
From: Michael Gray
Sent: 13/01/2023 11:48:08 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: DA 2022/2152_122 et al The Avenue Newport - Submission
38 Rednal Street
Attachments: 230112_DA2022_2152_122 The Crescent.pdf;

Attention; Adam Croft, Principal Planner

Good morning Adam,

Please find herewith a submission on the above application from the owners of 38 Rednal Street, Mona Vale NSW 2103.

Thanking you for the opportunity to comment on this development application and for your consideration of the matters raised by our submission.

We are available to discuss any of the matters raised at your convenience (either on the telephone, teams or face to face).

Regards,

Michael & Marian Gray

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Michael Gray
38 Rednal Street
MONA VALE NSW 2103

13th January 2023

Adam Croft
Development Assessment
Northern Beaches Council
Strategic Planning and Place

By email; council@northernbeaches.nsw.gov.au

**RE: DA2022/2152 – 122 et al THE CRESCENT, NEWPORT
SUBMISSION MICHAEL AND MARIAN GRAY – 38 REDNAL STREET, MONA VALE**

OVERVIEW

We are the owners of 38 Rednal Street, Mona Vale. Our property is located directly opposite the existing marina and residential dwellings which are the subject of the above development application.

Upon our review of the submission documentation, as it is currently on the Council website, it appears as though the applicant considers it sufficient to compare the proposed development to the existing. Using this rationale the applicant seeks to justify numerous inadequacies or non-compliances in the application by judging the proposal against an historic land use approved under different planning controls many years previous.

The change in land use from marina and dwellings to more intensive residential development, we believe, should be judged against the existing controls as they would relate to a standalone application. We also consider that many matters are not adequately dealt with in the submission. For example, we could not find a stormwater report to review and ensure that council's water quality objectives can be achieved. We also could not find a hazardous materials audit of the existing structures to be demolished. Statements in the SEE justifying the removal of trees, stating that this will be dealt with by individual lot applications in the future treat an important control such as biodiversity in a superficial manner and seek to gain an approval by promising to do something in another yet to be seen application. Indeed, it may be that house DA's meet exempt or complying development standards and that a private certifier employed by the developer may be assessing these applications.

Whilst we support this change in land use, we also feel it is an opportunity (which will not present itself again) to ensure that this development is consistent with the existing controls and residences which front this beautiful waterway. This public area is enjoyed by the public on kayaks, paddle boards, dragon boats and surf boats with ready access from Bayview boat ramp and carpark (refer also attached photos).



DETAILED SUBMISSION COMMENTS

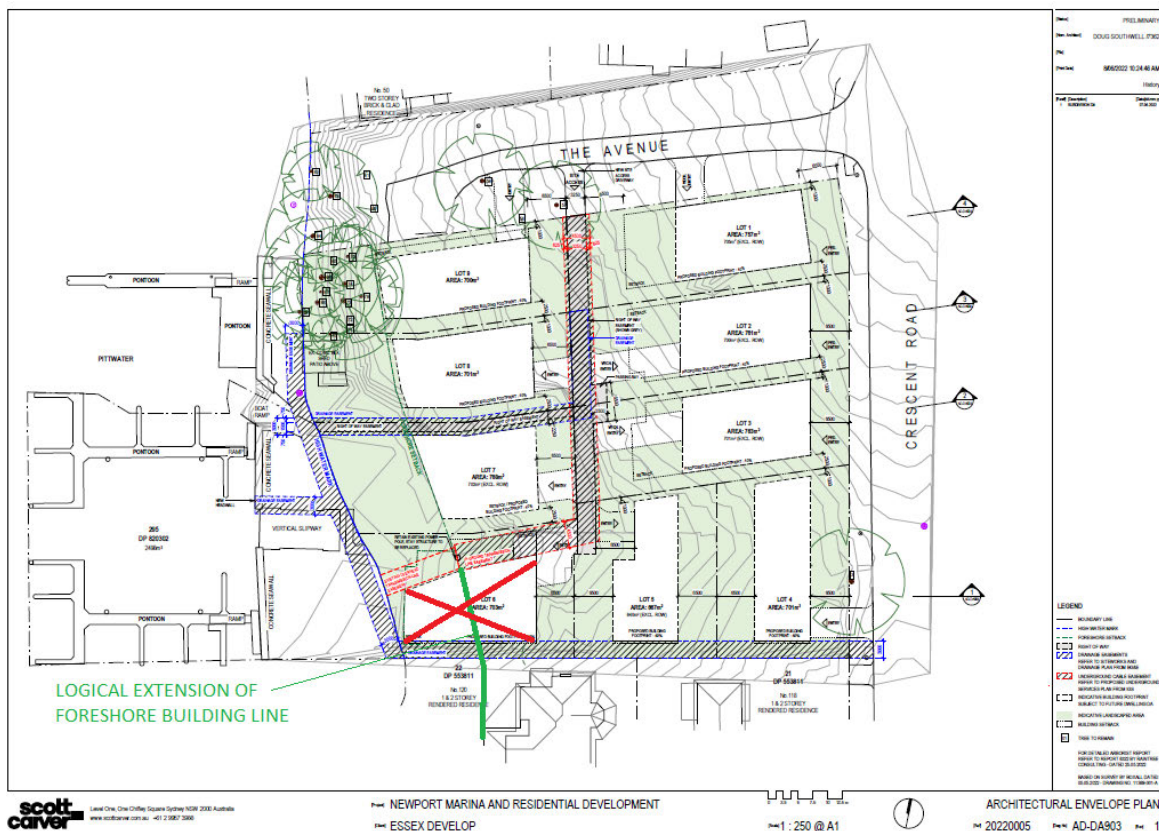
The following more detailed comments on the application support the concerns raised in the overview above;

