

# Submission on Development Application DA2017/0197

I am hoping all submissions for DA2017/0197 and DA2017/0198 will be read jointly as both DAs are for the same, un-subdivided, block of land and many of the objections will have a common basis. For Council to fully understand the development issues I would hope that both DAs would be dealt with together.

## Excessive Proposed Development

- These DAs (DA2017/0197 and DA2017/0198) are designed to maximise profit at the detriment of the natural environment. The development will annihilate an important ecological habitat with two houses being built boundary to boundary and on an un-subdivided block. Near century old huge trees, magnificent sea-marked huge sandstone outcrops and abundant flora and fauna will simply be erased from the landscape. There is no need for this development except to make money. This brilliant block is a superb place to build a modern house AND to enjoy and respect the natural environment that people move to Oatley to appreciate. Some minimal damage to the natural environment would inevitably take place, however this total decimation beggars belief.

## Environmental

- The huge Blackbutt trees (*Eucalyptus pilularis*) at 23 Bay Road Oatley provide an amazing canopy and the benefits are multi-layered. These are decades old trees, most would be close to 100 years old. I first explored them in 1966 as a five-year-old when I moved next door into No.21. The two double blocks side by side were already a wildlife sanctuary to compliment the local Oatley Park and Lime Kiln Bay Bushland Sanctuary. The trees were well-established and decades old back in 1966 and most were already over 10 metres in height. They are mostly local indigenous Blackbutts and are forest formed trees. Exactly the type of mature, naturally sown trees that need to be protected. Instead this application calls for the removal of 30 trees and most probably 5 others that will be heavily affected by the development.
- This is a significant natural habitat for vast species of birds, insects and reptiles. Huge Stagorns (*Platyserium grande*) have grown from wind spread spawn, the bird life is stunning including owls, many reptiles including lizards and geckos abound. If the environment there was the subject of a study the results would be very significant. In a year, one of these trees cools like 10 air conditioners running continuously and filters 27 kilograms of pollutants from the air (Source ; National Environmental Education Foundation (NEEF) and the American Meteorological Society (AMS) website). One of these single mature trees can absorb carbon dioxide at a rate of 21 kg/year and release enough oxygen back into the atmosphere to support 2 people's needs. (McAliney, M, 1993). The layered ecosystem the trees nurture is also highly significant.
- Georges River Council in a recent media release (25/08/2015) admirably stated that as part of the broader Urban Forest Strategy it would be introducing a Tree Canopy Enhancement Program. Most councils are adopting similar measures where they are trying to increase the average total canopy cover, they view trees as critical infrastructure and they are focusing on protecting and maintaining larger longer lived canopy trees. The urban forest, measured as a canopy cover percentage of the total land area, is recognised as a primary component of the urban ecosystem and seen as a continuous resource regardless of ownership boundaries (LGA NSW 2003). Research has shown that tree size does matter - the benefits of trees increase exponentially with size and increase in leaf area. Sydney City Council

conducted a GIS-based tree canopy study in 2008. It found that only 3% of all trees in Sydney City Council were over 20 metres in height (City of Sydney – Urban Forest Strategy 2013). 16 of the 36 trees under this development proposal are over 20 metres in height (DA2017/0197 – 7 to be removed, 3 more will be lost through “major impact” from building works, DA2017/0198 – 5 removed, one to stay on Council land).

#### Regulatory

- These lots are in the Council’s Foreshore Scenic Protection Area under the Hurstville Local Environment Plan 2012. As such the “natural, visual, environmental and heritage qualities” of the site should be “recognise(d), protect(ed) and enhance(d)”. “Development consent must not be granted” without considering how development will “affect the natural environment, including topography, rock formations, canopy vegetation” and by “maintaining the dominance of landscape over built form”. This development proposal flagrantly ignores the Council’s LEP.
- The developer’s own Arborist’s Report even states that the “trees on site are significant... with high ecological value...consistent with forest formed trees...all these trees are seemingly co-dependent where they have developed forest like characteristics”. He also states that the trees are healthy and that “there are no aboricultural reasons” to “remove (the) trees” other than the development. It is a pity the Arborist’s Report didn’t emphasise the previous Foreshore Scenic Protection Area or the Tree Canopy Enhancement Program rather than looking for an out with detailed reflection on the 10/50 Vegetation Clearing Area and a concluding hope that Council would put up with massive land clearing if one or two trees remained on Council’s own footpath. Also, the 10/50 Vegetation Clearing Area is irrelevant as there is no current building on the front two-thirds of the property. It is putting the cart before the horse so to speak.

