



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

RN100278299

Contact Us		RECEIVED WARRINGAH COUNCIL 18 Dee Why 25 JAN 2016 MAIL ROOM
The General Manager, 725 Pittwater Road, Dee Why NSW 2099 or Customer Service Centre, Warringah Council DX918 Dee Why		
Email	council@warringah.nsw.gov.au	
Fax	9942 2606	
If you need help lodging your application call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why.		

Office Use Only									
D	A	2	0	1	6	/	0	0	7
<input type="radio"/> WLEP 2000 Locality <input type="radio"/> Owners Consent <input type="radio"/> Lot and DP <input type="radio"/> 40m Buffer <input type="radio"/> Acid Sulfate <input type="radio"/> Bushfire Zone <input type="radio"/> Heritage <input type="radio"/> Slip Zone					<input type="radio"/> WLEP 2011 Zone <input type="radio"/> Flood Zone <input type="radio"/> Riparian Zone <input type="radio"/> Vegetation/Threatened <input type="radio"/> Wave Impact <input type="radio"/> Coastal Zone <input type="radio"/> 100m MHWM				

For applicable fees and charges, please refer to Council's website: 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	KERRY MOORE FOREST TREE SERVICE	
Owner(s) name	GLENAEON RETIREMENT VILLAGE P/L	
If any owner/applicant of this development application is a current employee or elected representative of Warringah Council.	<input type="radio"/> Warringah Council Employee	
	<input type="radio"/> Elected Representative	

Part 2: Application Details

2.1 LOCATION OF THE PROPERTY				
We need this to correctly identify the land. These details are shown on your rates notice, property title etc.	Unit Number		House Number	207
	Street	FORESTWAY	Suburb	BARROSE
	Legal Property Description <small>This information must be supplied</small>	Lot	100	
		Sect		
	DP/SP	1114910		

Part 2: Application Details

2.2 EXEMPTIONS

Council consent is not required for removal if the tree is less than 6 metres in height, the tree is dead, a noxious weed, is referred to in the list of exempt species in Appendix 5 of the WDCP 2011, or is considered dangerous to life or property. Note: A tree less than 6 metres in height which has a canopy width exceeding 7 metres will require consent. (For properties within Deferred Lands under the WLEP 2000 then you must consider the Tree Preservation order). To find out more about the exemptions, please go to: warringah.nsw.gov.au/planning-and-development/development-restrictions/trees-and-development

Trees which are considered a high risk/imminent danger to life and property by a Level 5 qualified Arborist are exempt development and can be removed without Council consent by the owner of the tree.

You need written confirmation from the Arborist and the report must clearly state the following:

- Qualifications: AQF Level 5 Arborist or equivalent (see WDCP 2011, Part H, Appendix 10)
- The tree(s) is declared a 'high risk' or is an imminent danger to life and property
- Immediate removal of the tree(s) is recommended

A copy of the report is to be sent to council for record keeping purposes.

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	Eucalyptus Pilularis	Remove	tree has been identified unsafe
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

Please indicate whether any of the above trees are considered dangerous to life or property. Please refer to section 2.2 Exemptions

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 indicate clearly with tape, ribbon, paint spot or numbered tag each tree to be inspected.

For the purpose of providing safe access for the site inspection:

Are there any dogs on the property?

☐ Yes ☒ No

Are there any locked gates blocking access?

☐ Yes ☒ No

Special arrangement required for site access?

☐ Yes ☒ No

N ↑

please see attached

Indicate location of all underground infrastructure such as pipes, sewer etc within 5 metres of the tree.

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	<input type="radio"/> S144	<input type="radio"/> s201	<input type="radio"/> s205	<input type="radio"/> s219
Heritage Act 1977	<input type="radio"/> S58			
Mine Subsidence Compensation Act 1961	<input type="radio"/> S15			
Mining Act 1992	<input type="radio"/> S63	<input type="radio"/> s64		
National Parks And Wildlife Act 1974	<input type="radio"/> S90			
Petroleum (Onshore) Act 1991	<input type="radio"/> S9			
Protection Of The Environment Operations Act 1997	<input type="radio"/> S43(a), (b), (d)	<input type="radio"/> s47	<input type="radio"/> s48	<input type="radio"/> s55 <input type="radio"/> s122
Roads Act 1993	<input type="radio"/> S138			
Rural Fires Act 1997	<input type="radio"/> S100b			
Water Management Act 2000	<input type="radio"/> S89	<input type="radio"/> s90	<input type="radio"/> s91	

