
From: DYPXCPWEB@northernbeaches.nsw.gov.au
Sent: 25/04/2023 8:25:28 PM
To: DA Submission Mailbox
Subject: Online Submission

25/04/2023

DR Steven Davies
ST
NSW

RE: DA2023/0304 - 87 Blackbutts Road FRENCHS FOREST NSW 2086

Dear Northern Beaches Council,

We are writing to formally oppose the development application for a multi-occupancy dwelling in a low residential zone. While we understand that this proposal may be allowable for seniors, the rationale in the proposal is not clear. If the proposal is allowable, it is important to ensure that appropriate controls are in place to ensure that the dwellings are occupied by seniors.

It is evident that the proposal does not comply with several of the planning controls in place, which are in place to protect the interests of the community. Firstly, the proposal does not meet the minimum block area of 1000m², which is a clear contravention of the controls. Additionally, the distance from the rear of the property to the rear boundary is only 3m when the control stipulates a minimum of 6m. This discrepancy could lead to issues such as increased noise, privacy concerns, and reduced greenery in the area.

Another concern is the deep soil zone, which should be at the rear of the property where practical, as it is here. However, the proposal has half of the deep soil zone at the front, which does not comply with the controls. The planned building will also cover a significant proportion of the tree protected zone and the tree root zone for our tree on our property, which is greater than the 10 per cent allowed in the planning controls. This could result in the tree dying or dying back, and it is not clear where the liability rests if this happens. Additionally, branches could fall and damage property or injure people.

Furthermore, the applicant has hired professional planners and service providers to put the proposal together. These professionals are well versed in the planning controls, yet they put a proposal in that they know does not meet the controls requesting approval. They could have easily put in an application for three dwellings that met all of the controls but did not. This calls into question the efficacy of the process or the fitness or propriety of the people involved in the process.

It is also worth noting that the applicant previously had a three-dwelling proposal approved. However, this subsequent proposal pushes the boundaries further to add a fourth dwelling, which contravenes even more of the planning controls. The previous assessment required that the rear 25 per cent of the site, being 15.51m from rear boundary, cannot exceed one storey. The current application disregards and does not address this previous requirement, when the building now has a second storey well within the rear 25 per cent of the site.

If the applicant amended the current proposal to remove the fourth dwelling at the rear, they would comply with all of the controls. In addition, the existing oak tree in the rear of the property could be retained. Trees are important to the local community in Frenchs Forest, given its name and history. We urge the Council to carefully consider the impact of the proposal on the tree canopy in the area, as removing this tree may promote water pooling and soil erosion during periods of heavy rainfall.

There is also a risk of damaging property, such as fences, from building or landscaping works if the council allows an amended proposal. It is not clear what requirements exist or the council will impose on the applicant to ensure that property is protected and/or damage is remedied at the applicant's expense.

Lastly, we did not receive notification of the previous development application, and that is why we did not make a submission to that application. If we had, we would have made similar objections, where relevant, as we do here. To the extent to which these objections apply to the previous proposal, we urge the council to review and rescind the previous approval.

In conclusion, we urge the Northern Beaches Council to carefully consider the objections raised in this submission and reject the proposed development application for this multi-occupancy dwelling in a low residential zone. The proposal does not comply with the minimum block area, rear boundary setback, deep soil zone, tree protection zone, and previous assessment condition. The applicant's disregard for these controls and the potential damage to the existing tree, and property raises concerns about their fitness and propriety to undertake such development activities.

We believe that the Council should require the applicant to submit a proposal that complies with all planning controls: one that is scaled back to three dwellings and which meets all the planning controls.

Thank you for considering our submission.

Sincerely,

Owners 4 Kalgal Street, Frenchs Forest