

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: If you need help lodging your application: The General Manager

Warringah Council Civic Centre, 725 Pittwater Rd Dee Why NSW 2099

▣ Customer Service Centre Warringah Council DX 9118 Dee Why

Phone our Customer Service Centre on (02) 9942 2111 or come in and talk to us

rc.100798500.

Office Use Only				
Locality	Locality			
D A 2 0 1	3/0778			
™ Ovners Consent	∠ Flood Zone			
Cot and DP	Riparian Zone			
□40m Buffer □ Vegetation/				
☐ Acid Sulfate Threatened				
☐ Bushfire Zone	Bushfire Zone			
□Heritage	e □Coastal Zone			
□ Slip Zone □ 100m MHWM				
1	Nov 10			

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

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 Julie Anderson M I Anderson & J A Anderson Owner(s) name If any owner/applicant of this development application is a current employee or elected representative of Warringah Council. Warringah Council employee Yes No X Elected representative Yes No X **Part 2 Application Details** Unit no. House no. 3 Street Lantana Avenue 2.1 Location of the property Collaroy Plateau Suburb We need this to correctly identify the land. These details are shown Legal property | Lot: on your rates notice, property title Sect: DP 395548 description This information must be supplied. 1 of 6

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	Melaleuca quinquenervia	Remove	Damage to existing structure,
2	Iron Bark	Remove	Damage to existing structure
3	Iron Bark	Remove	Poor habit
4	Syzygium sp	Prune	reshape due to electrical contractor's works & thinning
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Part 2 Application D)etails ————————————————————————————————————	
2.4 Sketch		LANTANA AVENUE
Please indicate in the box on the right:	MELALEUCA(Sp	
Sketch the outline of the allotment, street, position of structures eg. house, garage and the location of each tree as numbered in 2.3	DRIVEWAY	SYZYGIUM Sp
Please tie a yellow ribbon around the tree trunk.		of school and the total to
Are there any dogs on the property?s	EXIS	STING RESIDENCE
Yes X No		EMETING TREE TO
(Dog has no access to		
front yard)		
		NT
	1	
· .	The second section of the sect	
2.5 Integrated development Is this application for integrated development?	other consent authorities. Most for	ment that requires licences or approvals from rms of development will not be "integrated". See e Environmental Planning and Assessment Act
Please tick appropriate boxes.	Fisheries Management Act 1994	s144 s201 s205 s219
Yes No X	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 disclosure 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 A reportable political donation to an elected representative of Warring (Mayor or Councillor) and/or any gift to an elected representative or employee within a two (2) year period commencing two (2) years be this application and ending when the application is determined multiple application and ending when the application is determined multiple application who made a reportable donation or gave a gift in the last two (2) years. If yes, complete the Political Donation Declaration and lodge it with no, in signing this application I undertake to advise the Council in wayare of any person with a financial interest in this application who political donation or has given a gift in the period from the date of application and the date of its determination. For further information visit Councils website at: www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx	gah Councer Warringa efore the cost be disclosed X No this applications if I ke to has made	h Council date of osed. cation. If pecome
Development App	olication Checklist		
Required		Sup	plied
		Yes	No
DO YOU HAVE OWNER((NOTE: If the trunk of the consents are required)	(S) CONSENT? tree is located across property boundaries, all owners	X	
HAVE YOU ATTACHED A	A SKETCH OF THE PROPERTY?	X	
HAVE YOU ATTACHED	A CHEQUE?	X	
SUPPORTING DOCUME Aborist's Report (complete	NTATION? ted in accordance with Council's Guidelines)	X	
			4 of 6

General Manager
Warringah Shire Council

Civic Centre

725 Pittwater Road

Dee Why NSW 2099

Dear Sir,

RE: Tree Removal Application 3 Lantana Avenue, Collaroy Plateau

I write to you in the capacity as land owner of the aforementioned property, I am currently seeking approval for the removal of 3 trees and the reshaping of 1 tree within 3 Lantana Ave, Collaroy Plateau. As well as being the land owner I also hold several certificates in horticulture and have been working within the landscape/horticulture industries for over 15 years with extensive experience in tree and bushland management.

The trees which this application seeks approval to remove are having a negative impact on the property with 2 trees causing structural damage to retaining walls which will fail shortly and a third tree has been impacted by uneven pruning by Contractors working on behalf of the electrical authority. Finally this application seeks the approval for the pruning of forth tree also impacted by uneven pruning by Contractors working on behalf of the electrical authority. The pruning of the tree will also assist in improving solar access to the dwelling.

