
Sent: 24/10/2022 4:18:28 PM
Subject: FW: DA2022/1516 - Alterations and additions to residential developmt - Retaining walls, decking, associated landscape works and tree removal, Pty: 30 Herbert Avenue, Newport
Attachments: Submission - 30 Herbert Avenue, Newport.pdf;

Good Morning Michael,

Thank you for the additional time provided in which to prepare a submission relating to DA2022/1516. I note that the concerns outlined in my submission relate to potential privacy impacts from the detached, elevated, covered seating area with a finished floor level 2m above existing ground level and the lack of information provided in relation to Stormwater Management on the site.

I request that when available, you inspect the subject site from my Clients' property at 7 Elvina Avenue, Newport, located directly down hill and to the north of the subject site.

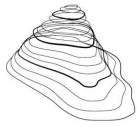
If you have any questions, or require any additional information, please ring me on 0401 450 989.

Regards,

DAVE MOODY
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24 October, 2022

Michael French, Assessment Officer
Northern Beaches Council
Village Park, 1 Park Street,
Mona Vale NSW 2103

Dear Sir,

**RE: DA2022/1516- ALTERATIONS AND ADDITIONS TO RESIDENTIAL DEVELOPMENT -
RETAINING WALLS, DECKING, ASSOCIATED LANDSCAPE WORKS AND TREE REMOVAL.**
PPTY: 30 HERBERT AVENUE (SUBJECT SITE)

I am writing to you in response to Council's notification of the above Development Application (DA) on behalf of my Clients, the owners of No. 7 Elvina Ave ,Newport, one of the properties that directly adjoins the northern boundary of the subject site.

I have been requested by the owners of No. 7 Elvina Ave ,Newport to carry out an assessment of the above proposal and to ascertain the likely impacts of the proposal upon the amenity of their property.

In preparing this Submission I have carried out the following actions –

- Viewed the Architectural Plans prepared by Serenespaces dated 10 May 2022.
- Attended the property at 7 Elvina Ave ,Newport and viewed the subject site from my Clients' property and the Herbert Avenue frontages.
- Assessed the proposal against the relevant provisions of the Pittwater Local Environmental Plan 2014 (LEP) and Pittwater 21 Development Control Plan (DCP).
- Viewed the associated documentation submitted with the above Development Application,

Following my attendance at the subject site and my review of the above documentation I provide the following comments –

Firstly, I note that both my Client and myself are not seeking refusal of the Development Application, however, I do raise the following concerns regarding the proposed works;

- Stormwater Management – Please refer to further comments below.
- Privacy Impact – Please refer to further comments below.

PRIVACY IMPACTS

In relation to Privacy Impacts, I have advised my Clients that, based on the information available at this time, the potential for Privacy Impact to their property as a result of the proposed DA is likely. I note that the Applicant's DA documentation fails to adequately assess the Privacy Impact to my Clients' property and a number of other adjoining properties in the preparation of the DA. The proposed '*Seating area adjacent lawn with timber batten pergola over*' (which I note will result in a detached, elevated seating area approximately 1.94m above ground level) is of significant concern.

As evidenced in the photographs below, the proposed elevated seating area will have a direct line of site into the ensuite and bedrooms of my Clients' property. I note that the proposed elevated seating area will be located forward and to the west of the Eucalyptus Tree highlighted in **red** the photograph (which is to be removed) and will therefore have a clear line of site into my Client's



property. It is also unclear as to whether the tree highlighted in yellow is to be removed, if so, the potential for privacy impacts will be even greater. I note that the tree highlighted in yellow is not identified within the Arborist Report as being proposed to be removed and we would like confirmation as to whether it is being retained.

