

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:

- ☐ The General Manager
Warringah Council
Civic Centre, 725 Pittwater Rd
Dee Why NSW 2099

Or

- ☐ Customer Service Centre
Warringah Council
DX 9118
Dee Why

If you need help lodging your application:

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

October 2013

Office Use Only

- ☐ WLEP 2000 Locality
☐ WLEP 2011 Zone

DA 2014/1272

- | | |
|--|--|
| ☒ Owners Consent | ☐ Flood Zone |
| ☒ Lot and DP | ☐ Riparian Zone |
| ☐ 40m Buffer | ☐ Vegetation/
Threatened |
| ☐ Acid Sulfate | ☐ Wave Impact |
| ☐ Bushfire Zone | ☐ Coastal Zone |
| ☐ Heritage | ☐ 100m MHW |
| ☐ Slip Zone | |

**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

R/100 245714

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

VIGEN & ROSIE EVANIAN

Owner(s) name

VIGEN & ROSIE EVANIAN

If any owner/applicant of this development application is a current employee or elected representative of Warringah Council

Warringah Council Employee Yes ☐

Elected Representative Yes ☐

Part 2 Application Details

2.1 Location of the property

Unit no

House no

9

Street

HAIGH AVE

Suburb

BELROSE

We need this to correctly identify the land. These details are shown on your rates notice, property title etc.

Legal property description

Lot 5 Sect. DP/SP 222115

This information must be supplied

Part 2 Application Details

2.2 Exemptions

Council consent is not required for removal if the tree is less than 5 metres in height or seven (7) metres in canopy width, the tree is dead, a noxious weed, is referred to in the list of exempt species in Appendix 5 of WDCP, or is considered dangerous to life or property

If a level 5 qualified arborist provides written confirmation that a tree is dangerous to life or property, the tree can be removed without obtaining Consent from Council. Please forward a copy of the arborist's report to Council prior to removal if practical.

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

Tree no.	Tree species (if known)	Work required (prune/remove/assess)	Reason for the work
1	NORFOLK PINE	REMOVED	PLEASE REFER TO
2			DETAILED LETTER &
3			PHOTOS ATTACHED.
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Application for Tree Removal – by Vigen and Rosie Evanian

Norfolk Island Pine

9 Haigh Avenue, Belrose

There are a number of reasons for considering the approval to remove the abovementioned tree.

1. The Health Issues of our Son

The Pine tree is located just outside our son's bedroom and he suffers severe eczema and dermatitis. We have spent thousands of dollars trying to treat or control his skin issues and have yet another specialist's appointment in December. He is limited by playing outside due to the Pine tree's long needle pods that cover the ground area and seem to flare up his skin disorder. (see Picture 5).

2. Water logged under the house

A few years ago our son contracted "Kawasaki Disease" – a very rare disease that is still being researched. He almost died. But for the rest of his life will need to have regular heart checks. The cause is yet unknown but one theory is a certain bacteria caused by stagnant water. We have only recently discovered that there is water sitting under his bedroom due to improper drainage due to pipes being blocked by the pine tree roots. We have had to dig an alternative trench to drain out the water after heavy rains. (see Picture 6)

3. Mold Spores and Mildew very present on trunk

It seems the trunk of the tree has had a fungal attack and we are concerned with the airborne effects of the mold and mildew that is covered all over the trunk – again for the health of our son. (see Picture 4)

4. The tree Position

The tree is located about six and a half meters away from the house and is also very close to the pathway where lots of local children ride their bikes etc. This is also a bus stop. We are concerned for the safety of our

three children and the neighborhood, that if the tree ever fell, it is slanted towards the footpath, road and telegraph pole - it can cause major chaos. (see Picture 1)

5. Electricity lines

There are electricity power lines both on our land and on council property running directly through the tree canopy, which is also quite dangerous in case of a heavy storm. (see Picture 2)

Therefore, we kindly request that Council will consider the 5 mentioned reasons that we would like the Norfolk Pine tree to be removed. We understand that it may be a considerable cost to us to have the tree cut down, however we feel our son's health and the safety of our neighbors is more important. We hope that you will too.