In additional to the tree works on the property upgrading (re surfacing) of the existing driveway will be also be undertaken. At present the driveway consists of two narrow concrete strips finishing at the front boundary surrounded by a crushed gravel pavement which extends through the road verge to the driveway layback. It is planned to replace the existing driveways with a concrete/paved driveway which will stablise the driveway area and provide a flush grade within the road verge where the existing gravel poses a trip risk.

When assessing this application Warringah Council will assess the application against the provisions of the Warringah Council – Tree Preservation Order, the purpose of this document is to ensure that proposed changes to the soft landscape through the removal or maintenance of trees is fully justified.

To assist the assessment of this application and as a means to provide further justification that the proposed works will not detract from the character of the property an assessment against the assessment of the Warringah Tree Preservation Order has been undertaken and the following comments are provided.

Warringah Council Tree Preservation Order Assessment Criteria for the Warringah Tree Preservation Order

Considerations

Any proposed works on a tree must be justified. In determining whether the proposed works should be permitted, Council may have regard to the following considerations:-

- Whether a tree is dying, diseased or dangerous The onus for establishing whether the tree is dying, diseased or dangerous and that it will not recover lies with the owner or nominated applicant (where not the owner).
 - It is the opinion of the author that the use of the selected species within the existing setting was not appropriate. The tree species are too large for the location they have been established in. As a result the tree pose a risk of further damage to property and a safety risk dur to damage to existing overhead

energised electrical lines. The proposed works (retaining wall and driveway) will further damage the trees which will increase the potential for failure and damage to the property.

- Whether a tree is interfering or likely to interfere with the provision of a public utility or road construction, provided that in the design and location of these works all reasonable effort is made and demonstrated to avoid the destruction of trees.
 Not Applicable
- Whether a tree interferes with or prevents the construction of a building, provided all reasonable
 effort is made and demonstrated in the location and design of the building to avoid the unnecessary
 destruction of trees.
 Not Applicable
- Whether a tree would interfere with the construction of roads or drainage in a subdivision, provided all reasonable effort is made and demonstrated in the subdivision layout to avoid the unnecessary damage or destruction of trees.
 Not Applicable
- Whether a tree is within 3m of existing buildings, causing or is likely to cause, damage to the buildings, structures or utility services.

YES - The location of tree this application seeks to remove are located within 3m of existing buildings, in this regard the trees are causing damage to existing retaining walls which have experienced excessive movement and will fail as a result of pressure being applies by these trees. Should the retaining walls fail the existing driveway to the property will be inoperable significantly impeding the usability of the dwelling. The trees also are within 1m of the property's electrical service, the tree pose significant threat of interruption to the provisioning of electricity to the property and a risk of injury to persons and damage to property in the event of damage to the energised electoral wires.

- Whether a tree is, in the opinion of Council, out of character with the area by virtue of its species, location and existing number of trees.
 - To be determined by Council however it is not expected Council will draw this as a conclusion of their assessment.
- Whether the works to the tree are likely to have an adverse effect on the local soft landscape.
 Not Applicable
- Whether a tree has significant value to the floristic and faunal diversity of the area.
 None of the trees this application seeks consent to remove poses significant floristic or faunal value. The tree species are commonly used within residential landscape settings.
- Whether the proposed works to the tree will adversely affect any other part of the tree located on other land.
 - All trees subject to this application are wholly contained within the subject property. The removal of these trees does not adversely affect any adjoining properties.
- Whether a tree enhances soft landscape qualities of the natural topography and vegetation of the area.

The subject trees are only some of the existing soft landscaping within the property, the removal and pruning of the subject trees will not negatively impact the qualities of the balance of the existing soft landscaping.

- Whether a 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.
 Not Applicable
- Whether the removal of a tree will affect soil stability, run off, fauna habitats and scenic and aesthetic qualities of the environment.
 Not Applicable

The removal of trees within Warringah Shire Council LGA is also considered under the provisions of Council's Development Control Plan - Appendix 8 and 9. Assessment of the removal of the trees against the provision of the DCP determined that the trees would meet the provisions of Appendix 8 - Property Damage test and works affecting public land test and Appendix 9 - Tree Retention Assessment.

DCP - Appendix 8 Removal of Tree Tests

4. Property Damage Test

This is an assessment of whether public or private property is being significantly affected by the presence/location or growth of a tree. Permission for the removal of the tree may be issued if it is shown that removal of the tree is the only option to avoid further conflict, having regard to all other abatement options. Assessment of the damage is to be carried out and reported by a suitably qualified person (e.g. road/civil engineer) in consultation with a suitably qualified arborist.

