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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 21/03/2025 12:11:46 PM  
**To:** DA Submission Mailbox  
**Subject:** Online Submission

21/03/2025

MR Geoff Burton  
- 27 Park AVE  
Avalon Beach NSW 2107  
[REDACTED]

**RE: DA2025/0136 - 60 Hudson Parade CLAREVILLE NSW 2107**

I refer to the arboreal report dated 21st March emailed to Anais Sarkission today which sets out fully the basis of the concerns that exist from an arboreal and ecological perspective with siting the proposed boatshed within a remnant stand of protected Spotted Gums which are an endangered species under NSW State legislation. Approving this DA as proposed would involve the implicit approval by Council for the applicant to remove a further Spotted Gum from 60 Hudson Parade and to seriously imperil the health and longevity of another by excavating within its Structural Protection Zone to site the boatshed. All of the Spotted Gum trees impacted by the current development application are on the ecologically sensitive foreshore area of Pittwater and both are below the foreshore building line of this property. They provide canopy and wildlife habitat that is specifically identified in the relevant development guidelines as needing to be preserved and the health of the trees is in my view good. I believe all of the matters outlined in my report are relevant to whether it would be reasonable for Council to vary the existing Guidelines that apply in environmentally sensitive zones such as the Pittwater foreshore which are zoned as C4 environmental living and which is where this property is situated and where the objective is to permit 'low-impact residential development with preservation of the natural environment, ensuring that development maintains the area's ecological and aesthetic qualities'. Siting the boatshed where currently proposed cannot achieve any of these objectives for the reasons outlined in detail in my report.



GR.  
21  
09/03/2025

To The Manager

## **Northern Beaches Council**

**Re DA 2025/0136.**

**60 Hudson Pde Avalon**

Arboreal comments on behalf of neighbors, Maria McCrossin and Michael Still: 62 Hudson Pde Avalon in respect of trees identified as T15, T16, T17 referred to in DA 2025/0136.

### **Relevant context**

I am familiar with T15, T16 and T17 as I maintained and assessed them regularly on behalf of the previous owner of 60 Hudson Pde, Clareville Ms. Jennie. I also wrote a Report on these trees for a DA Application (ref: NO071/14 and NO135/15) by the previous owner as that DA involved landscape Works on the foreshore of the property. In that Report I identified that these trees were a remnant stand of *Corymbia Maculata* (Spotted Gum) of the Pittwater Spotted Gum Forest and I recommended their protection and preservation because of their high value and significance.

I have also performed horticultural work for neighboring properties in Hudson Parade and the Clareville area, usually in relation to the maintenance of native trees on the properties there. I have worked in horticulture on the Northern Beaches Peninsula area for over 40 years! I attach to this report a Resume outlining my horticultural and arboreal qualifications and experience.

### **Arboreal comments and opinion on impact of works proposed by DA 2025/0136**

DA 2025/0136 is for the construction of a boatshed below the foreshore building line of the subject property in an ecologically sensitive zone on the Pittwater foreshore. The proposed development impacts a remnant stand of 3 Spotted Gums, identified on the applicant's plans

as T16, T17 and T18] as it would involve the removal of one of the spotted gums (T17) and excavation very close to and within the SPZ of another of the Spotted Gums (T16).

Schedule 2 of the **Biodiversity Conservation Act NSW 2016 (BC Act)** includes the Pittwater Spotted Gum Forest as an **endangered** ecological community and provides for their protection.

This stand of Spotted Gums grows below the foreshore building line of 60 Hudson Parade and on the foreshore of Pittwater on environmentally sensitive land as identified by clause D1.14 of the Pittwater 21 Development Control Plan (Pittwater DCP). The Pittwater DCP identifies outcomes including the **retention** of vegetation to **visually reduce the built form, the conservation of natural vegetation and biodiversity and the preservation and enhancement of the rural and bushland character of the area**. This Stand of Spotted gums as well as being subject to the protections by reason of its endangered status under the **BC Act** contain numerous bird nesting hollows that are utilised by the native birdlife in the area and provide significant canopy cover. The Pittwater DCP clause 1.20 identifies that development shall **minimise visual impacts on the natural environment when viewed from any waterway**, road or public reserve and states that canopy trees are **required** between dwellings and boundaries facing waterways and waterfront reserves and that **development is to minimise the impact on existing vegetation**. Also relevant is Council's Tree Preservation Order Policy – PL440 and the Significant Tree Policy – no 118 and the NSW State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017 (Vegetation SEPP). The proposed development, were it to proceed is inconsistent with each of these outcomes as it involves the removal of one of the Spotted Gums and a significant assault on another. It would not only materially reduce native habitat and canopy cover and expose the built form of No 60 from the Pittwater waterway, but it would take away 'required' canopy from between the neighbouring property and is a material assault on the existing vegetation on the property (on which numerous protected trees have already been removed, both with council's consent and without) and is in direct contravention of the DCP1.20 outcome that development is to **minimise the impact on existing vegetation**.

The proposed boatshed requires the removal of T17 and in my opinion the likely destruction of T16 because of the proximity to the root base of T17 to the excavation and other works that would be required to site the boatshed as per the current DA. The construction would also mean the destruction of 3 large and established [although less than 5m high native *Callistemon*, Bottle Brush that also provide canopy between the neighbouring properties as contemplated by DCP21 and would contribute to the detriment of the local wildlife and bushland environment and habitat.

Any new replacement planting or landscaping cannot provide any equivalence to these mature established 100 year old spotted gums and Bottle Brush that have grown on the foreshore for, in my opinion at least 40 years and likely more.

