
Sent: 12/08/2021 3:10:28 PM
Subject: Objection to DA2021/1176 - 201 McCarrs Creek Road CHURCH POINT NSW 2105
Attachments: 199 Objection to DA2021-1176_11 Aug 2021.pdf; 199 Objection to Mod2021-0307.pdf; 199 Objection to Mod2021-0307 response to revisions.pdf;

Dear Julie,

Please see attached my letter of objection for the proposed development application **DA 2021/1176** by the adjoining neighbour at 201 McCarrs Creek Road Church Point.

Also attached, my objections to **Mod2021/0307** dated 26 June 2021 and 25 July 2021 which were previously submitted to Nick for consideration. These are still relevant and inform my current objection.

Should you have any queries, please respond by return email. Many thanks.

Yours sincerely
Iris Hardie

11 August 2021

Mrs Iris Hardie
199 McCarrs Creek Road
Church Point NSW 2105
linkpinh@yahoo.com

Dear Julie,

Re: DA2021/1176 - 201 McCarrs Creek Road CHURCH POINT NSW 2105

Following on from my objection letters dated 25 June 2021 and 26 July 2021 in relation to **Mod2021/0307**, I also wish to state my strong objection to this new development application **DA2021/1176** at 201 McCarrs Creek Road CHURCH POINT NSW 2105.

DA2021/1176 requests a development that poses a significant geotechnical hazard to my property with excavation works proposed for an internal driveway on an incline of 1:4 in a known slip zone (Geotechnical Hazard Zone H1) directly parallel to my house.

Ascent Geotechnical Consulting classifies the site at 201 as 'P' in accordance with AS 2870–2011. This indicates a high risk reactive site. The site has already had significant recent disturbance with a denuding by Precision Tree services removing all mature trees from the front of the site in March 2021.

Excavation works in this known slip zone sloping dramatically towards the McCarrs Creek Road boundary increases the risk of damage to my home from vibrations due to soil and rock excavation, and wastewater and stormwater runoff during and after construction.

The proposed driveway at 201 with 1.8m concrete retaining walls encroaches on my southern boundary with inadequate setback, is of high intensity and is a further large scale development of the site in comparison to my modest 2 bedroom fibro cottage. This has a detrimental impact on the daily amenity and future value of my property.

As such, I request that Council consider my concerns and move to refuse this application.

1) High risk geotechnical impact to property at 199

Council's own Development Engineer's response to this DA is that the proposal is unsupported and has advised that the applicant submits an updated Geotechnical Assessment based on the latest plans dated 29/6/2021 and a further detailed plan of the proposed driveway. Ascent Geotechnical Consulting classifies the site as 'P' in accordance with AS 2870–2011 that states "A higher probability of damage can occur on reactive sites where abnormal moisture conditions occur...due to factors such as:

- Presence of trees on the building site or adjacent site..
- Removal of trees prior to or after construction..
- Failure to provide adequate site drainage or lack of maintenance of site drainage."

With a total area of 215.9sqm, a total incline of 11.464m and a cumulative length of 49.3m, this driveway is an excessive overdevelopment. In addition, a hard stand has been designed at the entrance to the basement to enable vehicles to make a 3-point turn, requiring further excavation totalling ~512 sqm.

The proposed concrete retaining walls at up to 1.8m high on the outside of the driveway will wind up the southern boundary of my property causing significant adverse daily acoustic impact, bringing car noise all the way from the road, up the hill directly to my house with an increased noise impact of vehicles doing a 3-point turn at my front door. This is an unacceptable intrusion along with an adverse impact on the scenic quality from my residence and what used to be park like surrounds. It also devalues my property for future sale.

The proposed internal driveway demonstrates a maximum gradient of 1:4, as the property slopes steeply from the street facing boundary to the principal dwelling. I am highly concerned about vibrations from the use of rock hammers with an approximate weight of 300–500kg for soil and rock excavation works so close to my home. This poses a significant threat to my home and property, and I have no confidence that the applicant will comply or adhere to the required geotechnical standards or advice from Council's Engineers.

