

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

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The General Manager
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11 May 2020

Dear Sir,

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

We refer to 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.

A consent condition of DA approval (General Condition 7) was that protection of the trees must be carried out as specified in Australian Standard 2009 4970 and by an Arborist with a minimum qualification of AQF Level 5 in Arboriculture for Hazard, Tree Health and Risks Assessments and Reports.

The Arboricultural Impact Assessment dated 15 February 2018 stated that

The retained specimens are to remain in a safe and healthy condition, not less than at the time of initial inspection for this report, or in a reduced but sustainable condition due to the impact of the development but ameliorated through tree protection measures recommended to be applied.

On 9 March 2020 in response to our third letter we received an email:

In response to your initial enquiries, Council's Urban Tree and Landscape officer contacted the owner of the site and inspected the trees that were earmarked for retention. An arboricultural assessment was provided to Council that reviewed the health of trees, which were found to be poor. In accordance with Council's Tree Management Policy, the trees were deemed a hazard due to their deteriorating health and appropriate for removal.

As the site is currently subject to a DA that is under construction, the Principal Certifying Authority is responsible for ensuring compliance with the consent and Council has limited jurisdiction. For enquiries relating to compliance with specific conditions it is recommended that you contact the certifier.

We contacted the Private Certifier who quickly provided copies of correspondence with Council about the matter that we had raised and a Tree Report dated 17 November 2019. This Tree Report concluded

This report should satisfy that Condition 1.0(7) of consent DA/2018/257/1 does not apply to dead, dying or dangerous trees as noted in the inspection.

No explanation was provided in this Tree Report as to why the trees that were healthy were now dead or dying and no explanation as to why the trees were not saved.

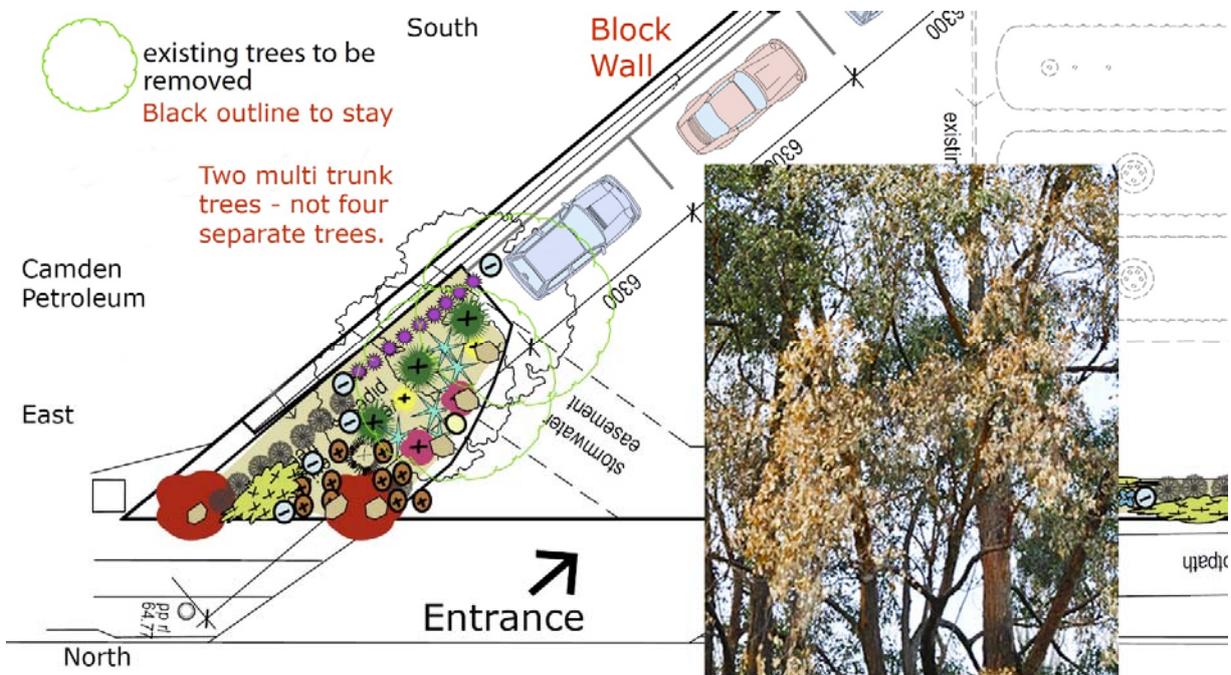
Extensive drainage work has recently been observed by the community as shown in photos provided to us on 7 May 2020 (see Appendix). This has led to speculation that in order to position a digger to clear drain blockages that trees needed to be removed and that another tree fell over in strong winds due to encroachment into its Structural Root Zone (SRZ) or Tree Protection Zone (TPZ) by the drainage works.

However, it was clear that the health of the trees to be retained was deteriorating long before the recent drainage works, as shown below by the inset photos taken in mid-June 2019. As noted above we documented and first formally raised the issue with Council on 14 August 2019, three months prior to the date of the Tree Report and long before the drainage works.

It is with great concern that, contrary to the consent condition, the community now sees that all trees on the site have been removed. This tree loss is particularly destructive as this modern corporate development is certainly not what residents and visitors expect to see within Camden's Heritage Conservation Area and at its main gateway. More trees are needed, not less, to soften the impact.



