

01 August 2021

The General Manager
Northern Beaches Council
PO Box 882

Mona Vale NSW 1660

Attention: Julie Edwards (Officer)

Notice of Submission regarding DA2021/0376

Subject Property: 163 Wallumatta Road Newport

Description: Alterations and additions to a dwelling house including a swimming pool

We the property owners of 41 Prince Alfred Parade NEWPORT would like to make the following submission regarding the above Development Application - Amended Plans. ***We request this submission be considered in addition to our earlier submissions dated 5 May 2021 & 27 June 2021.***

We again request a Senior Manager of Council to attend our property to view each of our concerns listed below as their significance cannot be appreciated from this written document alone.

1. Inconsistency with Site Plans and Stormwater / property drainage management

******The applicants have previously communicated an issue regarding poorly sealed leak(s) in their water pipe(s) when we have experienced excess water burden from their irrigation practices. ***We request confirmation of the integrity of the associated pipework for the indicated water tank and any pipes and drainage they will continue to rely upon at their property.***

There continues to be inconsistencies between the existing site plans and proposed site plans regarding the existence as well as the correct & true identity, of a single structure in the south-eastern side of the dwelling:

It must be noted that the original site survey listed 8/4/21 on councils website indicated the structure to be a Deck

- Existing Site Plans (sheet DA02) – **Existing Water Tank**
- Existing Site Plans (sheets DA03 & DA05) – **Structure not visible on plan**
- Existing Site Plans (sheet DA06) – **Non-descript structure indicated on plan**
- Proposed Site Plan (sheet DA10) – **Water Tank**
- Proposed Site Plan (sheets DA11 – DA13) – **Existing Water Tank**

As previously indicated, all the elevations from both the Existing and Proposed site plans do not provide consistent identification of this structure – including labelling and visibility of location.

When did this structure stop being a deck and change to being a (existing) water tank?

The continued inconsistencies do not instil confidence in the dependability/reliability of the submitted plans from our perspective as adjacent property owners. The inconsistencies make it very difficult for us to make informed decisions/submissions in order to protect our home and our amenity of our home.

We further continue to request the following:

- If it is an **existing water tank** we request confirmation of its current overflow/drainage management due to the significant overland flow and water seepage issues we endure from the applicants property including the additional water burden caused by the extended irrigation practices employed by the applicants for their bamboo.
- If it is a **new water tank** we request confirmation of its planned overflow/drainage management due to the significant overland flow and water seepage issues we endure from the applicants property including the additional water burden caused by the extended irrigation practices employed by the applicants for their bamboo.
- We further request details regarding how the water tank will be secured and supported so as to ensure our personal and property safety from potential land slippage or structural collapse as a result of the tank weight when full.
- If it is to be a **deck** or have decking over the water tank we request clarification of the finished height and dimensions.

We request consistent, correct and accurate plans to please be provided.

Any water burden into our property as a result of the *yet to be clarified structure* (mentioned above) must be absolutely prevented and mitigated without encroaching into our property. This includes the potential affect on the **natural course of overland water flow** down to our property that may see the redirection of potential concentrated flows adding extra water burden.

We endure significant water burden from the applicant property both from stormwater and extra water flowing into our property as a result of the applicants' use of irrigation for their bamboo (planted April 2020). The irrigation practices are observed to involve the water to be running for extended lengths of time.

There is currently no formal stormwater drainage from 163 down to Prince Alfred Pde.

We request the applicants address their storm water and irrigation drainage to help alleviate the volume of runoff and prolonged seepage we receive from their property. At present it results in our property being continuously wet due to no opportunity for it to dry. The overshadowing of the bamboo into our property **further exacerbates** this. The water burden affects both the front & rear of our property as well as contributing to damp & mould issues within our dwelling.

We request the integrity of pipes and drainage to please be confirmed.

2. Third storey addition – MODEST ROOF MODIFICATION

The very modest modification to the proposed roof height and shape does nothing to reduce the overall bulk and scale of the proposed structure as viewed from our property.

At present, the height and scale of the existing two-storey property does not dominate/tower over our property nor is it imposing. The addition of a third storey will *significantly* and *negatively* change this especially with the third storey being an entertainment/main living area level as indicated in the plans.

We are very disheartened at the possibility of a towering structure potentially being permitted to dominate over our property.

The outlook as viewed from our property will also be detrimentally impacted. It will be changed from a bright, open, leafy aspect to one similar to that of a higher density residential area due to the obstruction created by the proposed third storey.

If a third storey is to be permitted we request that the proposed structure have a flat roof matching the existing carport and that it only reach the approximate height of the existing carport floor level. This is to address the over-towering impact that the proposed three-storey dwelling will have.

We put to council that the perseverance with the third storey further continues to ignore the valuable aspects that stand to be taken away from neighbouring property owners on Wallumatta Road. The proposed application serves to improve the amenity for the applicants only, at the significant detriment of several adjacent property owners. The above proposed roof style and height may serve to remedy this and so preserve the sharing of valued and long enjoyed view corridors for those affected properties.

