



**BEECROFT
CHELTENHAM**
CIVIC TRUST INC
the voice of our community

The General Manager
Hornsby Shire Council

Dear Sir,

DA/572/2017 - 112 Chapman Avenue, BEECROFT - SUBDIVISION - ONE LOT INTO TWO - DEMOLITION

The Trust acknowledges that this DA addresses a number of the issues that were identified in the first proposed subdivision, however, even after reading the Flood Management Plan, the Trust still has serious concerns with this second proposal. Therefore the Trust must object .

The applicant proposes to divert the natural watercourse to roughly follow the proposed lot boundary, thus creating a new lot suitable for development. However this watercourse diversion entails diverting the stormwater through 90 degrees at the side boundary involving two short 45 degree bends. This diversion is significant in terms of distance and angles and therefore has the potential to be a problem in the future.

The Stormwater and Flood Management Plan (FMP) is quite detailed and provides an engineering solution to an environmental problem that the proposed subdivision will create. Any localised flooding that currently exists can be simply addressed without creating a bigger flooding problem. The FMP should be read carefully because, while it provides an engineering solution, it also places numerous conditions on any future development and even access to the subject land. It clearly states that the land is still flood prone and engineering mitigation measures such as barriers and fencing should be built. The FMP also states *'In accordance with the NSW Floodplain Development Manual (2005) the flow in the post-develop site conditions is considered high risk and such it is proposed to install a barrier fence along the drainage channel to prevent pedestrian access'*.

While the FMP refers to the floodplain development manual 2005, the Trust also brings to Council's attention the following wording in the Section 117 Direction 4.3 Flood Prone Land which is very clear about avoiding development on flood prone land,

- (6) A planning proposal must not contain provisions that apply to the flood planning areas which:*
- (a) permit development in floodway areas,*
 - (b) permit development that will result in significant flood impacts to other properties,*
 - (c) permit a significant increase in the development of that land,*
 - (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*

(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General)

The applicant compares his proposed drainage line with the approved drainage line across the street at 83 Chapman Avenue. However there is a fundamental difference between the two. The stormwater drain at No 83 Chapman Avenue only has very gentle obtuse bends, and no major changes to the watercourse. Council will also know that the Trust objected to this DA describing the proposed development as changing the land constraints to suit a design when it should have been designing a house to suit the land constraints. It is regarded as a poor approval and should not be used as a precedent.

The diversion of the watercourse as well as any underground piping is likely to require an easement in Council's favour. This will mean that Council will become responsible for the maintenance and any potential liability associated with the performance of the easement. Diverting a natural watercourse and creating a man-made structure is also contrary to Council's policy. Therefore the Trust believes the risks associated with the creation of an additional are greater than any benefit. Therefore the proposed subdivision is considered not to be in the public interest.

The Trust is also concerned that the Blue Gum in the centre of the proposed lot will end up being compromised over time as it is too close to the identified building platform. Common sense indicates that the Blue Gum, that has a habit of dropping branches, and a house built so close to will eventually be incompatible in the long term. Then there are the various bushfire constraints. So the Blue Gum is likely to have a limited life if the DA is approved.

Also associated with the site being so constrained the identified building envelope is shown to be 184 sq m, not the minimum 200sq m.

In summary, this site is highly constrained, by significant vegetation, bush fire controls and the watercourse. Diversion of the natural watercourse has the potential to expose Council to future liability issues and is therefore considered to definitely not to be in the public interest for Council to approve this proposed subdivision. The subject land is so environmentally constrained that any additional development such as what is proposed has the potential to create future problems for Council.

Council is requested to forward this DA to ALL relevant sections within council so the above issues can be fully assessed and for Council to keep the Trust informed of progress

Regards ,

Ross Walker
President
Beecroft Cheltenham Civic Trust
PO Box 31 Beecroft 2119
11 July 2017