
Sent: 27/08/2019 6:24:38 PM

Subject: DA2019/0839

Attachments: DA Vers 6 Submission.docx; Neighbourhood Plan Lodged with Council April 1998.pdf; Survey Plan photo.jpeg; SewerPlan-Aust Prop Managers.pdf; Easement Terms.pdf; Original Plan from Australand.pdf;

Attn: Planning Dept Submissions

Attn: Kye Miles

Please find attached my submission, unable to attach online.

Regards

David Tonkiss

Submission to Northern Beaches Council
Attn: Kye Miles
Re: Proposed Development DA2019/0839

From: DJ & LG Tonkiss
10 Lyndhurst Way
Belrose NSW 2085

26th August 2019

Contact: Email dav4lorr2@gmail.com
Ph 0414 891 722

I am reluctantly putting in this submission/objection. I do so because the property owner at 4 Ocean View Way and the now current Secretary of the Committee of the Neighbourhood Association have ignored my concerns and submitted an application with plans that are misleading and ignore several facts, and failed to have a meeting between applicant and neighbours to mediate issues.

There are several failures and misleading information supplied in the DA to Council;

- 1) Failure to show sewer line on any plans. The sewer line runs approx. 3 metres from northern boundary of the applicant. The property owner and the Secretary have full knowledge of this.
- 2) Easement on plans is 1 metre for Stormwater Drainage only.
- 3) DA fails to meet the requirements of Sydney Water for building work over Sewer lines. No application has been made for a Service Location Diagram or Service Protection report according to Sydney Water.
- 4) Plan submitted show foundations at 3.0m or less from boundary and no provision for damage to sewer or encasing of sewer. Nor do they show depth of foundations proposed considering fill in site may be greater than 1.5 metres.
- 5) The letter of support from the new Secretary of the Committee of the Neighbourhood Assoc. fails to advise Council of my concerns regarding the sewer line and other resident concerns. Other members of the committee dispute the letter.
- 6) Plans show extension at a maximum distance of 3 metres from northern boundary whereas applicants documentation claims 3 metres is the minimum distance. ????
- 7) The statement of Environmental Effects proposes deep soil planting of trees in the 1.0 metre drainage easement on top/or adjacent to the stormwater drain. Despite the Committee Secretary having just had the inspection pits opened and cleaned of silt and metres of tree roots. Secretary took photos of roots in stormwater and espoused the need to open manholes and remove tree roots and silt. He failed to have the pipes themselves checked at this time.
- 8) The Site Analysis Context interesting does not mention my property regarding the Difference in Levels. Maybe this is because the ground floor of 4 Ocean View Way is about 2.5 to 3.0 metres above the ground floor of my property.
- 9) The Survey Plan states that no underground searches have been undertaken and that services shown are based on visible inspection. I find this difficult to accept. I personally spoke with the owner of the property (now also Chairman of the Committee of the Neighbourhood Assoc.) and showed him the location of one sewer pit manhole cover. I advised him that the original owner of the property had problems when he installed the pool and discovered the sewer line resulting in new plans and encasing the sewer pipe under the pool. I have not received any written response from the committee. Both the property owner and the committee have knowledge of the sewer line. On the plan it has SW (Stormwater Pit or grate) in the Legend but I cannot find on plan.

My prime objection is re the sewer line that runs thru the property where the extension is to be built. This is an east/west Sewer line that runs 3 metres from the northern boundary to service 7 properties including my own at 10 Lyndhurst Way. It also runs through Nos. 4,6 and 8 then to 10, 9 and 7 Ocean View Way. The Sewer Line is located approximately 3 metres from the northern boundary, as my solicitor and I found when buying the land and had a survey done. We had to move our house south on the block and design the pool and garden to accommodate 2 sewer pit inspection manholes and 2 stormwater pit covers as well as the 2 lines. We had to maintain levels on site of the pit covers and allow future access if required. The plans lodged by the applicant state that there are no obvious or visible services impacted, which is untrue, all concerned have knowledge of the sewer line. I advised the owner personally where the pipe was located on his property, and that he should check it first. Properties either side have a sewer inspection pit, and stormwater inspection pit. 4 Ocean View Way has no pits and if any work is required on the sewer or stormwater lines, I may well have to put up with any disruption. All properties on Lyndhurst Estate have inspection manholes apart from 4 Ocean View Way, to the best of my knowledge, allowing access for cleaning and viewing any blockages. Without Sydney Water approval plus access pits access pits how can this DA be approved. Any damage or impact on the sewer line can't be checked, on the property without access pits.

