

**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
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**To:** DA Submission Mailbox  
**Subject:** Online Submission

02/09/2024

DR Emilie Field  
10 Yarrabee PL  
Bilgola Plateau NSW 2107

**RE: DA2024/0303 - 337 Lower Plateau Road BILGOLA PLATEAU NSW 2107**

We have several significant concerns regarding the proposed development:

1. Compliance with NBC Criteria. The proposal does not adequately address the criteria specified in NBC's Landscape Referral Response to minimise the impact on the natural environment, potentially violating statutory obligations under environmental protection laws. There is a need to clarify how the proposal adheres to NBC's statutory obligation to protect and preserve the environment.

2. Removal of Prescribed Trees. The proposal to remove 26 prescribed trees indicates a troubling prioritisation of property development over environmental protection.

The removal of the high Retention Value tree (Tree 97 - *Angophora costata*: Smooth-barked apple). Trees are classified as high Retention Value for their protection. This classification is a legally binding and should be adhered to. Being High Retention Value implies it should be protected and not felled due to land division purposes. It is a locally indigenous species and lives for over 100 years. It is part of the local ecosystem, with many species relying on it for food and shelter. There is no point classifying a tree as high retention and then when it comes to development completely disregarding this label. Its protection is the sole reason for this classification. Such removal contravenes principles of sustainable development and undermines efforts to maintain local ecological integrity.

3. Future Removal of 'Exempt' Trees. There are no stipulations preventing future removal of any of the 167 'exempt' trees (constituting 64% of the site's trees) by individual property owners. This lack of safeguard poses a risk to local wildlife, which does not distinguish between native and non-native tree species for habitat purposes. The on-site inspection on 10 July 2023, as noted in the Flora and Fauna Assessment Summary, did not account for all wildlife potentially impacted by tree removal.

4. Monitoring and Protection of Wildlife. An on-ground inspection of the site, conducted by Ecologist Geraldene Dalby-Ball, revealed the presence of powerful owls in the area, along with Eastern Whipbirds. It was noted that the trees likely provided habitats for ringtail possums, microbats, and flying foxes. Such diverse and sensitive wildlife populations are indicative of the ecological importance of the area and underscore the need for its preservation. There is no provision for monitoring and quantifying injured or displaced wildlife resulting from tree removal and construction. The Northern Beaches Biodiversity's role in protecting native species and habitats appears insufficiently addressed. The absence of measures such as the construction of possum boxes for displaced animals further exacerbates this issue.

5. Requirements for Replanting: Native canopy trees, which can take up to 50 years to reach full maturity, should be planted at a minimum height of 3 meters to ensure effective re-establishment of tree cover.

6. The C4 Environmental Living Zone mandates that development minimize impact on the natural environment. The clearing of land, removal of prescribed trees, subdivision of the lot, and site works such as demolition and new

construction are inconsistent with this requirement.

7. Impact on Adjacent Properties. The proposed development will significantly infringe upon the privacy and amenity of residents at 8, 9, 10, and 11 Yarrabee Place. The anticipated increase in construction noise, dust, and general disturbance contravenes residential amenity standards outlined in local planning regulations and the Environmental Planning and Assessment Act 1979. The development's footprint, including construction activities and site works, will likely lead to direct and indirect impacts such as reduced privacy due to increased visibility into adjacent properties. There is nothing in the proposals to indicate how privacy will be protected once trees are cleared.

There will be nothing to serve as a buffer to help shield neighbouring properties from visual and noise disturbances, causing adverse effects on amenity. The development proposal should include a comprehensive impact assessment report that addresses potential noise, privacy, and visual impacts on neighbouring properties.

8. Environmental Impact of Hard Surfaces. The development's introduction of increased hard surfaces is likely to exacerbate environmental degradation and reduce local ecological quality. The increased silt and sediment runoff could introduce pathogens, including *Phytophthora*, into local waterways surrounding the development, endangering their ecological health.

9. Professional Reports and Oversight. The reports prepared by the professional services engaged for this project appear to overlook several critical environmental protection aspects and fail to adequately address the long-term impacts on local ecosystems

10. The likelihood of Indigenous heritage that needs to be investigated further. As stated by the report, it is possible that sharpening grooves could be present deep under leaf litter, indicating the presence of Indigenous cultural sites. Failure to adequately assess and mitigate the potential impacts on Indigenous heritage would constitute a breach of legal obligations and ethical responsibilities.

In summary, the proposed development must be reviewed and adjusted to align with statutory environmental protection requirements and ensure compliance with planning regulations. Appropriate measures should be implemented to safeguard neighbouring properties, protect wildlife, heritage and mitigate environmental impacts.