

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

Website: <http://www.crag.org.au/>

Face Book:

<https://www.facebook.com/CRAGcamdenresidentsactiongroup/>

PO Box 188

Camden NSW 2570

Email: admin@crag.org.au

Ph: 0415 617 368

The General Manager
Camden Council
70 Central Ave, Oran Park 2570
PO Box 183, Camden 2570
Email: mail@camden.nsw.gov.au
Attention:
Executive Planner, Clare Aslanis
Council's Urban Tree and Landscape Officer

1 June 2020

Dear Sir,

Re: BP Service Station
12 Argyle St Camden
Development Approval (DAs: 257/2018; 411/2017)
Consent Conditions
13 December 2018

Thank you for your email of 15 May 2020 in reply to our letter of 11 May 2020, which also referenced our previous correspondence dated 14 August 2019, 24 November 2019 and 4 March 2020, about the trees that were to be retained on the above site. We agree that the sudden decline in the tree health was mysterious. Our reading of the situation, as covered in our last letter and as further evidenced in the Appendix, is that there has been a breach of the consent condition requiring the trees to be protected.

We welcome your advice that Council will contact the Certifier to remind them of the commitment to plant mature replacement trees. However, the feedback from the community, which has closely watched the denudation of the site, is that the developer should be required to do more. The community response is summarised as follows:

1. Concern that the size of the replacement trees is unnecessarily minimal; as expressed in one response: *The offer to plant 100 litre trees is appalling and mean spirited. We reckon they should be purchasing and planting the largest trees available. An example of wholesale prices below:*

100L (+\$255.00)
200L (+\$700.00)
400L (+\$1,275.00)

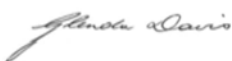
2. Concern that the trees will not be placed in original positions of the trees to be retained or not positioned to screen and soften the starkness of the development in the Heritage Conservation Area and main visitor entrance into the historic town.
3. Concern that the development is not respecting or responding to the effect of proposed development on heritage significance (CLEP 5.10) or complying with heritage controls (DCP 2.16.4) that the tree lined “gateway” entrances to the township must be retained and embellished (2), that the rural-urban interface must be sensitively addressed in new development proposals (3) and that development of the flood affected fringes of the town must not compromise the town’s prevailing heritage and rural character (11).

There are of course many cases brought by Councils against land owners and developers relating to unauthorised tree injury and removal. We acknowledge the account of events in your email that the damage is done and it may now be impossible to establish the cause. However, the community continues to speculate and wishes to see the situation rectified with the site vegetated to the maximum, not the minimum and, under Council’s ongoing direction, that the landscaping be required to be maintained into the future. We have been left in no doubt that the community expects this as a sign of good faith and respect for compliance with consent conditions and the planning controls for the conservation area.

As recognition that the consent condition should not have been breached, we ask that Council, who we understand can issue development control compliance orders to the certifier and developer, respond to us and require:

- the largest possible replacement trees to be planted in the original positions to those that were to be retained
- softening landscaping, including trees and/or large shrubs, additional to the landscape plan of the DA, maintained into the future

Yours sincerely,



Glenda Davis
President

APPENDIX

We do consider there has been a breach of the consent condition, which as explained in our previous letter (11 May 2020), required that the trees were to be protected. We make the following points:

- If the trees were seen to be deteriorating in May 2019, and certainly as we reported in August 2019, we do not understand why the development site's Arborist took no action or Council did not require action to save them. We note the comment in the email response that "*In May last year Council received several reports that the remaining three trees that were dying*". The trees to be retained were amidst healthy trees, as evidenced by photos provided by CRAG.
- The deterioration could not have been caused by earth or construction works as it occurred prior to commencement. In any case the consent condition requires TPZs to be observed. If the roots were to be disturbed the Arborist was to be consulted, and steps taken to save the trees.
- It would seem the Arborist, who we understand is the same Arborist who is responsible under the consent conditions for tree protection on the site, was not involved by Council (or possibly otherwise) until November 2019, and then only to provide a report on an unsafe tree notice issued by Council on 24 October 2019.
- No protective measures were taken to save the trees.
- No explanation has been provided as to why trees earmarked to be retained were lost.
- Only Council has the ultimate power to enforce consent conditions (s9.34 EPA Act). The community has no ultimate power in relation to Private Certifiers and Compliance Certificates.

