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**Sent:** 18/08/2019 1:30:27 PM  
**Subject:** Online Submission

18/08/2019

MR Neil Bennett  
47 Forest WAY  
Frenchs Forest NSW 2086  
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**RE: DA2019/0811 - 49 Forest Way FRENCHS FOREST NSW 2086**

Please do not grant the exception to the 25% rear setback as requested in this Development Application.

- The proposed development will severely and negatively impact our property at 47 Forest Way with an effective actual building height of 3 stories high at the rear of the building. This will block a significant portion of the skyline when viewed from the back of the house.
- There will be no privacy in the back yard as two balconies will overlook the yard with the top balcony effectively being 3 stories high above ground level.
- The visual impact will make our back yard/entertaining area unusable.
- Initial estimates is that our property may devalue by up to 20%
- The DA requests an exemption to the rear 25% being developed above 1 story. The current application shows an effective height of 3 stories when taking the basement carparking into account as it will be above ground level at the rear of the property.

Excerpt from DA below:

'Development standards-minimum sizes and building height (4) Height in zones where residential flat buildings are not permitted - If the development is proposed in a residential zone where residential flat buildings are not permitted: (c) a building located in the rear 25% area of the site must not exceed 1 storey in height. The rear 25% area of the site totals 230.8m<sup>2</sup>. 32m<sup>2</sup> of the upper level of the proposed building is located within the rear 25%/230.8m<sup>2</sup> area of the site. This 32m<sup>2</sup> is equivalent to 13.9% of this rear setback area.

- We strongly request that council does not approve this exemption as it will significantly effect the liveability of 47 Forest Way cause undue psychological stress and subsequently reduce the property value.

- The Development application mentions the following:  
What is the underlying object or purpose of the standard? The objectives of Clause 40(4)(c) are not specifically expressed in the SEPP, however the aims of the SEPP are to increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services, and be of good design. Further, it is reasonable to conclude that the objectives of the site size control include to ensure that sites are of sufficient size to provide for buildings, vehicular access, landscaping and retention of natural topographical features. In addition, that the properties are able to be developed without incurring any reasonable physical impacts on neighbouring properties in terms of shadowing, privacy, visual impact, or view loss.

- In this instance if the exemption applied is granted, then 47 Forest Way will be impacted in terms of Privacy, Visual Impact, View Loss and to a lesser extent Shadowing.
- We do not in principal disagree with the development of this site for this purpose but strongly request that the exception to the 25% rule is not applied on this site as it will unduly and unfairly affect our property at 47 Forest Way.
- We will be more than happy to have the relevant decision makers meet on site to assess the negative impacts of this exemption being granted.

Regards

Neil and Kylie Bennett  
47 Forest Way Frenchs Forest.