



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:

- ☐ 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

Office Use Only

- ☐ WLEP 2000 Locality:
☐ WLEP 2011 Zone:

DA 2013 / 0611

- | | |
|---|--|
| ☐ 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 | |

June 12

**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 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

Belbore Project Management Pty Ltd

Owner(s) name

Hen Yam Kan, Lan Ying Au, Giselle Schinagel

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

Warringah Council employee Yes ☐ No ☒ Elected representative Yes ☐ No ☒

Part 2 Application Details

2.1 Location of the
property

Unit no.

A+B

House no.

15

Street

Bruzzano Place

Suburb

Cromer

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

Legal property
description

Lot: 1+2

Sect:

DSP: 42275

This information must be supplied.

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 **five 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	Broad Leaf Paperbark	Remove	Damage to property
2			and potential damage
3			to building
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Part 2 Application Details

2.4 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.

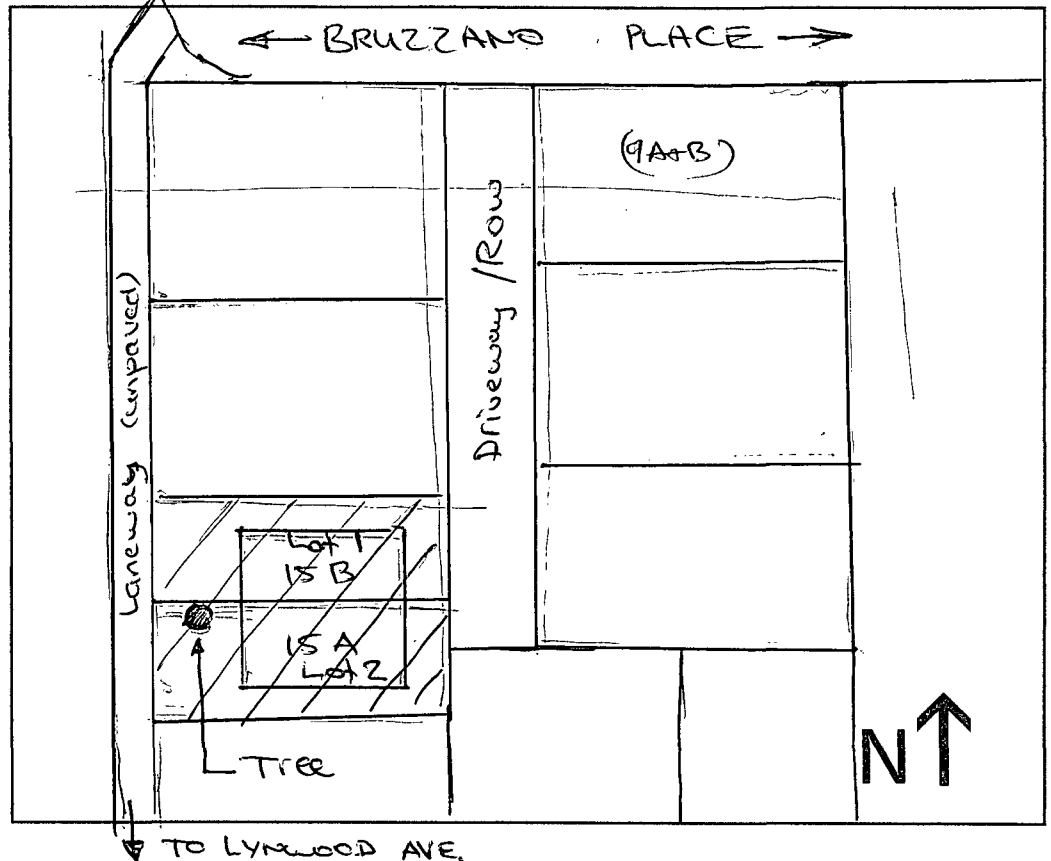
Are there any dogs on the property?

Yes ☐ No ☐

Are there any locked gated blocking access?

Yes ☐ No ☐

* View via ISB.
If not home, gate is open.



2.5 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.