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

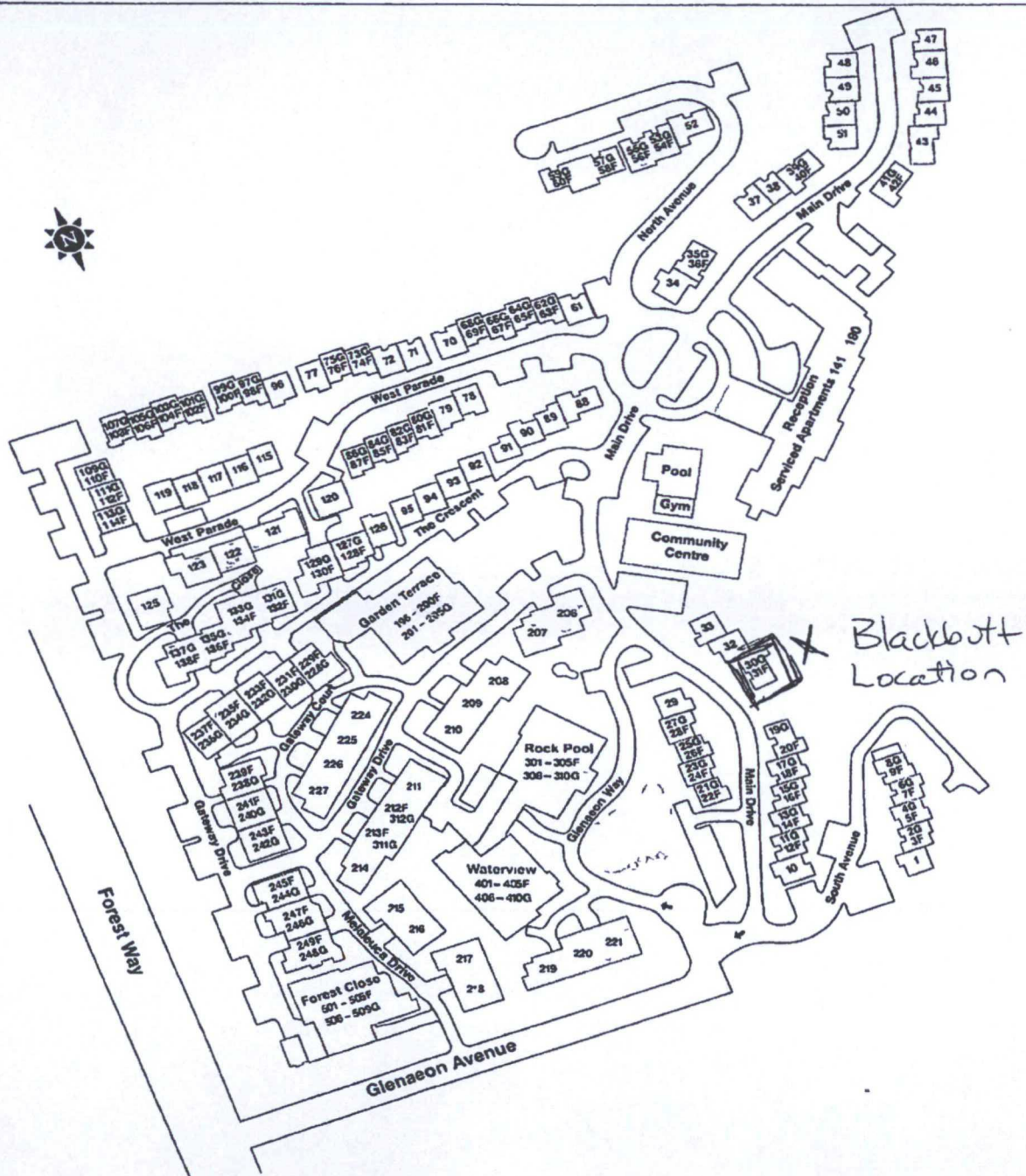
If yes, complete the Political Donation Declaration and lodge it with this application. If no, in signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of its determination.

For further information visit Councils website at:
warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspxv

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If you have indicated that the application is Integrated Development, HAVE YOU ATTACHED A CHECKQUE? Please discuss with Council.	<input type="checkbox"/>	<input type="checkbox"/>
SUPPORTING DOCUMENTATION? Have you attached all relevant documentation, reports, photographs in <u>support</u> of the application? e.g. below		
<ul style="list-style-type: none"> 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 Sewer diagram, Plumbers report Structural Engineers report detailing damage to property and why alternatives to removing the tree are not feasible 	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
EXEMPT AND COMPLYING DEVELOPMENT 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 2.5. Warringah Development Control Plan, Part H, Appendix 11 - Class 2-9 Building and Appendix 12 - Tree Protection Plan may apply.	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

