
From: DYPXCPWEB@northernbeaches.nsw.gov.au
Sent: 7/05/2024 4:27:09 PM
To: DA Submission Mailbox
Subject: TRIMMED: Online Submission

07/05/2024

MR Brendan Buckton
2 Nandi AVE
FRENCHS FOREST NSW 2086
[REDACTED]

RE: DA2024/0400 - 4 Nandi Avenue FRENCHS FOREST NSW 2086

Brendan Buckton
2 Nandi Avenue
FRENCHS FOREST NSW 2086
[REDACTED]

6 May 2024

Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam

Re: Development Application DA2024/0400
Alterations & additions to a dwelling house including hardstand
carpark
4 Nandi Avenue, Frenchs Forest NSW 2086

With regards to the Application I make the following comments and observations:

1. I am the next door neighbour to the South of No 4 Nandi Avenue
2. I have no objection to the concept of the construction of a carport hardstand, but I seek clarification and rectification of illegal works on several areas.
3. The current state of their front yard is neither maintained nor was safe. It was unsafe due to excavation works conducted in November 2022, which left a significant drop which was recently rectified by the construction of a front fence.
4. The plans provided in relation to the hardstand do not appear to have any direct impact to my property. As long as the works remain inside the boundary of 4 Nandi and do not demolish nor construct any shared works at or on our boundary. I am also aware that in previously submitted plans, 4 Nandi sought to expand the driveway access over my nature strip in turn devaluing my property. My stance is still the same, and I do not wish to have the value nor kerb appeal of my property decrease to increase access into 4 Nandi. The new drawings do

not show an expansion to the crossover and we need to ensure that there is none executed

5. The MasterPlan and Survey report have a number of issues:

a. The Survey and Masterplan indicate the boundaries to No 4 Nandi which the newly erected fencing to No 4 Nandi does not align with after No 4 instructed the fencer to erect the fencing beyond the boundary line to the rear effectively capturing additional council/crown lands, combined with the addition of a double entry gate for vehicles at the South West corner, outside of the No 4 property alignment

6. My concerns are:

a. I would like to make sure the project stays within any approved DA and that council is present throughout the process as substantial and dangerous excavation works were done in the period between the prior submitted and subsequently withdrawn DA in 2023 and the current DA being submitted. This was done in both the front and rear yards, which in turn, has severely damaged our property. Eight 15m Plus trees crushed our garage and damaged our main dwelling as a result of their roots being deliberately severed during the excavation works with no intention of removing the endangering trees. This event was well documented and the experience involved attendance by SES, the Police and Council.

b. Along with the excavation works, all flora was removed from the property leaving only lose topsoil. This has been detrimental to the owners of 6 Nandi who are in their 90's, as every time it rains substantially, ground water from 4 Nandi runs onto their property eroding their backyard. There is currently insufficient drainage and increasing the hard space in the front yard will only exacerbate the already detrimental overflow of ground water. It should be essential that an amendment made to the plan to add in drainage for storm water, or a drainage pit added to the front (ensuring no affect to adjoining properties) to take on additional rain prior to the additional hardstand being an acceptable improvement.

c. 4 Nandi has also taken advantage of the destruction of our 2-car garage: Since its destruction (due to the failure of their undermined/undercut trees) they have knowingly erected a fence substantially outside of the submitted survey plans. This has allowed for them to capture additional land (owned by others) and created secondary access to their property beyond ours by building a large 2 door gate, effectively for vehicles. I find this to be a colossal invasion of privacy and is not something I have agreed to, nor would council nor the park/crown land owners, particularly that it encapsulates and makes sole access available to land that is not owned by No 4 Nandi, in conjunction with assuming that they are privileged to access/right of way through the new gate over land for which they have no legal right of access. I think it's appropriate that before this approval of the hardstand DA, the fence is to be removed where illegally erected, therefore removing the additional land captured illegally along with the gate, beyond our property and having the property returned to its legal entitlement as shown on the legislated land surveys.

d. This issue above was raised in plans submitted in the 2023 DA. I have raised this with Council numerous times prior, as it was well outside of the surveyed and titled boundary.

e. The disregard to Council and fellow property owners in this matter is quite clear which leads me to believe that when any approved DA works are being carried out that additional works will occur outside of the submitted and approved DA. I have been liaising with the Building Compliance Officers, and Northern Beaches Council for several months in relation to the unapproved works.

I would only be supportive of a modified application that considers the above illegalities and requires the removal of illegal fencing and making good of any irregularities brought about by those works, prior to the approval of any current or new Development Application. In addition I would expect that these currently proposed works should then require a new Development Application (and full review process) which correctly shows new fencing located legally and any other works carried out during the reversal of the illegal fencing.

regards

Brendan Buckton