West View



East View

We of course assume the employed Project Arborist is aware of the consent condition of the DA approval to comply with the Australian Standard and is as required qualified to AQF Level 5 in Arboriculture for Hazard, Tree Health and Risks Assessments and Reports.

General Consent Condition 7 specifically states:

The protection of existing trees and other landscape features, other than existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, MUST be carried out as specified in Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

As such we also assume that, as per Clause 5.3 of the Australian Standard, the DA approved removal of specified trees was supervised and certified by the Arborist in the pre- construction phase of site preparation. We assume that in the construction phase, as per Clause 5.4, the Arborist has conducted and is conducting a number of site inspections to monitor and report on tree condition and any impact of changes to approved plans and is recording the findings of monitoring activity for inclusion in certification of tree protection at the practical completion stage of the development.

If deterioration was caused by encroachment into the TPZ, Clause 3.3 requires that any area lost to encroachment should be compensated for elsewhere and be contiguous with the TPZ whether encroachment is minor, ie less than 10% of the TPZ or major, greater than 10%. Any work that encroaches into the restricted area of the TPZ is to be first authorised by the determining authority and, under Clause 4.1, must be supervised by the Project Arborist. It is also noted that Clause 4.5.5 requires that any installation of underground services within the TPZ of a retained tree should be assessed and monitored by the Arborist.

Compliance with the Standard makes it difficult to understand how the trees marked for retention deteriorated to the extent that they had to be removed especially as Clause 5.4 also requires that if trees have been damaged that the Arborist should specify a timeframe for remedial works.

Why was no remedial action taken when the trees were first seen to be deteriorating?

Clearly the removal of the trees to be retained was a change to the approved plans which must be documented and certified by the Arborist under Clause 5.5.2. Certification should include details of any deviations from the approved tree protection measures and their impacts on the trees.

This matter has caused many people to ask questions as to what is happening on the site which is in a prominent and signature location. It is important that the community have faith in the planning process and we believe the community has a right to know what went wrong and how it

is to be remediated. Council is the body that the community expects to look after its interests. We understand that Council is ultimately responsible for ensuring compliance with consent conditions as private certifiers have no enforcement or action powers.

Could you please explain why and how the trees came to be removed?

The community expects that the loss of the trees should be and will be remediated appropriately. We note that the Tree Report dated 17 November 2019 recommends 100 litre replacements in close proximity to the trees that were to be retained.

**Will the height and volume of the replacements be similar to that of the lost trees?
When will the replacements occur?**

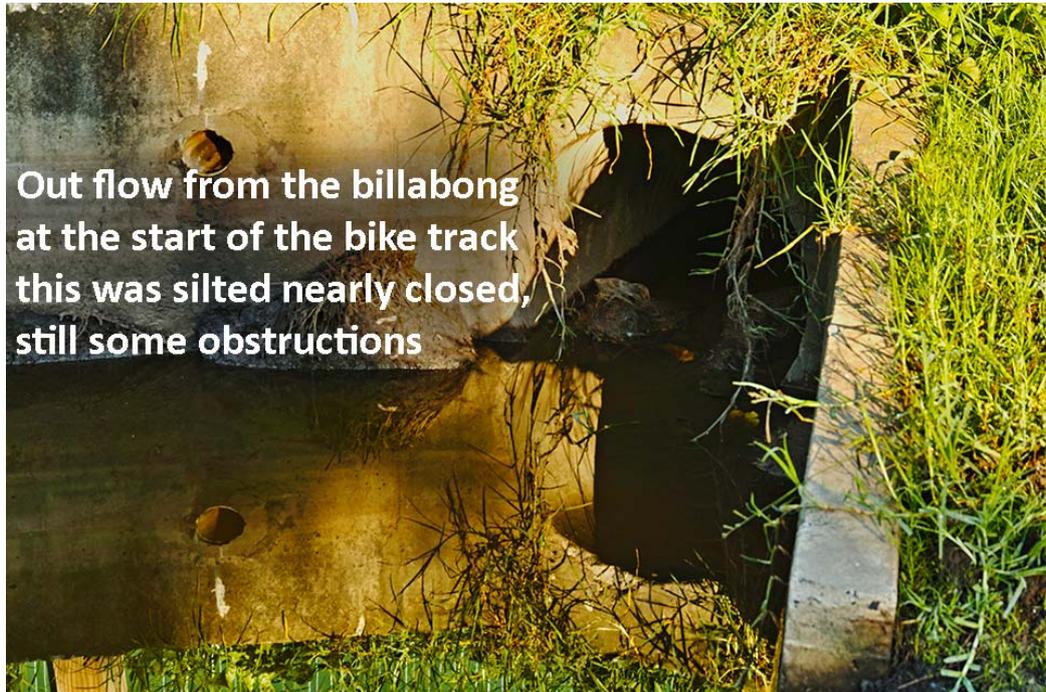
We look forward to your prompt response to these questions which follow on from unanswered questions in our previous three letters.

Yours sincerely,



Glenda Davis
President.

APPENDIX: Recent 2020 activity affecting development site







Water flow to the river

Trees have been removed

Outlet pipe from Bike
Track billabong

This area was filled with silt