It is to be noted and highly relevant considering the DCP provisions that T17 which is proposed for removal provides significant canopy cover at a lower level than T16 and if T17 is removed as would be required by this development this canopy would be lost and the objectives and guidelines in D1.14 and D 1.20 identified above cannot be satisfied and no

new planting of spotted gums or other gums could address this in any anything but a timeframe of 50 plus years.

I have read the Flora and Fauna Assessment by Narla Environmental, Dated Dec 2024; Project No BRLA3 (Narla Report). I find it incorrect on several points as follows:

- It does not cross reference the Arborist Report of Martin Peacock lodged on behalf of the applicant or properly describe and address the significance of the relevant stand of Spotted Gums, nor identify the multiple nesting hollows which can be easily observed in both trees from afar including from boats on Pittwater, the neighbouring property and the footpath of Hudson Parade from where trees 16 and 17 are readily visible, as well as from properties higher up the hill in front of No 60 including the other side of Hudson Pde and Hilltop Pde Clareville.
- With reference to paragraph 1.9.2 of the Narla report regarding “*Development on Land within the Coastal Use Area*” it is my opinion and indeed a fact that the removal of **any** Spotted Gum within the Coastal use area will ‘*Reduce the visual amenity and scenic qualities of the coast*’.
- As to point 1.10.2 of the Narla Report the local biodiversity has not been adequately identified and its significance has not been adequately or relevantly assessed. It not the case that the local biodiversity within the vicinity of the Pittwater foreshore at the subject site is virtually non-existent which is the conclusion the Narla Report invites. I can arrange separately to provide Council with photos and videos of birds entering the established nesting hollows in T16 and T17 which are numerous and not considered if that is helpful. Possum scats have also been detected underneath the trees from the canopy of both trees that overhangs No 62 Hudson Pde and there are bandicoot holes in the same vicinity and the surrounding gardens of No. 62 that suggest the same would have been found on No 60 Hudson Pde before current building works commenced.

I have also read the Arboricultural Impact Assessment Report with Revision B by Martin Peacock Tree Care, dated 29/01/25 and in my view this Report is deficient in several aspects including:

- The report fails to identify the fact that because the subject stand of 3 Spotted is part of the Spotted Gum Forest means that they should automatically be given a High (ULE), Useful Life Expectancy rating. And therefore, should have been assessed as having a **High Landscape and Retention Value**. (See Appendix E-Cascade Chart for The Assessment for High Quality and Value of Trees included with the report).
- The Pittwater Spotted Gum Forest is an Endangered Ecological Community as listed in NSW and the report does not address the significance of this

circumstance or the fact that the trees should be regarded as a stand of trees the root systems of which are interconnected and the canopies of which in high wind events protect each other. Removal of any one of the trees will impact the survival potential of all three trees and it is also relevant to note that local wildlife would use the 3 Trees as a whole.

- I disagree with Mr. Peacock's conclusions as to the health of the trees and their significance given the comments I have already made, in particular their protected status and their location on the Pittwater foreshore. In my considered view his report undervalues the significance of the trees not only because he fails to consider their relevance as a stand of remnant Spotted Gum forest on the foreshore, but because each of Trees 16 and 17 have specific features interconnected with T15 that will be lost if T16 (and likely T17 too if the development is allowed) are not allowed to remain.

Further and finally my view is that T16 and 17 remain healthy specimens particularly if the two trees are allowed to continue to cohabit, for the reasons I have already outlined.

I made a recent visual assessment of the 3 Spotted Gums from the shore side of No 60 (on the beach) as well as from the neighboring property (the trees are close both to the beach and to the boundary with no 62 Hudson Parade and each have canopy that overhangs no 62). In my professional opinion the stand of all three Spotted Gums are in a similar if not better state of health than they were in 2014 when I was engaged to assess them by the previous owner of No. 60. The local native bird life was also evident in and around the Spotted Gums on both occasions of my visual inspections with nests or nesting preparations apparent in the nesting hollows I have already referred to. I can provide photos and video footage of the bird activity if this is helpful. From the vantage point of no.62 Hudson Pde, it is obvious T17 and T16 have multiple easily visualised nesting hollows.

I draw Council's attention to the website of the local community-based action group, **Canopy Keepers** which states:

*Trees slow runoff, buffer against wind, sequester carbon and mitigate Climate Change.*

*Trees provide dappled shade and lower temperatures in Summer*

*Trees with hollows take more than 100 years to grow. This is crucial animal habitat and continuous pathways for animals.*

*These Trees live in a community, like us.*

*An intact canopy retains interlocking roots **that stabilise each other.***

**canopykeepers.org.au**

I agree with that statement as trees, particularly gum trees are interdependent species both with each other and surrounding native vegetation. Mature specimens such as are being considered for removal provide many benefits to a local environment that simply cannot be replaced by substituting new plantings.

Given the BC Act, the government's canopy objectives for the greater Sydney region and the relevant objectives of the Council's LEP and specific DCP controls any development allowed on such environmentally significant and sensitive land as the foreshore of no 60 Hudson Pde should reflect the obligations and objectives of those laws and guidelines and should at the least preserve the existing stand of protected Spotted Gums in the foreshore zone of 60 Hudson Pde as well as other significant existing vegetation such as the bottlebrush trees I have referred to. This outcome could be achieved by ensuring any boatshed on the property is at least 3 metres from the trunks of any of the Spotted Gums and should be pier and beam and hand dug to preserve as much existing vegetation and biodiversity in the foreshore zone as possible.

I am happy to respond to any questions on this report.

Yours sincerely



**Geoff Burton,**