Two of the trees have cause damage to retaining structures within the property. There are no alternative option to avoid the continuing damage to the retaining walls and the property stormwater drainage system.

- 6. Proposed Driveway Crossings, Private Structures or Works Affecting Public Land Test
 Permission for the removal of a tree may be granted where the tree would prevent the installation and function of a proposed driveway crossing, street awning, street balcony, or other private structure. It needs to be demonstrated that:
 - the removal of the tree would maximise public benefit,
 - that there is no reasonable alternative to removing the tree, and
- the Council is satisfied that the proposal would not have any adverse heritage, pedestrian, streetscape or traffic impacts.

The removal of the trees would enable the replacement of the existing driveway including the crossover. At present the driveway consists of two narrow concrete strips finishing at the front boundary surrounded by a crushed gravel pavement which extends through the road verge to the driveway layback. It is proposed to replace the existing driveways with a concrete/paved driveway which will stablise the driveway area and provide a flush grade within the road verge where the existing gravel poses a trip risk.

Removal of the trees and replacement of the driveway will remove the existing trip hazard within the road reserve benefitting the wider public. There is no reasonable alternative other than removing the trees to enable the works to proceed, There are no adverse adverse heritage, pedestrian, streetscape or traffic impacts.

Appendix 9 Tree Retention Assessment

The purpose of the Tree Retention Assessment is to provide a clear method to assess the contribution of individual trees and groups of trees to amenity and the natural and built environments. Through doing so, a balance between the economic imperatives of land development and the preservation of natural features can be achieved.

The assessment of the sustainability of the trees determined that the trees are 5 -15 years old and have moderate landscape significance. When determining the overall contribution the individual trees have to amenity and the natural and built environment the trees poses a low landscape significance and the removal of the trees should be supported.

A summary of the landscape significance of the tress is as follows, Figure 1 demonstrates how a tree's sustainability is to be determined.

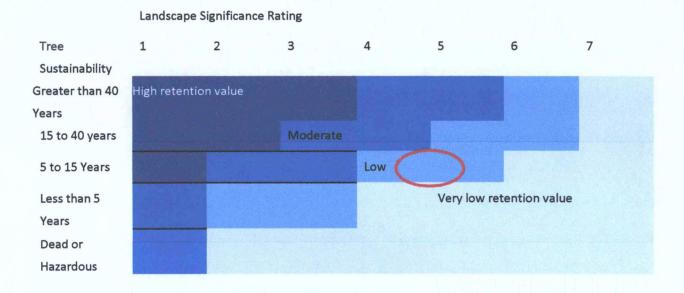


Table 1: Landscape Significance

The tree has a medium live crown size exceeding 40m², and The tree is a fair representative of the species, exhibiting moderate deviations from typical form (e.g. distortion/suppression) with a crown density or more than 50% Crown Cover, and The tree makes a fair contribution to the visual character and amenity of the area, and The tree is visible from surrounding properties, but is not visually prominent – view may be partially obscured by other vegetation or built forms, or The tree has known or suspected historical association

In summary the proposed tree removal and pruning works should be approved by Warringah Council, the proposed works can be completed with minimal environmental impacts the overall contribution the individual trees have to amenity and the natural and built environment the trees poses a low landscape significance and the removal of the trees should be supported. I request the opportunity to meet with Council's assessment officer during any site inspection to assist in the determination of this application.

Should you have any queries regarding this application I can be contacted on 0419 148 853.

Regards,

Mark Anderson

Trees Report

3 LANTANA AVE - COLLAROY PLATEAU

TREE N	IUMBER – 01		
(a)	Species of tree	Melaleuca quinquenervia	
(b)	Whether the tree(s) is planted, self sown, or remnant vegetation	Planted	
(c)	If the tree(s) has any special significance such as Aboriginal, Commemorative, Habitat, Historic, Memorial, Rare, Unique form.	No	
(d)	The age of the tree(s) and its life expectancy	Tree age: 10years Life Expectancy: 10+ Years (Unless failure	e due to retaining wall failure)
(e)	The height of the tree(s) and its average crown diameter	Height of Tree:15m Average Crown Diameter: 6m	
(f)	The condition of the crown of the tree	Average	
(g)	The extent of the root zone of the tree	5m Dia	
(h)	The likelihood of the failure of the tree(s) or parts of the tree due to structural defect(s). This is to include the size and location of possible defective parts and their potential threat to life and property	Nil	
(i)	The trees proximity to services or adjacent structures. This includes dwellings, overhead wires, underground services, signage, and street lights	Overhead wire: 0.0m Underground Services: 0.0m (Stormwater Retaining Wall: 0.3m (Tree placing pressure on retaining wall, immediate risk of wall failure	
(i)	Reasons for the removal and/or pruning of the tree(s). How the removal of the tree satisfies the tests identified in	Landscape Significance	4. Moderate
, u,	Appendix 9 if applicable	The tree has a medium live crown size exceeding 40m ² ,	Yes

