

Dear Mr David Auster,

I am writing to request a minor modification to Condition 5 of DA2022/0978.

Condition 5, dot point 2 of DA2022/0978 states:

“Fill is to be removed from the north eastern corner of the site for the entire length of the common boundary with number 12 Courtley Road, and for a width of 2m from the boundary. The ground level is to be no higher than RL154.5 for a width of 2m from the common boundary. The area is to be landscaped with screen planting and made nontrafficable.”

I am seeking to have this condition updated to something akin to the following:

“Fill is to be removed from the north eastern corner of the site for the entire length of the common boundary with number 12 Courtley Road, and for a width of 2m from the boundary. The ground level is to be no higher than RL154.5 **in the north-eastern corner of the site** ~~for a width of 2m from the common boundary~~. The area is to be landscaped with screen planting and made nontrafficable.”

Looking at the past surveys which the assessment report was based on, there is no evidence that the ground level along the common boundary with 12 Courtley Road has ever been flat. Further, a visual inspection of the fence line shows four incremental height increases (one at 400mm, three at 200mm each), totalling a one metre height difference in the top of the fence from the north eastern corner to the opposite corner of the rear boundary of 12 Courtley Road (Fig 1). This indicated there was a slope in the land when the fence was constructed.

In an attempt to comply with the above condition, all fill has been removed from the north eastern corner of the site for the entire length of the common boundary with 12 Courtley Road, and for a width of 2m from the boundary (Fig 2). The fill has been completely removed from the site. This is evident from the survey provided, showing the lowered ground level and no stockpiles on the site. The survey also shows that this lowered ground level is generally in line with the top of the retaining wall along this common boundary which forms the foundation for the boundary fence (indicated as “Top R/Wall” on the survey). A visual inspection confirms that the ground has been returned to clean soil, and I have concerns around further reducing the ground level below the top of the prevailing retaining wall shared with 12 Courtley Road as this may have adverse impacts on adjoining properties, specifically relating to the retaining wall and fence foundations.

Per the provided survey, a ground level of RL154.50 in the north eastern corner of the site, increasing to a maximum height of RL155.50 at the intersection of 10, 12 and 14 Courtley Road can be (and has been) achieved. I will comply with the request for screen planting to make this area non-trafficable, as that will provide additional privacy for 12 Courtley Road as well as my property.

Thank you for your time and consideration in assessing this minor change to the condition description.

Kind regards,

Andrew Iemma



Fig 1: Four incremental increases in fence height



Fig 2: Evidence of removal of fill along common boundary with 12 Courtley Road