
From: Michelle Bolding
Sent: 21/01/2023 3:07:28 PM
To: Council Northernbeaches Mailbox
Cc: Lee
Subject: Written Submission: Letter of objection Mod2022/0732(Related Application: New DA2022/033);30A Addison Rd Manly
Attachments: Submission of ojection Mod20220734 Johns&Bolding 30 Addison Road Manly.docx;

Dear Northern Beaches Council.

Officer: Grace Facer.

Please find attached a submission in relation to Mod2022/0732 for your consideration. As we wanted to write a detailed submission with photos we have used email. If you could please show our submission on the website like you did last time.

We are most grateful for your consideration.

Regards

Lee Johns & Michelle Bolding

30 Addison Road Manly 2095

Sent from [Mail](#) for Windows

SUBMISSION: JOHNS & BOLDING
a written submission by way of objection

Lee Johns & Michelle Bolding
30 Addison Road
Manly NSW 2095

21 January 2023

Northern Beaches Council
PO Box 82
Manly NSW 1655

Northern Beaches Council
council@northernbeaches.nsw.gov.au

RE: Mod2022/0734 (Related Applications: New DA2022/0033); 30A Addison Rd Manly
WRITTEN SUBMISSION: LETTER OF OBJECTION
SUBMISSION: JOHNS & BOLDING

Dear Sir/Madam,

I would like to address the proposed development of 30A Addison Road Manly – Modification.

The original proposed development (DA2022/0033) raised alarm amongst our household and several nearby households based on the size and scale of development with the 2 largest issues raised being:

1. The new roof terrace which creates an unprecedented quasi 4th level to a residential building creating privacy concerns and
2. The removal of a lovely set of mature 17 Thuja orientalis (Group G1) that are over 20 years old and have heights up to 8 metres. These are relied upon for the amenity of the area and privacy of several of the surrounding houses as was highlighted by the many submissions.

We submitted our concerns and were happy to oblige by the council's decision which we found overall to be a reasonable compromise. The decision was to keep the 17 trees, but to consent to every single aspect of the proposed development. Our understanding is that NBC reached this decision due to the unusual shape of 30A Addison Road which has an access handle which is 1.595m wide and 57.72m long upon which the Group G1 trees flourish.

Now we find that the applicant has submitted to modify (Mod2022/0734) the council's decision about those 17 trees based on facts that were known to everyone and discussed during the original application and assessment process.

We find that the conduct of the applicant and their advisors could be characterised as tantamount to gamesmanship of the development process of the NBC. The modification seeks to undermine the NBC's ability to make sound decisions and we feel would set an unfortunate precedent that will be used as an example by ambitious developers and their advisers in regards to how to outwit the NBC and neighbours who have legitimate concerns about a development.

If it is decided that the modification is approved, could NBC truly say that all other aspects of the original application would have been given consent?

The outcome is that the development would have received approval for every single aspect of the development despite submissions from seven neighbours. With these Group G7 trees the applicant is requesting the removal of every single tree that exists on 30A plot of land, with the arborist report only allowing for 3 existing trees – none of which even sit on the property of 30A Addison.

I would think that if this is the case, consideration should be given to providing some concession on aspects of the approved development such as breaches of building height and the roof terrace.

We are practical people and perhaps if it is determined truly that the size of the machinery that needs to get access to 30A Addison Road in order for the approved works to take place that some of the Group G1 trees need to be removed, that there is a commitment from the applicant that they will upon completion replace the removed trees like for like in size, scale and likeness within a prompt period. We do not want to wait 20 years for saplings to grow. The original DA2022/0033 talks of Agapanthus being planted which would be a woeful comparison to the existing Group G1 trees. Agapanthus is a plant, Thuja orientalis are trees. Drawing 1 below attempts to show a scale drawing of the existing trees and proposed replacement plants.

The privacy and amenity derived from the 17 trees is enjoyed by no less than 6 properties that straddle the access handle. 28A, 28B, 28C, 30, 28 Addison, and 30A Addison.

We would once again be most grateful for your consideration of our submission. Below please find a relevant excerpt of our original submission as it goes into detail about our original concerns regarding the Group G1 trees.

Regards

Lee Johns & Michelle Bolding.