Please correct us if our understanding of the facts is wrong.

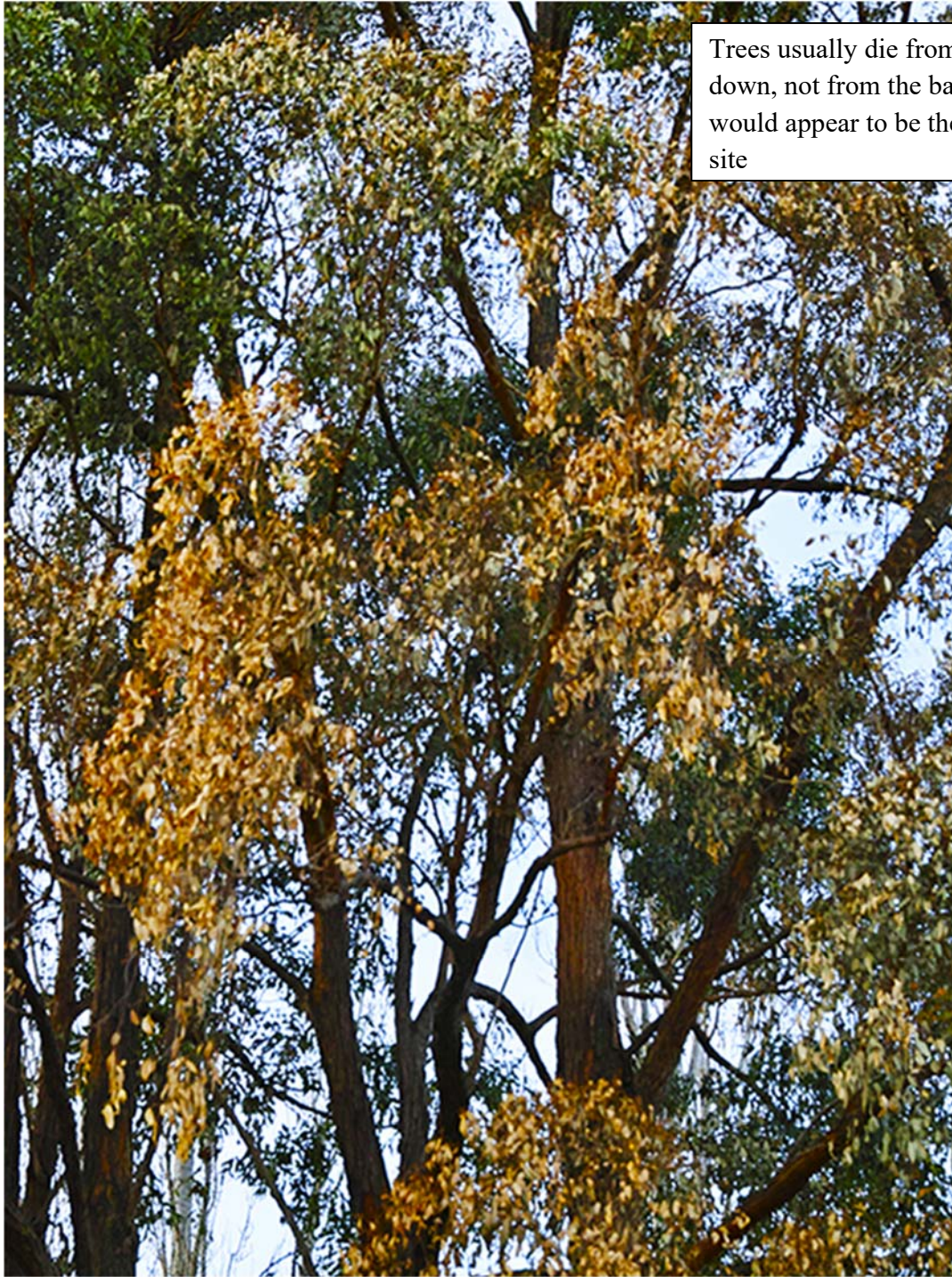
For the record:



This photo was taken at the time of the DA approval



This photo was taken soon after DA approval and shows dying vegetation at the base of the tree



Trees usually die from the top down, not from the base up as would appear to be the case at this site