I note that the plan for this DA is a significant departure from the modifications requested in **Mod2021/0307** for a relocation of the inclinor and a staircase to the centre of the site.

I ask that Council:

- clarify what is the minimum setback from my boundary for the owner to comply with
- request the owner advise and demonstrate that this minimum setback requirement is being met as their current plan does not provide measurements in this regard
- advise what controls will be put in place by Council to ensure compliance by the owner to Council's Engineers' conditions and required geotechnical standards
- advise and demonstrate how Council will protect my property against this high risk development in a known slip zone (Geotechnical Hazard Zone H1) should it proceed.

2) Significant removal of mature trees PRIOR to Arborist Report

Council's Natural Environment Referral Response – Biodiversity has been prepared without reference to prior objections by me and other residents to **Mod2021/0307**. **Please refer to my objections in this regard as they retain their relevance to this DA due to the heightened risk of damage that mature tree removal causes to reactive sites.**

The Arboricultural Impact Assessment was prepared by S&B Tree Services during their site inspection on 28th June 2021. All significant mature trees and other vegetation had already been removed by Precision Tree Services in March 2021 from the property frontage at 201 PRIOR to this Arborist inspection and despite Council's request to retain all but 2 trees during development of the site. Hence, this Arborist report is a misrepresentation of the original heavily treed site, and any further tree removal should be prevented by Council.

I note that the owner's plans to date for both **Mod2021/0307** and **this DA** show extensive tree canopies which are no longer there so this is an inaccurate reflection of the site.

I ask that Council:

- review the Rozenberg objection to **Mod2021/0307** dated 25 June 2021 that provides photos before and during removal of the mature trees from the site in March 2021.

- advise on what action is being taken against the owner for unapproved and detrimental impact on our natural environment through significant removal of mature trees and vegetation on site and what is being done to prevent further tree removal at 201.

3) Stormwater and Wastewater run-off from 201 to 199 causing erosion and subsidence/ landslip risks

The site is in a known landslip area and the proposed excavation is substantial at ~512sqm.

There has been inadequate management and control of stormwater run-off to date from 201 on my southern boundary during the site development over many years which has caused enormous soil loss. As a result, my southern boundary is significantly lower than 201 along their proposed driveway outer wall.

This long term run-off has impacted my house causing subsidence with significant cracks in the brick wall at the front of my house and many casuarina trees on the southern boundary fence line have died and fallen over in recent years where it was originally heavily wooded. This has been worse in recent heavy weather events.

Given the continuing development on site without Council consent, I have no confidence that the current owner will adhere to any of Council's conditions and guidelines in their Stormwater and Waste Management Plans.

Council's Natural Environment Referral Response – Riparian refers to the DA as 'alterations and additions to an existing dwelling.' This is incorrect and completely underestimates the significant redevelopment of the site that is being proposed.

As per InHaus Designs Statement of Environmental Effects, the site at 201 is 'currently a construction site, as the principal dwelling is still under construction'. It was never completed or occupied by the previous owner Greg Fowler, who resided with his family in a temporary granny flat at the rear of the development site after demolition of the original fibro cottage.

As my house is downhill, below the construction site and in a slip zone, I ask Council:

- to advise on what controls will Council put in place to ensure compliance by the owner to Council's Stormwater and Wastewater Management Requirements and Guidelines including pool overflows to prevent further run-off into my property in the future
- to enforce remediation of the denuding of the block by the owner to prevent soil erosion and risk of landslip.

I also ask that Council request the owner at 201 provide the following which were not part of their submission:

- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Stormwater Drainage Assets Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Environmental Impact Statement
- Landscape Plan and Landscape Design Statement.

I request that Council review the application in consideration of the above and enforce ongoing stringent compliance requirements for management and containment of all run-offs from 201 to avoid detrimental impact to my property and McCarrs Creek estuary.