Excerpt from our original submission pertaining to the G1 trees (Submission – Johns & Bolding 8/2/2022)

We ask for the preservation and full retention of the group of 17 Thuja orientalis trees adjacent the shared driveway. These trees are greater than 5m in height, and are considered to be significant trees “over 5m in height and, that impacts on the streetscape by virtue of its size, appearance, type, age, condition and heritage/cultural significance.” These trees are in good health, and high amenity value as they provide significant privacy screening and general amenity value to all neighbours. These trees are not in the ‘footprint’ as the Arborist suggests. We ask for full retention and protection. There are currently 17 Thuja Oriental mature trees which should be left as they are. They will not impede the new build whatsoever and there are at least 6 residences that benefit from them. They have been carefully curated in a line that exists for 40m in a uniform formation. They vary in height but we calculate them to be up to 7 metres tall in a good section of them. They are approximately 20 years of age. We and the existing neighbours would place a “High” amenity value to them, whereas in the Arborist report it has them as “low”. They provide tremendous amenity to local residents. These evergreen trees have been described by arborists as ideal trees for reducing

noise and providing privacy. The trees and the surrounding undergrowth provide natural invaluable habitat for many species of local wildlife such as possums, endangered long nosed bandicoots and cockatoos. They provide great shading properties for 30 Addison and 28 Addison by absorbing direct sunlight in the afternoon and assisting the environmental efficiency of the house. The Thuja Oriental grows around 50cm per year and our arborist would estimate that it would take 20 years to regrow younger trees to this level of maturity. Their loss would be unreasonable and unacceptable for local amenity, privacy, the temperature and energy efficiency of both 30 Addison Road and 28 (units 1, 2 and 3) Addison Road. The common driveway which the 17 Thuja Orientals straddle services 6 different residences. Their removal would be gross overdevelopment. There already exists two concrete strips along the current driveway which are suitable as a pathway. There is no need to fell these 17 existing trees in order to build another 3rd path way. There is no doubt that their removal will have a detrimental impact on the streetscape by virtue of their size and maturity as well as a loss of natural habitat for the native flora and fauna. If the DA was to be approved and the 17 trees removed, the result would be that from the outdoor balcony in front of the master bedroom of 30 Addison Road we could see into the habitable areas of 1/28, 2/28 and 3/28 bedrooms and living areas. Similarly, those 3 residences could see into the master bedroom and 2/28 would have an interrupted views into the lounge area of 30 Addison Road. In addition, if these trees were removed, pedestrians on the common driveway would be able to see directly into the highly utilised living, dining, and kitchen areas at the rear of 30 Addison Rd. The proposal includes the replacement of the 17 trees with small Agapanthus which would not be appropriate in height or form. In the Statement of Environmental Effects on page 8 it erroneously describes "There are no significant mature trees upon the land and no remnant native vegetation." We would argue that the 17 trees in G1 fit this description. The DA actually proposes the removal of every tree that currently exists on 30A Addison Road. The 3 trees they have as "retain and protect" are not actually on the land of 30A Addison. We propose that these 17 trees in G1 should be amended to Retain and Protect. We find the reasoning for the keeping/removal of other trees in the report as logical and reasonable. Extract from Arborist Report: The group of 17 Thuja orientalis adjacent the shared driveway that require to be protected 28 17 Thuja Orientals: cockatoos frequent the trees especially in Spring and Summer. 29 17 Thuja Orientals along a 40m line of trees along the fence of 30 Addison Road. The common drive way acts for 6 residences. 30 17 Thuja Orientals along a 40m line of trees along the fence of 30 Addison Road. The common drive way acts for 6 residences. The proposed development has not considered the strategic placement of canopy trees to avoid further view loss impacts upon existing view corridors. The landscape component of the proposal must not be supported due to the significant impacts of proposed works on existing trees and vegetation. Any encroachment into the TPZ of existing trees by greater than 10%, or any encroachment into the SRZ, is deemed to be major, and therefore requires a tree root investigation in accordance with AS4970-2009. Trees in neighbouring properties are considered prescribed, irrespective of species and height, and must therefore be protected and retained throughout proposed works. Any negative impacts towards the short-term and long-term health of these 31 trees must not be supported. Neighbouring trees within 5m of the development and are required to be assessed by an AQ5 Arborist to determine impacts to TPZ and feasibility of retention. We contend that the proposed retained trees have not had adequate tree root investigation in accordance with AS4970-2009. We contend that the trees in neighbouring properties have not had adequate tree root investigation in accordance with AS4970-2009. The landscape scheme, based on the architectural design layout, does not provide adequate landscape areas of deep soil that are not restricted by building proximity, to meet the requirements of the DCP. There are significant impacts of proposed works on trees to be retained, as well as insufficient canopy trees proposed to compensate the removal of significant trees within the site. The proposed development

does not provide an adequate setback area which would permit the planting of appropriate vegetation which could offer visual screening.



The G1 trees on the access handle as views from 30 Addison.

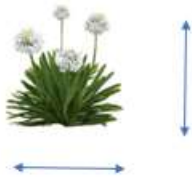


The G1 trees as viewed from the master bedroom of 30A which provides privacy to the living areas/bedrooms of 28A, B and C.



The G1 group of trees.

Drawing 1.



Agapanthus
1.5m high x 1.2m wide



Thuja orientalis
8m high x 2m wide