- In section 3.1 of the SEE, the proposal to do some works on Crown Land (drainage) but not deal with the substantial concrete hardstand and sea wall structure type seems evasive. What is the proposal for the sea wall and concrete hardstand? These structure types would not be permissible under any residential development application along this waterway. We do not understand how this application can be considered without knowing what is proposed for the sea wall and the adjacent hardstand. Many of the existing structures in this area are dangerous in a residential setting and are currently roped off to prevent access (eg steep ramps, vertical slipway etc).
- Table 3 on page 9 summarises tree removal as “Removal of 46 exempt, dead or hazardous trees”. This misrepresents the findings of the applicant’s own report refer page 21 where 17 of the 46 trees are noted as protected and in the council verge but require removal to accommodate the design proposal. We are concerned that removal of trees in this area will have a detrimental impact on habitat and aesthetics of the existing road, also exacerbating headlight glare on the waterway.
- Section 3.4 access and parking again deals with many issues in a superficial manner;
 - referring to carparking to resolved at future development application
 - no consideration is given to the location for garbage bins in The Avenue
 - NSW Fire may not accept the access arrangements and width without a turn facility
 - The building envelopes provided would not allow turning for a visitor who may make an error in access
 - The impact on the existing road system is dealt with by comparing the proposal to the existing however the existing carpark is for 20 vehicles arriving and leaving at various times. his application has the potential to have at least this number of vehicles arriving and leaving in a much shorter peak period.

- Section 4.2.1 seeks to address the requirements of protecting the biodiversity values of this area in accordance with SEPP provisions. It is noted that the requirements of the Pittwater DCP are also relevant and are not dealt with in any substantial manner by the SEE. The SEE relies upon an Arboricultural assessment report by Rain Tree Consulting. This report summarises the removal of prescribed trees based on “discussions” presumably with the developer. It is noted that these are to be removed only to facilitate development. Further this report identifies how the development could minimise the impact on vegetation and recommends an Arboricultural Impact Assessment (which is not in the DA submission documents).
- Section 4.2.2 dealing with SEPP (Resilience and Hazards) 2021 Coastal Management again seeks to justify the current proposal by comparison. This section contains unsupported statements regarding access and views.
- Section 4.2.3 (resilience and Hazards) 2021 Remediation of Land states that there is no proposed remediation of land and that “future” development applications will be accompanied by relevant contamination and remediation works. The summary of findings in the SEE is misleading, the actual report provided by Argus does in fact note lead and copper concentrations above the HIL/EIL. Further crystalline asbestos has been found and no assessment has been made of hazards within structures to be demolished. Given the sites past use, remediation not just a RAP is appropriate.
- Section 4.3 has been prepared in a misleading manner.
 - Item 2.1 C4 Zone is not satisfied by just stating subdivision complies. C4 zone has numerous objectives and controls by its very nature as a conservation zone permitting dwellings. Indeed this area is earmarked to become C3 with more stringent controls.
 - Item 4.1 Minimum subdivision lots size does not comply – and exemption is sought. In this regard it is noted that the applicant proposes a dwelling well below the logical extension of the foreshore building line and other residences setbacks (refer plan except below)
 - Item 5.7 does not comply, it is not dealt with by this application. Indeed, the proposal to leave existing structures means that this application when considering development to be left below high water mark would be non-compliant.



- Geotechnical Hazards 7.7 and mapped as H1 are identified in the accompanying report. The report states that the current slope instability risk is moderate to high and requires investigation of treatment options to enable development as proposed. Again “complies” does not really cover this.
- Limited development on foreshore area (clause 7.8 PDCP) would not comply given the concrete hardstand currently proposed to be retained and the sea wall which is completely out of character with residential development.
- In relation to Clause B5.13 it seems that it is essential that at least the future concept proposal for the foreshore area and marina are requested to be able to consider compliance with this clause.
- B5.15 Stormwater cannot be assessed because of lack of information. The only documents available for review are a basic stormwater layout (which has undersized pipes which will be subject to blockage, bends without pits and poor stormwater geometry). No assessment of major system flows or flow paths. Also, an inadequate soil and erosion control plan is provided. This plan relies solely upon a silt fence to limit the potential for significant soil erosion discharge into Pittwater. There is no staging, diversion of clean water around the site, revegetation plan, sediment basin etc.
- Items 6.3 and D10 only comply by stating that future DA’s will comply.



- For the reasons detailed above we do not consider that the section 4.15 assessment summary is accurate.

CONCLUSIONS AND ACTIONS SOUGHT BY THIS SUBMISSION

In summary we consider that whilst we support the change in land use, the application as submitted falls well short of meeting the requirements for a development application in this sensitive environment. There is not sufficient detail to assess the merits of this application. No detail is provided on the broader site vision, eg landscaping, water quality treatment, marina arrangements and sea wall augmentation. In addition other important considerations such as lighting (retention of the night sky), remediation, soil and erosion controls etc are superficially treated or not mentioned.

Based on the submission provided to date we would hope that further information on key areas of environmental and aesthetic concern considering the vision for the final development is requested, and provided by the applicant. This would enable residents and the broader community to be better informed regarding the future of this area. This is a rare opportunity to improve the interface with our waterways, which will not present itself again for many years.

I would welcome a face to face meeting if required to discuss the matters raised above and make myself available at a time that suits Council.

Should you have any questions regarding this request please contact the undersigned (m [REDACTED] or email; [REDACTED])

Yours sincerely



38 REDNAL STREET MONA VALE NSW 2103
MICHAEL & MARIAN GRAY
Owners