
Sent: 24/01/2023 3:28:54 PM
Subject: DA 2022/2213 – 24 Alan Avenue SEAFORTH - Letter of Objection
Attachments: Objection to DA 20222213.docx;

To Northern Beaches Council
Attention: Mr Jordan Howard

Dear Jordan,

Further to our recent telephone conversation, please find attached my written letter of objection to the above DA.

Kind regards,

Marcus Tuck
98A Seaforth Crescent
Seaforth NSW 2092

24 January 2023

Marcus & Rowena Tuck
98A Seaforth Crescent
Seaforth NSW 2092

To Northern Beaches Council
Attention: Mr Jordan Howard

DA 2022/2213 – 24 Alan Avenue SEAFORTH NSW 2092

WRITTEN SUBMISSION: LETTER OF OBJECTION

We are writing to Council to object to the above DA in its current form due to non-compliance in relation to water drainage issues and its impact on neighbours (especially those downhill on Seaforth Crescent where we live).

The lack of a proper piped stormwater connection combined with the significant loss of permeable open space and the removal of mature trees presents a water drainage problem for neighbours. The proposed stormwater drainage pit is inadequate and is sited at the rear boundary with downhill neighbours who are already struggling with water drainage problems on heavy rainfall days.

The backyard of our property at 98A Seaforth Crescent is below the level of both 22 and 24 Alan Avenue. Despite a network of agricultural drains on our property linking to a stormwater pipe, the runoff from Alan Avenue has already exceeded critical levels for a number of years. Underneath our house is damp and muddy with flowing water after rain.

We already receive considerable runoff from 24 Alan Avenue in the rear right hand corner of our yard as well as from 22 Alan Avenue (about which Council received correspondence from us in 2016).

The property adjacent to ours at 96A Seaforth Crescent has a brick retaining wall at its rear boundary with 24 Alan Avenue. It diverts runoff from 24 Alan Avenue to either end of the wall, into the backyards of our property and 94 Seaforth Crescent.

Under the proposed development the amount of water-impervious surface area at 24 Alan Avenue will double to about 52% of the block and will produce additional stormwater runoff. The DA notes that a backyard swimming pool will be installed under a separate DA. Its impact should be considered under the current DA.

The geotechnical report provided with the DA notes that site drainage at 24 Alan Avenue is poor to fair and features abnormal moisture conditions.

The proposed stormwater drainage pit at the rear boundary is inadequate. It should be obvious to Council that there is a serious lack of stormwater infrastructure on Alan Avenue. With more and more large houses being built it is time for proper stormwater capacity to be added.

Climate change is making high rainfall days more common. If Council is in any doubt about the impact this is already having on downhill properties, I would invite you to look at the following video taken in March 2022 of stormwater runoff rising to the threshold of our back door. Other residents of Seaforth Crescent have similar videos and photos.



Council is obliged to take into account the impact of stormwater runoff on adjoining properties when considering DAs. The relevant planning instruments under the Environmental Planning and Assessment Act 1979 No 203 are the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013, and the recent Northern Beaches Water Management for Development. They set out the requirements for stormwater management.

The Manly DCP stipulates that LEP clause 6.4(3) must comply with Northern Beaches Council's Water Management for Development Policy. LEP Cause 6.4(3) includes the provision that consent must not be granted unless the consent authority is satisfied there are no significant adverse impacts of stormwater runoff on adjoining properties.

Part 5 of the Northern Beaches Water Management and Development Policy (Disposal of Stormwater) includes in its provisions:

- 5.1c Private drainage easements obtained through downstream properties for piping flows to a public drainage system, at the applicant's expense, are strongly encouraged
- 5.1e Disposal of Stormwater must not unreasonably impact the downstream environment
- 5.5a Manage overland flow, nuisance flooding and groundwater related damage caused by low level properties to adjacent downstream properties during storm events
- 5.5.1.1.2 Stage 2 Where the means of disposal in Stage 1 (provision of inter-allotment drainage system) are not available, the use of an on-site absorption system will be permitted subject to the following which includes 5.5.1.1.2 Stage 2 part b) "The onsite absorption system will not have an adverse impact upon adjoining and or downstream properties by the direction or concentration of stormwater on those properties.

The above provisions clearly indicate that an inter-allotment drainage system and connection to a public drainage system is preferable. That is where a suitable solution should be found.

The proposed DA in its current form will make the current situation worse by doubling the amount of water-impervious surface area and by saturating the ground near the rear boundary. Simply sending more water down the hill is unacceptable. A solution should be found that connects any runoff to a piped stormwater drain terminating well away from any properties.

We are aware of other similar cases on the street involving water runoff problems between neighbours. Council cannot simply wash its hands of the matter and say it is a civil matter between neighbours. If Council approves DAs that breach both Council and Sydney Water requirements, then Council becomes part of the problem and is liable for any consequences.

Yours sincerely,

Marcus & Rowena Tuck
98A Seaforth Crescent