



Submission response

30 Herbert Avenue, Newport – DA2022/1516

25 November 2022

Mr French
PO Box 82
Manly
NSW 1655

Dear Michael,

As requested, please find the following reply to the submissions received in relation to the Development Application at 30 Herbert Avenue, Newport (DA2022/1516).

In review of the submitted submissions from numbers 5, 7 and 9 Elvina Avenue, Newport we have identified three areas of concerns raised being stormwater, tree removal and privacy and will address them below.

Stormwater

The owner and applicant are aware of the concerns of the downslope properties arising due to the lack of kerb and guttering of Herbert Avenue, the site topography, the existing development on 30 Herbert Avenue and the current climatic situation.

The owner has had discussions with several of the neighbours and advised them that Stormwater Engineering Plans were expected to be required as a condition of consent, as they are with the majority of Development Applications.

It is noted that, as expected, The Engineering Referral Response does require Stormwater Engineering Plans to be executed as a condition of consent. As per the assumed consent condition, *the stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance will be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.*

Tree removal

Geoff Kitchen on behalf of Robert and Mary Kitchen the owners of 5 Elvina Avenue, Newport have raised concern with the proposed removal of Tree 7 (Eucalyptus Punctata). Upon the Arboricultural inspection prior to the design phase, the significant wound was noted at the base of this tree. The presence of this wound and its potential implications, opened the option to develop this area of the site.



The requested additional testing has been undertaken and preliminary findings indicate the Useful Life Expectancy of Tree 7 will be reduced from the current 'Medium' rating (15-40 years). This reporting will be provided to Council as soon as it comes to hand.

A Biodiversity Development Assessment Report (BDAR) has been undertaken to determine the impact of the removal of Tree 7 and was submitted with the Development Application. The Natural Environment Referral Response – Biodiversity, states that *if the removal of Tree 7 is justified then the findings of the BDAR are acknowledged, including the current condition of the native vegetation community on site, the direct impact on Pittwater Spotted Gum Forest (PSGF) (PCT1214) that will result.*

The Geotechnical report submitted as part of the Development Application did not raise any concerns around site stability and the proposed tree removal.

The previous experience of the owners of 5 Elvina Avenue, Newport and a neighbouring properties lack of replanting is unfortunate, however, it is irrelevant to this Development Application. Significant additional planting has been proposed as part of this Development Application and the owner has every intention of installing and maintaining it for the 'life of the development'.

Privacy

The submission provided by Dave Moody of Northern Development Assessment on behalf of the owner 7 Elvina Avenue, Newport raised issues of privacy concerns resulting from the seating area.

It should be noted that the seating area is compliant with 4.3 *Height of buildings* and D10.8 *Side and rear building line*. As an ancillary structure, it is felt that the setback from 7 Elvina Avenue, Newport of 7.435 metres from the site boundary and the proposed planting between the structure and boundary is significant enough to ensure no adverse impact upon privacy.

The submission raises concerns about privacy from an ensuite and bedroom windows. The closest of these windows is 21 metres from the northern face of the proposed seating area and it is felt that this distance should be significant enough to ensure privacy for an ensuite window and bedroom windows. The proposed planting on the subject site will provide additional privacy.

The image following shows 7 Elvina Avenue, Newport as seen from the subject site. Tree 4 can be seen in the centre of the image which is to be retained. This is clearly illustrated in the plans which were included within the Arboricultural Impact Assessment contrary to the assertions of the submission on behalf of 7 Elvina Avenue,

Newport. The image illustrates that the window, which is assumed to be the ensuite based on its location relative to the roof line, can be seen from the subject site.



The images provided as part of the submission show the significant separation from the ensuite window (Figure 1) and the proposed structure. It is felt that this significant distance and the proposed planting on the subject site should allay any privacy concerns. The bedroom window image (Figure 2) shows Tree 4 providing a significant amount of screening which will be accentuated by the proposed planting.

It could be noted that while we do not feel it is the adjoining properties responsibilities to respond to surrounding development, there is adequate space along the boundary for 7 Elvina Avenue, Newport to install their own screen planting to supplement their privacy should they feel the above considerations are inadequate.

Please feel free to contact me if you require any additional information

Kind Regards,

Ben Farrar,



A handwritten signature in black ink, appearing to read "Ben Jones". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Director, Serenescapes Landscape Designs.