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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
**Sent:** 17/03/2025 10:45:32 AM  
**To:** DA Submission Mailbox  
**Subject:** TRIMMED: Online Submission

17/03/2025

MS Felicity Benbrook  
10 Capua PI / 10 Capua PL  
Avalon Beach NSW 2107  
[REDACTED]

**RE: DA2025/0167 - 45 A Riviera Avenue AVALON BEACH NSW 2107**

Dear Sir or Madam,

We assume that 45A Riviera Avenue, Avalon Beach is the recently renamed 12 Capua Place, Avalon Beach. If not, please advise.

We believe we are the most affected neighbour of the proposed lodged DA2025/0167 at 45A Riviera Ave, Avalon Beach. However, our dwelling is not shown or documented on any plan, survey, or document lodged for this DA.

Our privacy and sunlight loss is a significant concern with the proposed garage, balcony, deck and windows on the boundary facing into our property.

**Setback Issues:**

- The setbacks for the west and north boundaries are in question. There should be a 1.5 m setback for a boundary in length of more than 18m. However, the plans do not show this. The plans also don't state which boundary is back, front, or side.
- The new proposed windows are within 3.0m of the west boundary.
- The existing deck and the new deck proposed are too close to the boundary, raising privacy issues.

**Shadow Diagrams:**

- The shadow diagrams inaccurately reflect the true shadowing we will experience during any morning. There is no mention of our property and the rising eastern sun each day . We get a small amount of this sun, most lost to the bushy outlook. This small amount of sun will be blocked from our property by this proposed newly constructed building.

**Excavation and Retaining:**

- Excavation and retaining on the north and west boundaries will undoubtedly impact and disturb the existing area's trees and gardens. The geotechnical report states that the excavation is limited to strip footings only. However, this is not what is shown on section AA of drawing DA.07 and the north elevation of DA.05.

**Fire Ratings and Materials:**

- We are also concerned that there is no mention of fire ratings and specific materials specified for construction.

**Geotechnical Assessment:**

-We question the ascertain that there is no geotechnical hazards to the proposed site. The geotechnical report fails to show or mention our property which sits below and to the side of the subject building works. Both our properties are in a slip area and as such present significant geotechnical risks.

**Five (5) metre Hedge**

- The five (5) metre hedge marked on the western side of the subject property is not a hedge, but rather a tree that is on our property. It will be severely comprised by the proposed construction. The master plans (page 7 of 21) show four long windows on the western side that look directly into our property and severely compromise our privacy.

**Environmental Compliance Services - BLD2024/00611 - 12 Capua Place, Avalon Beach**

- In March 2024, we raised concerns with Northern Breaches Council as to the construction of a infilled deck after removal of an above ground swimming pool. We were allocated the reference number BLD2024/00611. We have received no final determination and the last correspondence from Council is dated 14 August 2024. These concerns are still relevant as the infilled deck feature in the DA application lodged. The infilled deck at 45A Riviera Avenue is on the border between our two properties. In fact one of the posts of the infilled deck is on our property. This was identified by a surveyor who marked out that boundary some years ago. As such any reliance on the deck in this DA application will be in breach of setbacks.

We request an immediate review of the plans to address these critical issues.

Please note, these comments are made on the basis of our layman observations. We do not have a detailed knowledge of building codes which govern this area and NSW overall. We will if necessary engage a suitable qualified consultation to review any revised plans and ensure the development complies with current standards and protects our property.

Thank you for your attention to this matter.

Yours faithfully,

Gerry Lenihan & Felicity Benbrook  
10 Capua Place, Avalon Beach, NSW, 2107