

The CEO
Northern Beaches Council
council@northernbeaches.nsw.gov.au & planningpanels@northernbeaches.nsw.gov.au

Attention: NBLPP Chairperson and Panel members

18th April 2022

Dear Sir/Madam,

RE: DA2021/1801 55 Woolgoolga Street North Balgowlah

We still have concerns that have not been addressed in our previous submissions, specifically the the Stormwater Management Policy. The following concerns are raised in our response to the NBLPP assessment report:

Stormwater Management

- I have indicated at all times to the applicant that our preference is for an Easement, which is also councils preferred option.
- The applicant and his team have always focused on alternate stormwater designs, even after councils repeated requests for evidence of Easement refusal.
- The applicant has been unwilling to provide basic Easement design and consideration information, and has invested no time in any Easement discussions since 10 December 2021 (see my previous Statutory Declaration & information submitted to council via Blackwattle Planning received on 5/4/2022).
- Very concerning is that the applicants engineer Mr Bruce Kenny provided an opinion with no site visit on my property where he indicated that on 25/02/2022;

"We are of the view that whilst owners' consent may be provided, the imposed constraints, make it unreasonable for the installation of a stormwater pipe" (see Mr Kenny's email attached sent to council).

That opinion was unsupported by adequate site assessment and has been used by council in their comments on page 13 of the Assessment Report under Stormwater and Management Disposal. I would hope the Panel disregard those comments, as it is untrue (see next bullet point)

- We engaged an experienced Northern Beaches engineer Mr Damien Schaefer from Taylor Consulting Civil and Structural Engineers to conduct a complete on-site investigation of our property and was advised;

"There are no significant constraints that would preclude the creation of provision of a private inter-allotment drainage easement"

He also raised concerns with the alternate stormwater design of a Level Spreader and was advised;

"The level spreader option suggested by the applicants engineer would be considered to be a substandard stormwater outcome for this large site as it will cause significant nuisance drainage issues, reduce the drainage amenity for downstream properties and should only be considered when there are no other feasible options" (please see attached dated 14th April report by Taylor Engineering).

Given the above, I'm extremely concerned with the Assessments Reports wording around the Stormwater, which allows for an alternate design when the applicant is;

“unable to form a reasonable agreement with the owners of the downstream properties”

The applicants preference for an alternate stormwater design has been clear throughout the process, despite our openness to an Easement which is a better option for all downstream neighbours. We are therefore concerned that the applicant may not genuinely participate in that process in order to go with his preferred design, as demonstrated so far by the absence of any meaningful negotiation with us by the applicant.

As such, I would ask that the council enforce an Easement on the applicant and remove the option of an alternate design.

That way genuine discussions can take place on an agreement for an Easement, which we want. The applicant would still be able to modify the application to council at any stage and the applicant can still use section 88K of the Conveyancing Act if he wishes.

Scale & Bulk - Privacy

As described by council in the assessment report the building is 'larger in bulk and scale than existing developments in the locality'

With building height being non-compliant by a 27.9%.

Our living area and my daughters bedroom will all be overlooked by the applicants build via our rear yard and the visual impact of the development on these private spaces is significant.

There will be direct sight lines into all of these spaces, in particular from the first and second floors of the build, and this is further emphasised by the removal of large established trees to the rear of the applicants property that would provide some form of privacy.

As a minimum to preserve privacy, I would like to ask council to;

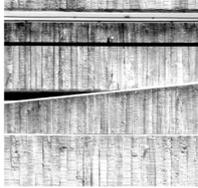
- Retain the the trees in the rear yard
- Increase the height of the second floor balcony solid balustrade to be raised to 1.5m, allowing a view to be retained outwards, but not downwards when seated on the balcony.
- Raise the sill level of the dining room and master bedroom windows to 1.5m above the finished floor level, this will assist in reducing the available overlooking in a downward angle into our living areas

These small changes would assist us feel a sense of privacy.

I can be contacted at any stage to discuss the above.

Thank you.

Paul Masluk & Carryn Masluk



14 April 2022

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam

Re: Stormwater Easement Assessment - 55 Woolgoolga Street, North Balgowlah

This letter is to advise that I have conducted site inspections on 10 Urunga Street, North Balgowlah, 8 Dorrigo Avenue, North Balgowlah and 6 Dorrigo Avenue, North Balgowlah with respect to the Development Application for 55 Woolgoolga Street, North Balgowlah currently under consideration by Council.

There are no significant constraints that would preclude the creation and provision of a private inter-allotment drainage easement(s) on these properties.

Other adjacent downstream properties also look clear of any constraints, including the necessity for underpinning of existing buildings. As such there would be no significant impact on structural integrity of buildings and the affectation on existing services and utilities is expected to be minimal.

Specifically, there are 5 feasible options which would allow for the correct disposal of stormwater from the subject site to Council's existing stormwater drainage system:

- 6 Dorrigo - via direct easement to the Dorrigo Ave kerb and gutter
- 8 Dorrigo - via direct easement to the Dorrigo Ave kerb and gutter
- 10 Urunga Street - via direct easement to the Urunga Street kerb and gutter
- 10 Dorrigo Ave - via 10 Urunga for approximately 4 meters then direct easement to the Dorrigo Ave kerb and gutter
- 12 Dorrigo - via 10 Urunga for approximately 20 meters then direct easement to the Dorrigo Ave kerb and gutter



I would also like to note that the level spreader option suggested by the applicant's engineer would be considered to be a substandard stormwater outcome for this large site, as it will cause significant nuisance drainage issues, reduce the drainage amenity for downstream properties and should only be considered when there are no other feasible options.

I have spoken to a number of the downstream neighbours and have heard their willingness to enter into good faith negotiations with the owner of the subject property regarding the provision of a drainage easement but to date I understand that no such negotiations have occurred and under these circumstances there is no way that a level spreader solution should be considered and approved until such discussions have taken place.

Should you have any questions or queries regarding the above, please do not hesitate to contact the undersigned.

Yours faithfully
TAYLOR CONSULTING

D M SCHAEFER - Director
B.E. Civil – Hons. M.I.E. Aust. N.E.R.

