

Greg & Bernadette O'Neill
137 Riverview Rd
Avalon Beach. NSW 2107
30 January 2025

Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Planner, Development Assessment

RE: DA 2024/1794 –139& 141 Riverview Rd, Avalon Beach

As immediate southern neighbours to this proposed development, we have reviewed the documentation posted on Council's website on 18 December 2024 and submit the following comments. The detailed information submitted provides significant clarification to the images provided to us by the applicant's owners/architect at a meeting at our house on 11 December 2024.

Excavation

The proposed dwelling has been lowered into the sloping site attempting to achieve compliance with the height limits. This has limited the visual impact, overshadowing and some privacy issues for us. It does however result in extreme excavation requirements. Excavation depths for the LGF of the house range from approximately 3.0m at the western perimeter to something like 15.0m at the eastern perimeter. The underground garage requires excavation up to approximately 9.0m depth. The lift shaft to the Riverview Rd carport from the garage requires excavation of 11.0m. Overall these depth requirements combined with the size of the dwelling will result in the removal of not hundreds, but thousands of cubic metres of excavation. The Statement of Environmental Effects at Cl 7.2 describes the proposal as requiring "some excavation". Attachment A is a view of the excavated site. Attachment B & C illustrates the extent of the proposed excavation.

A major concern is the depth of excavation for the retaining wall that is proposed to be located directly on our northern boundary. This retaining wall, to create a 1.0m wide external stair from the 2nd floor to the GF, and a BBQ area at the GF, varies in height from 1.0 to 12.5m high, over a length of 27 metres. This is to be topped with a 1800mm high fence. Attachment A provides a marked up South Elevation showing the position of our house relative to the proposed development and an outline of the proposed excavation.

The proposed 1.0m southern access stair width does not make any provision for the thickness of the retaining wall as it fully accounts for all the space between the dwelling and the boundary. The construction of this wall will require some significant engineering. If requiring piers this wall could possibly be in the order of 500mm thick. If this is the case, to avoid any intrusion into our property, the stair cannot be the width currently shown. If a 1.0m wide stair is required, the dwelling will need to be located further to the north by a minimum 500mm. Even with this relocation, the proposal would provide zero setback for landscape to the common boundary and we would be left with no landscape screening to the proposed dwelling. The stair location is completely inappropriate in consideration of

the setback and should be relocated to the north of the dwelling. With a site width of over 26m, we consider that the proposed dwelling should be located 2.5m off our common boundary as an appropriate siting. This would also serve to minimise the issue of extreme depths of excavation directly against our boundary.

It is noted that the excavation plans (DA 420) does not indicate the additional excavation required for the 600mm drainage/ventilation voids shown on the architectural plans nor the excavation required for the foreshore flat lawn.

At the NW corner of the lowest level of our house there is an external area of sandstone paving between the house and our northern boundary. This paving, located at RL 15.43, is supported by a treated timber retaining wall 4.5m long. There is a 3m section of our wall adjacent the most western end of the stair retaining wall, however the remainder is to be excavated to a lower level to suit the pool access stairs. Our wall will require underpinning.

As required by the Pittwater LEP 2014 “ the effect of the development on the existing or likely amenity of adjoining properties” must be considered when granting development consent for earthworks.

Privacy

Our house has significant areas of glass to the eastern façade of our living room comprising large sliding glass doors with highlight windows above. Located only some 6 - 7m from the proposed 2nd floor library and its Juliet balcony, we believe it will be possible to view directly into our living area, particularly from the eastern terrace directly off our living area.

A possible solution to this privacy issue would be to replace the area of wall to the library covered by the sliding sun screens with a solid wall, reduce the overall length of the balcony and introduce a privacy screen across the full depth at the southern end of the balcony.

The installation of height poles would help to clarify the extent of this issue.

Our Trees

Of the 4 trees located outside the site and identified in the Arborists report as having TPZ encroachment, 3 are located along our northern boundary. Two of these have been classified as Major Encroachments and 1 as Minor. None of these boundary trees have been assessed for height, crown spread, health or structural condition. The report states that all woody roots of these 3 trees, within the upper 600mm of the soil profile shall be cleanly pruned. For the trees designated P and Q it is stated at Cl 8.7 that existing structures should have restricted the tree root spread into the adjoining site and as the encroachments were only marginally greater than what could be classified as Minor, then the proposed development should not significantly impact the trees. These assumptions are broad generalisations and questionable given our recent experience, where a tree on our southern boundary died following construction of a new dwelling to the south of us.

Whilst the landscape drawing has shown the TPZ radius of the majority of trees within the applicants site, this has not been shown for any of the boundary trees in our property. Plotting of the TPZ radius of our trees has indicated significant encroachments by the

proposed works. Additionally the TPZ radius for Tree Q shown on P24 of the Arborists report is incorrect. These encroachments are shown on the Attachment D.

