
From: Edward Vincent
Sent: 6/12/2023 11:09:56 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Submissions for Proposed Development DA2023/1703 (7 Sir Thomas Mitchell Drive, Davidson)
Attachments: Sewerage Plan 0645819.pdf;

Dear Clare Costanzo,

RE: Proposed Development DA2023/1703 (7 Sir Thomas Mitchell Drive, Davidson)

Please see four submissions below relating to concerns regarding the referenced DA20231703.

1. **BOUNDARY FENCE NEIGHBOURING 9 Sir Thomas Mitchell Dr, Davidson NSW 2085**

The 1800mm boundary fence (Ref: Sitedesign+Studios DA Landscape Plan Drawing 741616) from the new garage to the rear garden, neighbouring my property of 9 Sir Thomas Mitchell Drive should be at no cost to me. This DA is the first notification of the development, so ideally Mr & Mrs Abu-Ali are accepting the complete costs of the fencing. However, as this is a new development and I am not controlling the materials, type or colour of the construction. As no notice has been given and no agreement suggested or made, the Dividing Fences Act 1991 No 72 states I am not liable for any costs. As "Part 2 Liability for fencing work" the fencing is new, not required nor urgent, and "Part 3 Procedure and implementation" section 11, Part (5). As a result, the plans should clearly state the owners Mr and Mrs Abu-Ali are responsible for the fence.

2. **RESERVED AREA IN REAR GARDEN CONFLICTS WITH COUNCIL SURVEY PLANS:**

Landscape plan (Ref: Sitedesign+Studios DA Landscape Plan Drawing 741616) proposes an "Area to be kept clear of services" at southern end of the rear garden of size 7000x3000. Note under DP Plan #0645819 created 12th June 2017 10:45:50am (see attached Sewerage Plan 0645819) there is a shaded area highlighted in the same area (note also in also from application #9654256 12th July 2017 (in the same attached Sewerage Plan 0645819 pdf). Council survey plan Intrax Ref S#198027 dated 15th November 2022 does not show the shaded area so clarification is required to understand what the shaded area is referring to and how it impacts the plans.

3. **PRESERVATION OF BALANCE OF STORMWATER BENEFIT AND SEWERAGE BURDEN:**

Lot 2 section 167 DP 242262 (House #9) is burdened by Sewer which benefits Lot 1 section 167 DP242262 (House #7). We have no objection to this arrangement due to the history of the division and placement of the lots. My understanding is there is a stormwater running between Lot 2 into Lot 1 and it is important this is explicitly preserved to maintain runoff for Lots 3 and 2. So any existing stormwater pipes running between our properties are to be maintained undisturbed without impacting my stormwater runoff. Further investigation must be done by the council to ensure stormwater will continue to runoff via the pipes through the downstream property.

4. **STORMWATER CONCERN FOR RESERVED ZONE IN REAR GARDEN**

The new proposed Lodgement Plans Ref 741616 21/2/2023 there is a future pool proposed, "Area to be kept clear of services" at southern end of the rear garden of size 7000x3000. We are concerned this "Area to be kept clear of services" may disturb any stormwater pipes or drains in that area.

The previous owner of Lot 3 (House #11) upgraded the stormwater pipes to ensure safe discharge of stormwater runoff, which drained through my property into lot 1 (House #7) then to the council stormwater in according with council regulations.

In addition there was an LDA for house #11 approved previously for stormwater improvements on that property which leads into my property (House #9). Further investigation must be carried out by the council to ensure the arrangement is unchanged by this DA or future DA's or revisions of existing DA's.

Any additional requests for engineering enforcement necessary by council must be listed under consent condition.

It will be highly appreciated if Officer Clare Costanzo can keep me advised and dispute my concerns of DA2023/1703 to all relevant Council Teams, including the GIS Team, Stormwater team, Planning Team, Building Surveyor team and Development Engineering Team to ensure my concerns above have been met and addressed.

Best regards,
Edward Vincent

9 Sir Thomas Mitchell Drive, Davidson, NSW 2085 / Ph [REDACTED]

NB: All documents referenced are on the Northern Beaches website Development application DA2023/1703 except for the sewerage plan attached.

