Warringah Council

TREE APPLICATION ASSESSMENT REPORT

Application No. DA2011/0785
Proposal Description: Tree Application
Legal Address: Lot 1 DP 623176
Property Address: 39 Robert Street FRESHWATER NSW 2096

Assessment Officer:	Kathryn Hills
Notification Required?	☐ Yes (14 days) ☑ No
Applicable Controls:	☑ EPA Act 1979 ☑ EPA Regulations 2000 ☑ WLEP 2000 ☑ WDCP
SEPPs: Applicable?: **REPs: Applicable?:** **LEPs Applicable?**	☐ Yes ☑ No ☐ Yes ☑ No ☑ Yes ☐ No
WLEP	
Locality:	F5 Curl Curl
Category of Development	Category 2 (other works)
Draft WLEP 2009 Permissible or Prohibited Land use:	Low density residential
Desired Future Character Consideration: **Is the development considered to be consistent with the Locality's Desired Future Character Statement?**	☑ Yes ☐ No
Built Form Controls: Applicable?	☐ Yes ☑ No
General Principles of Development Control (GP's): Applicable?	☑ Yes ☐ No
(Relevant GP's are:) **CL56** **Retaining Unique Environmental Features on Site** **CL58** **Protection of Existing Flora** **CL59** **Koala Habitat Protection** **CL60** **Watercourses & Aquatic Habitats** **CL63** **Landscaped Open Space**	Compliant? ☑ Yes ☐ No ☑ Yes ☐ No ☑ Yes ☐ No ☑ Yes ☐ No ☑ Yes ☐ No
Schedules: Applicable?	☑ Yes ☐ No

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Schedule 8 Site analysis	Adequate Detail? ☑ Yes ☐ No

Clause 31 (How can Council make Tree Preservation Orders (TPO)?)

Does the proposed development meet the objectives of the TPO?

☑ 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	Cupressocyparis leylandi	Cupressocyparis leylandi	
Remnant/**P**lanted/ **S**elf sown	P	P	
Special significance			
Age class **Y/S/M/O**	M	M	
Tree height **(m)**	10	10	
Average crown diameter **(m)**	2	2	
Crown condition **0, 1, 2, 3, 4, 5**	4	4	
Root zone	Ga	Ga	
Defects			
Services/adjacent structures	Bu	Bu	
Failure potential **1, 2, 3, 4**	1	1	
Size of defective part **1, 2, 3, 4**	1	1	
Target rating **1, 2, 3, 4**	4	4	
Hazard Rating **(-/12)**	6	6	
Recommendations			
Remove Tree	Y	Y	
Pruning			
Repair/replace surface			
Root pruning/root barrier			
Replanting required	N	N	
Other			

Additional Comments:

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Consideration of Council Policy ENV-PL 440	Tree 1	Tree 2	Tree 3
Will the proposal retain the character and identity of the Council area by maintaining and, where possible, enhancing the soft landscape qualities of the area?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No
Will the proposal be fully justified and ensure that proposed changes to the soft landscape through removal or maintenance of trees are protect and enhance the tree canopy?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No
Will the proposal preserve the existing environmental amenity by preventing unnecessary damage to limbs and roots, pruning and removal of trees?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No
Will the proposal encourage new tree planting and tree replacement to achieve an adequate tree canopy density?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Will the proposal maintain a continuous tree canopy consistent with native vegetation characteristics?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No
Is the tree dying, diseased or dangerous?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Is the tree interfering or likely to interfere with the provision of a public utility or road construction?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Have all reasonable design attempts been made to prevent the removal of a tree interfering or likely to interfere with the provision of a public utility or road construction?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Is the tree located in an area required for the construction of a building (seeking consent under this application)?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Have all reasonable design attempts been made to design the building to avoid the unnecessary destruction of trees?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Is the tree within 3m of existing buildings, causing or is likely to cause, damage to the buildings, structures or utility services?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No
Is the tree out of character with the area by virtue of its species, location and existing number of trees?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No
Is the tree likely to have an adverse effect on the local soft landscape?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No
Is the tree significant value to the floristic and faunal diversity of the area?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Is the 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?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Will the removal of a tree affect soil stability, run off, fauna habitats and scenic and aesthetic qualities of the environment?	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☐ No
Based on the above matters, the assessment against the Environmental Planning Instrument Provisions, and the Hazard Assessment is the removal of the Tree Warranted / Justified in the circumstances of the case?	☑ Yes ☐ No	☑ Yes ☐ No	☐ Yes ☐ No

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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
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
Section 79C (1) (e) – Is the proposal in the public interest?	☑ Yes ☐ No

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Tree removal

Land Use Zone: Residential 2a

Permissible or Prohibited: Permissible in accordance with CL5.9 “Preservation of Trees or Vegetation.”

Additional Permitted used for particular land – Refer to Schedule 1:

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 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council and the proposed development is considered to be:

☑ Yes, subject to condition

☐ Unsatisfactory

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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

Warringah Council

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	

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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