Warringah Council DX9118 Dee Why	
Email	council@warringah.nsw.gov.au
Fax	9942 2606
If you need help lodging your application call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why.	

Office Use Only									
D	A	2	0	1	6	1	0	6	1
<input type="radio"/> WLEP 2000 Locality					<input type="radio"/> WLEP 2011 Zone				
<input type="radio"/> Owners Consent					<input type="radio"/> Flood Zone				
<input type="radio"/> Lot and DP					<input type="radio"/> Riparian Zone				
<input type="radio"/> 40m Buffer					<input type="radio"/> Vegetation/Threatened				
<input type="radio"/> Acid Sulfate					<input type="radio"/> Wave Impact				
<input type="radio"/> Bushfire Zone					<input type="radio"/> Coastal Zone				
<input type="radio"/> Heritage					<input type="radio"/> 100m MHWM				
<input type="radio"/> Slip Zone									

For applicable fees and charges, please refer to Council's website: 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	MICHAEL NIKOTIN		
Owner(s) name	LOUIS TAGUE		
If any owner/applicant of this development application is a current employee or elected representative of Warringah Council.	<input type="radio"/> Warringah Council Employee		
	<input type="radio"/> Elected Representative		

Part 2: Application Details

2.1 LOCATION OF THE PROPERTY				
We need this to correctly identify the land. These details are shown on your rates notice, property title etc.	Unit Number		House Number	19
	Street	FARNELL ST	Suburb	CURL WARR
	Legal Property Description <small>This information must be supplied.</small>	Lot	LOT 11 DP5539	
		Sect		
		DP/SP	DP 5539	

2.2 EXEMPTIONS

Council consent is not required for removal if the tree is less than 6 metres in height, the tree is dead, a noxious weed, is referred to in the list of exempt species in Appendix 5 of the WDCP 2011, or is considered dangerous to life or property. Note: A tree less than 6 metres in height which has a canopy width exceeding 7 metres will require consent. (For properties within Deferred Lands under the WLEP 2000 then you must consider the Tree Preservation order). To find out more about the exemptions, please go to:

warringah.nsw.gov.au/planning-and-development/development-restrictions/trees-and-development

Trees which are considered a high risk/imminent danger to life and property by a Level 5 qualified Arborist are exempt development and can be removed without Council consent by the owner of the tree.

You need written confirmation from the Arborist and the report must clearly state the following:

- Qualifications: AQF Level 5 Arborist or equivalent (see WDCP 2011, Part H, Appendix 10)
- The tree(s) is declared a 'high risk' or is an Imminent danger to life and property
- Immediate removal of the tree(s) is recommended

A copy of the report is to be sent to council for record keeping purposes.

You may also prune a tree by less than 10% of the foliage within a 12 month period without Council consent.

2.3 APPLICATION FEE

\$110 - Fee to be confirmed with Council's current Fees and Charges

2.4 OWNERS CONSENT

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.

2.5 DESCRIPTION OF WORKS

Please provide details of the work to be carried out in the box below. If your application is required as part of an Exempt and Complying Development (CDC) such as a secondary dwelling, pool etc. please refer to the Development Application Checklist in section 2.8 on page 4 for required information.

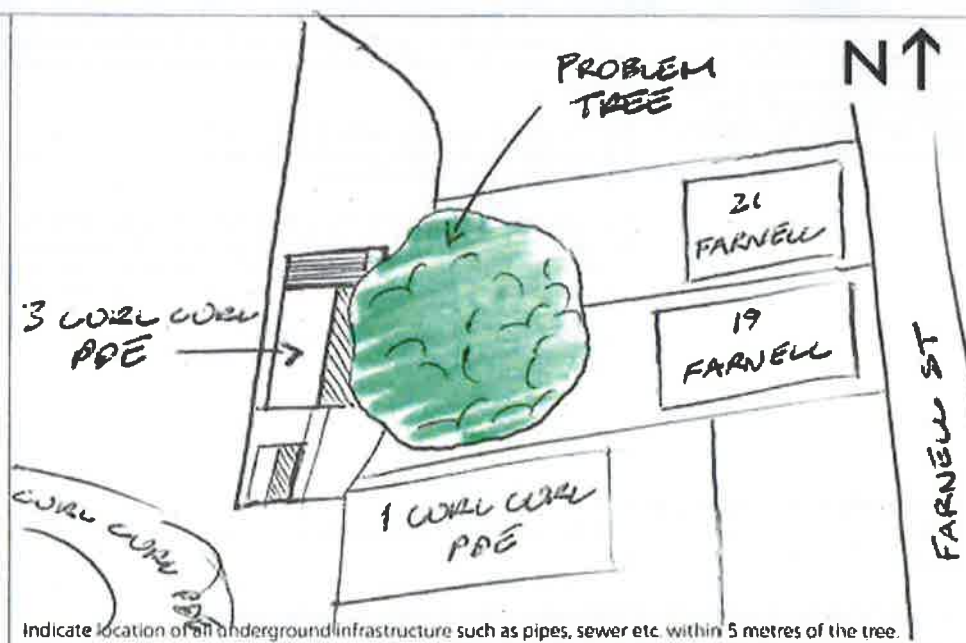
Tree No.	Tree species (if known)	Work required (prune/remove/assess)	Reason for the work
1	FIGUS MICROCARPA	REMOVE	IMMINENT DANGER
2	FIGUS MICROCARPA VAR. HILLII	REMOVE	IMMINENT DANGER
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

