TREE APPLICATION ASSESSMENT REPORT

Application No. DA2012/0186
Proposal Description: Tree Application
Legal Address: Lot 86 DP 209117
Property Address: 44 Ennerdale Crescent WHEELER HEIGHTS NSW 2097

Assessment Officer:	Kathryn Hills
Notification Required?	☐ Yes (14 days) ☑ No As per section A.7 Notification (unless a heritage item) Warringah Development Control Plan.
Applicable Controls:	☑ EPA Act 1979 ☑ EPA Regulations 2000 ☑ WLEP 2011 ☑ WDCP
SEPPs: Applicable?: **REPs: Applicable?:** **LEPs Applicable?**	☐ Yes ☑ No ☐ Yes ☑ No ☑ Yes ☐ No
Consideration of Warringah Local Environmental Plan 2011 (WLEP 2011)	
Land Use Zone	Low density residential
Aims and Objectives consistent with the zone objectives	☑ Yes ☐ No
WLEP 2011 Permissible or Prohibited Land use:	Permissible

Does the proposed development meet the objectives of CL 5.9 WLEP 2011 "Preservation of Trees or Vegetation"

☑ 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	Eucalyptus sp.		
Remnant/**P**lanted/ **S**elf sown	P		
Special significance			
Age class **Y/S/M/O**	M		
Tree height **(m)**	16		
Average crown diameter **(m)**	18		
Crown condition **0, 1, 2, 3, 4, 5**	4		
Root zone	Ga, Pa		
Defects	PF, C, D, E, O		
Services/adjacent structures	Bu		
Failure potential **1, 2, 3, 4**	2		
Size of defective part **1, 2, 3, 4**	3		
Target rating **1, 2, 3, 4**	4		
Hazard Rating **(-/12)**	9		

Recommendations			
Remove Tree	Y		
Pruning			
Repair/replace surface			
Root pruning/root barrier			
Replanting required	Y		
Other			

Consideration of Warringah Development Control Plan (Adopted on 8/6/2010 and effective as of 9/12/2011)

D1 **Landscaped Open Space and Bushland Setting**	Compliant? ☑ Yes ☐ No
E1 **Private Property Tree Management**	☑ Yes ☐ No
E2 **Prescribed Vegetation**	☑ Yes ☐ No
E3 **Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat**	☐ Yes ☐ No ☑ N/A
E6 **Retaining Unique Environmental Features on Site**	☑ Yes ☐ No
E8 **Waterways and Riparian Lands**	☐ Yes ☐ No ☑ N/A

Built Form Controls under WLEP 2011: Applicable?	☐ Yes ☑ No

Consideration of Removal of Tree Test (WDCP Appendix 8)	**Tree No 1**		
Does the tree pose an unacceptable risk that cannot be adequately or appropriately managed by arboricultural treatment or other risk management measures? All possible methods to mange the risk other than tree removal have been considered prior to issuing consent for the removal of a tree.	☑ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Is the tree in a diseased condition that cannot be corrected by pruning or other arboricultural treatment? And all possible options for managing the diseased condition have been considered prior to issuing consent for the removal of a tree.	☑ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
The remaining life expectancy of the tree has been identified to be less than 5 years therefore consent for the removal of the tree is justified subject to replacement planting.	☑ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Is the tree significantly affecting public or private property by way of its presence/location or growth?	☐ Yes ☑ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Have all abatement options been considered and removal of the tree is the only option to avoid further conflict.	☑ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Is the tree likely to succumb to major injury as a result of public infrastructure work where all alternatives such as relocation or reconfiguration of the works have been considered?	☐ Yes ☑ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Is the tree located in an area required for a Proposed Driveway Crossings, Private Structures or Works affecting Public Land?	☐ Yes ☐ No ☑ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Is Council satisfied that the proposal would maximize public benefit, that there is no reasonable alternative to removing the tree, and would not have any adverse heritage, pedestrian, streetscape or traffic	☑ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

impacts.	☐ N/A	☐ N/A	☐ N/A
Consideration of Tree Retention Assessment (WDCP Appendix 9)	**Tree No 1**		
Tree Retention Assessment: Applicable?	☐ Yes ☑ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Is Council satisfied that the balance between economic imperatives of land development and the preservation of natural features is achieved?	☑ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Consideration of Class 2- 9 Buildings (WDCP Appendix 11)	**Tree No 1**		
Consideration of Appendix 11 Class 2- 9 Buildings: Applicable?	☐ Yes ☐ No ☑ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Consideration of a Tree Protection Plan (WDCP Appendix 12)	**Tree No 1**		
Tree Protection Plan: Applicable?	☐ Yes ☐ No ☑ N/A	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
Conclusion	**Tree No 1**		
Based on the above matters, the assessment against the Environmental Planning Instrument Provisions, and the Development Control Plan, is the removal of the Tree Warranted / Justified in the circumstances of the case?	☑ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

SECTION 79C EPA ACT 1979	
Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	☑ Yes ☐ No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	☐ Yes ☐ No ☑ N/A
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	☑ Yes ☐ No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	☐ Yes ☐ No ☑ N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	☑ Yes ☐ 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?	☑ Yes ☐ No
Section 79C (1) (c) – It the site suitable for the development?	☑ Yes ☐ No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	☑ Yes ☐ No

Additional Comments:

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 2011 and Warringah Development Control Plan, and the relevant codes and policies of Council. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions 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 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

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*	Rates the use and occupancy of the area that would be struck by the defective part. 1. Occasional use (eg jogging/cycle track) 2. Intermittent use (picnic area, day use parking) 3. Frequent use, secondary structure (eg seasonal camping area, storage facilities) 4. Constant use, structures (eg year-round use for a number of hours each day, residences)	
Hazard Rating*	Failure potential + size of part + target rating. Add each of the above sections for a number out of 12.	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.
Root Zone	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	More than one of these may apply
Defects	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	More than one of these may apply
Services / adjacent structures	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 (>33KV) U Underground services O Other	More than one of these may apply