Of particular concern is tree Q, a large Spotted Gum and a feature of our garden. It is recorded as having a DBH of 800mm, however this has been measured as 840mm with the resultant TPZ increasing from 9.6m to 10.1m and the SRZ from 2.90 to 3.10m. The TPZ extends 6.5m into the site in an area where the excavation to the boundary ranges from 3.5 to 12m deep and results in an encroachment of 27.8%, almost into the SRZ. The extent of this Major encroachment cannot be ignored.

As Tree P has a 6.6m TPZ and this will extend 3.2m into area being excavated for the garage with an encroachment of 27.9%. If the area for the landscape embankment and service trenching is included, this increase to 40.4%.

Tree S, a significant Slash Pine, has a 9m TPZ and is encroached by both the house and the garage excavations where some of the deepest boundary excavation will occur. It has a 12% encroachment.

As stated in the Arborists report, the TPZ area is defined as the “**minimum area to maintain the long term viability of the tree**”. The Major Encroachments noted above provide an unacceptable risk to the long term viability of three of the major trees within our property. We request the applicant review the above and amend their proposal.

It is our opinion that the excessive excavation directly against our boundary will eventuate in these trees dying very quickly. This could be resolved with an increased boundary setback to our common boundary, and reduction of the excessive carparking area.

Applicants Trees -v- Site coverage

The application is seeking to consolidate two lots into one to accommodate the proposed development. The proposal to remove the majority of the trees on the site, including 8 Spotted Gums, is contrary to this current restriction. The combined excavation for the proposal resulting in the excessive tree removal, plus the pool and driveways will result in approximately 80-90% of the site covered by structure. The landscape ratio is overly reliant upon above slab landscape areas to achieve compliance where in reality there will be approximately 10-20% of the site as deep soil and retained landscape. We consider this unacceptable and non-compliant, as a result of excessive tree removal which in our opinion is directly out of character with the area and the council DCP for the desired future character.

In addition, there are inconsistencies in the documentation. Some trees, designated to be removed in the Arborists report are retained in the landscape planning, whilst others nominated to be retained are to be removed. Excavation works will affect some of the trees now indicated to be retained. The Arborists report needs to address the encroachments arising from these changes. Both T6 and T7 will have their TPZ encroached by excavation for the garage. T1 and T3 – 7, in addition to being affected by encroachments for building works, will also be affected by trenching for the installation of stormwater drainage and other service connections.

The Arborists report has T25 and T26 recorded as two separate Spotted Gums. It is in fact two trunks from a single tree that is joined at the base. This highly unusually structured tree should be retained.

Landscaping

The re-landscaping of the site is extensive and a number of the proposed species will be planted as mature trees. In the area adjacent the BBQ and our northern boundary, it is proposed to plant a grove of mature trees that have heights of between 6 –12m. If achieved, these heights will block the current views up Pittwater from NW corner of our house. We request that different species of trees, that achieve a lower mature height be planted in this area.

The Statement of Environmental Effects at D1.14 states “ In addition, it can be said that the proposal has been effectively integrated with the landform, through **retaining existing trees**, incorporating new multi level planting including additional canopy trees and ensuring a considerable landscape buffer areas in the front, **sides**, and rear of the site remain”. Only 12 trees are retained out of a total of 43 listed in the existing tree schedule. Additionally this statement is not true for the southern side of the dwelling, where an existing 22m length of existing landscape buffer will become a concrete retaining wall and stairs with no planting.

Survey Drawing

The survey shows tree 25 (jacaranda) being located within the applicant's property. This is incorrect, as previous surveys clearly indicate it located in our property. The position of an adjacent survey boundary peg confirms this. We are in agreement for this tree, which leans significantly into the applicant's property, being removed, provided it is removed above the large elkhorn currently growing on the base of the tree and the stump remains to accommodate this.

The survey drawing has not included several key details on our property directly adjacent the common boundary such as the inclinator, the northern external access stair adjacent our house and the retaining wall supporting the external paving at the north-western corner of the house. These elements should be shown so they can be properly considered and addressed in terms of the proposed development