Kind regards,

Vigen and Rosie Evanian

Part 2 Application Details

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

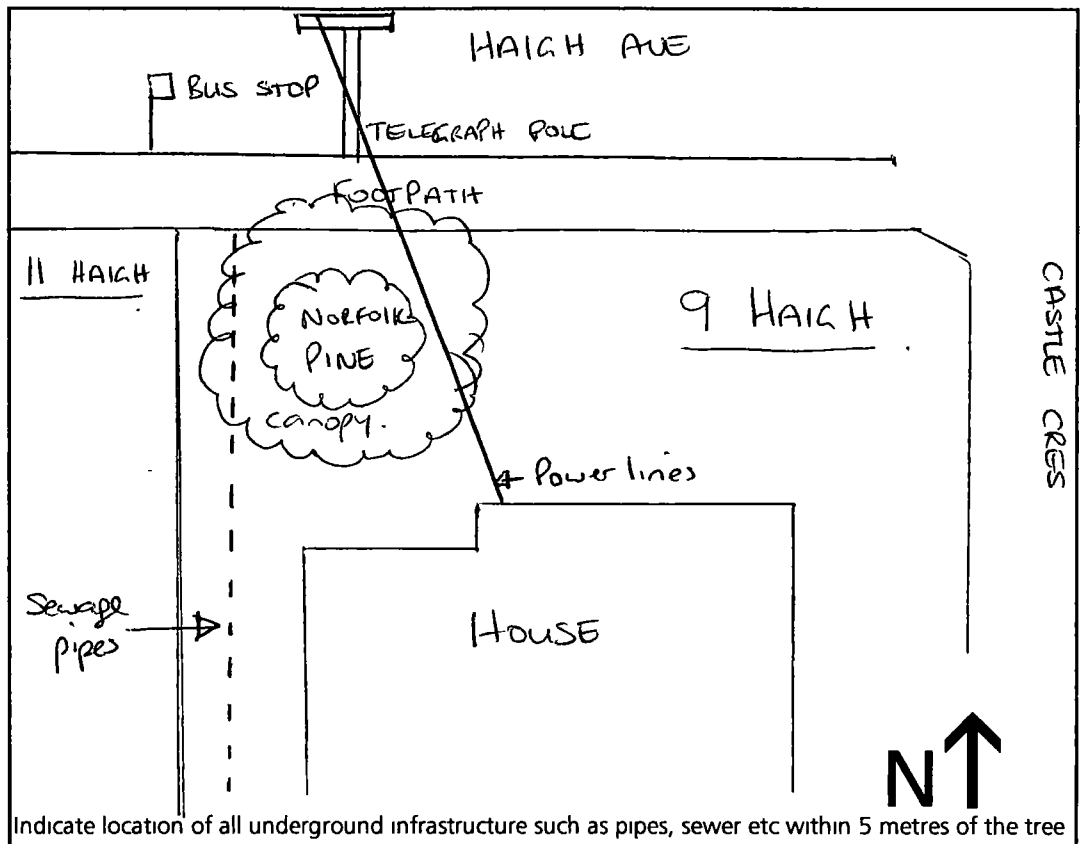
Please tie a yellow ribbon around the tree trunk.

Are there any dogs on the property?

Yes ☐ No ☒

Are there any locked gates blocking access?

Yes ☐ No ☒



2.7 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 ☐ s144 ☐ s201 ☐ s205 ☐ s219

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

2.8 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 Councils website at:
www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx

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)

☒ Yes

☐ 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)

☒ Yes

☐ No

If you have indicated that the application is Integrated Development

HAVE YOU ATTACHED A CHEQUE? Please discuss with Council.

☐ Yes

☒ No

SUPPORTING DOCUMENTATION?

Have you attached all relevant documentation, reports, photographs in support of the application? e.g. below

- 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

☒ Yes

☐ No

- Sewer diagram, Plumbers report

☐ Yes

☒ No

- Structural Engineers report detailing damage to property and why alternatives to removing the tree are not feasible

☐ Yes

☒ No

Exempt and Complying Development

Is this application required as part of an Exempt or Complying Development?

