
From: John Lawson
Sent: 3/12/2023 2:28:31 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED DA2023/1023 32 Loblay Crescent Bilgola Plateau Submission opposing the Development Application - revised Architectural Plans and Revised Arborist Report
Attachments: D03 - Revised.pdf; New Sandstone steps impact in our bedroom.jpg; 231130 Flowering Lilli Pilli at front 34 Loblay 2.jpg; 231201 G3 Lilli Pilli roots.jpg; 231201 G3 Lilli Pilli view looking south.jpg; 231201 Lilli Pilli G3 roots P3.jpg; 231201 Tree fern in G3 location not picked up in Arborist rpt.jpg; 231201 Viburnum G2 trees- wall.jpg; 231201 Viburnum roots.jpg; 231201 Viburnum tree root .jpg; Tree 1 P3 root .jpg; Tree 1 P2.jpg; Tree 1 P1.jpg;

Attention: Mr. Phil Lane

Mr. Lane – Further to our recent request re the Revised Architectural plans being placed on the Council's portal many thanks for arranging for same.

We have detailed below our additional submission after reviewing the Council's revised Landscape Referral Response and the Revised Architectural Plans DA-01A, 02A & 03A. as well as the revised Arboricultural Impact Assessment by Treeism Arboricultural Services.

We also refer to our detailed submission of 15th August 2023 and also our submission of 21st August 2023 regarding Council's Natural Environment Referral Response- Biodiversity. We will not repeat the items referred to within our 15th August and 21st August submission unless they are impacted by or have relevance to the revised Architectural Drawings and the revised Arboricultural Report for Treeism.

We have detailed following our submission/ review of the issues relating to the Revised Drawings and the Arboricultural Report under two separate headings for ease of analysis.

1. Revised Architectural Drawings DA 01A/ 02A and 03/A

1. Drawings DA-01A and 02A

- a. We note that the primary variation on these plans is a setback of the proposed retaining wall of 500mm from the boundary for Tree1 at the southeast corner of our property for approx. 1700mm. Although this is appreciated, understood in order to possibly rectify impact on the tree we believe that it does not address the issues below: -
 - The retaining wall is still on the boundary and NOT setback 1m from the boundary as the height of the wall is greater than 600mm. I note that I have attached a copy of a plan and Council DA portal for an approved Council DA for 12 Loblay Crescent noting that as part of the works, was the construction of a retaining wall on/ near the boundary. After talking to the applicant, I was advised that Council required the applicant to relocate the retaining wall 1m from the boundary. I note that this appears to be a standard Council requirement and I am assuming that Council does not want to create a precedent here / recant previous requirements. We ask that Council **REQUIRE** the wall to be built 1m from the boundary.
 - The setback being only 500mm does not obviate the possible damage that will be caused to the tree roof structure of Tree 1/G1 & G2 as no details have been provided as to how

this is to be performed. There are NO "Engineering Details" provided in the submission i.e. I refer to my previous submission of 15th August pointing out that an Engineered solution is required for any footing/ excavation around the root structure of the trees in order to avoid same – in particular, Tree 1 but also got the hedges Trees G1 & G2.

- No Construction Methodology statement has been provided enabling a review of the required Construction processes and their effects on the trees and on our property
- The Drawings shows as a result of the Arborist report that the northeast corner hedge on our property is Marraya – **this is totally incorrect** – this is in fact as I have previously advised in my 15th and 21st August submission a Lilli Pilli hedge – a native species - I will reference this in the this in the Arborist report below.
- I further note that on these 2 Drawings there is, and I reference the original Arborist report, a tree in the applicants rear yard that is no longer there – an Angophora that was removed 1st November.
- I highlight again issues that were raised in our submission of 15th August regarding drainage aspects/ incorrect survey details re positioning of our house relative to the applicants' pool/ deck/ proposed stairs at the end of the proposed fencing etc. – confirmed by Councils Town planner in his determination/ notes for the applicants DA2022/1768.
- I further highlight again our submission of 15th August re the impact/ locations of the fence to be built.

2. Drawing DA-03A

- I advise again that the shown levels of the existing brick retaining wall and the actual existing ground levels, as well as our sandstone steps leading to our rear yard are either not shown or are incorrect. Please see again the attached hand drawn sketch of DA-03 Revised 12-8-23 showing the correct situation (file D-03 revised) . Further to this also please review previous photos that show the existing rock outcrops that would be covered by a fence as well as photos of our existing steps/ landscape infrastructure that would be damaged/ requiring rectification / rebuild in order for us to gain access to our rear yard.
- Further I highlight again the effect that the applicants sandstone steps will have on enabling the applicant to view into our northeast bedroom via the skylight as well as via south facing windows due to the elevation of the steps. Please see the attached photo taken from inside bedroom looking towards the steps though the skylight in the roof.
- Again, no information re Engineers Details re the sandstone wall construction / footings and their impact on Tree1 as well as again the drainage aspects involved.

2. Revised Arboricultural Impact Assessment

1) Page 3 – We note that the Arborist made the statement that NO root mapping or woody tissue testing was performed – please see attached various photos of all of the trees involved (Tree1/ G2 & G3) that show the root structures leading under existing retaining walls and highlighting the effects that excavation/ footing construction will have on these root structures .