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Glenaeon
207 Forest Way, Belrose NSW 2085 Tel 02 9450 2466
retirementbylendlease.com.au

The information on this plan is believed to be correct but is not guaranteed. Dimensions and specifications are subject to change without notice. Regulatory, government and commercial interests may affect the development of the village. Prospective purchasers must rely on their own enquiries. June 2015. Published by Lendlease Lend Lease Prime Life Realty NSW Pty Ltd ABN 27 138 535 823

lendlease



AUSTRALIAN TREE CONSULTANTS Pty Ltd

ABN 38 104 636 535

P.O. Box 417 Glenbrook NSW 2173

Tel: 1300 737674

Mobiles: 0418 474796

0417 874796

E-mail:

hugh@australiantreeconsultants.com.au

www.australiantreeconsultants.com.au

Date: 27th October 2015

To: Mr. Philip Jones
Village Manager
Glenaeon

Re – Arborist Inspection

I refer to your request to undertake a Visual Tree Assessment (VTA) report on a *Eucalyptus pilularis* (Blackbutt) tree which is located east side of Unit No's 30 - 31. Australian Tree Consultants Pty Ltd undertook the site inspection and VTA assessment on 20th October 2015.

Based on the findings from the VTA assessment it is our opinion that this *Eucalyptus pilularis* tree maybe unstable due to root issues, and together with an OH&S assessment of the site we recommend that this tree should be removed.

If you require any further information in relation to this report, please contact us on 1300 737 674 or 0418 474 796.

Yours sincerely

Hugh Taylor

Director

Member Arboriculture Australia

BA (L) Major in Wilderness Management/Outdoor Education

Diploma Horticulture – Arboriculture (Level 5)

Arborist/ Tree Surgeon/ Horticulturist

Certificate IV Occupational Health & Safety

QTRA No 2650

NPWS Wildlife license and Wires volunteer

INTRODUCTION / METHODOLOGY

Glenaeon has commissioned Australian Tree Consultants Pty Ltd to undertake Visual Tree Assessment (VTA) on a large *Eucalyptus pilularis* (Blackbutt) tree which is located east side of units No 30 – 31.

Australian Tree Consultants Pty Ltd undertook the site inspection and VTA on 20th October 2015. Tree height, canopy spread and trunk diameter were visually estimated. Assessment of the tree was undertaken at ground level.

The aim of this report is to assess the health and structural condition of the tree taking into account potential hazards and recommendations for future management.

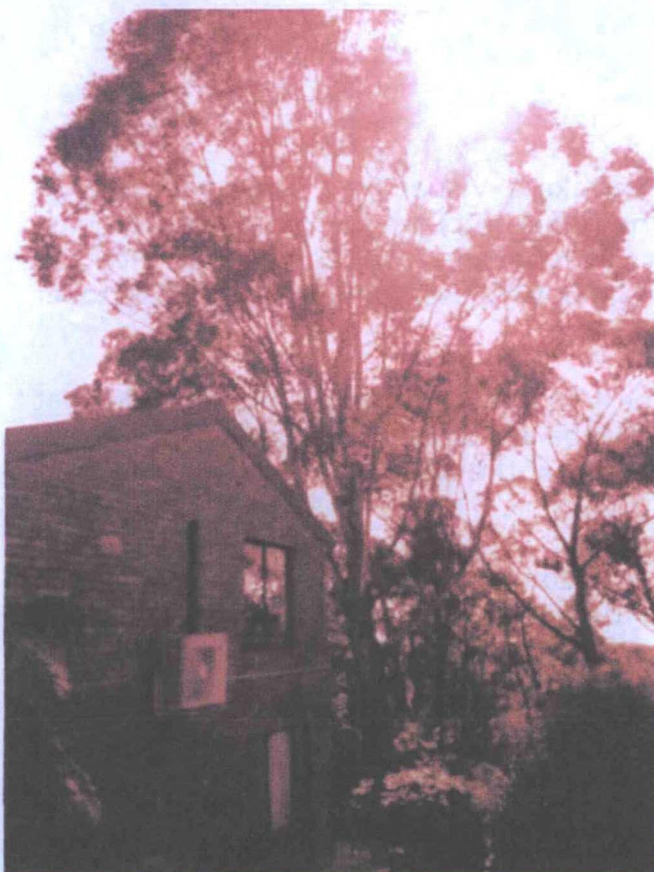


Photo 1. *Eucalyptus pilularis* Tree No 78

OBSERVATIONS

Tree Identification No.	Species	Location	Dimensions
78	<i>Eucalyptus pilularis</i> (Blackbutt)	East side of Units 30 - 31	H 26 m W 19 m Ø 75m
<p>Health: Fair Structure: Fair - Poor Risk Rating: Medium</p> <ul style="list-style-type: none"> • Mature specimen Growing on edge of walkway • Approx 75% of expected live foliage coverage <5% deadwood with mid-sized diameter deadwood retained in the upper canopy Past tree work completed to a fair standard. • Tree has a lean towards two Units which are close by • Tree is growing within a garden area Root development has been restricted due to removal of soils from one side for the footpath • Tree is breaking apart the sandstone retaining wall • Possible termite flight marks on the lower trunk • Borer damage to the lower trunk area 			

