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**From:** Luke Dunkerley  
**Sent:** 4/04/2024 10:57:39 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** TRIMMED: Submission regarding DA2024/0165 - 28 Stuart St. Collaroy  
**Attachments:** Submission to NBC re DA20240165 - 28 Stuart St..pdf;

To the Development Assessment Team.

Thank you for notifying us of the above proposed development. Our submission in response to the relevant plans and reports, as viewed on the Council's website, is attached.

Best regards,

Luke & Roula Dunkelrey

**Submission from:** Luke & Roula Dunkerley of 26 Stuart Street, Collaroy  
**Regarding:** NOTICE OF PROPOSED DEVELOPMENT  
**Application No.** DA2024/0165  
**Address:** Lot 1 DP 1199598 - 28 Stuart Street COLLAROY  
**DATE:** 4 April 2024

Thank you for inviting us to write a submission regarding the above Development Application. We have looked carefully at the plans and related documents on the Council's website.

We understand that this application follows the refusal by Council on 14 December 2022 of a previous Development Application by this applicant for this site. We also understand that this application seeks to address the issues that were cited by Council as grounds for that refusal.

However, we do seek answers from the Northern Beaches Council Development Assessment Team to three important questions regarding DA2024/0165.

**1. Arboricultural Impact Assessment**

We are happy to see that the application now includes an Arboricultural Impact Assessment. In that assessment, the tree referred to as "Tree 1", while planted on our property at 26 Stuart Street, has roots, branches and foliage that extend well into 28 Stuart Street. Quite rightly, the assessment by Growing My Way requires that this tree, a *Glochidion Ferdinandi*, be Retained, Protected & Managed.

However, there is another substantial tree on our property, also close to the common boundary, that does not appear in the Arborist's assessment. It is a mature native, a *Lophostemon Confertus* (Box Brush).

***Has it not been listed by the arborist because it is assumed not to have roots running into the area planned for excavation?***

We treasure this beautiful native tree and are passionate that it is not damaged during the substantial excavations and construction of such a large building next door.

***Like "Tree 1", we need it to be Retained, Protected & Managed.***

**2. Waste Management Plan**

We notice that the Waste Management Plan provided with DA2024/0165 is the same document that was tabled by the developer Vigor Master Pty Ltd on 28 April 2021, when the first application for a new dwelling at 28 Stuart Street was lodged. At the time, we asked Council why, in **Section 2, Construction**, there is no acknowledgement of the fact that the principal building currently standing at 28 Stuart Street is clad principally in **Asbestos Cement Sheeting**. Other than a band of weatherboard reaching the base of the window line, we believe this dwelling, originally built in 1937, is clad entirely in 'asbestos fibro' externally, and possibly internally also. Yet on page 7 of the plan, on the table listing Types of Waste Material, against the word **Asbestos** the form is blank.

***Can we be assured that Demolition and Waste Management Plans for the removal of this Asbestos Cement Sheeting will be supplied to council and shared with us before any development can be considered? One of us has just been diagnosed with Sarcoidosis so we are all the more insistent that this critical detail does not remain overlooked.***

### 3. Report - Geotechnical

We notice that the report by the White Geotechnical Group is also a reproduction of a previous report, dated 2 December 2021. With both the current application and the 2022 application that precedes it, we note that the author of the report has attached a cover letter with comments relevant to the modified plans. However, the contradiction in the report that we have pointed out previously remains unaddressed. While the 2022 addendum does contain the phrase "The proposed works will not require any work or undercutting to neighbouring adjoining land, provided the works are carried out with good building practice and the recommendations in the original report are followed", we would still like reassurance that there will be no intention to excavate under our property as this undertaking conflicts with a comment in the body of the report. As mentioned in our previous communications, the Geotech report, under the title "Geotechnical Hazards and Risk Analysis" reads:

*"The proposed excavation for the house undercutting the concrete retaining wall on the W side of the house (Photo 21), timber retaining wall that runs along part of the W common boundary (Photos 18 & 19) and concrete block retaining wall that runs along part of the E common boundary (Photo 20) is a potential hazard".*

That concrete block retaining wall is entirely on our property, not on the E common boundary - we had it built at least 45cm inside our property. To undercut it would require excavating underneath our property.

***Can we have some assurance that there will be no excavation beyond the boundary between 28 Stuart Street and our property at 26 Stuart Street?***

On a final note, we are sure Council is aware of the peculiarly difficult access issues relating to Stuart Street, Collaroy. As you would know, there is no cul-de-sac or turning bay at the end of the street (right where this development would be taking place). With almost every building in the street being an apartment block, the amount of traffic and parking this relatively short street needs to handle is extraordinary, especially as there is just one entry and exit, and traffic can only move in one direction at any given time. For this reason, each Friday the drivers of URM garbage trucks do an amazing job reversing their vehicles up the narrow stretch between parked cars to provide their essential services.

As this application is for a building that appears to be largely constructed of concrete and requiring the removal of 250 cubic metres of fill, the thought of a constant stream of dump trucks and concrete mixers reversing up this overcrowded street, along with cranes and countless other vehicles, is mind boggling. During the recent construction of 30 Stuart Street, a much simpler development by comparison being a lightweight building on steel posts, some cars were damaged and incredible delays were caused when massive articulated semi-trailers were being manoeuvred and parked in the centre of the street, blocking some driveways for extended periods. We are aware that development is inevitable and that it always comes at some cost, but it is worth mentioning that the burden this development will place on the ratepayers of Stuart Street will be extraordinary.

Once again, thank you for inviting us to write a submission regarding the above Development Application. We look to receiving answers to our questions above.

Kind regards,

Luke & Roula Dunkerley