2) Page 5 - We have stated previously that they would be severely impacted by a construction of a wall ON the boundary and the Arborist has stated that the SRZ and the TPZ would be severely affected - "major impact" by the proposal. This can not be ignored and again the issue of G3 trees being **Lilli Pilli NOT Marraya** and this needs to be considered/ revaluated by Councils Landscape Referral response as they have evaluated the information based on INCORRECT DATA I note that at Tree 1 the TPZ encroachment is 33.6% a very HIGH number

3) Page 6 Table 1 states that the trees assessed as G3 are Marraya this is **totally incorrect** these are Lilli Pillie's, a native species not exotic as shown and certainly not with a Low Retention Value I note that the Arborist has stated that they did NOT attend the site but determined this off Google street view. This is factually incorrect and as such I don't believe that Council can take any comfort / input in regard to Trees G3 from this report Please see a photo that we referred to in our submission 15th August that shows the trees in question and that the Arborist could have reviewed if they had chosen to The retention Value of these trees I should regard as High . I also note the presence of a very large / old tree fern (greater than 40 years old) in the run of the G3 trees as well that is not documented in the report and WILL be affected by the wall construction. See attached photo Tree Fern In G3.

We note in regard to Tree 1 the comment from the Arborist that " it is highly unlikely that roots have breached the existing retaining wall" We disagree completely with this statement, understood that the Arborist did not come into our property but as you can see from the attached photo files Tree 1 P1 / P2 and P3 these show the tree root situation v the existing retaining walls.

4) Page 7 – Tree Group G2= Sweet Viburnum – again we note the comments from the Arborist re SRZ and TPZ impacts will be involved with the proposal Again, we highlight our previous comments that NO Engineered solution has been provided re wall/ footing impacts on the trees I note that the hedge has been pruned by the DA applicant after the DA was submitted Please see previous submission for photos.

5) Page 8 – Tree Group 3 – again I highlight that the Arborist is incorrect in referencing the tree as Marraya they are Lilli Pilli along with the aforementioned tree fern in place Again, I note the effect that the proposed wall will have re SRZ and TPZ impacts- acknowledged by the Arborist themselves Again, I highlight that the DA applicant has just recently (well after the DA lodgment) pruned these trees extensively himself. Please see the attached outlook file Lilli Pilli removal for various photos

6) Page 9/ 10 Items 4.1.3 we note that the Arborist had stated that ALL trees will have MAJOR encroachment into their SRZ and TPZ aspects. In Point 4.1.4 we do not agree with the comment that "provided the recommendations of this report are adhered to , all trees proposed for retention shall remain viable."

We refer to Item 5.2.2 and 5.3.1 noting that "ALL Pruning shall be assessed prior to performing same and MUST be undertaken by a qualified minimum AQF Level 3 Arborist and "pruning shall not be undertaken by unqualified site personnel at any time".

We specifically highlight that the applicant himself for the DA **has already pruned the location of G2 and G3 trees by Himself**(as observed by us) ignoring these requirements and the DA aspect condition NOT to undertake any vegetation removal. This demonstrates and reinforces our view that the proposed stated tree protection/ pruning aspects will NOT occur in accordance with these requirements. As we stated in our submission of 15th August the only

way that this can occur without coercive control is for an Independent Arborist to be appointed by ourselves to manage/ monitor the situation but paid for by the applicant. There is a vested interest here that cannot be ignored as shown by our experience and the deeds already performed as the applicant is himself the Project Manager/ Head Contractor/ Site Manager himself.

If this DA is allowed to be passed and the trees that ARE ON OUR PROPERTY are damaged, die off over time who will pay for their rectification/ removal/ replanting with mature trees on a like for like basis. This is the basis and the requirement for a \$20,000.00 bond to be lodged and an access agreement to be in place PRIOR to any works being performed (all as stated in our 15th August submission). There has to be a financial imposition in place to ensure that any damage to our property is rectified.

7) Page 22 & 23 – noted that yes, the wall is defective and further noted that the Arborist has recanted her comment that the tree is held up by the wall. As we have previously stated the tree is holding up the wall. The wall was never built correctly in the first place – single skin brick was never suitable. This tree as we stated on 15th August is over 40 years old – it is the same height as when we moved into this house 28 years ago – so its quite old.

SUMMARY

We advise that as previously stated above and please refer to our Submission dated 15th august and 21st August. :-

- Object to the construction/ approval of the proposal for the retaining wall on the boundary - We require the proposed retaining wall to have a 1m setback from the boundary as per Councils standard requirements.
- We object to the coverage of the existing rock face with a timber paling fence and the height impacections that will result and its effect on our sandstone retaining wall etc.
- We object to the imposition on our privacy re viewing into our home via the proposed steps.
- We object to the possible damage/ destruction of the tress Tree1, Trees G2 & G3 by the construction of the proposed retaining wall and its impact on biodiversity / the landscape environment and require the lodgment of a \$20K bond and an access agreement onto our land.
- We request the provision of further information re proposed Engineering details for the retaining wall/ wall footings and the treatment/ handling of drainage lines and discharge of same.
- We do not agree to any use of the air space above our property re transference/ craneage of tree matter concrete/ sandstone blocks etc. during construction.
- We require an Independent Arborist to be involved paid for by the applicant to ensure as little impact on our property/ trees / landscape infrastructure.
- The replacement / rectification of our sandstone steps landscaping leading to our rear yard.