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

2.6 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 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

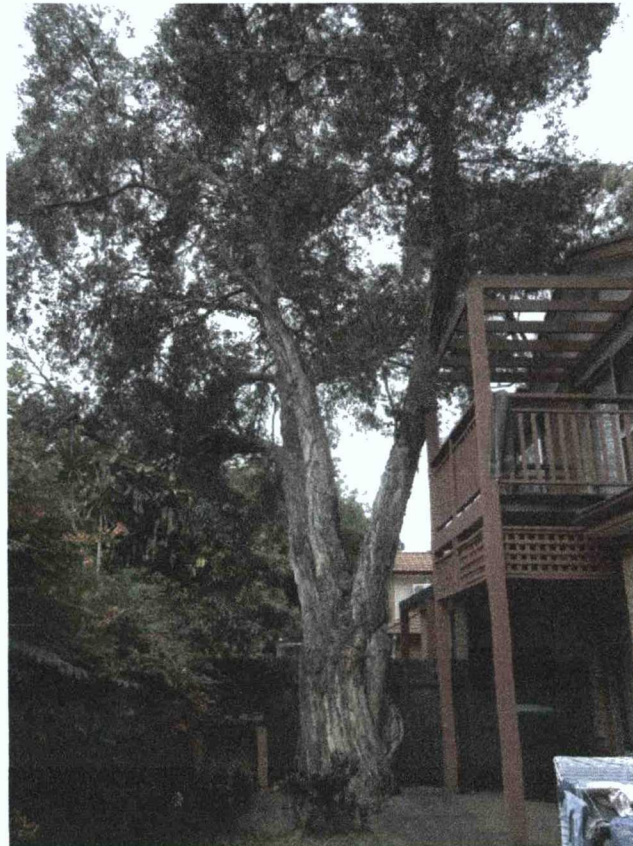
Required	Supplied	
	Yes	No
DO YOU HAVE OWNER(S) CONSENT? (All owners of the property must give consent). (NOTE: If the trunk of the tree is located across property boundaries, consent of ALL owners of EACH property is required)	☒	☐
HAVE YOU ATTACHED A SKETCH OF THE PROPERTY? (All trees to be inspected are to be clearly marked on the sketch and on site with tape, ribbon, paint spot or numbered tag)	☒	☐
HAVE YOU ATTACHED A CHEQUE?	☒	☐
SUPPORTING DOCUMENTATION? Have you attached all relevant documentation, reports, photographs in <u>support</u> of the application? e.g. below • Arborist's Report (in accordance with Council's Guidelines). • Sewer diagram, Plumbers report. • Structural Engineers report. NOTE: Removal of trees for damage to sewer pipes/built structures will not be approved unless all engineering alternatives are considered.	☒	☐
<u>Exempt and Complying Development</u> Is this application required as part of an Exempt or Complying Development? If Yes - have you attached <u>all relevant plans</u> ? A Site Plan showing existing and proposed development with trees identified in Part 2.3. Warringah Development Control Plan, Part H, Appendix 11 - Class 2-9 Building and Appendix 12 - Tree Protection Plan may apply.	☐	☒

ARBORICULTURAL IMPACT REPORT

15A BRUZZANO PLACE
CROMER

PREPARED FOR STEVE SCHINAGEL

17 DECEMBER 2012



Prepared by:
Guy Paroissien
Landscape Matrix Pty Ltd.
ABN 53 110 564 102
T/F. 9943 6510, M. 0425 342 051
40 Timbarra Road St Ives NSW 2075
E-mail: landscapematrix@optusnet.com.au

1. BACKGROUND

Landscape Matrix Pty Ltd has been engaged by Steve Schinagel to prepare an Arboricultural report in respect to a tree at 15A Bruzzano Place Cromer (the site). The tree is proposed to be removed due to damage arising from its root system.

The tree is located in the rear garden area of the site and immediately adjacent to the common boundary with the adjoining property to the north (15B Bruzzano Place). The location and context of the site is illustrated in the photograph on the cover page of this report.

This report has been prepared by Guy Paroissien a Director of Landscape Matrix Pty Ltd.

The site was inspected on 11 December 2012. The assessment of the tree is based upon a visual inspection of the tree from ground level using elements of the Visual Tree Assessment (VTA) method described by Mattheck & Breloer (1994). The Safe Useful life Expectancy (SULE) category identified in the report follows Barrell (1996).