Current and previous owners have carried out works without appropriate Council consent and I have no confidence that the current owner will abide by the terms of the proposed DA or that Council will ensure compliance if this proposed DA is approved.

I reserve the right to submit further information regarding my objection as required.

Yours sincerely

Iris Hardie

25 June 2021

Mrs Iris Hardie
199 McCarrs Creek Road
Church Point NSW 2105
linkpinh@yahoo.com

Dear Nick,

Re: Mod2021/0307 - 201 McCarrs Creek Road CHURCH POINT NSW 2105

I strongly object to the proposed development application **Mod2021/0307** at 201 McCarrs Creek Road CHURCH POINT NSW 2105 as it is detrimental to the streetscape and does not pay due regard to the natural environment of the area. With the denuding of their property, their large scale building development is now fully visible from my house and the proximity of the pool and its surrounds are now intrusive to what used to be park like surrounds.

The Statement of Environmental Effects clearly states that '***The proposed amendments will have adverse impacts on the adjoining properties and streetscape***'

I agree entirely and request that Council consider my following concerns and move to refuse this application.

1) Adverse Impact to adjoining neighbour

The statement of environmental effects is only 1 page in length and does not contain sufficient information in regard to how the proposed modifications comply with the Local Environmental Plan or the Development Control Plan. As such, I ask for Council to request that the owner provide a more detailed statement of environmental effects.

2) Proximity of pool to southern boundary of my property

The pool and its surrounds have already been built and its proximity to my southern boundary is not adequately setback. In fact, the setback on the plan has been measured from the house to the boundary rather than the paved area surrounding the pool which is right on my fence line. In addition, it is an intrusive impact on my privacy with both a visual and noise impact. No further development should proceed unless the owner can prove he is not encroaching on my southern boundary.

3) Significant removal of mature trees and vegetation from front of site

Despite Council's Landscape Referral Response placing a condition that must be addressed prior to commencement, that only two trees may be removed, the entire area from the front of the house to the street has been denuded with the removal of all mature trees and other vegetation.

4) Use of my driveway without owner's consent

Despite my son requesting that the foreman onsite not use my driveway for trade vehicles, my driveway was used on several occasions for parking, dumping of materials and access to pump concrete onto the building site at 201 without my consent.

5) Site run-off from 201 into 199

There has been significant run-off from the site at 201, particularly on the southern boundary where the pool was dug out, during building works and due to non-compliance with containment of water run-off. This long term run-off has impacted my house causing subsidence with significant cracks in the brick wall at the front of my house and many casuarina trees on the southern boundary fence line have died and fallen over in recent years where it was originally heavily wooded. This has been worse in recent heavy weather events.

6) Significant overdevelopment of the site setting a risky precedent for further adverse development of properties in the area

Council's Landscape Referral Response advised that the applicant seeks consent for the following:

- *Construction / development works within 5 metres of a tree or*
- *New residential works **with three or more dwellings.** (RFB's, townhouses, seniors living, guesthouses, etc). or*
- *Mixed use developments containing three or more residential dwellings.*
- *New Dwellings or*

Current and previous owners have carried out works without appropriate Council consent and I have no confidence that the current owner will abide by the terms of the proposed DA or that Council will ensure compliance if this proposed DA is approved.

I reserve the right to submit further information in regards to my objection including supporting photos.

Yours sincerely

Iris Hardie

16 July 2021

Mrs Iris Hardie
199 McCarrs Creek Road
Church Point NSW 2105
linkpinh@yahoo.com

Dear Nick,

Re: Mod2021/0307 - 201 McCarrs Creek Road CHURCH POINT NSW 2105

Following on from my letter of 26 June 2021, I wish to further state my strong objection to the proposed development application **Mod2021/0307** at 201 McCarrs Creek Road CHURCH POINT NSW 2105.

I note that an amended plan and revised Statement of Environmental Effects document were submitted to Council on 9 July 2021. The limited revisions to these documents indicate the parties undertook a box ticking exercise rather than any real attempt to address my objections.

