

Dear Ms Coombes

I refer to Aspect Town Planning's Further Issues Response, A006351462, 8 May 2025. We are the owners of \_\_\_\_\_, which adjoins the applicant site.

Overall, the documents uploaded along with the Applicant's response represent an improved response to several concerns we raised formally in our in the Public Consultation phase. However, we have significant concerns about the new proposed stormwater discharge plan dated 8 May 2024.

#### Stormwater

Figure 1 proposes a precast headwall to discharge storm water onto a 1.5m x 1.0 m scour protection pad located within the applicant site. This scour protection plate meets the boundary of our property (90 Rogers Parade West, Everton Park) and 128 Queens Road in the covenant area of the applicant site. The plan also indicates that the "existing property connection" (which directs stormwater into the waterway through 128 Queens Road) "will be removed and capped at the main". This new proposal raises significant concerns as it does not consider the reality on the ground.

A retaining wall (at least 2 sleepers high) with a fence above it has been in place on the boundary between the applicant site and 128 Queens Road since the late 1990s. Given that existing ground level on the applicant site is more than one sleeper width lower than the landscaped area on the other side of the boundary, and the proposed discharge point is 1m from that wall, it is difficult to see how the water will flow from the discharge point to the waterway, which is a significant distance from the boundary.

We can provide annotated photos (too large to send via email) which show:

- The sleeper wall in the applicant site viewed from our property
- The similar wall between 128 & 132 Queens Road that retains the area between the \_\_\_\_\_ boundary and the waterway.
- Location of the waterway that flows between 128 and 132 Queens Road.
- Area between the boundary and the waterway.

Aspect's letter indicates that "affected property owners have been notified" of this plan. We understand that owners at 128 Queens Road have been notified but we, the property owners immediately downstream of the point where piped storm water from 5 blocks will be discharged onto a 1.5m x 1m scour pad where the applicant site meets the lowest corner of our property have not been advised of this change. If this proposal were to proceed it could also have a significant impact 132 Queens Road as is

seeks a path towards the waterway. We only became aware of the latest plans when we checked *Development i* last Friday, so it is possible other affected parties are not aware of this significant change.

Our concerns:

Since the development of 128 Queens Road in the late 90s, stormwater from the applicant site and properties above it has come through our property. This flow has been distributed along the entire 100m boundary between our properties. This new proposal however, concentrates the discharge of that water onto one small "scour protection pad" which can only flow into our property at its lowest point.

Over many years, accumulated silt has built up in the lower parts of our properties. This is evident adjacent to the retaining wall on the applicant site and in the lower part of our property. This means that water pools in our yard following heavy or sustained rain because ground level between the water corridors to the north and east of are higher than some parts of our property. Ground level on 132 Queens Road side of our joint boundary is also higher than the waterway through that property. We are concerned that the force of the concentrated discharge will carve new paths towards the waterway undermining our fences and the retaining wall and fence between 132 & 128 Queens Road and put established vegetation at risk.

At a pre meeting with Council (24 Feb 2025) we were advised that an application to reconfigure our lot would need to pipe stormwater to the street to achieve a lawful point of discharge... discharging it through the proposed covenant area would not be acceptable due to the vegetation to be protected on site.

Whilst piping to the street is clearly not an option for our neighbour's application, we are concerned about damage to significant vegetation on our property as on two separate occasions, we have lost mature native trees due to root damage (confirmed by arborists) following sustained weather events and water leaking from the applicant site. We are concerned that the increased water flow and subsequent scouring may have a significant impact on 3 large protected trees on our property adjacent to the applicant site's "covenant area". These trees are not included in the applicant's tree survey (presumably because they are 2m or more from the common boundary) but we can provide details from the arborist survey of our trees conducted in Dec 2024. There are numerous other significant trees in the diversity area but these are less likely to be affected.

Photos (too large for email) can be provided to illustrate the above, including

- the lowest point on our boundary where the water is likely to flow from the scour protection plate into our property and the depth of silt build up over 30 years
- mature Eucalypts and Swamp Box whose TPZs extend to or into the applicant site
- the size & location of a 24m Ficus whose extensive above ground roots coupled with higher ground on the eastern side of the property limit flow towards the waterway to the east and already results in significant levels of pooling during heavy rain. This will be exacerbated if a more concentrated flow is directed into our property.

The current proposal, if approved, would have detrimental impacts on our property and other downstream properties that are already impacted by the increased flows in the waterway. To assist your consideration of this application, we can provide additional information and photos if required. We are also willing to provide access for relevant Council staff to make a site visit to our property to gain first hand information about the issues on the ground and develop a way forward to achieve an outcome that minimises the impacts on downstream properties.

We are happy to discuss these issues further by phone or in person.

Sent from my iPad