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12/11/2019

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**RE: DA2019/1157 - 353 Barrenjoey Road NEWPORT NSW 2106**

My submission is made on behalf of the Newport Anglican Church which has a common boundary with the subject site (church's eastern boundary).

1. Flooding

The DA has no consideration of the impact of the proposed development on the flooding of the church property. The church property slopes down from Foamcrest Ave to its eastern boundary and relies on flow onto the subject site in order to discharge runoff onto Robinson Lane. The proposed development would block this overland flow path totally so there would be no ability to drain rainwater from the Church site. This is unlawful. The Council flood study adopted by Council this year noted that in severe floods (above the 100 yr ARI flood) there was an overland flow path through the church property and then through the subject property leading flows to Robinson Lane. This overland flow path needs to be retained for all conditions of wet weather runoff from the church property. The proposed building needs to be offset back from its western boundary at least 3m allowing a 3m easement for an overland flow path to Robinson Lane with conditions in favour of the church which do not allow obstruction of flows to Robinson Lane. This is required to ensure the Church has the natural right to drain its property and there are no adverse flood impacts caused by the development for all floods on the church property.

2. Heritage

The DA does not address the impact of the proposed development on the heritage listed building on the church property on its eastern boundary. This building has its longest length along the eastern boundary located less than 1m from the subject property's western boundary. The proposed development could have significant impacts on the building's visual aesthetics as viewed from Foamcrest Ave given the bulky western elevation of the proposed development. This has not been addressed in the DA.

More importantly, this building has shallow foundations and is an old timber building. There are no assessments of the potential impacts of the proposed excavation, soil movements, groundwater movements, rock excavation or vibration on this building by the proposed development in the DA.

3. Geotechnical

Given that the proposed development will be excavating down at least 7m below the existing ground levels potentially into rock, it would be expected that there be at least 4 drill holes to verify the geotechnical conditions as well as the groundwater conditions in the DA. The DA indicates that there will be rock excavation required and excavation below the groundwater level but has not actual data on the site in order to accurately define potential impacts.

Gathering data is essential for the DA process given the potential sensitivity of the impacts on a heritage building and the likely impacts on groundwater on the foundations on the church property. It is not appropriate to gather this information after the DA has been approved because the DA will not be able to accurately assess the potential adverse impacts or define appropriate measures to mitigate any such impacts.

The geotechnical report identifies that the excavation for the basement will induce soil movements towards the excavation which may adversely impact on the heritage building on the church property given its shallow foundations and age. The geotechnical report also identifies that the excavation of the basement will draw down the groundwater level on adjacent sites and this could lead to settlements and damage to buildings such as the heritage building on the church property. This issue is not addressed in the DA.

The proposed building when the basement structure is complete will block the flow of groundwater and cause a rising of ground water on the church property. This would lead to much wetter ground conditions making the church grounds less useable and have potential adverse impacts on building foundations.

The excavation of the basement, especially in rock, will generate vibrations in adjacent properties. The assessment of these potential impacts in the DA is based on adoption of buildings of recent construction rather than a considerably more vulnerable heritage building. The setback of the proposed building 3m from the western boundary may mitigate these potential impacts on settlement, vibrations and groundwater however, this would need to be verified in the DA investigations.

Even with this 3m setback from the western boundary for the proposed building, it is considered necessary to require the developer to undertake dilapidation reports for the buildings on the church site and implement monitoring devices on the church site to monitoring all aspects of potential impact.

Please contact me on the mobile if you wish to discuss any aspect of this submission.

Could you please verify that Council has received this submission.

Thanks

Mark Tooker