#### Impacts on 21 Bay Road

- This development will halve the natural environment habitat 21 Bay Road helps to support. The total annihilation of the environment in 23 Bay Road will irreversibly change the natural ecosystem in 21 Bay Road. The adjoined blocks have worked together as their own flora and fauna sanctuary long before the neglected Lime Kiln Bay was wonderfully restored as a sanctuary by Council.
- If the developer/owner is going to start invoking 10/50 Vegetation Clearing how will this affect 21 Bay Road in the future? Are the trees in No21 expected to go as well? as hinted with the aggressive language in the Bushfire Hazard Assessment Report of “Council could seek to issue notice under Section 66 of the Rural Fires Act on any or all surrounding properties for the purposes of reducing and maintaining safe levels of vegetation”. Where does this stop?
- Significant building effects exist on the trees in 21 Bay Road from this proposed development. Some huge trees (over 20m tall) are near the boundary. Their roots will suffer terribly from what the Arborist describes as “indirect impacts”. “Mechanical damage from plant and machinery”, “indirect root injury from soil compaction”, “soil contamination”, “soil grade changes” and the “landscaping impact of paths and driveways”. One magnificent tree 25m tall is right next to the boundary on the No.21 side. The natural ground soil level for this tree will reduce by nearly 4 metres on the 23 Bay Road side a metre from the tree trunk meaning it will die (DA2017/0198 – Section CC in the Drawing Schedule shows the natural

ground level and the Stormwater Concept Design shows the tree trunk right next to the street level basement on the first diagram). Not even mentioned in the Arborist's Report.

- The house structure at 21 Bay Road could be compromised. It is built sitting high on top of a sandstone rock outcrop that the Geotechnical Investigation Report describes as predominantly very low to low strength. The house is even counter-levered over a sheer drop. This is the same sandstone rock outcrop that both houses at DA2017/0187 and DA2017/1098 will be gauging into at the southern end of the property. The Report says a hydraulic hammer is most likely to be used and this could cause significant problems for adjoining properties. Who is guaranteeing that damage won't be done? It seems highly likely. All three boreholes on 23 Bay Road had to be terminated due to "practical refusal on sandstone" at depths of only 35 -60cms.
- At the front of the property are a series of huge sandstone sea aged outcrops which form an essential part of the natural environment supporting both the flora and fauna. These are in 21 Bay Road, 23 Bay Road and on the Council footpath. Some cross over boundary lines. What impact will this have on rock features in No.21 which are shared with No.23 when this development is gauged out in No.23? This is sandstone and will easily crack. Is Council concerned about the huge rock being gauged out on Council land at the front of DA2017/0198?

#### Community

- The natural environment at 23 Bay Road has formed a significant part of the streetscape for over 50 years that I have known it. It, along with No.21, is a natural oasis that locals stop and admire. It is a pathway for local birds, insects and reptiles. It is something that should be protected. The sea aged outcrop at the front of No.23 is a feature the Council and the community owns.

#### Conclusion

- DA2017/0197 and DA2017/0198 are designed to exploit the environment for material gain. They totally undermine the Council's own LEP (Foreshore Scenic Protection Area) and the announced Tree Canopy Enhancement Program.
- Many residential developments have taken place in Bay Road Oatley over the last 20 years. About ten have been knock-down rebuilds. None have come even close to 5% of the destruction to the natural environment that this development demands.
- When we need to protect the environment more than at any other time in the history of mankind this development proposal is vastly out of touch with community expectations.