



The General Manager
Hornsby Shire Council

Dear Sir

8.2(1)(a) REVIEW. DA/1349/2017 - 26 Grace Avenue, BEECROFT NSW 2119 - SUBDIVISION - ONE LOT INTO THREE

The Trust disagrees with the applicant's argument seeking approval and strongly supports Council's refusal of this 3 lot subdivision.

Below, the Trust has commented on the applicant's reply to Reasons for Refusal, dated 16 July 2018.

1 The pronounced triangular shape of the proposed lot 3 would create a lot with extremely poor amenity. The shape of the lot when combined with the 8 metre slope will create unacceptable problems with cut and fill for any construction. The triangular shape will create minimal setbacks around any dwelling, creating privacy problems for lot 3 but also for all adjoining properties. Plus overshadowing issues will arise for any future dwelling. With minimal setbacks all vegetation on or near the boundaries is likely to be severely impacted by any development.

2 The subject lot is triangular and steep and tapers downhill into a point that makes drainage a key component in any development proposal. The Trust believes it is essential that all drainage issues are resolved prior to any determination. Also, as the site is so constrained by shape and slope, it is essential that the positioning of essential future infrastructure, whether it is a building or driveway, or in this case, on-site detention, must be approved before any determination is made.

3 Approval with deferred commencement is considered unacceptable for this proposal because the problems with the development are not just drainage. There are other matters that are probably more problematic than drainage. The Trust believes that the only time deferred commencement should be granted is when ALL other matters are satisfactory. In this proposed development, there are a number of serious unresolved constraints.

4 Lot 3 setbacks have been addressed under point 1 above. The problem with this proposal is the applicant attempting to squeeze in a third lot, that is considered to be substandard. Council may remember when, 15 years ago, the Trust argued against a similar three lot subdivision at 102 Chapman Avenue Beecroft. The applicant appealed the refusal and at the onsite meeting the LEC, Commissioner Tim Moore supported the Trust's argument that the third rear lot was inappropriate due to trees but also because it was triangular in shape. The result was a more acceptable two lot subdivision. This proposal is similar.

5 The driveway width may be minor but over the years many of these minor variations to the DCP have been allowed. The applicant cites past examples, but in many of these approvals the applicant refers to, the long term consequences have resulted in poor amenity and privacy issues for the future owners. In fact the Trust could argue there are many precedents where the variations should not have been allowed!

6 The applicant has described the site as a wasteland. This is not a matter for consideration. The owner can clean up the site without any approval from Council.

7. The proposal is definitely NOT in the public interest for the reasons described above. Nowhere in the report does the applicant acknowledge that the site is triangular and steep, both factors that must be taken into account when designing the size of the new lots. These lots are so constrained that virtually all the vegetation will need to be removed. Council's controls state that larger than minimum sized lots are required where the site is severely constrained, as in this case.

This review cannot be supported and the refusal should remain.

Yours Sincerely

Ross Walker

President

Beecroft Cheltenham Civic Trust

30 July 2018