	The tree makes a fair contribution to the visual character and amenity of the area	The tree has no to very limited contribution to the visual character and amenity of the area.
	The tree is visible from surrounding properties, but is not visually prominent — view may be partially obscured by	The tree is visible from surrounding properties however it is excluded by the dwelling and other adjacent trees.
	other vegetation or built forms, The tree has known or suspected historical association	No – The tree has no known of suspected historical association.
COMMENTS	The trees are causing structural damage a retaining wall which will fail shortly. The failure of the retaining wall will impact on the storm water drainage system of the dwelling. The impacts on the stormwater system will cause flooding to the basement and garage of the dwelling.	
	Failure of the retaining will also poses the risk of the tree failing and damaging the dwelling including interruption to the provision of electricity to the property and a risk of injury to persons and damage to property in the event of damage to the energised electoral wires. In additional to the tree works it is also proposed that upgrading (re surfacing) of the existing driveway will be undertaken. At present the driveway consists of two narrow concrete strips finishing at the front boundary surrounded by a crushed gravel pavement which extends through the road verge to the driveway layback. It is proposed to replace the existing driveway with a concrete/paved driveway which will stablise the driveway area and provide a flush grade within the road verge where the existing gravel poses a trip risk.	

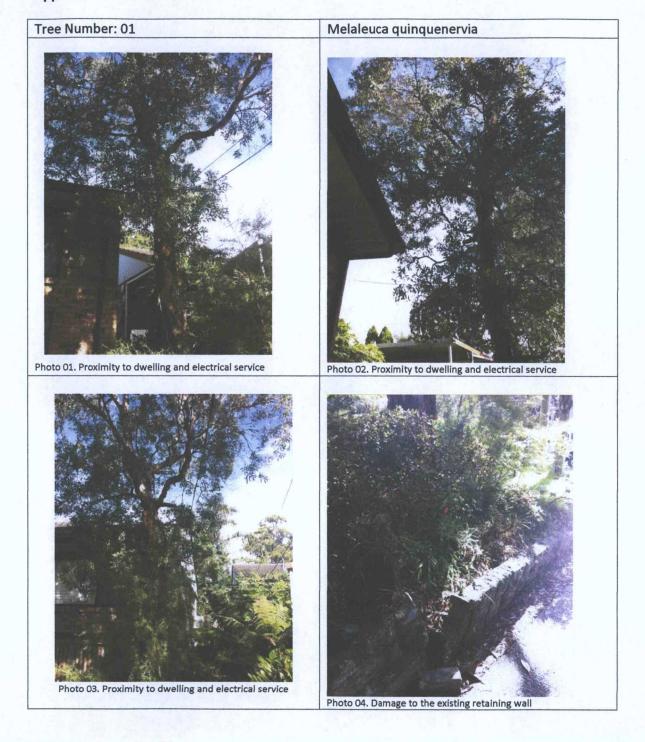




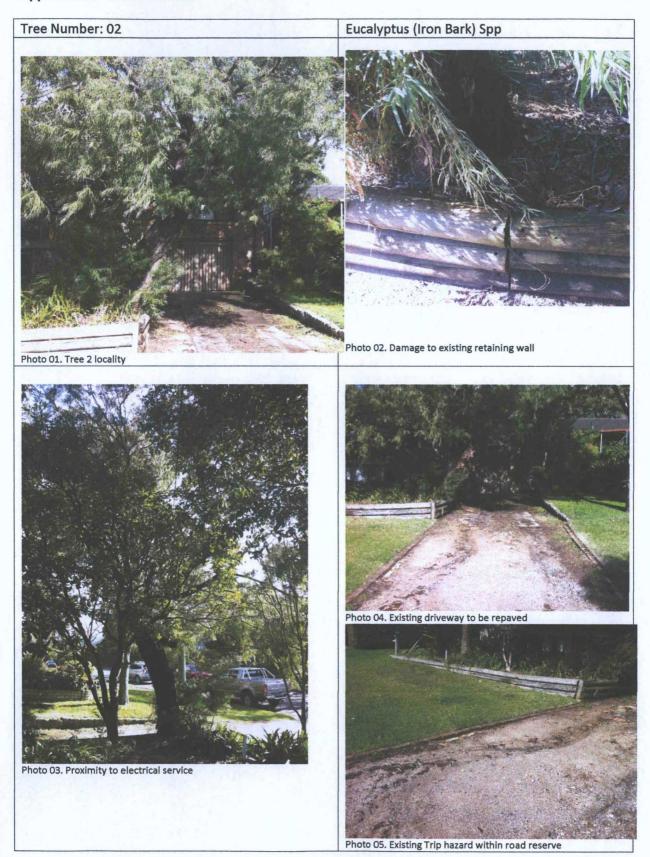




Photo 07. Existing Trip hazard within road reserve

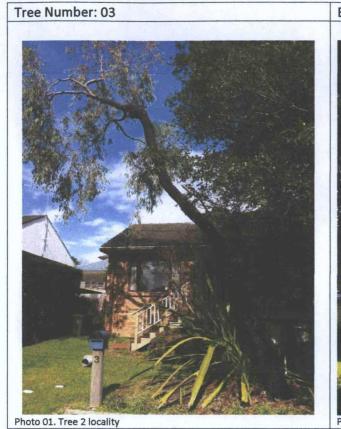
TREE N	IUMBER – 02			
(a)	Species of tree	Eucalyptus (Iron Bark) Spp		
(b)	Whether the tree(s) is planted, self sown, or remnant vegetation	Planted		
(c)	If the tree(s) has any special significance such as Aboriginal, Commemorative, Habitat, Historic, Memorial, Rare, Unique form.	No	No	
(d)	The age of the tree(s) and its life expectancy	Tree age: 10 years Life Expectancy: 10+ Years (Unless failure due to re	etaining wall failure)	