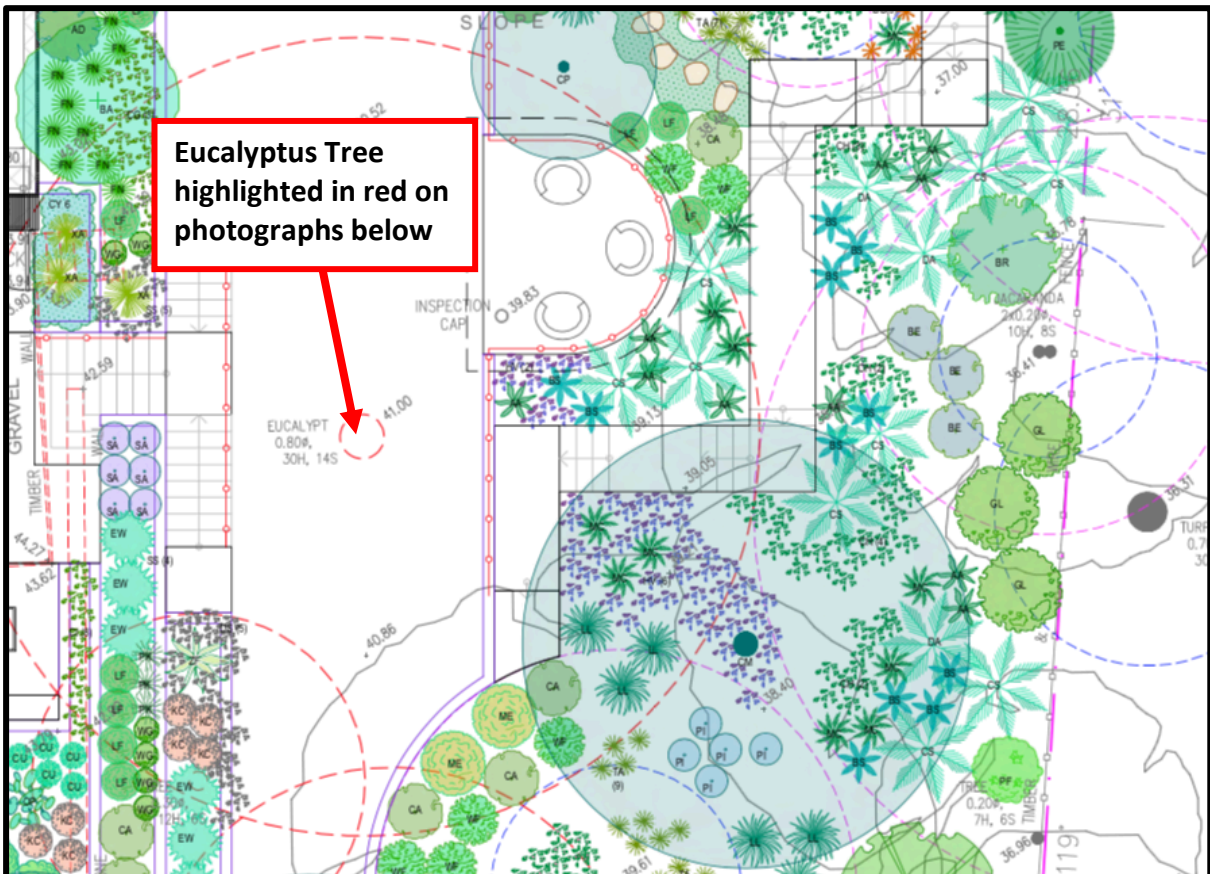
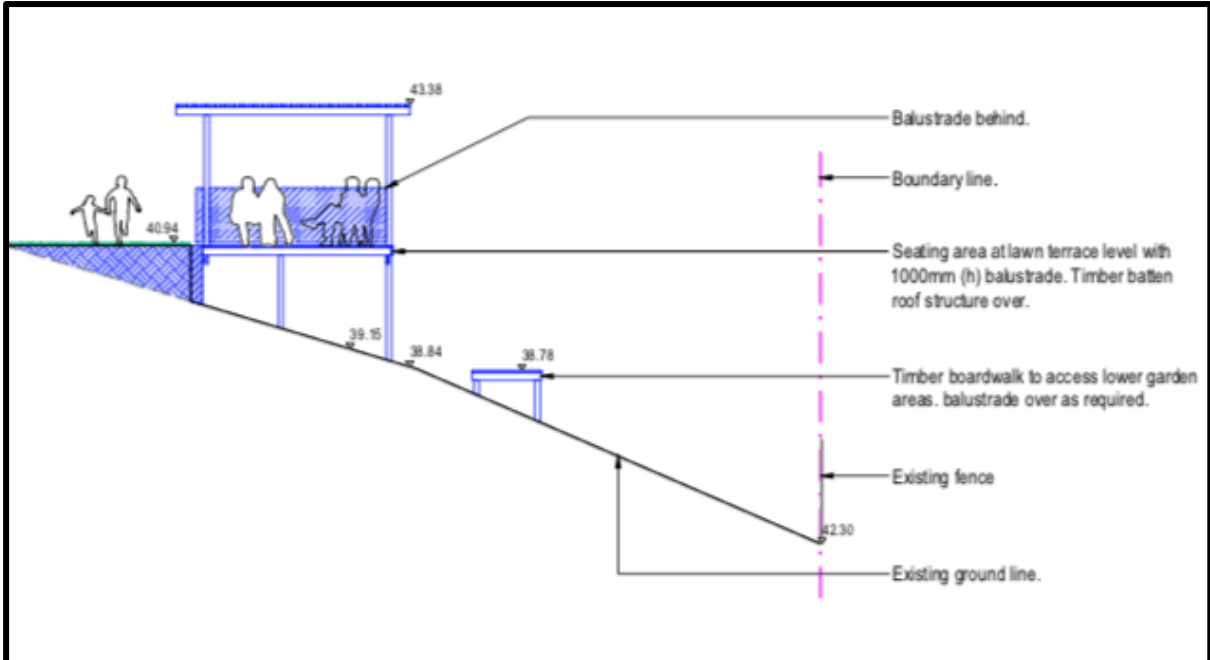