3. Landscaping, retaining walls, plumbing/drainage works and integrity of existing large trees – Arborist report

Further inconsistencies have been identified with the site plans regarding two retaining walls in the applicant's rear yard indicating suggested works are to be undertaken. We have concerns that works involving the retaining walls and any associated plumbing/drainage works, which may occur in close proximity to the existing mature Iron Bark and nearby eucalypt trees, could pose a safety risk to both our home and us.

The inconsistencies include:

- Modification to an upper retaining wall including the addition of a set of stairs on the western side (sheets DA10 & DA11). These stairs are not visible on the Existing site plans (sheets DA02 & DA03) nor are they apparent on any of the elevations.
- There is further discrepancy regarding these stairs as they also do not appear on the Proposed site plans for sheets DA21, DA22 & DA24.
- A modification is indicated to the eastern end of the lower retaining wall at the area near to the set of existing curved stairs (sheets DA10 & DA11). This differs to how the retaining wall is shown on the sheets DA02, DA21, DA22 & DA24.

We request consistent, correct and accurate plans to *please* be provided that clearly indicate what is existing and what is proposed for this DA including additional landscaping both hard and soft.

We note there has been no acknowledgement of our concerns previously raised regarding the health and integrity of the existing mature Iron Bark and nearby Eucalypt including their root systems.

As mentioned above we have concerns that potential retaining wall modifications and associated plumbing/drainage works in close proximity to these trees could pose a significant safety risk to our home and us if the current health of the trees or their roots is not determined prior to work commencement.

Our home is currently being rebuilt due to having been destroyed when a mature gum tree, located in our eastern neighbours yard fell on our home in 2018 **as a result of root rot**. Please note council had previously deemed this tree to be healthy.

We again request an Arborist report be included with the application and for it to include a full assessment of the health of both the mature trees. We also request root mapping to be undertaken to facilitate safe establishment of required drainage corrections including any associated with the (existing) water tank and possible retaining wall repairs / modifications.

4. Shadow Diagrams

Our ability to landscape our property is detrimentally impacted due to the dramatic seasonal solar access issues that the excessive bamboo height creates. Further taking away from our amenity of our home, our property.

We continue to maintain that the shadow diagrams are misleading and lack transparency with regards to the significant detrimental impact the applicants choices are having on our amenity of our property and home. ***The shadow diagrams*** show the shadow cast by the existing shared boundary fence (built Nov 2019) however ***they fail to show*** the shadow cast by the bamboo (planted April 2020) which runs the full length of the same boundary fence.

The shadow diagrams do however demonstrate how generous we had previously been when requesting a 2.5m height limit.

We now request the bamboo and any landscaping to be maintained at 1.8m, the same height as the boundary fence, to ensure there is no shadow cast over our property, that extends beyond that, which is cast by the existing fence.

*****It must be noted that due to the location of our property being on the lower side, the bamboo in its current position and if allowed to remain at its current heights results in our solar access being significantly impacted for extended months either side of the target June dates and times, as used by Council.***

*****Bamboo, both clumping and running varieties are identified as a weed on the Department of Primary Industries website in NSW Weed Wise. It does not align with the E4 zone and surrounding vegetation.***

Impact to useability of only private rear space and landscape options:

The bamboo at its current height(s) completely blocks the solar access to our clothes drying area.

As the bamboo (weed) matures the height of the solid wall of bamboo increases substantially and is impenetrable by sunlight. The result is further extending the length of time throughout the year that ***the applicant*** denies our solar access in our only private rear garden area and our dwelling/home.

Conclusion

Existing property owners should not be forced to sacrifice the long enjoyed amenity of their homes so that a new property owner can improve their own with no regard for the detrimental impact they are having on their neighbours.

It is our submission that the proposed works for 163 Wallumatta Road, Newport, still pose a detrimental impact on our amenity of our property. This is due to the very large dominating size and scale of the proposed structure.

We do not object to property owners improving their home however we do strongly object to improvements being made to the detriment of our own amenity and enjoyment of our home.

The applicants do not need to impose any of their choices or decisions onto our property in order to make improvements to theirs. They can contain their choices so that they alone need to endure them.

We further submit that there are very real and valid safety issues for our home and us relating to the mature Iron Bark and nearby eucalypt tree that must be addressed in the subject development application.

We further continue to endure the substantial and significantly detrimental impact that the current unmaintained bamboo hedge (planted April 2020) is already having on our amenity of our property. This is causing both of us undue stress and is taking a huge emotional toll.

The applicants' choices are further preventing us being able to suitably landscape our property due to the dramatic seasonal solar access issues that their chosen excessively tall bamboo hedge is imposing on us. This too detrimentally impacts our amenity of our only private rear space.

We are not able to look forward to simple homeowner pleasures such as creating our much-anticipated north facing rear garden or to sit in sunshine either at a window or in our only private rear garden space. At present we are forced to standby and see what the applicants are taking from us, our property, our home.

We submit / request that Council please investigate avenues that both restores and provides for the returned amenity of our property and our home in the form of conditions on the consent when evaluating the applicants DA based on the valid issues raised here within this third submission. We anticipate the opportunity to review these issues in person with a Senior Manager from Council.

Yours sincerely,
41 Prince Alfred Parade NEWPORT