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**From:** John Lawson  
**Sent:** 21/08/2023 1:25:28 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** DA2023/1023 32 Loblay Crescent Bilgola Plateau - Submission in Regards to Councils Natural Environment Referral Response - Biodiversity

Attention: Mr. Phil Lane

Good morning and I refer to the exhibited Councils Natural Environment Referral Response – Biodiversity. I wish to register my disagreement with some statements within the Report. I note the following statement within Councils Referral Response.

*“The proposal has been submitted with an Arboricultural Impact Assessment that has assessed a total of 3 trees and determined that Tree 1 (Angophora costata) should be removed due to its poor health and the risk it poses as it appears to be relying on the current retaining walls for support.*

*However, this tree has been identified as being found on the neighbouring property and landowner consent will have to be obtained to allow for the removal of this tree. The assessing Planning Officer has requested this consent.”*

1. I disagree with this statement because it is factually untrue. Whomever is the author of this report has stated that Tree 1 is an Angophora costata- when in fact as per the applicants Arborist Report from Treeism - page 4/ Table 1 states that Tree 1 is a Red Bloodwood - Corymbia gummifera and that Tree2 is in fact the Angophora costata.
2. Further to this the **Arborist report did NOT state** that” the tree should be removed due to its poor health and the risk it poses as it appears to be relying on the current retaining wall for support.”

Rather the Arborist report from Treeism states page 5/ Section 3.1.1 –

*“the trees stem is currently in contact with the existing retaining wall ( See Plate 2 ) , this **section of wall** is proposed to be replaced as it is cracked higher up and is at risk of falling on the neighbour’s property.*

*There is the possibility that the tree has been utilizing the existing wall as a “brace”. Previous extensive pruning has altered the trees dynamics ( see Plate 1 ) . Thus, in my opinion , there is a risk the tree will be weakened and vulnerable to failure in extreme storm events **from the proposed works**.*

*Additionally , the replacement of the existing footing is required ( per comm), excavation for a new footing right at the base of the tree stem will cause damage to the structural roots . The tree cannot be safely retained.*  
 “

- a. As can be seen from this statement at no time was Tree 1 referred to as “unhealthy or in poor health”.
- b. The Arborist is stating that IF the proposed works proceed then the tree will be unviable- NOT that it is unviable at the moment. At no time did the Arborist report state that the tree was defective- **its only defective IF the works proceed.**
- c. If you view Plate 2 you can see that yes, the existing retaining wall is in contact with the tree built as I have previously stated in my earlier submission, from a structural point of view it is fact the wall that is using the tree as a brace- there is no integrity in the wall due to the cracking.

- d. As I have previously stated in my earlier submission the pruning of the tree was in fact performed by the applicant a while ago and agreed by us to improve his view.
- e. Yes, the tree cannot be safely retained IF this DA is approved – the excavation requirements for a new footing will severely impact the tree roots and make it unviable BUT the Arborist report does not state that the tree as it currently stands is unhealthy/ requires removal or has no stability.

3. Within the Councils Biodiversity response – it states that : -

*“Native Landscaping Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants.*

*Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council’s website.*

*Details demonstrating compliance are to be provided to the Principal Certifier prior to issue of any Occupation Certificate. Reason: To ensure compliance with the requirement to retain and protect native planting on the site.*

*Replacement of Canopy Trees At least 1 Angophora costata is to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.*

*Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.*

*Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.*

*Reason: To establish appropriate native landscaping.”*

I note the following in regard to this matter : -

- There are NO details provided on the plans detail what/ any landscaping other than stating “landscaped areas” – the subject site is basically devoid of any shrubs/ planting/ native vegetation on the western side of the applicant’s property. The applicant removed all trees/ shrubs prior to building his deck; without a DA ,as it is the subject of a Building Information Certificate currently; ( BC2023/0008).
- Is the replacement tree proposed to be the same as Tree1 a red Bloodwood – the stated tree in the response report is actually Tree2 in the Arborist report. Is it to be planted on our property or the applicant’s property?  
And if on our property who will pay for, plant and maintain said tree- it is actually 7/8 on our land as noted by your Biodiversity Officer.

4. Again, within the Biodiversity response I quote from the Report: -

*"However, this tree has been identified as being found on the neighbouring property and landowner consent will have to be obtained to allow for the removal of this tree. The assessing Planning Officer has requested this consent."*

We advise that at this stage we **DO NOT GIVE CONSENT FOR THE REMOVAL OF THIS TREE.**

As we have previously submitted within our earlier submission response, we again advise that we have no objection to the replacement of the retaining wall in its current position , **provided** that a suitable engineered system is made re footing issues around the existing tree so that its retention is possible – i.e.- possibly a structural steel support system spanning across the tree's root structure.

John & Helen Lawson

Kind regards

**John Lawson**

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