(e)	The height of the tree(s) and its average crown diameter	Height of Tree:12m Average Crown Diameter: 12m		
(f)	The condition of the crown of the tree	Average		
(g)	The extent of the root zone of the tree	10m Dia		
(h)	The likelihood of the failure of the tree(s) or parts of the tree due to structural defect(s). This is to include the size and location of possible defective parts and their potential threat to life and property	Nil		
(i)	The trees proximity to services or adjacent structures. This includes dwellings, overhead wires, underground services, signage, and street lights	Dwelling: 6.0m Overhead wire: 0.0m Underground Services: 3.0m (Stormwater Retaining Wall: 0.1m (Tree placing pressure on refailure	taining wall, immediate risk of wall	
		Landscape Significance	4. Moderate	
(i)	Reasons for the removal and/or pruning of the tree(s). How the removal of the tree satisfies the tests identified in Appendix 9 if applicable	The tree has a medium live crown size exceeding 40m^2 ,	Yes	

	The tree makes a fair contribution to the visual character and amenity of the area	The tree makes no – limited contribution to the visual character and amenity of the area.
	The tree is visible from surrounding properties, but is not visually prominent – view may be partially obscured by other vegetation or built forms,	The tree is visible from surrounding properties however it is excluded by the dwelling and other adjacent trees.
	The tree has known or suspected historical association	No – The tree has no known of suspected historical association.
COMMENTS	The trees are causing structural damage a retaining wall which will fail shortly. Failure of the retaining will also poses the risk of the tree failing causing interruption to the provision of electricity to the property and a risk of injury to persons and damage to property in the event of damage to the energised electoral wires.	
	In additional to the tree works it is also proposed existing driveway will be undertaken. At present concrete strips finishing at the front boundary su which extends through the road verge to the drive the existing driveways with a concrete/paved driveway area and provide a flush grade within the road vertip risk.	the driveway consists of two narrow irrounded by a crushed gravel pavement yeway layback. It is proposed to replace veway which will stablise the driveway



