



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

**Hornsby Shire Council ats Martin Patrick Scully & Anor
Land and Environment Court Proceedings No 2019/105178
Property: 112 Chapman Avenue, Beecroft**

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

Dear Commissioner,

The Beecroft Cheltenham Civic Trust has submitted two objections to this proposed subdivision. Even after all the additional changes to the subdivision the Trust still strongly opposes this subdivision on the following grounds.

The Trust notes Council's delegated planning report dated 18 December 2018, attached to Council's website. Many of the issues raised in this report still apply. The concept of a dwelling on piers only addresses some of the issues.

The Trust has used the documents downloaded onto Council's website up to 23 June 2020.

Undersized lot.

The Trust notes the drainage channel through lot 1 now has an additional fan shaped entry facing Cardinal Avenue. Therefore the Trust must now assume that the proposed easement through lot 1 is now greater than the earlier easement of 187 m² as stated in Council's delegated report for refusal. (The applicant quotes 91 m² for the physical channel on the latest subdivision plan). If this assumption is correct than the net area of lot 1 must be further reduced and is still well under the minimum 600m². The Trust strongly supports Council's very strict policy of not deviating from the minimum lot size. This matter alone, should be sufficient grounds for refusal.

Vegetation.

As discussed in the delegation report, Blue Gums and Blackbutts have a propensity to drop branches, at any time. Building dwellings under these trees will eventually lead to problems such as structural damage but also a potential risk to life. As the large Blue Gum and Blackbutt on lot 2 are significant and should be protected, then the idea of a proposed dwelling to be located below these trees is not appropriate.

With respect to the impact of development on the tree root zones, even a dwelling on piers will create a long term impact on the tree roots, through a lack of direct rainfall onto the ground and lack of sunlight. All elevated structures create dry zones on the ground over time. So while the roots may not be disturbed the moisture levels in the critical top soil are likely to be permanently altered.

The stormwater channel will create significant physical constraints on the owners. There is a high probability that most of the open space on lot 2 will be altered for access paths, surface drains and landscaping in general.

The fact that this site is traversed by a watercourse will most likely mean that the main feeder roots for the large trees are in the area of the watercourse; as opposed to say, the higher and drier ground along Cardinal Avenue. While sections of the channel will be elevated there will still be a significant impact on these main feeder roots either through cutting the roots or even drying out the sub soil in the watercourse where the channel is elevated. So the impact of the changes to the watercourse will have a proportionally greater impact on the root zones around the watercourse than roots elsewhere on the site.

Also the sections of the channel that are not elevated will tend to cut off any feeder roots extending across the watercourse, thus reducing the coverage of the root zones.

While some of these issues may be minor, they will have a cumulative effect on the trees, especially over time. Trees often take years to succumb to environmental impacts and often it is not till there is an event such as a prolonged drought, like last year when Council lost countless mature indigenous trees, when the trees will suddenly die. Therefore the precautionary principle must also be considered.

Heritage item 171.

It is worth mentioning that Chapman Avenue is a special street in Beecroft. The street contains a magnificent corridor of indigenous trees, with the trees on the subject site clearly contributing to the streetscape. These magnificent trees are protected with a heritage listing (item 171). There are numerous references in the heritage description referring to how the privately owned trees are a contributory element.

To quote just one section of heritage item 171,

“The large private gardens adjoining the road reserve conserve a particularly large number of BGHF canopy trees, including some specimens of immense proportions and scale. The group provides a high level of connectivity with adjoining remnant groups including Hull Road, Cardinal Avenue and Hannah Street”

The Blue Gum and Blackbutt on No 112 the subject site are both clearly contributory elements to heritage item 171. The two trees, balanced by the Blue Gums on the southern side of the street, present a treed gateway as you enter Chapman Avenue from Cardinal Avenue. There is nowhere else in Beecroft or Cheltenham where there is a similar effect. The two trees on No 112 must be protected.

Development Controls.

The existing dwelling (No.112 Chapman) was designed to face south, overlooking the extensive garden that is now proposed to be lot 1. This southern outlook for the front of the existing dwelling will be reduced to about 5 metres. This 5 metre setback from the ‘front’ of the dwelling does not comply with Council’s planning controls. If the applicant adopts the western side of the dwelling, that faces Cardinal Avenue, as the frontage nor does the existing setback of 2.5 metres comply. Either way the existing dwelling does not comply with Council’s planning controls.

In fact the dwelling was not designed to face Cardinal Avenue and if adopted as the front, will present a negative impact on the Cardinal Avenue streetscape. Currently, this western side of the

dwelling that faces Cardinal is acceptable because it is regarded at the side of the house. Once an additional dwelling is constructed in its 'front' setback, the whole Cardinal Avenue streetscape changes. It is essential that matters such as privacy, amenity, and the streetscape are considered for the existing house at this subdivision stage. To date this matter has been noted in Council's report but appears not to have been fully considered.

The proposed dwelling on the proposed lot 2 appears to be designed to face Cardinal Avenue. However the setback will be only 3 metres, similar to the existing dwelling. The rear of the dwelling is constructed on the edge of the storm water channel with eaves overhanging. This has the potential to restrict access from the dwelling to the rest of the property.

The 200m² area for the dwelling footprint appears to include the private open space (a covered patio) and the two car spaces. The Trust understands this arrangement is contrary to the planning controls.

While it may be possible to address these matters through an amended house design there is still the overarching issue that a dwelling design cannot fully address; being positioned directly under the two large trees on the proposed lot.

Expanding on the comments above, the proposed dwelling on lot 2, together with the existing dwelling on lot 1, will create a continuous non complying streetscape with the two dwellings facing Cardinal Avenue with just 2.5 to 3 metre setbacks. This is unacceptable and, besides being out of character with other dwellings, will create poor amenity and privacy issues.

Hornsby Council has a policy that encourages to retention of natural watercourses and the avoidance of creating lined stormwater channels that require easements in Council's favour. Easements such as the proposed stormwater channel will create a burden on Council and should be avoided. Often these drainage easements are not in the public interest for many reasons, such as environmental and economic.

With reference to section 1.3 of the Environmental Planning and Assessment Act 1979 (No203) the Trust argues that the objects of the Act has not been satisfied. This argument, for the sake of an additional dwelling, the applicant will be obliged to construct two new drainage lines that will create significant environmental disturbance. The planning legislation requires new development to be of an economic benefit. Simply from a cost benefit analysis, this proposed subdivision is clearly questionable. Again, it is highly unlikely to be in the public interest.

In summary, even with the detailed dwelling design to support the subdivision there are still many significant constraints that do not satisfy all the planning controls. The more one considers the constraints of the site, the more one realises that a second lot creates too many short and long term problems.

It also has the potential to create a dangerous precedent, which will greatly disadvantage Council. This DA is clearly NOT in the public interest and should be refused.

Ross Walker OAM
President
Beecroft Cheltenham Civic Trust
30 June 2020