The visual inspection included examination of the tree's dimensions, foliage density and foliage health, form, structure, structural condition, overall health and vigour and landscape significance. The inspection was limited to visual inspection of the tree without dissection, probing or coring. No aerial inspection of the tree was carried out and the assessment did not include any woody tissue testing or subterranean root investigation.

The tree height and canopy spread were estimated and are expressed in metres and the tree diameter at breast height (DBH) was estimated from within the site at approximately 1.4 metres above ground level and is expressed in millimetres.

Measurements from the tree referred to in this report are to be taken as if measured from the centre of the tree's trunk.

2. TREE ASSESSED FOR THIS REPORT

One Broad Leaved Paperbark tree has been assessed in preparing this report. The tree is located in the rear garden area of the site and immediately adjacent to the common boundary with the adjoining property to the north.

2.1 Observations regarding the tree

The tree is a mature, single trunked specimen of *Melaleuca quinquenervia* (Broad Leaved Paperbark) approximately 16 metres high with a canopy spread of 12 metres and trunk diameter at breast height (DBH) of 1075mm (averaged from 1000 x 1150mm). The trunk diameter at ground level is 1250mm (averaged from 1100 x 1400mm).

The tree has a distinct trunk lean to the north and the majority of its past canopy development has been to the north. Pruning stubs exhibited by the tree indicate selected

lower branches have been removed in the past up to 2 metres above ground level. This pruning includes the removal of large diameter branches/leaders.

At the time of inspection the tree was of good health and vigour with no visual evidence of significant pest or disease and less than 5% dead wood in the canopy.

While the tree appears stable with no evidence of root plate movement, soil cracking/heaving etc. its distinct trunk lean and canopy bias to the north render the tree at increased risk of failure in the future. In addition, the tree exhibits fair to poor branch attachment with multiple codominant leaders from 2 metres with evidence of poor attachment at the junction - the junction is a weak point in the tree with increased risk of failure.

Future branch failure is considered predictable given the evidence of poor attachment at the junction of multiple leaders at 2 metres. Future branch failure has the potential to cause property damage as there is high occupancy targets located well within the failure zone. For example, the wall of the dwelling at 15A Bruzzano Place is located 3.4 metres from the tree and the upstairs veranda is immediately adjacent to the trunk of the tree. The tree's canopy also overhangs the rear section of the paved area and dwelling on the adjoining property to the north (15B Bruzzano Place).

During the site inspection it was also noted that roots from the tree have caused considerable damage to the paved area at the rear of the 15B Bruzzano Place.

The tree is of moderate to highly visible in the immediate locality and is considered to be of moderate to high landscape value.

Taking into account the tree's age, health and vigour and context it is concluded the tree has a short Safe Use and Life Expectancy (SULE), i.e. 5 to 15 years.

2.2 Observations regarding the site conditions in the vicinity of the tree

The tree is located in the rear garden area of the site and immediately adjacent to the common boundary with the adjoining property to the north.

The existing dwellings at 15A and 15B Bruzzano Close and associated paved areas are well within the tree's identified structural root zone (SRZ) and tree protection zone (TPZ).

There is also combination of garden and lawn areas in the site and adjoining property within the tree's identified tree protection zone (TPZ). The timber fence at the common boundary of the 2 properties is immediately adjacent to the tree and is being pushed out of alignment by the tree's lower trunk.

Observations regarding the tree and site conditions are illustrated in photographs 1, 2, 3, 4, 5 and 6 in Appendix A.

3. POTENTIAL IMPACTS ON THE TREE

The tree is proposed to be removed and replaced with a smaller locally native tree due to the combination of the following factors:

- The future failure potential of poorly attached leaders;
- The proximity of high occupancy targets within the failure zone (2 x dwellings);
- The past damage to paved areas immediately adjacent to the dwelling at 15B Bruzzano Close;
- The proximity of the tree to the dwellings at 15A and 15B Bruzzano Close and potential for damage; and
- Damage to the common boundary fence.