☐ Yes

☒ No

If **Yes** - have you attached all relevant plans?

A Site Plan showing existing and proposed development with trees identified in Part 2.5.

☐ Yes

☒ No

Warringah Development Control Plan. Part H. Appendix 11 - Class 2-9 Building and

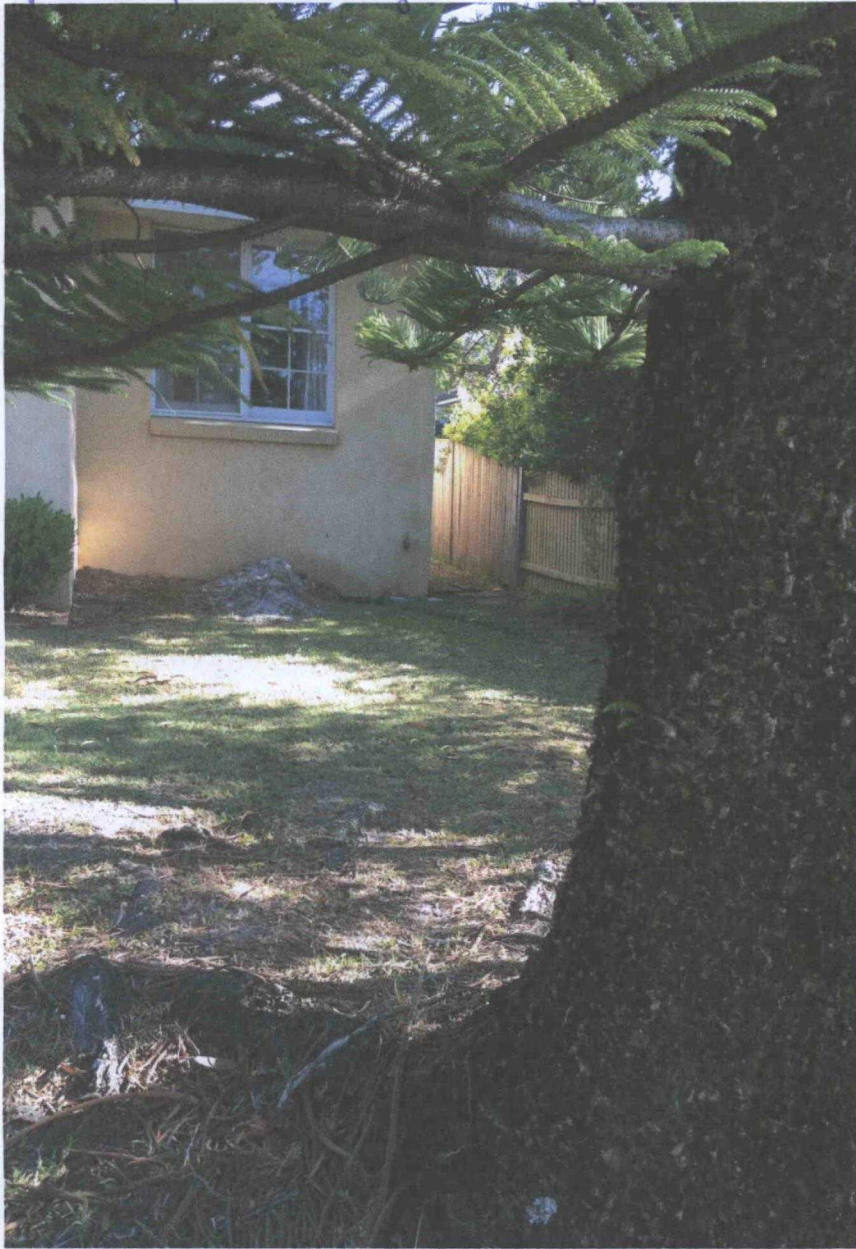
① Tree is very close to telegraph pole, bus stop and slants heavily towards these areas.