Summary

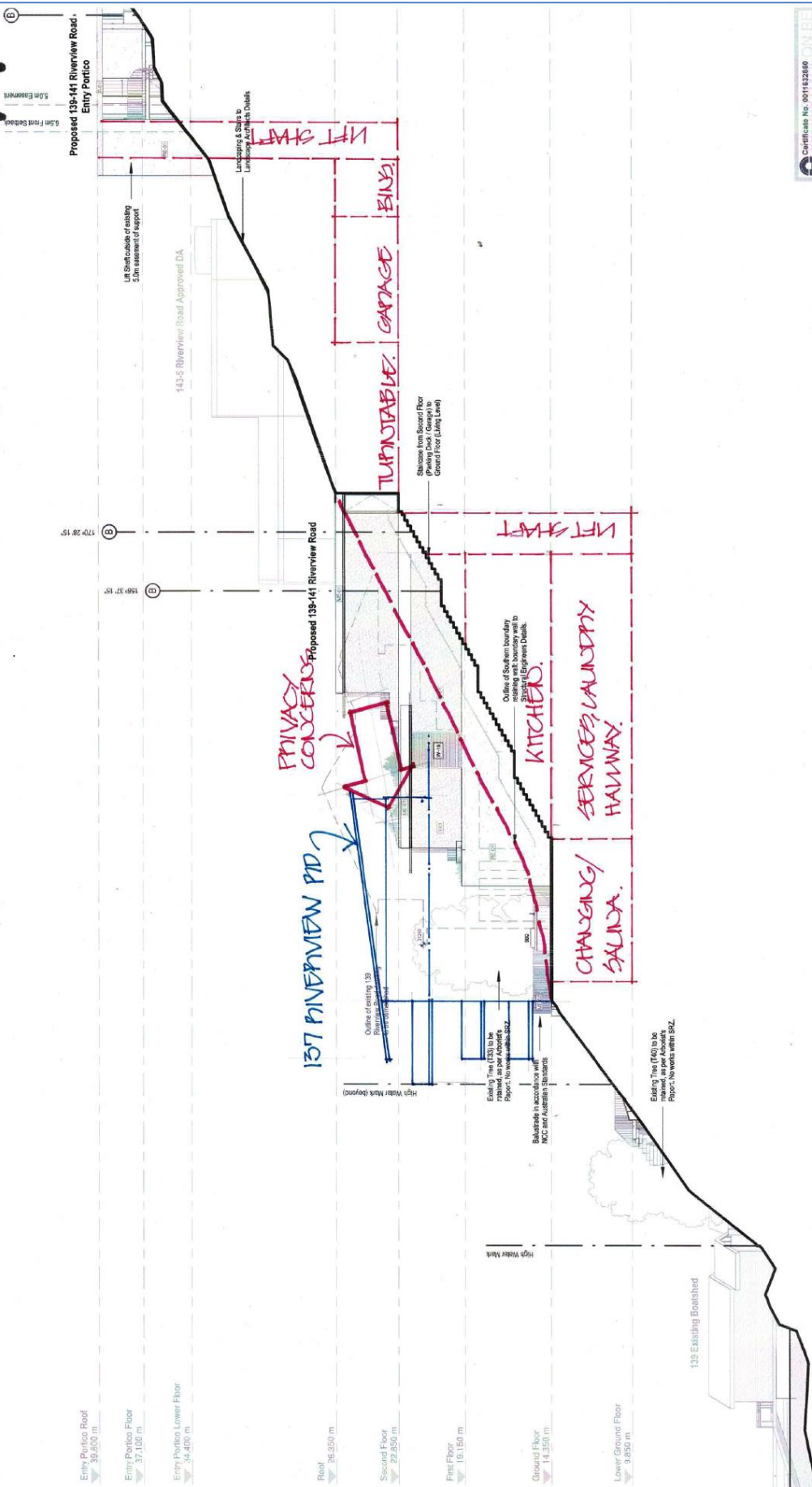
The proposal, whilst achieving height and envelope compliance, has done so by proposing a house that requires significant tree removal, massive excavation and retaining walls and has given insufficient consideration to impacts of boundary works on adjoining trees and structures.

The extent of excavation is in large caused by the excessive car parking. The proposal seeks 2 cars on the street and shows 4 cars at the lower level. This is misleading as the lower level is capable of housing 8 car in a stacked arrangement. This lower level parking should be restricted to the norther double garage and 6x6m space outside the garage which would still accommodate 6 cars on site, but would significantly reduce excavation and retain trees.

We are not in opposition to the site being developed, only in opposition to over development through excessive tree loss and excavation.

We welcome the opportunity to further discuss these matters with Council and the applicant and invite Council representatives to visit our property so they can gain a clearer understanding of these matters.