The drainage easement states that Lots 6,15,16 & 17 have rights to use the easement for stormwater drainage. This stormwater pipe has just had silt and tree roots removed by the gardener under instruction of the Secretary which meant a disruption to my property but none to 4 Ocean View Way. No inspection of the stormwater pipes was done at this time. Now the DA contains a proposal to plant deep rooted trees near the boundary, over or adjacent to the storm water line. After we built this home we had major issues with run-off from 4 Ocean View Way affecting 8 and 10 Lyndhurst Way and 3 Caley Way. The original owner at 4 Ocean View Way refused to put in any surface drainage, the other 3 of us installed ag drains and other drainage solutions. We planted trees and shrubs with shallow root systems. Personally I had a pool put in above ground with a wall behind to mitigate run-off plus an overflow from the pool direct to storm water drain. I had ag drains installed behind retaining walls plus 5 or 6 surface drains. This greatly helped run-off. However during severe storms we still have on-site some minor flooding. The estate was designed with a retention basin plus overflow for storm water and there has been floodwater on Lyndhurst Way. The planners allowed for heavy rain.

Why does the Survey Plan lodged fail to compare to my property levels, but uses 3 properties with less difference as relevant. My property is affected by stormwater run-off from this property and no provision has been made for stormwater run-off with no ag or surface drains planned and seepage is not the answer. DA plans also fail to fully show current sewer and stormwater connections on 4 Ocean View Way and how they are affected by the proposed extension..

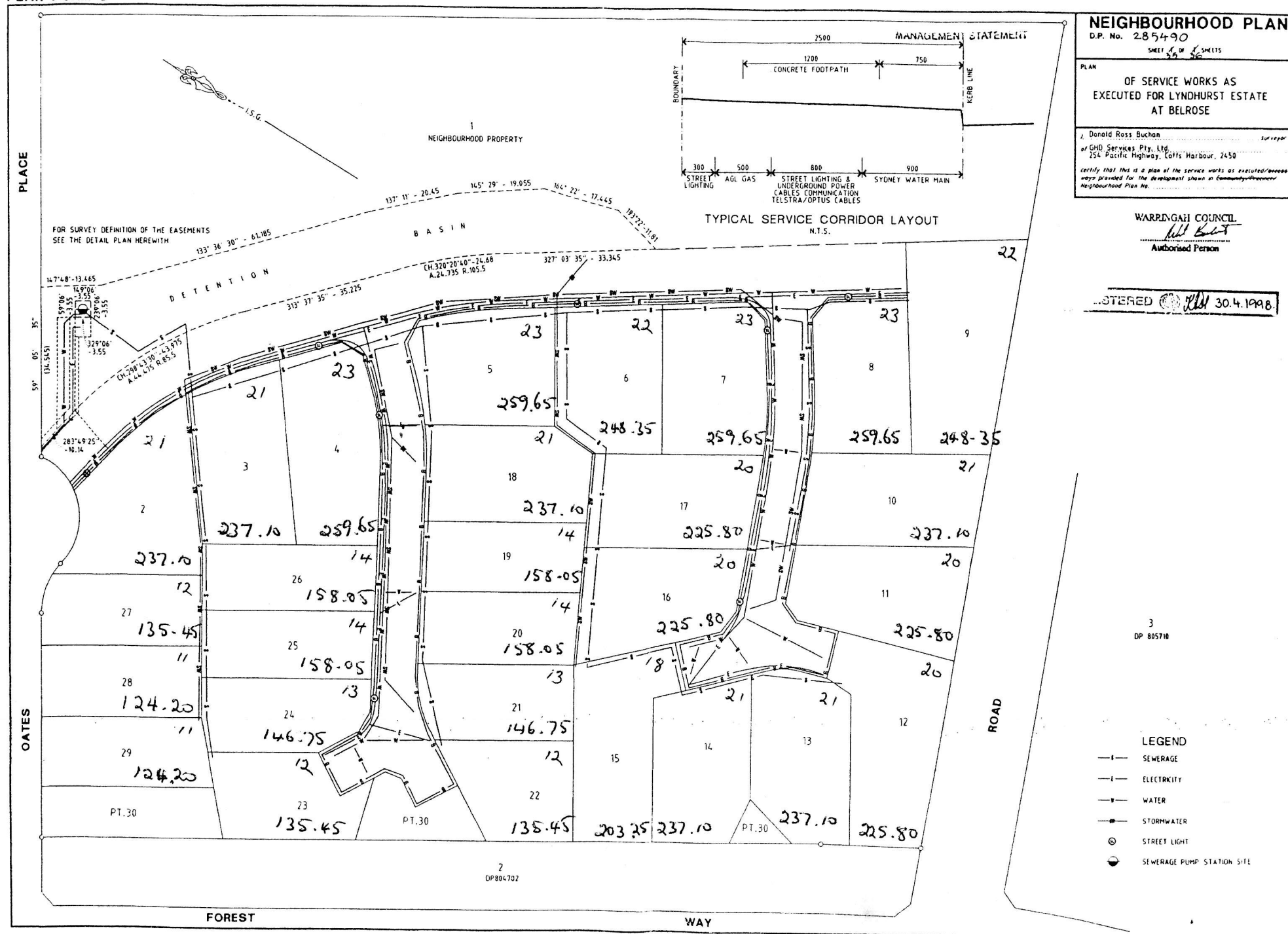
Why has the letter from the Secretary no mention of the concerns of residents regarding the sewer line. I find the letter deceitful and arrogant. Most committee members claim no knowledge of the letter till it was seen on the DA.

