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26/07/2022

MR Derek Sinclair
79 Darley RD
Bardwell Park NSW 2207
[REDACTED]

RE: DA2022/0985 - 9 Ozone Street FRESHWATER NSW 2096

D A Sinclair B.A.(Hons)
PO Box 164
Bardwell Park 2207

26 July 2022

The General Manager
Northern Beaches Council

Attention: Assessing Planner

Re: Objection to the proposed redevelopment of 9 Ozone Street, Freshwater NSW 2096
(DA/2022/0985)

I have been asked by the owners of 41 McDonald Street, Freshwater NSW 2096 to lodge an objection on their behalf to the above development application. The objectors' property has a common boundary with the proposed development. Accordingly, this objection focuses on the details of the proposed eastern dwelling on proposed lot 2.

The proposed development has the potential to have a substantial impact on the amenity of their residence. It is submitted that this proposal, although supported in principle, should be modified to minimise off-site environmental impacts, and suitable conditions of consent imposed as described below.

Proposed Development

The development is local development under the provisions of the Warringah Local Environmental 2011 (WLEP) and is subject to the controls and Policies in the Warringah Development Control Plan 2011 (WDCP).

The proposed development is described in the SEE in the following terms:

...the proposal seeks consent for the subdivision of one lot into two lots, and the construction of associated infrastructure, including the construction of a new driveway and driveway crossing to Ozone Street.

Whilst indicative dwelling designs have been provided with respect to the proposed rear lot (Lot B), the application does not seek consent for the construction of this dwelling, with Lot B to remain a vacant lot. (SEE P8)

Specific Objections

The reasons why Council, if it approves this application, should modify this application by way of conditions of consent, relates principally to the following issues:

1. Works along the rear boundary should follow natural ground level and a 1000mm landscaped zone should be established and maintained. A specific condition similar to Consent Condition 29C of DA2021/1719 for #7 Ozone Street,

2. The retaining wall along the rear fence should be located at least 1000mm away from the rear boundary:

- a. to allow the rear landscaping to follow natural ground level,
- b. and remove any disruptive works from the Structural Root Zone (SRZ) of tree # 4 as identified on the Arborist report.
- c. Tree #4 is located on our land, provide privacy between the properties and we would not provide consent for its removal or any works that would adversely impact on it.

3. The Port Jackson fig (identified as tree # 3 in the arborist report) should be identified as being retained and not removed. At this stage the details of the location and form of a future dwelling are unknown, and the indicative dwelling shown on the accompanying drawings is not part of this application. With careful design of a dwelling with less hardstand area tree could be retained.

- a. The proposal for its removal being in a lawn area is not justified.
- b. its removal is not in line with the Council tree policy.
- c. Protection of this Port Jackson fig should be maintained, similar to Consent Condition 19 of DA2021/1719 for #7 Ozone St.

A Project Arborist, with minimum AQF Level 5 in arboriculture, shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection and ground protection to the existing tree identified as #3 - Port Jackson Fig.

The Project Arborist is to supervise all excavation and construction works near all trees to be retained including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or > 25mm (Ø) is damaged by works unless approved by the Project Arborist.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Council should note that a mature tree was removed from the subject property in 2018 and no replacement tree was ever planted as required by condition 2 of TA2018/0122.

In summary, it is submitted that Council, if it approves this development application, should impose conditions of consent to minimise the environmental impacts as outlined in this objection.

Should clarification be required on the above submission please do not hesitate to contact me

[REDACTED]

Yours sincerely

Derek Sinclair
Director