Please indicate whether any of the above trees are considered dangerous to life or property. Please refer to section 2.2 Exemptions

2.6 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

**2.7 SITE DETAILS**

For the purpose of providing safe access for the site inspection:

Are there any dogs on the property?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there any locked gates blocking access?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Special arrangement required for site access?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

For the purpose of identifying the trees in section 2.5, please indicate clearly with tape, ribbon, paint spot or numbered tag each tree to be inspected.

2.8 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. If integrated additional payment (by Cheque) is required to relevant authority.

Fisheries Management Act 1994	<input type="checkbox"/> s144 <input type="checkbox"/> s201 <input type="checkbox"/> s205 <input type="checkbox"/> s219
Heritage Act 1977	<input type="checkbox"/> s58
Mine Subsidence Compensation Act 1961	<input type="checkbox"/> s15
Mining Act 1992	<input type="checkbox"/> s63 <input type="checkbox"/> s64
National Parks And Wildlife Act 1974	<input type="checkbox"/> s90
Petroleum (Onshore) Act 1991	<input type="checkbox"/> s9
Protection Of The Environment Operations Act 1997	<input type="checkbox"/> s43(a), (b), (d) <input type="checkbox"/> s47 <input type="checkbox"/> s48 <input type="checkbox"/> s55 <input type="checkbox"/> s122
Roads Act 1993	<input type="checkbox"/> s138
Rural Fires Act 1997	<input type="checkbox"/> s100b
Water Management Act 2000	<input type="checkbox"/> s89 <input type="checkbox"/> s90 <input type="checkbox"/> s91

2.9 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 Council's website at:
warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspxv

DEVELOPMENT APPLICATION CHECKLIST

Required	Supplied	
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="radio"/> Yes	<input type="radio"/> No
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="radio"/>	<input type="radio"/>
If you have indicated that the application is Integrated Development, HAVE YOU ATTACHED A CHEQUE? Please discuss with Council.	<input type="radio"/>	<input checked="" type="radio"/>
SUPPORTING DOCUMENTATION? Have you attached all relevant documentation, reports, photographs in support of the application? e.g. below <ul style="list-style-type: none"> Arborist's Report (in accordance with Appendix of WDCP). Note: Council's assessment of your tree will be a visual observation made at ground level. Should your tree require detailed inspection or assessment of features located more than 2 metres above ground level, or below ground such as root mapping, to justify your application, you must provide a report from a qualified level 5 arborist detailing these issues Sewer diagram, Plumbers report Structural Engineers report detailing damage to property and why alternatives to removing the tree are not feasible 	<input checked="" type="radio"/>	<input type="radio"/>
EXEMPT AND COMPLYING DEVELOPMENT Is this application required as part of an Exempt or Complying Development (CDC)? If Yes - have you attached all relevant plans? A Site Plan must be provided showing existing and proposed development with trees identified in Part 2.5. Warringah Development Control Plan, Part H, Appendix 10 - Details to be contained in an Arborist report, Appendix 11 - Class 2-9 Building and Appendix 12 - Tree Protection Plan may apply.	<input type="radio"/>	<input checked="" type="radio"/>
For more information about Complying Development go to: warringah.nsw.gov.au/planning-and-development/trees-and-development		



Arboricultural Assessment



3 Curl Curl Parade, Curl Curl.

Prepared for: Mike Nikotin

Prepared by: George Palmer

June 2016



Summary

This report has been requested by the property owner as part of an application to the Warringah Council for the removal of a mature *Ficus microcarpa* var. *Hillii*, or Hills Weeping Fig tree from the rear of the neighbouring residence. The tree has developed with a co-dominant trunk that is included at less than 1.5m above ground level.

The tree may have started its juvenile years as an indoor plant before either “escaping” from a pot or being planted in this location by a well meaning horticulturist that did not appreciate the structural issues associated with co dominant development or the full biological potential of the species.

