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**Sent:** 17/05/2020 10:36:06 PM  
**Subject:** Online Submission

17/05/2020

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58 Abbott RD  
North Curl Curl NSW 2099  
yarima@gmail.com

**RE: DA2020/0310 - 60 Abbott Road NORTH CURL CURL NSW 2099**

Dear Sir/Madam

I am owner and resident of 58 Abbott Road Nth Curl Curl and I am writing to express my concerns about the current DA on my next door neighbor's property. I have reviewed the proposal provided and I have a few concerns in relation to noise, storm water (and pool water) and potential flooding of my property and therefore damage, the new side path access. I will go into each of these in further detail below. From the outset, I want to say that I don't have an issue with the development but rather the positioning of the development and the impact on my property.

1. Noise

The proposed new pool and social area as set out on the plan (eastern side), is located next to the dwelling on my property. The result of having the new pool and social area in the location as currently proposed, will result in significantly increased noise levels towards my main bedroom and living areas which in turn, will impact my rights to quiet enjoyment. There is significant space on the opposite side of the property and the properties adjoining on those sides will not be impacted by noise if the pool and entertainment area is on the opposite side to where it is currently proposed. When I built the current dwelling on my property, I did consider my neighbours and the noise impacts on them and I would never have put my bedroom in the location it is now if I knew that there was going to be a pool and entertainment area built where it is currently proposed.

Has there been a noise assessment impact or a proposal submitted to control the level of noise.

2. Storm water and water from the pool

The plans do not give an indication as to where the storm water run off goes, particularly after heavy rain of when the pool overflows. This area is a known flood zone and it would not be appropriate to have a pool on the eastern side with no storm water run off as my property will become flooded.

It is my understanding that when there is a development, the person building must consider how their development can be designed to manage flood risk and reduce the impact of flooding. I have not seen any studies to demonstrate this has occurred and I am very much concerned that my property will be flooded whenever there is a storm or when there is over flow of the pool.

Has there been an assessment as to water flows and storm water run off?

### 3. Existing side access

It is my understanding that any structure built must be at least 900 mm from the boundary fence. From what I can see on the plan, it is 835mm, which is not 900mm and therefore should not be permitted. Further, to establish the pathway proposed on the eastern side of the property, there are Oleanders that currently act as a boundary between the properties. These Oleanders have their roots across both sides of the property and therefore, the statement on the DA Plan where it mentions "pruning" of the Oleanders is false. There will be significant work required including removing the roots of the Oleanders on both sides of the property otherwise the proposed path cannot be built. These Oleanders were planted in the 1960s and are now approximately 7 metres in height. This is a significant amount of work and would require access to my property.

I query why the path was proposed on the eastern side when the western side has more than ample space between the house and the western boundary compared to the eastern boundary and would not have the same noise and privacy issues as the eastern side.

Given the issues above and the lack of accurate information we have been provided, I am concerned that the development has been approved without careful consideration of the issues outlined above.

Please advise me of when council onsite inspections regarding this DA will be undertaken as well as the noise and flooding assessments as noted above and as I believe is required.

Yours sincerely

Yarima Gavilan Herrera