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**Sent:** 23/05/2021 11:18:03 AM

**Subject:** DA 2021/420. ADDITIONAL COMMENTS TO SUBMISSION

Dear Northern Beaches Council team,

As we have received no feedback and your website indicates we are not to expect the same, below is further comments to our opposing submission submitted on 10May21.

We have sent this information to the NSW Minister of Planning, Hon Rob Stokes. We reiterate the request for an on-site meeting with council to explain our concerns inline with your mission goals.

Please add the comments below to our submission from Jani and Graham Johnson, 12 John St, Avalon Beach. We await your feedback and indication of how our concerns are being addressed.

Kind regards  
Graham Johnson  
Mob 0413408699

We wish to highlight a development application that is undermining your attempts to minimise heat gain due to houses on the northern beaches.

The DA proposes a subdivision of an already subdivided block 12 and 12A John Street, Avalon Beach, NSW, 2107.

The proposed overdevelopment makes a significant impact on the fragile riparian corridor of Carrel Bay Creek. This creek is tidal and it's eco system is vital for the maintenance of the local flora and fauna which make Avalon and the Northern beaches a highly desirable place to live.

We have opposed the DA in a submission however the council stipulate they will not take individual personal calls due to the volume of applications they process.

We have quoted your article "We're not nationalistic about it": Sydney needs exotic trees, light colour buildings to cool down.  
Sydney Morning Herald, December 1st,2020

In the article above, "Dr Pfautsch said this meant deciduous trees should be planted close to homes to reduce urban heat and native species should be planted in parks and along waterways to provide some shade and habitat for animals and birds."

Lot 12 John St was subdivided following a successful DA in 2012. The two blocks were sold separately in April 2018. The owner of 12A John St went to lengths to explain he and his wife want to build their "dream family home" on the site. They submitted DA2018/1332-1334 inclusive, to subdivide and build four residences through THW architects. These DA infuriated the neighbours and due to overdevelopment and environmental impacts Northern Beaches Council recommended they withdraw the applications.

After approximately One and half years a new DA 202/0420 is planned to achieve the same negative environmental, social and local community impacts, by using a staged application process.

The main report inconsistencies are the proposed removal of least 9 high value “class A” trees. They have changed the classification of the protected trees from the rejected subdivision applications (DA2018/1332-1334) only 16 months ago to “not worthy of being a constraint” due to a new amended arborist report saying they have die back. This seems conveniently inline with the developers aims. Depending on the terms of reference any report can be limiting or be driven to an outcome that is contrary to current community and state perspectives. Further, we understand that a subdivision only needs to address certain outcomes thus allowing less robust rules to be applied. Finally, the new DA biodiversity report recommends reducing costs to the developer by proposing a replanting plan to be conducted later instead of paying the Tree preservation costs of approximately \$13,000. It however does not specify an appropriate detailed planting scheme or measures that will see the tree and accompanied eco system habitat recover appropriately. The Biodiversity and arborist reports uses trees not on the land proposed for Subdivision and a tree on our land to make the report look more favourable. The driveway trees are part of our screening and privacy from the already extensive and imposing Avalon House Nursing Home (14 John St).

When you view pages 20 and 21 of the biodiversity report it is quickly apparent any replanting would occur in approximately less than one quarter the land area. We believe this is inadequate for such an already overdeveloped and impacted water way. In our opinion allows the developer or future owners to walk away from their duty of care to maintain or improve this fragile creek system whilst reducing their costs.

In relation to the water way, Carrel Bay creek is tidal all the way past 12A John St. That. Would make it a class 4 waterway and the accompanying larger setbacks would be more appropriate for such an eco system.

We have made a submission against the DA 2021/0420, saying it does not meet the Council tree preservation guidance and other issues summarised here.

Our objections relate to;

Safety and access,  
Above ground power,  
Blocks below minimum width,  
The riparian zone impact,  
Overdevelopment,  
Road Traffic congestion,  
Loss of value, and  
Conflicting information.

## **ADDITIONAL COMMENTS TO OPPOSING OVERDEVELOPMENT 12A John St, AVALON BEACH, NSW, 2107**

We are requesting assistance and guidance from your office to help point out to Council how this DA should be rejected due to state government, local environmental, social and personal concerns. Our attempts to have an on-site meeting with council have failed.

Further detailed examination of the Class A trees is summarised below. The links to the DA on

the council website are provided for easier access. The DA reports links are shown to enable quick reference.

Arborist report

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoId=eVysEEwjn%252fMV0A60ki4OEg%253d%253d>

Environmental report

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoId=7phj3R4fnrcV0A60ki4OEg%253d%253d>

Appendix 2 states tree 22 is a *syzygium paniculatum*.

Category A Trees 4, 8, 17, 18, 19, 20, 25, 29 and 54.

Fall in the subdivision housing footprints. This we find incredulous that a biodiversity report is exactly the opposite. It is totally against tree preservation.

Sent from my iPad