The tree has grown predominantly over the documented residence and will affectively demolish it, should a failure occur. The size of this defective part and the location of the neighbouring residence limit alternate management options and the tree has been recommend for removal and replacement.

Background

As noted, it will be assumed that this tree will have started its life as an indoor plant before it grew beyond the confines of its pot. The tree may have been planted in this location or simply “escaped” from it pot and established here. It is estimated that this occurred over forty years ago given its current mass.

It has been reported that a number of larger diameter limbs have failed in recent history and concerns have been raised as to the health and structural integrity of the tree as a whole.

Aims

The aims of this report are to;

- Review Council Policies for applicable conditions regarding the site and documented trees;
- Conduct a visual assessment of the documented trees and their growing environment;

There is no warranty or guarantee, expressed or implied that health, pests, disease, deficiencies, decay or any structural failures may occur at any time following documentation. Information contained in this report covers only the documented trees and reflects their health and condition at the time of inspection.

Methodology

A Visual Tree Assessment (VTA) was performed from ground level and consideration was given to the overall health of each tree, percentage of canopy, epicormic growth, deadwood and form for this species. The tree heights and canopy spreads have been estimated and where relevant the orientation of the canopy spread noted. The trunk diameters of each tree has been estimated at breast height of 1.4meters (DBH) and measured with a diameter tape where required to calculate Tree Protection Zones. The site was inspected by consulting arborist George Palmer on the 6th June, 2016.

Tree Data

This report focuses on a semi mature to mature *Ficus microcories* var. *Hillii*, or Hills Weeping Fig tree located within the neighbouring residence. The tree is estimated to be 14m in height with a similar canopy spread. This is supported on a co dominant and included trunk. The northern leader is approximately 70cm in diameter while the southern leader is over 80cm



in diameter. As detailed in Figures 1,2 and 3, this inclusion extends from approximately 30cm above ground level to the main branch collar 1.2m above ground level. This co dominant trunk development has resulted in the formation of a broad canopy tree that extended over the neighbouring residence.

Much of the tree's lower canopy has been pruned to allow improved solar access to the understory and to provide appropriate building line clearance. This has meant that much of the tree's canopy, particularly over the neighbouring residence is located on the outer portion of the canopy.

Although no formal soil testing has been undertaken for the purpose of this report, the surrounding landscape topography indicates that the underlying sandstone bedrock is close to the soil surface. The tree's surface root development is indicative of this topographical feature and the theory is that the tree will have either "escaped" from its pot or planted too high in the soil profile.



Figure 1 Shows the base of the trees lower canopy and location in relation to the neighbouring residence.

Discussion

The tree species *Ficus microcarpa* var. *Hillii* has a biological potential to reach a height of over 30m and almost double this tree's existing mass. This is well beyond the size suitable for all but the largest gardens and clearly unsuitable in this location.

The tree has developed on a co dominant and included basal collar that is close to ground level. This is a significant structural fault that may lead to the failure of the sub dominant leader. This represents half of the tree and is of a size that would undoubtedly cause catastrophic damage, if failure were to occur.

This tree may in fact be two trees that will have been planted adjacent to each other in a pot as an indoor planting. Such a tree can commonly escape from its pot and develop a compromised root plate high in the soil profile. This and the limited

soil depths and soil volumes, particularly on the tree's northern side has resulted in exposed surface roots. Such planting stock should not be planted for a broad range of reasons.

The tree has been heavily pruned removing much of the tree's lower canopies. This has left large diameter pruning wounds throughout these limbs and will expose the tree to further decay and potentially compromised structural integrity. The tree's upper canopy will impose increased lever force through a heavily pruned trunk onto an included basal fork. This is an unacceptable risk given the location of the adjacent property.



Figure 2 Shows the extend of the inclusion from its southern base.

Figure 3 Shows the extent of the inclusion from the north.





Recommendations

For the above reasons it is recommended that this tree be removed to eliminate the multiple risks associated with its retention.

This should be done in accordance with current industry standards following approval from the Warringah Council.

George Palmer
Diploma Horticulture- Arboriculture (Level 5)
Associate Diploma Horticulture- Landscape.

Disclaimer

All care has been taken to assess potential hazards, but trees are inherently dangerous. This assessment was carried out from the ground, and covers what was reasonable to be assessed at the time of inspection. No aerial or underground inspections were carried out and no responsibility is accepted for damage or injury caused by trees and no responsibility is accepted if the recommendations in this report are not adhered to. Limitations on the use of this report: This report is to be utilised in its entirety only. Any written or verbal submission that includes statements taken from this report may only be used where the whole report is referenced. Assumptions: Care has been taken to obtain accurate information from reliable sources. Botanics can neither guarantee nor be responsible for the accuracy of information provided by others.