Greg & Bernadette O'Neill



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Project:

Riverview House II

139-141 Riverview Road, Avalon Beach

Drawing:

South Elevation

Scale 1:200 @ A3

Client:

MMIG Developments Pty Ltd

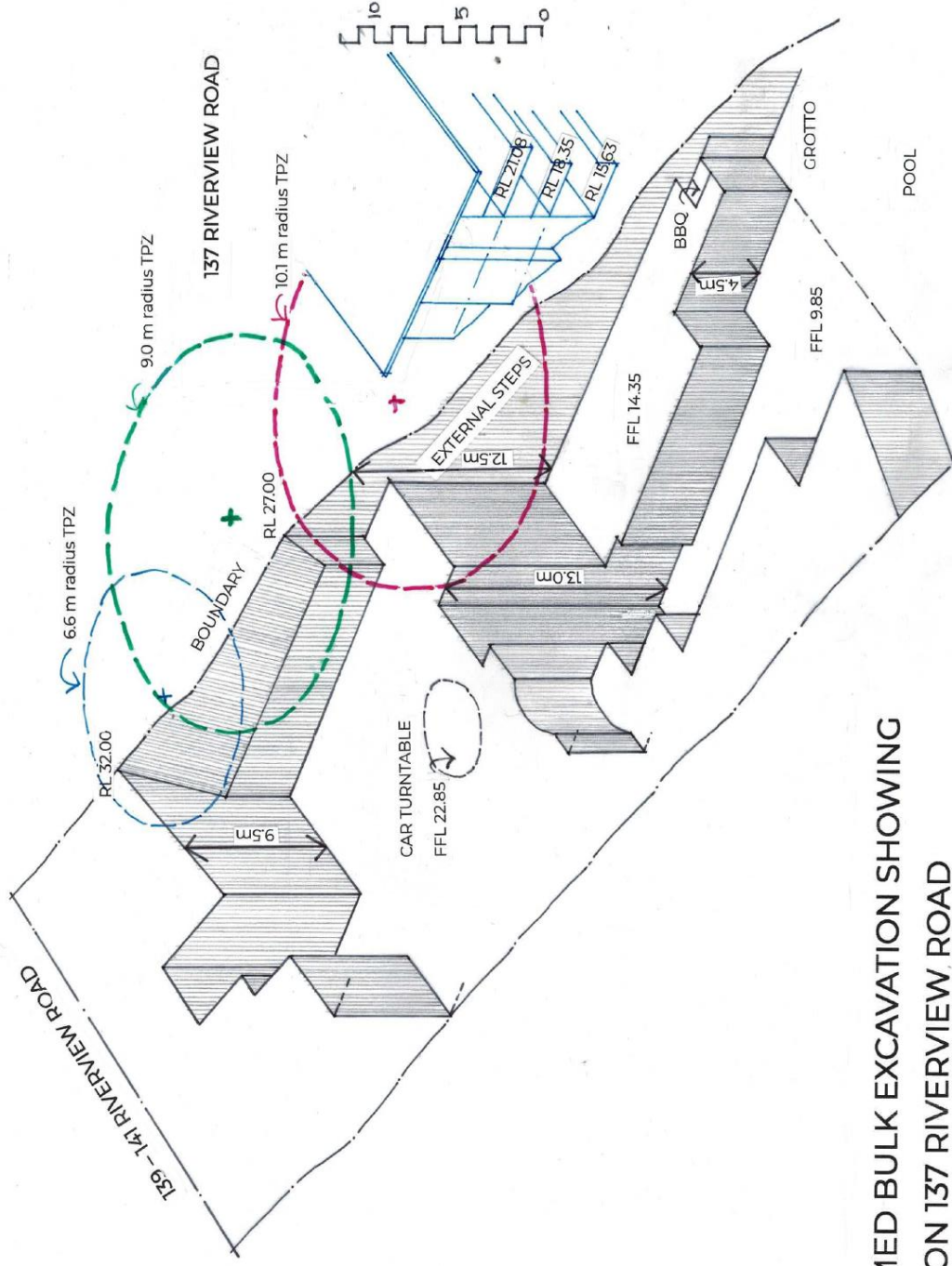
Issue 1

Drawing Number:

DA202

Revisions	
No.	Description
1	Development Application
	Date 11/09/2024

ATTACHMENT B



ASSUMED BULK EXCAVATION SHOWING IMPACT ON 137 RIVERVIEW ROAD

FFL's & SCALED DIMENSIONS TAKEN FROM C M STUDIO D A DRAWINGS 11.09.24

SCALE: 1 : 250 @ A3

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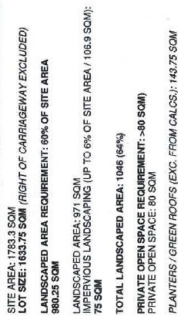
Project: Riverview House II
139-141 Riverview Road, Avalon Beach
Project number: 2022 152

Client: **MMI**
Drawing: **DAO**
Date:

Developments Pty Ltd
er: Issue 2
10/01/2007

Drawing: **Site Plan (Proposed)**
Scale: **1:250** @ **A3**

143/5 Riverview Road
Approved DA
LOT 2 DP 19402



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Project: **Riverview House II**
139-141 Riverview Road, Av

Project number 2023 152

Revisions	
No.	Description
1	Development Application

Client: **MMI**
Drawing: **DA4**
Date:

Issue 1

Drawing:
Landscape Compliance Plan