Figure 1: Ensuite Window

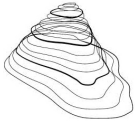


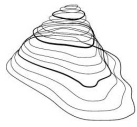
Figure 2: Bedroom Window

In light of the above assessment and in order to provide greater surety in relation to potential privacy impacts, we request that this elevated seating area be removed from the proposed development. Should Council to determine that the elevated seating area is worthy of approval, we seek the imposition of a Condition of Consent requiring a privacy screen to be installed along the northern edge of the proposed elevated seating area in accordance with Clause C1.5 Visual Privacy of Pittwater 21 Development Control Plan, noting the following control contained within this Clause; *“Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.”*

STORMWATER MANAGEMENT

Firstly, I acknowledge that I am not a Civil Engineer and the following concerns have been identified for the clarification of Council due to the lack of information available from the Applicant. I note that during my site inspection, the Owner of 7 Elvina Avenue advised that there has been significant stormwater issues across his property and into his dwelling which have been further impacted following construction of the swimming pool on the subject site in 2018. I understand that a number of property Owners adjoining my Clients’ property have had similar issues and expressed similar concerns.

I note that the dwelling on the subject site sits significantly below the street level of Herbert Avenue and it is unclear how stormwater management of the subject site is undertaken, including pool overflow due to the inability to be gravity fed to the street.



Furthermore, I have undertaken an investigation of the Certificate of Title and Deposited Plan relating to the subject site and it does not appear that any formal easement for drainage downslope of the subject site is in existence. I have significant concern that the proposed landscaping works incorporating further retaining walls and site disturbance could significantly exacerbate this existing issue. I note that the potential for this issue to occur has not been adequately addressed within the DA documentation.

I note that the Geotechnical Report accompanying the Development Application made the following observations;

“All stormwater collected from hard surfaces is to be collected and piped to the council stormwater network through any storage tanks or on-site detention that may be required by the regulating authorities, and in accordance with all relevant Australian Standards and the detailed stormwater management plan by others.”

Comment:

I note that no information has been submitted as part of the Development Application to indicate how stormwater will reach Council’s stormwater network, considering stormwater cannot be gravity fed to the street. It is requested that the Applicant provide Civil Engineering Plans to outline how this will be achieved, particularly in light of the lack of any formal stormwater management arrangement following a review of the Title Search and Deposited Plan for the subject site.

“Alternatively, where gravity drainage to Council’s curb and gutter system, or a drainage easement is unavailable, stormwater may be managed onsite via engineered non-erosive on-site stormwater management such as absorption trenches or level spreaders etc., in accordance with all relevant Council controls, Australian Standards and the detailed stormwater management plan by others.”

Comment:

I note that no information has been submitted to outline how stormwater may be managed onsite via engineered non-erosive on-site stormwater management such as absorption trenches or level spreaders etc. It is requested that the Applicant provide Civil Engineering Plans to outline how this will be achieved.

Thank you for providing the opportunity to lodge a submission in response to the subject DA. It is requested that Council undertake an inspection from the rear yard of my Clients’ property to better understand the potential amenity impacts outlined in this submission.

Regards

DAVE MOODY

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