I have attached copies of several documents that may be of use;

- 1) Copy of Neighbourhood Plan lodged with Council 30.4.1998
- 2) Copy of part Survey Map for My Lot on Purchase.
- 3) Solicitors letter re Sewer Line.
- 4) Sewer Plan supplied to all land purchasers by Australian Property Managers.
- 5) Easement for drainage.
- 6) Part brochure supplied before purchase of land, showing drainage but not sewer line.

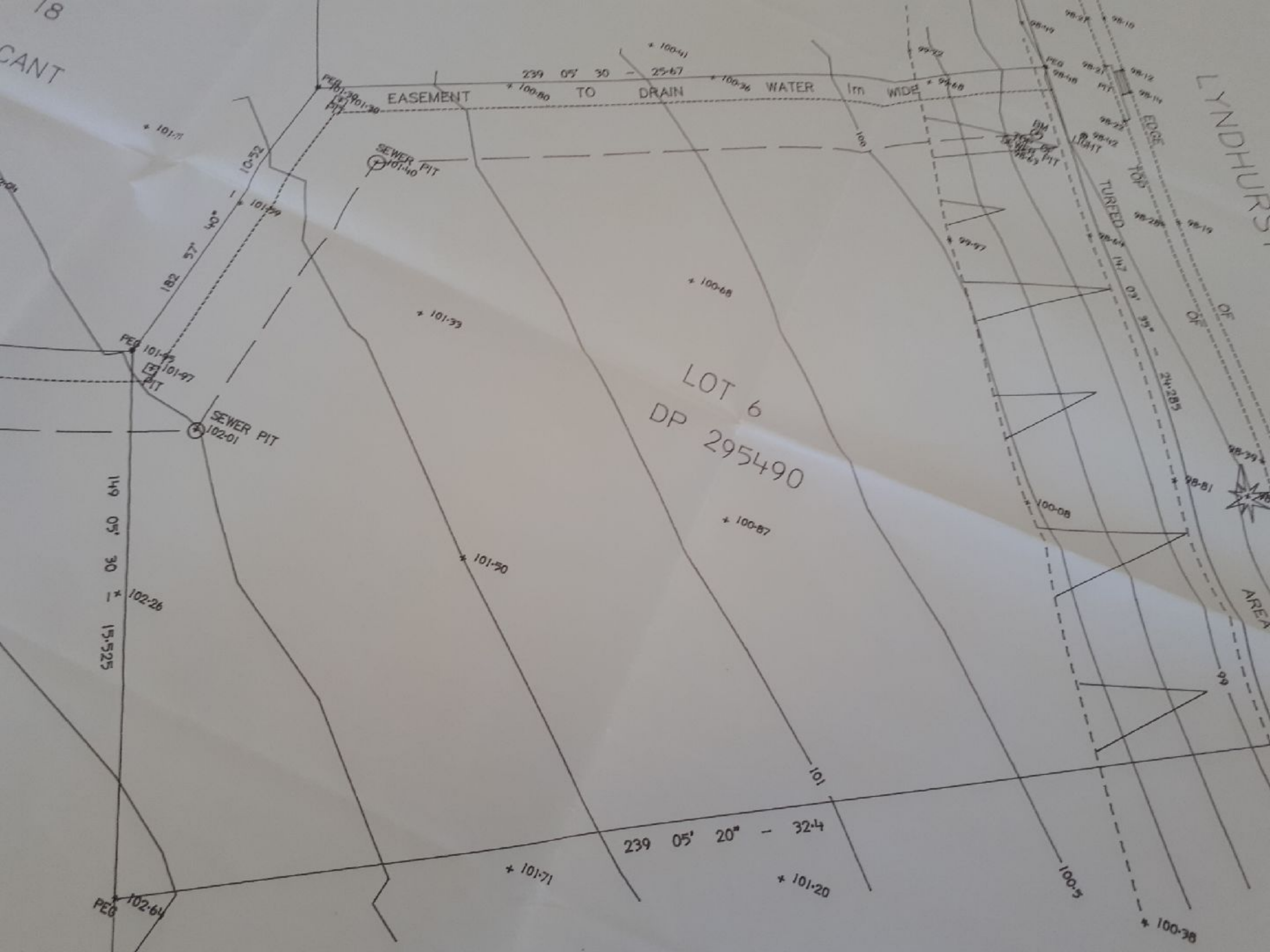
Yours sincerely

David J Tonkiss



18
CANT

LYNDHURST



**AUSTRALIAN
PROPERTY
MANAGERS** Pty
Ltd

ACN 058 748 002

The Landowners
Strata Plan 285490

Dear Landowners


Re: Strata Plan 285490 Lyndhurst Estate Belrose

Australian Property managers are the strata managers for the above complex.

We enclose a copy of the sewer work as executed plan for your information.

This will be required by your plumber when you build your house.

Yours faithfully


Peter Woodbury
Strata Manager
3 December 1998

791 Pennant Hills Rd
Carlingford NSW 2118
PO Box 2401
Carlingford Court 2118
Tel (02) 9873 4100
Fax (02) 9873 2952

PLACÉ

UNIT OF WORKS

PRIVATE

RD

PRIVATE

24

RD

PRIVATE

FOREST

WAY

PUBLIC

RESUME

PM 50453

INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

Lengths are in metres

(Sheet 1 of 7 Sheets)

Plan: DP 285490

Subdivision of lot 1 in DP804702 covered by
Council Clerk's Certificate No. 10101
dated 22/4/1998

Full name and address of proprietor of the land:

