



The General Manager
Hornsby Shire Council

Dear Sir

**DA/398/2018 - 88 Malton Road, BEECROFT NSW 2119 - 2 SINGLE NEW DWELLINGS - 2
NEW DWELLINGS (APPROVED LOTS 2 & 3)**

The Trust objects to the revised plans on the following grounds outlined below. The Trust has focused on only some matters, due to time constraints. No doubt there are other matters that could be commented on. The Trust had very strong concerns when this subdivision was originally approved, arguing that the site had serious constraints that would make it difficult to design two dwellings that would comply with the planning controls.

Statement of Environmental Effects

There is no SEE to help explain what changes have been made, why they have been made, and how the changes address the issues identified with the first design. The diagrams have red circles where changes have been made, but without a statement, one can only guess the reason for the changes.

Privacy

Privacy for the adjoining owner at 86A Malton Rd, adjoining lot 2, is still an issue whereby the adjoining owner would not be able to enjoy the private use of their pool. The Trust notes that the dwelling has been redesigned to improve privacy but it is a challenge when the floor plan and footprint restricts the opportunity to provide privacy that is acceptable. The problem with the current design is how to provide acceptable privacy when there is an existing swimming pool located on the adjoining property.

While the side setbacks would normally be sufficient, a problem arises due to the topography and absence of soil along the side boundary. Normally privacy can be provided using a structure or vegetation but there is a significant height issue and there is no soil in this area to support vegetation. The ground is bedrock. A fence would have to be up to 5 metres high to be effective. Using plants in pots as a privacy screen will not work long term due to the topography, lack of soil and with the ground level so low. There is an issue with the drying area facing the side boundary. The Trust believes the best solution would be to relocate the laundry and drying area to another side of the house.

The Trust questions the privacy and aesthetics of the large translucent windows in both the dwellings facing the adjoining properties. They are huge; 5.4 metres long by 1.6 metres high.

Landscaping plan

The Trust has only carried out a cursory assessment but is concerned about the functionality of the plan. Besides inconsistencies between the various documents submitted, the Trust will comment in detail on two issues. No doubt there are other issues.

Along the common western boundary with 86A Malton Rd, the plan proposes a row of LillyPillys , 2.5m high and 1.5m wide. With an absence of a SEE the Trust must assume it is mainly for privacy. However the natural ground level along this common boundary next to the swimming pool in 86A Malton ranges from about one metre to 3 metres below the swimming pool. Also, as pointed out above, there is no soil in this area. Therefore the LillyPillys will not be able to provide privacy, let alone survive long term. Even having the Lillypillys in containers, they are unlikely to survive long term , let alone grow to maturity. Also, with no structural screening for the drying area, the Trust must assume the Lillypillys will be the screen . But the proposed drying area is substantially less than 1.5 metres from the boundary. So a row of Lillypillys 1.5 wide will not fit and will be subject to heavy pruning, possibly from both sides, thus substantially reducing the depth of screening and therefore privacy. The Trust believes the best solution is to relocate the drying area, and probably the laundry.

There appears to be similar problems of functionality with respect to the planter boxes on lot 3 located along the eastern side boundary next to 92A Malton Rd. The planter boxes appear to be less than are 1 metre deep and about 0.4 metres wide. With no SEE, the Trust must assume this is for safety as well as privacy, as the driveway extends to the edge of the boundary on a 1.8 metre high retaining wall. Again, LillyPillys 2.5 metres high and 1.5 metres wide are proposed for the planter boxes. There is serious concern for the long term health and survival of these plants in planter boxes.

It is also worth noting that, like the western boundary, the eastern boundary next to 92A Malton Rd is on bed rock with no soil. So the owner of 92A will be unable to plant a vegetation screen even if he/she wanted to.

Also the drying area is not screened or fenced at all and is located on the boundary 1.5 metres above the ground, overlooking the adjoining dwellings. Even if a screen is constructed the functionality of the drying area will be compromised with shading and restricted air flow.

Based on the limited information provided, there will be a significant loss of privacy for No 92A Malton, which has its private open space located about 2 metres directly below the driveway of lot 3. This area along the eastern boundary needs more design work, perhaps with the driveway offset from the side boundary to allow better screening, or avoid using the eastern right of way as a driveway completely. A larger offset to the eastern side boundary may address safety and design. The drying area could be located away from this highly visible eastern boundary. In summary, there are serious design flaws in this area of the proposed development.

Stormwater management

The Trust notes that the stormwater discharge will be concentrated in one position on the two lots. This needs further investigation to make sure the increased flow will not create a future erosion and

weed bloom problem. After all , the discharge will be directly into the environmental protection easement. This matter should be referred to Council's bushland management team for comment.

Bulk, scale and heritage

While these two lots are large they are also seriously constrained. Both dwellings have been lowered from the first plans but the dwelling on lot 3 still doesn't comply with cut and fill requirements. These dwellings are not small and have a significant amount of bulk when scaled against surrounding older dwellings. Being in a heritage precinct, bulk and scale do matter and while the heritage report commented on surrounding dwellings, it was also selective in choosing the larger dwellings only for comparison. The bulk and scale of the two proposed dwellings will become very noticeable when one adds the recently completed dwelling in the front of 88 Malton as well, which is also extremely large. From the street the combined visual impact of these dwellings will be out of character in this area of the heritage precinct. Two smaller dwellings with larger offsets would address many of the issues raised.

The right of way over 90 Malton Rd.

The first development proposal identified the need to obtain owner's consent to carry out works on the right of way over 90 Malton Rd . Without a SEE or other documentation, the Trust will assume this matter has not been addressed. As stated above, this area of the proposed development needs some serious investigation. There are no engineering design plans covering the right of way nor any assessment of statutory safety standards. There are also major inconsistencies between the submitted plans such as the drying area used as part of the vehicle turning area.

In summary, the Trust has assessed the proposed development sufficiently that further changes to the development proposal are still required. Also without a SEE, it is difficult to fully assess the proposal within a limited timeframe. As submitted, this DA does not satisfy the various planning objectives and must be refused.

Yours Sincerely,

Ross Walker
President
Beecroft Cheltenham Civic Trust

3 December 2018