DISCUSSION

The tree is a mature *Eucalyptus pilularis* (Blackbutt) located on the eastern side of Units No 30 - 31. The tree has a single stem trunk which then divides into second order branches in the upper canopy.

Live canopy cover was approximated to be 75% of expected coverage, with <5% consisting of mid-sized diameter deadwood retained in the upper canopy. The canopy has been pruned to a fair standard. There was no visual evidence of any previous large branch failures throughout the canopy with only small failure sites found. The health and structure of the tree was recorded as being fair to poor due to root plate issues and the tree has a current risk rating of medium risk.



Photo 2. Root plate with no anchoring roots on one side of the tree.

A sandstone retaining wall is located in close proximity to the subject tree. This has restricted any root development on this side of the tree. With the tree bias leaning away towards the Units it is feasible that in strong winds this tree may fail.

Borer damage and possible termite flight cut marks were also observed on the lower trunk region. At the time of inspection the possible termite activity could also compromise the long term retention of this tree.

CONCLUSIONS

At the time of inspection the tree appeared to be in fair health but fair to poor in structure. This is due to the abnormal root development due to the retaining wall that is within close proximity to the tree. No anchoring roots are located on one side of the tree. It appears that two main roots are holding this tree in place. With the trees bias towards the units if the tree were to fail considerable structural damage to the building would occur and possible harm to residents.

LIMITATION OF LIABILITY

Australian Tree Consultants Pty Ltd and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Australian Tree Consultants Pty Ltd and its employees cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that sometimes fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been visually assessed from ground level. Australian Tree Consultants Pty Ltd cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of Australian Tree Consultants Pty Ltd services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Australian Tree Consultants Pty Ltd cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Likewise, Australian Tree Consultants Pty Ltd cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

In the event that Australian Tree Consultants Pty Ltd recommends retesting or inspection of trees at stated intervals or installs any cable/s, bracing systems and support systems, Australian Tree Consultants Pty Ltd must inspect the system installed at intervals not greater than 12 months unless otherwise specified in written reports. It is the client's responsibility to make arrangements with Australian Tree Consultants Pty Ltd to conduct the re-inspection.

Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks associated with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

If this written report is to be used in a court of law or any legal situation, Australian Tree Consultants Pty Ltd must be advised in writing prior to the written assessment being presented in any form to any other party.

APPENDIX: TREE HAZARD CLASSIFICATION[®]

Notes: The hazard categories listed below are applicable under normal weather conditions, which include strong winds and torrential rains, but exclude extreme localized events such as tornado-like squalls and storms which have the capacity to destroy many trees regardless of their age and condition.

The term 'remedial work' refers to all remedial activities relative to a tree eg. soil remediation, watering and pruning.

HAZARD CATEGORY (Colour code)	HAZARD RATING	DESCRIPTION	TIME FRAME
H0	Negligible	The tree appears healthy, no apparent sign of disease or damage, or is not of a size, species or condition likely to pose a threat.	Remedial tree works required at a time frame to be scheduled by client.
H1	Very Minor Hazard	The tree appears healthy but is of a type or condition to potentially develop minor branch drop of live or dead wood	Remedial tree works required at a time frame to be scheduled by client.
H2	Minor Hazard	The tree appears healthy, minor defects that can be rectified by minor tree surgery.	Remedial tree works required at a time frame to be scheduled by client.
H3	Medium Hazard	Mature to aged tree in declining condition, and/or structure, and/or disease apparent, showing potential for branch drop.	Remedial tree works required at a time frame to be scheduled by client.
H4	High Hazard	The tree shows signs of over weighted limbs, significant disease, root damage, removal of adjacent supporting tree, other significant defects present.	Remedial tree works required as soon as possible.
H5	Urgent Hazard	Defects are very severe, dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.	Remedial tree works required as soon as possible.
H6	Critical Hazard	Failure of either whole or part of tree is predictably immanent.	Remedial tree works required as soon as possible.