

Without Prejudice

Dr Stephen Lesiuk.

Architect for Development of 6 Mitchell Road
Palm Beach

Dear Stephen,

I write on behalf to the Committee of the Friends of the Palm Beach Bible Garden, ("The Friends"), in respect of your proposed plans and the Development Application with respect to 6 Mitchell Road, being the cottage that is constructed under the access roadway that adjoins the Palm Beach Bible Garden.

At the outset can I note that the Committee has been very appreciative of the consultations that you have undertaken with us and in particular the erection of the height poles that allowed us to judge how various proposals would have impact on the Garden.

The Friends of the Palm Beach Bible Garden feel fully consulted on the proposed design of the Cottage.

We note that the Height Poles that were erected indicated that the level, RL 74.500, is consistent with the covenant that applies to the Cottage .

We are aware that there is a significant height difference between the Existing Bible Garden Lower Terrace -being at RL 76.300 and the Covenant Level of RL74.500 and that access from the Bible Garden would have required stairs or some other method of accessing the area above the proposed garage at the RL 74.500 level.

As a result it was agreed by the "Friends" that they will not seek to to extend the existing level by way of steps or other means to to access the lower terrace at RL 74.500. There is no pedestrian access at present from the lower terrace of the Bible Garden and this is how it will remain as far as we are concerned.

We noted that, the plans, as submitted to us, propose that there will be no access for recreational purposes to the RL 74.500 level by the owner of the Dwelling Site and we agree with this proposal.

Notwithstanding, it is agreed that, as advised by you, the maintenance of the "Roof Garden" ,that is proposed at RL 74.500, in order to produce a harmonious vista over the garage, will be the total responsibility of the owner of the Dwelling Site who, we are further advised, will maintain it in a manner consistent with a standard that is consistent with the general milieu of the Bible Garden.

We also noted your guarantees that any works on the "Dwelling Site" that impact on the Bible Garden (e.g. the existing Balustrade and plantings that form the barrier between the Garden and the Dwelling site), will be rectified at the cost of the owner of the Dwelling Site and that there will be no cost to the Friends of the Bible Garden or the Owner of the Garden, that being the Northern Beaches Council.

In addition, whilst this is obviously also a matter for the "Council" , we would seek that prior to any works commencing, a detailed "Dilapidation Report" prepared by a Structural Engineer, will be provided to the Committee of the Friends of the Bible Garden, in order for us to confirm the status of the structural assists to the Bible Garden, specifically the wall that underpins the lower level of the Bible Garden.

In addition, we need to be assured through the report prepared by your Arborist and any Ecological Studies, will ensure the protection of all existing trees in the Bible Garden and will inform any future Builder as to the protection measures to be undertaken during any construction works.

And finally, that the Geotechnical Report identifies techniques and strategies to maintain the existing rock faces and ledges to ensure the geological stability of the Bible Garden into the future.

For the removal of doubt, we again assert, that any and all works identified will be the responsibility of the owner of the Dwelling Site and that there will be no claims against the "Friends of the Palm Beach Bible Garden" for any remedial Geotechnical Works.

In conclusion, we note, of course , that the Northern Beaches Council, as the ultimate owner of the Palm Beach Bible Garden, will have its own views on these matters.

Once again , thank you for your endeavours in keeping us alert to the issues that are developing in relation to 6 Mitchell Road and we await the further developments.

Yours Sincerely

Dr Stuart Spring

President

Friends of the Palm Beach Bible Garden

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