4. CONCLUSION

The tree assessed for this report is a mature, single trunked specimen of *Melaleuca quinquenervia* (Broad Leaved Paperbark) approximately 16 metres high with a canopy spread of 12 metres and trunk diameter at breast height (DBH) of 1075mm

At the time of inspection the tree was of good health and vigour with no visual evidence of significant pest or disease.

While the tree appears stable its distinct trunk lean and canopy bias to the north render the tree at increased risk of failure in the future. In addition, the tree exhibits fair to poor branch attachment with multiple codominant leaders from 2 metres with evidence of poor attachment at the junction - the junction is a weak point in the tree with increased risk of failure.

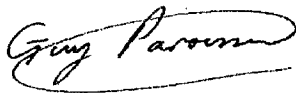
Future branch failure is considered predictable given the evidence of poor attachment at the junction of multiple leaders at 2 metres with potential to cause property damage as there is high occupancy targets located well within the failure zone. In addition, roots from the tree have caused considerable damage to the paved area at the rear of the 15B Bruzzano Place.

The tree is of moderate to highly visible in the immediate locality and is considered to be of moderate to high landscape value. However, taking into account the tree's age, health and vigour and context it is concluded the tree has a short Safe Use and Life Expectancy (SULE), i.e. 5 to 15 years.

The tree is proposed to be removed and replaced with a smaller locally native tree due to the combination of factors including the future failure potential of poorly attached leaders, the proximity of high occupancy targets within the failure zone, past damage to paved areas and the proximity of the tree to the dwellings at 15A and 15B Bruzzano Close and potential for damage.

Given the combination of factors it is concluded that removal and replacement of the tree is a justified course of action and its removal and replacement is supported.

Replacement planting should take into account the constraints of the site including limited planting area and proximity to the dwelling and associated structures. It is recommended a smaller species, such as *Banksia integrifolia* (Coast Banksia) be considered.

A handwritten signature in black ink, reading "Guy Paroissien", enclosed within a simple oval-shaped line.

Guy Paroissien, MAIH, MIACA, MISAAC
M Env. Mgt & Restor., Dip. Arboriculture, Hort Cert., Tree Care Cert.
Director, Landscape Matrix Pty Ltd
17 December 2012

BIBLIOGRAPHY/REFERENCES

Australian Standards Association (2007) AS 4373- 2007 - Australian Standard 4373-2007 'Pruning of Amenity Trees'.

Australian Standards Association (2009) AS 4790- 2009 - Australian Standard 4790-2009 'Protection of trees on development sites'.

Harris et al (2004). Harris RW, Clark JR, Matheny NP: Arboriculture – Integrated Management of Landscape Trees Shrubs and Vines 4TH Edition. Prentice Hall, New Jersey 07458.

Mattheck & Breloer (1994) – The Body Language of Trees – a handbook for failure analysis - Research for Amenity Trees No. 4. Published by TSO (The Stationary Office) Norwich UK.

UBD Sydney Street Directory. 35th Edition. Published by UBD Australia.

