

Dear Panel Members,

Application No. DA2024/0492

Address: 21A Warili Road Frenchs Forest & 49 Blackbutts Road Frenchs Forest

Description: Neighbourhood title subdivision comprising of 13 lots and new road

We provide the following submission for consideration of the above application by the Development Determination Panel on Wednesday, February 26th, 2025.

We live at 4 Rikara Place and from the subdivision plan, it looks like we will have proposed properties 9 and 10 adjoining our western boundary fence. Unfortunately, neither of us is available to attend the online meeting, which would be our preference.

For the reasons set out below, we urge the Council Panel not approve the subdivision proposal until neighbouring residents have had an opportunity to fully understand the impact of the proposal on our properties; with a postponed timeline that includes a Council facilitated site visit for us and our neighbours so we can better understand the impact of the development.

Height of Fill and Subsequent Buildings

We are very concerned about the possible height of the proposed fill. It appears that the fill will result in the new buildings along our boundary fence towering above our property, leading to a loss of privacy and sunlight in our back garden and on our pool, which sits along the boundary fence.

While we appreciate that this DA is to approve the subdivision and not the future buildings, it is evident that the buildings will follow the format of the subdivision. The approval of the subdivision includes the height of the fill, which then determines the base from which the height of the buildings commences; and we know already that the buildings will be two storeys high. The proposed height of the fill means these buildings will sit high and higher than the previous Aruma buildings did. The main Aruma building was set well back from our fence, built on the current level of the land, and had minimal impact on our privacy and penetration of sunlight into our backyard.

We appreciate the height of the fill has been marginally lowered from the original proposal and screening vegetation will be put along the fence. However, the proposed development (fill and buildings) will still have a significant impact on our house, our privacy and our amenity, due to the height of what is proposed. The small size of the proposed blocks and number of houses to be built along our back fence exacerbates this issue.

Most significantly, there doesn't appear to be a structural necessity for taking the approach to add fill to increase height and certainly no structural imperative is provided as the reason for the fill to be the height it is proposed, which is up to 1.5 metres. We estimate 1.5 metres of fill would place the fill at an equivalent height to just below the top of our boundary fence.

We would also like to gain an understanding of the shade impact of two storey buildings sited on top of the fill to the height proposed in the subdivision plans. There does not appear to have been any shade impact report provided in any of the documentation we have seen. We would expect to see a shade impact plan and need this now to understand the impact of the buildings sited on this high fill. Even if the buildings are yet to be approved, it should be possible to advise

us of the impact of shade from two storey buildings sited on top of the fill and Council could make this a requirement for shade impact to be provided before any approval of the subdivision.

It is also challenging for lay people to appreciate the impact of everything that is outlined in the documentation we have seen to date and in reality, it is only in the past week or so since the demolition of the buildings and levelling of the block has been completed that we have been able to gain a better sense of how the subdivision, proposed retaining walls and subsequent buildings might affect our property.

We would have liked to have a recent site visit with Council planners to fully understand this, but have been told this is not possible, in part due to the imminent consideration of the DA; although that could be delayed to facilitate a site visit with Council, the developer and concerned neighbours.

Stormwater Impacts

The road for the Aruma site previously ran along our back fence. This followed the slope of the block and seemed to provide the most suitable option for water runoff. That would now appear to not be the case, given the infill height and the proposed subdivision changing the access road to the western side of the block, thus necessitating the building of retaining walls.

This would seem to increase the risks of stormwater damage to our property in the event of heavy storms, which are not infrequent at certain times of the year. We would appreciate an assurance from Council, and the developer, that there will be no stormwater impact to our property from the proposed subdivision or subsequent buildings that are erected on the site and that they will accept liability should there ever be so. This should be a reasonable assurance to offer us if there are no concerns about water runoff or the way the retaining walls will function.

Environmental Matters

We have commented at length in previous submissions on the environmental impact of this development on the Aruma site, which has provided a sanctuary for local wildlife for many years.

Only last week, the Council newsletter announced that Council is “serious about protecting the beaches’ tree canopy”, with the introduction of a new Tree Management Policy to protect and enhance the area’s trees.

It is somewhat ironic to have received this communication now, as it is distressing to see the Aruma site now devoid of most of its trees, including mature native trees and healthy saplings, and to see that even more trees are planned for removal in coming months. From over 150 trees on the site, we will be lucky if half a dozen are left.

We urge Council to ensure a reasonable number of the remaining native trees and native vegetation is kept on the site to support our native wildlife and provide amenity to the surrounding area and the new residents and to help meet Council’s tree canopy commitments. This could be a requirement for the developer, rather than being simply “encouraged” – which is the language in the current documentation.

Composition of Fill

We note on page 52 of the Panel Report that the fill used in the subdivision is to be Virgin Excavated Natural Material (VENM) and free of hazardous material. We would appreciate

information from Council about how this will be assured, given the recent and high profile matters where local government areas in other parts of Sydney were supplied with material and fill that was contaminated with asbestos.

Samantha and Paul Gavel

24/02/2025