
From: Greg Whiteley
Sent: 20/03/2022 4:30:31 PM
To: Council Northernbeaches Mailbox
Subject: RE DA2021/1744_Submission by immediate neighbour in response to Council Conditions regarding front boundary

Dear Sir or Madam,

We make our out of sequence submission on the basis of council conditional responses to DA 2021/1744, for the property at 153 Queenscliff Road Queenscliff, owned by Mr and Mrs Capogreco.

I confirm that my wife and I are the owners of the adjoining property at 155 Queenscliff Road Queenscliff.

We note the following statements from Council in respect to the DA conditions:

Protection of Existing Street Trees All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street trees fronting the development site shall be protected in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites. All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree (s) is prohibited. The existing walling nominated for retention on drawing number DA1007 shall be preserved to the extent shown to ensure protection of the existing tree roots. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees. Should any problems arise with regard to the existing or proposed trees on public land during construction, Council's Tree Services section is to be contacted immediately to resolve the matter to Council's satisfaction and at the cost of the applicant. Reason: Street tree protection.

I am not certain who at council has made this recommendation. It is in my view completely inappropriate. I wonder openly whether the council officer involved has even inspected the site, and also whether the council engineers (responsible for the grounds in front of the property boundary) have really noted the proposed consent condition.

My reasoning is as follows.

Firstly, the old gum tree was removed from the location more than 20 years ago. The stump and root was left in place because of the instability of the land at the front of the property.

Secondly, when we commenced our renovations in 2010 there was a small landslip precisely adjacent to the land at question which required an emergency order (date 21 June 2010), issued after the planning and assessment officer (Mr Dale Martinuzzo) inspected the site at my request. Consequently, and having complied fully with the request, we strengthened the site adjacent planting several plants which our gardener at the time had as surplus. This was because the prior occupant at 153 was of diminished capacity at law, and refused to maintain the property onto the street.

Thirdly, as part of our own DA consent (DA 2010/1608), we reconstructed in accordance with engineering advice (including structural, geotechnical and civil engineering), a new sandstone wall at the front of our property at 155. The wall wraps slightly back towards number 153, in no small way to overcome the problems presented by the prior occupants of 153.

Fourthly, after the completion of our own renovations, the prior occupant (mentally disturbed), then erected without any approval a small besa block wall near to his own property boundary. He also erected a steel fence on top of the besa blocks. There are no foundations under the wall. It is sitting on disaggregated dirt, the rotting tree and stump remaining at the front of the property, and held in place by the trees we planted simply to hold it all together until such time as the property was appropriately renovated. As a consequence of our planting some trees, the previous occupant planted a camphor laurel tree, which he later removed as it obstructed his view. The roots of this tree were never removed and materially add to the problems at the front boundary of 153.

So, the immediate area is sufficiently unstable that the besa block wall has cracked (quite some time ago), and is slowly moving forward past the property boundary and towards the street at 153.

The entire section of that parcel of land in front of the property is currently held in place by a small block wall

above the curb and gutter, which was placed there by council, and which has constant ugly weed growth and water leakage (threatening to undermine the entire front property of number 153).

We further note, that on the council website, the engineering referral document from councils own engineers, recommends both removal of the trees, and removal of the dangerous besa block wall.

Our response to DA 2021/1744

We were delighted with the proposed development application in its original form. The applicant and ourselves have resolved a structural solution to the retaining wall which we erected at the time of our development. We are happy to work with the applicant to ensure that the structure is stabilised, safe and pleasant to look at from the street.

The council suggestion to retain the existing two trees, is in our view completely unsound and invites land slippage back onto our property or onto the street below. In my professional opinion, the best solution, and the safest solution, is to go with the original proposal which is to remove all of the dirt, trees and tree roots and dirt, and re-engineer the entire front section as was originally proposed.

We will be happy to meet with council and our neighbour, on site, to discuss and resolve these issues. The council intention for trees is simply not appropriate for in the front of this site at 153 Queenscliff Road. There is not enough land and there is no foot path possible.

We ask council to reconsider its conditions for DA 2021/1744 and revert to the original proposal from the applicants.

Yours sincerely

Dr Greg & Mrs Michelle Whiteley

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