For example, the revised Statement of Environmental Effects still clearly states that ***'The proposed amendments will have adverse impacts on the adjoining properties and streetscape'***.

As such, I agree entirely and further request that Council continues to consider my concerns and move to refuse this application on that basis.

1) Adverse Impact to adjoining neighbour

The revised version of the Statement of Environmental Effects submitted on 9 July contains nominal additions to the original submission and does not constitute an adequate explanation of how the proposed modifications comply with the Local Environmental Plan or the Development Control Plan.

The proposed modifications do have adverse impacts on the privacy and amenity of my property as I have outlined below so these need to be addressed accordingly.

2) Proximity of pool to southern boundary of my property

The pool and its surrounds have already been built prior to Council consent. Its proximity to my southern boundary is not adequately setback. In fact, the revised plan clearly states that the setback is only 900mm from my southern boundary which is an excessive encroachment.

Their proposal to extend the pool decking is an additional intrusion as it brings it closer towards my front door and patio area that is downhill from and directly facing this southern boundary. As I assume this pool deck will be used for entertainment purposes, it will cause significant noise impact to be directed downhill towards my home and outdoor areas.

The fence line on this southern boundary is only chicken wire and star pickets and it does not provide privacy or noise reduction. The house and pool at 201 directly face north towards my house and are clearly visible from all my outdoor areas. A privacy screen will not provide the acceptable noise reduction properties required to retain the peace and tranquillity of my bush block.

Given the significant land size of 201, there is more than adequate space elsewhere on the property for the placement of the pool and its surrounds, including a level area directly behind their new home. There is absolutely no need to have encroached on my fence line in such an intrusive manner. It is an indication of poor planning and lack of consideration of adjoining neighbours.

No further development of the pool and its surrounds should proceed unless the owner can prove he is not encroaching on my southern boundary and will not directly impact my privacy. I ask that Council request an Acoustic Report from the owner.

3) Significant removal of mature trees and vegetation from front of site

Despite Council's Landscape Referral Response placing a condition that must be addressed prior to commencement, that only two trees may be removed, the entire area from the front of the house to the street has been denuded with the removal of all mature trees and other vegetation.

Unless Council addresses this denuding, it will set a dangerous precedent in the area. I note that several vacant blocks of land closer towards the bus turning circle at 231-233, 235, 239 and 245 McCarrs Creek Rd adjoining Kuringai Chase National Park have recently been sold and are to be developed. I would hate to see another natural bush block in Church Point be devastated by developers such as those at 201.

I understand that 203 McCarrs Creek Rd were fined ~\$10,000 for their tree removal (using the same tree removal services as 201) but have since removed further trees from their property so a fine does not seem to deter those with the finances to cover it. I request that appropriate protection of the natural environment in Church Point be a priority for Council as further developers take advantage of the inflated property market and vacant blocks available to them in the area.

5) Site run-off from 201 into 199, erosion and landslip risks

There has been significant run-off from the site at 201 on my southern boundary where the pool was dug out, during building works and due to non-compliance with containment of stormwater drainage. This long term run-off has impacted my house causing subsidence with significant cracks in the brick wall at the front of my house and many casuarina trees on the southern boundary fence line have died and fallen over in recent years where it was originally heavily wooded. This has been worse in recent heavy weather events.

As my house is downhill, below the construction site and in a slip zone, I request clarification on how stormwater drainage and pool overflows will be contained and managed to prevent further run-off into my property in the future. In addition, I request clarification on how will the denuding of the block at 201 be appropriately addressed to prevent soil erosion and risk of landslip?

As such, I ask that Council request the owner at 201 provide the following which were not provided with their submission:

- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Stormwater Drainage Assets Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Environmental Impact Statement
- Landscape Plan and Landscape Design Statement.

Current and previous owners have carried out works without appropriate Council consent and I have no confidence that the current owner will abide by the terms of the proposed DA or that Council will ensure compliance if this proposed DA is approved.

I reserve the right to submit further information regarding my objection as required.

Yours sincerely

Iris Hardie