TREE	NUMBER – 03		
(a)	Species of tree	Eucalyptus (Iron Bark) Spp	
(b)	Whether the tree(s) is planted, self sown, or remnant vegetation	Planted	
(c)	If the tree(s) has any special significance such as Aboriginal, Commemorative, Habitat, Historic, Memorial, Rare, Unique form.	No	
d)	The age of the tree(s) and its life expectancy	Tree age: 8years Life Expectancy: 20 years +	
e)	The height of the tree(s) and its average crown diameter	Height of Tree:15m Average Crown Diameter: 10m	
f)	The condition of the crown of the tree	Average	
(g)	The extent of the root zone of the tree	10m Dia	
h)	The likelihood of the failure of the tree(s) or parts of the tree due to structural defect(s). This is to include the size and location of possible defective parts and their potential threat to life and property	Nil	
(i)	The trees proximity to services or adjacent structures. This includes dwellings, overhead wires, underground services, signage, and street lights	Overhead wire: 3.0m Underground Services: 3.0m (Stormwater Retaining Wall:	
		Landscape Significance	4. Moderate
		The tree has a medium live crown size exceeding 40m ² ,	Yes
(j)	Reasons for the removal and/or pruning of the tree(s). How the removal of the tree satisfies the tests identified in Appendix 9 if applicable	The tree makes a fair contribution to the visual character and amenity of the area	The tree makes no – limited contribution to the visual character and amenity of the area.
		The tree is visible from surrounding properties, but is	The tree is visible from surrounding properties however it is excluded by

	not visually prominent – view may be partially obscured by other vegetation or built forms, the dwelling and other adjacent trees.	
	The tree has known or suspected historical association No – The tree has no known of suspected historical association.	
COMMENTS	The tree has been impacted by uneven pruning by Contractors working on behalf of the electrical authority, the tree has become unevenly weighted towards the dwelling. The removal of the tree is a preventage safety measure with minimal environmental impacts.	



Eucalyptus (Iron Bark) Spp



Photo 02. Uneven growth causing poor growth habit

TREE	NUMBER – 04		
(a)	Species of tree	Syzygium Spp	
(b)	Whether the tree(s) is planted, self sown, or remnant vegetation	Planted	
(c)	If the tree(s) has any special significance such as Aboriginal, Commemorative, Habitat, Historic, Memorial, Rare, Unique form.	No	
(d)	The age of the tree(s) and its life expectancy	Tree age: 15 years Life Expectancy: 20 years+	
(e)	The height of the tree(s) and its average crown diameter	Height of Tree:15m Average Crown Diameter: 12m	
(f)	The condition of the crown of the tree	Average	
(g)	The extent of the root zone of the tree	15m+ Dia	
(h)	The likelihood of the failure of the tree(s) or parts of the tree due to structural defect(s). This is to include the size and location of possible defective parts and their potential threat to life and property	Nil	
(i)	The trees proximity to services or adjacent structures. This includes dwellings, overhead wires, underground services, signage, and street lights	Dwelling: 6.0m Overhead wire: 0.0m Underground Services: Retaining Wall:	
		Landscape Significance	4. Moderate
(i)	Reasons for the removal and/or pruning of the tree(s). How the removal of the tree satisfies the tests identified in Appendix 9 if	The tree has a medium live crown size exceeding 40m ² ,	Yes
	applicable	The tree makes a fair contribution to the visual character and amenity of the area	The tree makes no – limited contribution to the visual character and amenity of the area.

The state of the s	The tree is visible from	The tree is visible from surrounding properties	
	surrounding properties, but is	however it is excluded by the dwelling and other	
	not visually prominent – view	adjacent trees.	
	may be partially obscured by		
	other vegetation or built		
	forms,		
	The tree has known or suspected historical association	No – The tree has no known of suspected historical association.	
COMMENTS	The tree has been impacted by	uneven pruning by Contractors working on behalf of	
	the electrical authority, the tree	has become unevenly weighted towards the	
	dwelling. The proposed pruning	dwelling. The proposed pruning of the tree will improve the shape and health of the	
	tree with minimal environmenta	al impacts.	

Tree Number: 03

Eucalyptus (Iron Bark) Spp



Photo 01. Uneven pruning - growth causing poor growth habit

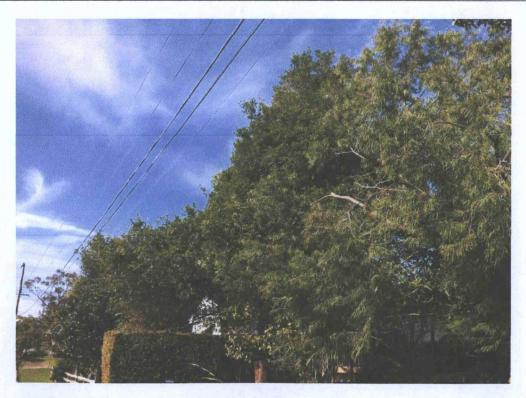


Photo 02. Uneven pruning - growth causing poor growth habit