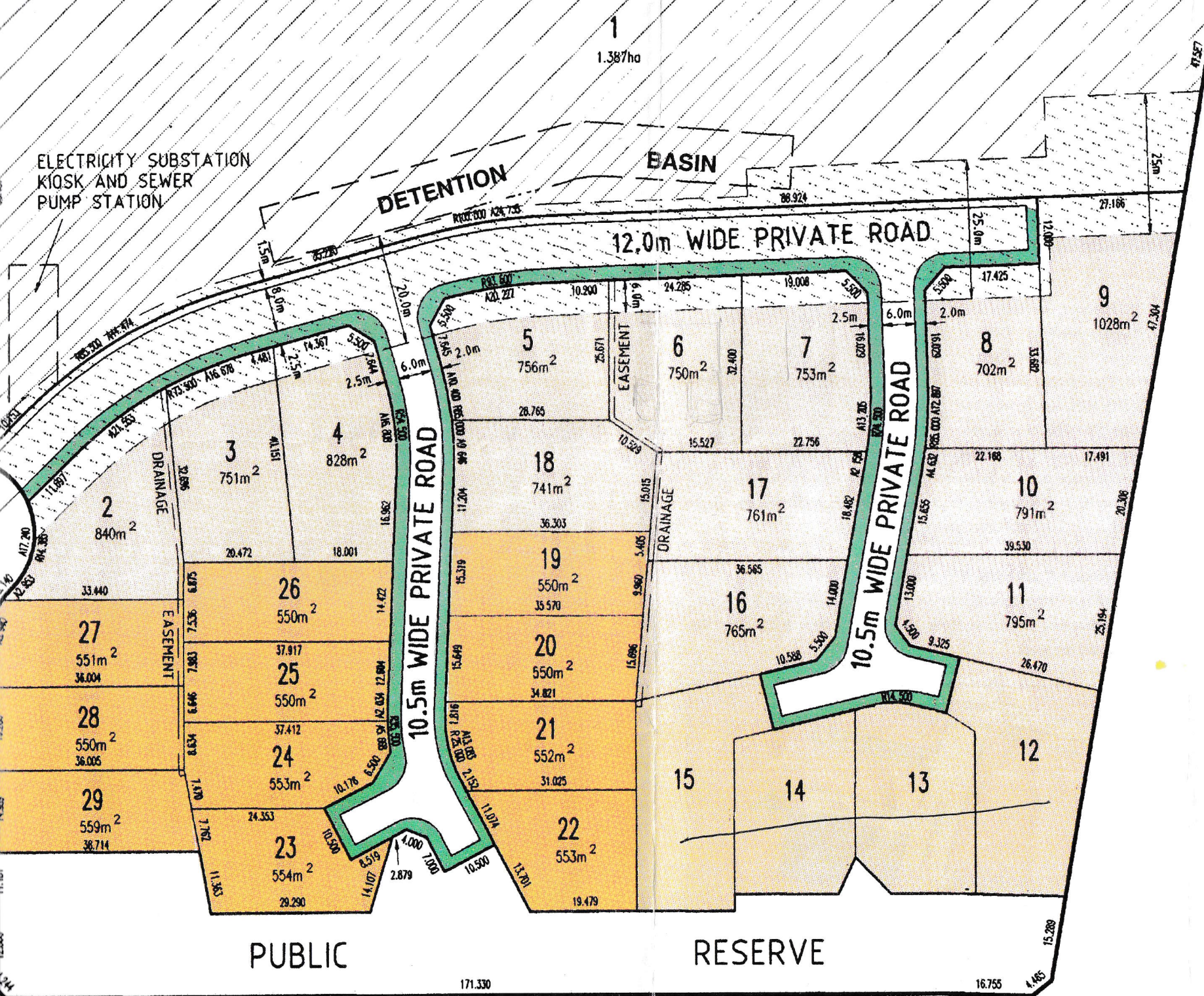
Australand Holdings Limited
(ACN 008 443 696) of 242 Beecroft Road,
Epping NSW 2121

PART 1

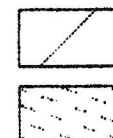
1	Identity of easement firstly referred to in the abovementioned Plan:	Easement to drain water 1 wide
Schedule of Lots, etc affected		
	Lot Burdened	Lot Benefited
	2	27, 28 and 29
	27	28 and 29
	28	29
	6	15, 16 and 17
	17	15 and 16
	16	15

2	Identity of easement secondly referred to in the abovementioned Plan:	Right of carriageway 4 wide, 12 wide and variable
Schedule of Lots, etc affected		
	Lot Burdened	Authority Benefited
	1	energyAustralia

3	Identity of easement thirdly referred to in the abovementioned Plan:	Easement for Electricity purposes 3.55 wide
Schedule of Lots, etc affected		
	Lot Burdened	Authority Benefited
	1	energyAustralia



LEGEND



FUEL R

FUEL F

Note

1. Lots 19 to 29 in Australand house

2. All dimensions, subject to final survey with "Lands Titles"