- If any site workers are required to attend our property, then prior to any works being performed we receive copies of all licenses/ Copies of Workers Compensation and Public Risk Insurances
- We receive a Construction Methodology Statement prior to any construction commencing / approval of the DA reflecting all of the above aspects to ensure all relevant procedures are in place to minimize any impact on our property

Many thanks for your time in reading this additional submission and our last request would again be for a site visit be undertaken to our home prior to any final decision re the DA so that you might visually see the issues involved

Again thanks

Kind regards

John Lawson B.E. Civil

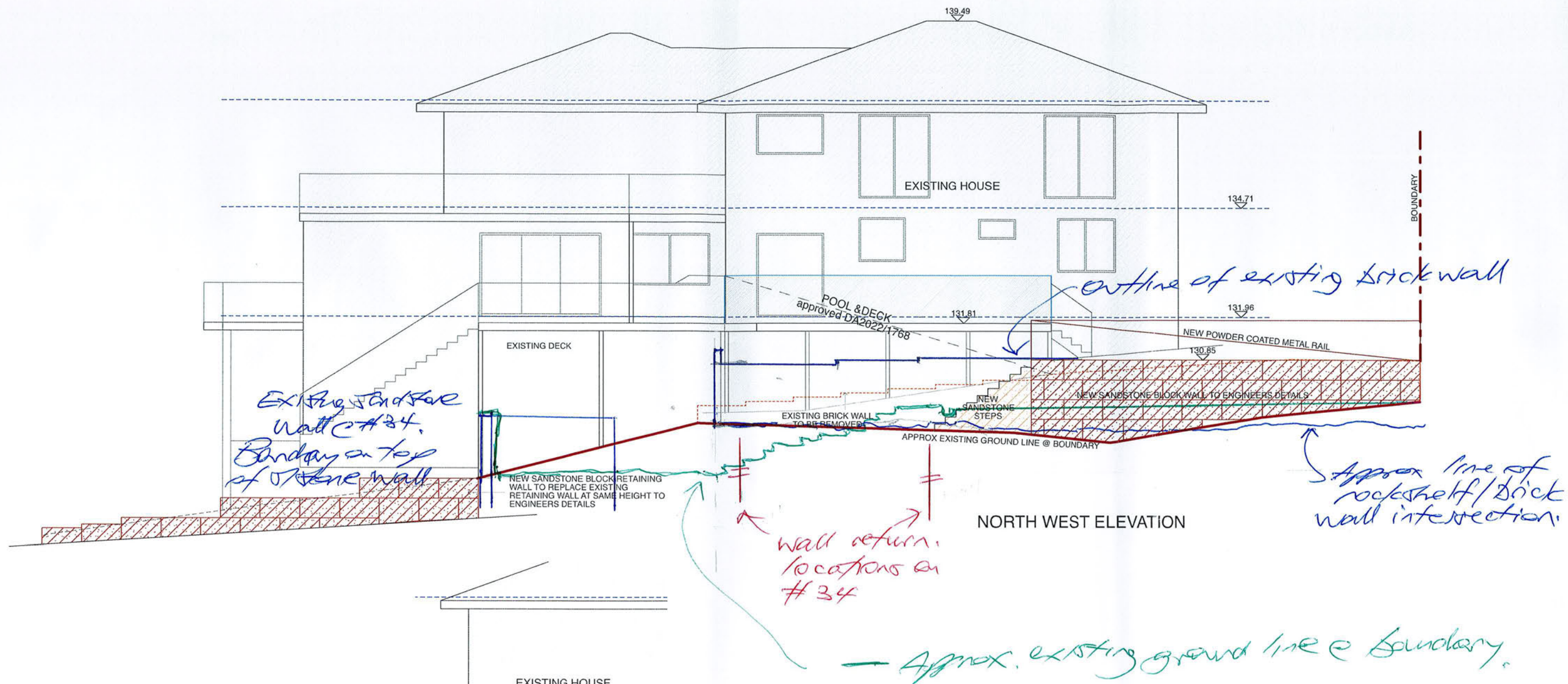
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AMENDMENTS	JO WILLMORE DESIGNS 11 Hudson Parade Clareville NSW 2107 (02) 9918 2479 ABN 27 370 370 173	PROPOSED RETAINING WALL for: J. Brunker at: LOT 16, DP 236420, 32 Loblay Crescent BILGOLA PLATEAU, 2107	drawing title ELEVATION & SECTION NOTE: Use figured dimension only. Do not scale off drawings. All levels and dimensions to be verified prior to construction of work	date: JUNE 2023 scale: 1:100 (A3) drawing number RW DA-03
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Revised 12-8-23