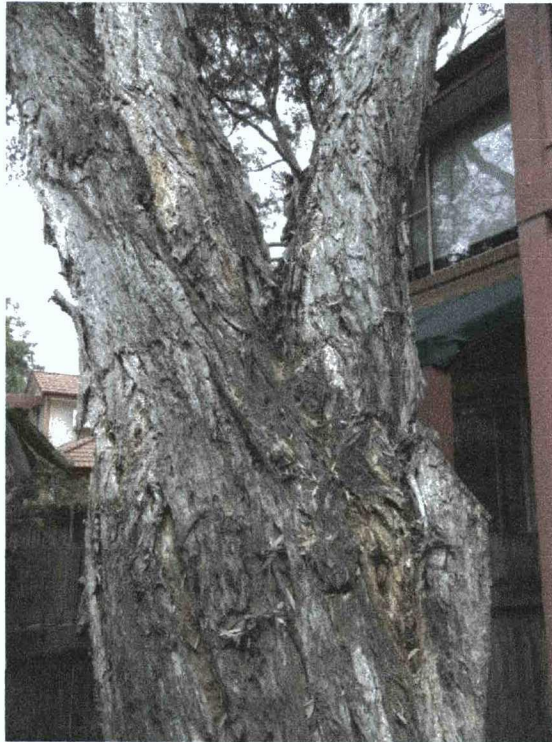
APPENDIX A



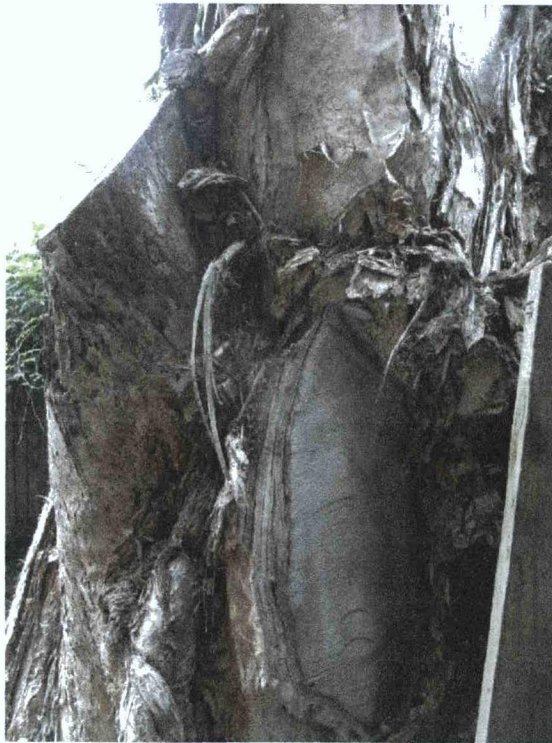
Photograph 1: Illustrating the location of the tree in the rear paved courtyard and proximity to the dwelling.



Photograph 2: Illustrating the immediate proximity to the upstairs veranda structure.



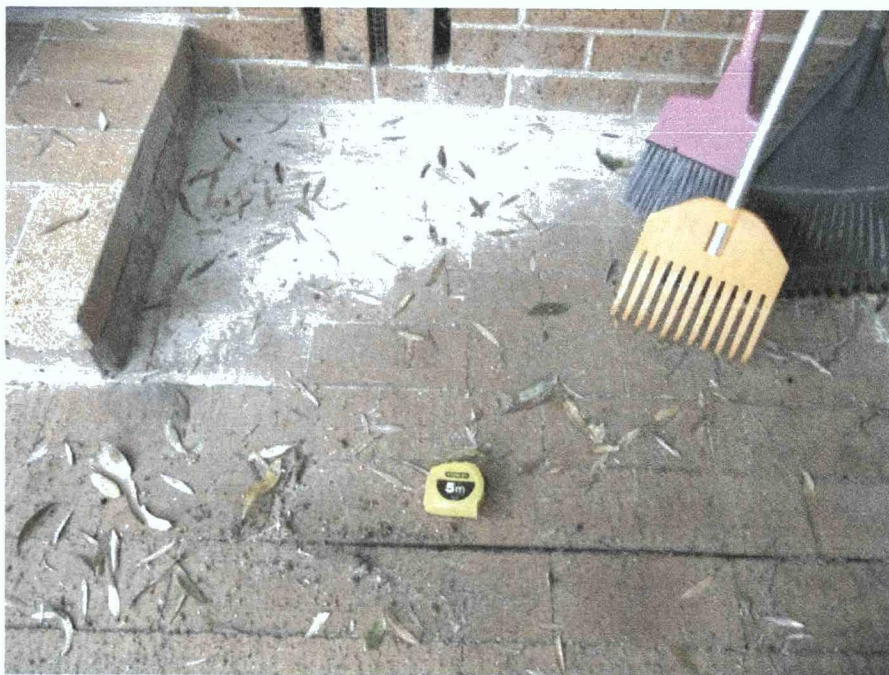
Photograph 3: Illustrating the multiple leaders form 2 metres with evidence of poor attachment at the junction..



Photograph 4: Illustrating the past pruning and proximity to the fence.



Photograph 5: Illustrating the significant root growth in the paved area of the adjoining property, 15B Bruzzano Close.



Photograph 6: Illustrating a recently repaired section of paving in the rear of 15B Bruzzano Close at the rear wall of the dwelling and in close proximity to the tree.