
Sent: 28/03/2022 7:28:11 PM

Subject: Re DA applications 2022/0279,

Attachments: Letter to Northern Beaches Council re50 Johnson St Freshwater and 48 Johnson st .pdf; councilengineers rep[ort.pdf;

Dear Sirs,

Pleas find attached our clients Issues with the attached development applications

Your sincerely

Paul tocchini

Medcalf Grant.



MEDCALF | GRANT
LAWYERS

Our Ref: 3300

Your Ref:

28 March 2022

Northern Beaches Council

Attention Maxwell Duncan and Adam Croft

By Email: council@northernbeaches.nsw.gov.au

Dear Sirs,

**Re: Lot 74 DP 7310 48 Johnson Street, Freshwater NSW
- DA Applications No. 2022/0279 and
Mod 2022/0091**

We act for Mr and Mrs Crowley who live at 50 Johnson Street immediately adjacent to the proposed Development Application. Our client has several concerns in respect of the development in no particular order they are:

1. The safety of their property having regard to the fact that there is a proposed 3.6 metre excavation within 900 millimetres of their side boundary and the geotechnical report which has been served with the application does not adequately indicate what safety precautions are to be made to prevent damage to our clients' property. The geotechnical report which has been seen seems deficient and that it does not provide for any immediate assuring of the boundary with such a large excavation or a permanent post-excavation fixation which one would have thought would be required in the form of a concrete retaining wall.
2. In addition, we note that Council's own engineering referral relates to the failure to indicate how such an excavation could be drained to the stormwater system as it is at least 3.6 metres below natural ground level.
3. There is also additional issue in relation to this matter in that early maps of the area indicate that further up the road on the uphill slope of Johnson Street there appears to be some form of underground spring which is continually running and sends water down Johnson Street. This has been observed locally particularly in the recent heavy rains and an excavation of 3.6 metres in the area fed by underground springs would potentially require a floatation pump running 24/7., with the attendant noise nuisance

Level 2, 22 Darley Road
Manly NSW 2095
DX: 9250 Manly
PO Box 231 Manly 1655
Tel: 02 9976 0231
Fax: 02 9976 0232
www.mglegal.com.au

Also by appointment at Level 1, 5 Bruncker
Road, Broadmeadow NSW 2292

Philippa Grant BA LLB
Solicitor Director
Accredited Specialist – Advocacy
Accredited Specialist – Criminal Law

Bob Medcalf BEc LLM
Solicitor Director
Chartered Accountant
Chartered Tax Advisor

Stephen Bourne MBS LLM MSc (Psych)
Solicitor Director, Notary Public

Paul Tocchini LLM
Notary Public

Gail Francis LLB (Hons) Dip Law

Ian Rolfe Dip Law

Kim Harris LLB (Hons) BPsych (Hons)

Barry Nicholas Dip Law

Yvette Essenstam JP *Licensed Conveyancer*

We note that the time for making objections is fixed respectively for the 5th and 6th April and we would be obliged if you would grant our clients an extension as they are currently seeking specific geotechnical structural engineering advice as to the safeguarding of their property. We would be obliged if you would come back to us in relation to this at your earliest convenience.

I have attached the engineering notation document which is on Council's website as the volume of documents in this matter is very large.

Yours sincerely

MEDCALF GRANT



Paul Tocchini
Solicitor
Notary Public
LLB, LLM (HONS)





Engineering Referral Response

Application Number:	DA2022/0279
Date:	28/03/2022
To:	Maxwell Duncan
Land to be developed (Address):	Lot 74 DP 7310 , 48 Johnson Street FRESHWATER NSW 2096

Reasons for referral

This application seeks consent for the following:

- New Dwellings or
- Applications that require OSD where additional impervious area exceeds 50m² or
- Alterations to existing or new driveways or
- Where proposals affect or are adjacent to Council drainage infrastructure incl. watercourses and drainage channels or
- Torrens, Stratum and Community Title Subdivisions or
- All new Commercial and Industrial and RFB Development with the exception of signage or
- Works/uses in flood affected areas

And as such, Council's development engineers are required to consider the likely impacts on drainage regimes.

Officer comments

28/03/2022:

Proposal is for construction of a basement level to an approved dwelling under DA2020/1723. A sunken courtyard is also proposed but no stormwater plans are provided to review.

Applicant is advised to provide an amended stormwater plan for the new proposal.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Engineering Conditions:

Nil.