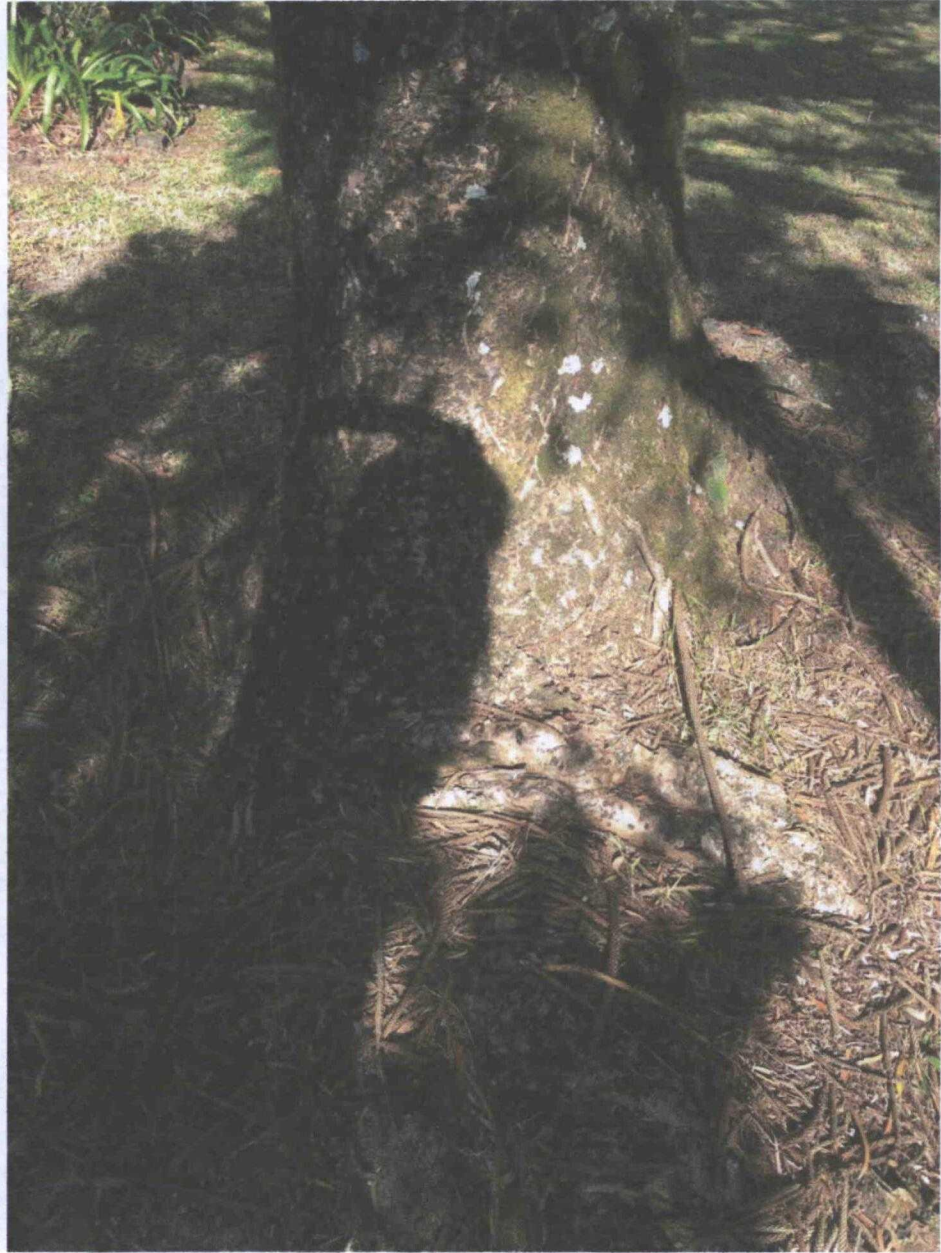
② Electricity wires are running directly through the canopy.



③ Tree roots reach the house causing pipe issues both to plumbing & sewerage reaching footpath.



④ Foul odours on trunk



⑤ Tree was originally planted along sewerage line very close to footpath.



⑥ Tree roots have caused foundational issues, where water sits under the house after heavy rain attracting rats and causing disease.