



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

The General Manager
Hornsby Shire Council

Dear Sir,

DA/326/2019 - 34-34A Day Road, CHELTENHAM NSW 2119 - SUBDIVISION - ONE LOT INTO TWO

The Trust strongly objects to the proposed subdivision of lot 5 DP 31594 into two lots for the following reasons.

The current unused easement is still valid and is noted as such in the SEE. The Trust notes that the applicant has stated that he can apply for the extinguishment of the unused easement in two years' time; ten years after the replacement easement was created. However the applicant has not provided a reason as to why he has lodged the subdivision before the easement is extinguished.

By proposing a second dwelling before the easement is extinguished severely limits options as to where a dwelling can be located. This is not sound planning practice and is not in the public interest.

The Trust does not support the variation request under clause 4.6. The applicant has not included house plans, as requested, to demonstrate how this subdivision will satisfy the planning controls. Nor has he followed the request to avoid the use of vegetation offsets. The building platforms are not of uniform configuration with the applicant juggling to fit a building platform around the offset proposal. Again, this is not good planning practice and is not in the public interest.

In summary, the current situation with the unused easement still in place means that the applicant is forced to submit an inferior and completely unacceptable subdivision proposal compared to a subdivision using the whole of the lot. The proposal as submitted clearly does not comply and positions two dwelling platforms close together with the inherent problems in the future of noise, privacy and amenity. There may be an opportunity to create a better planning outcome after the easement is extinguished. Therefore this DA is poor planning and therefore does not satisfy the fundamental objectives of the EPA Act.

The Trust believes that Council has no choice but to refuse the Development Application as submitted. The Trust also considers any proposed subdivision should not be supported until this essential initial procedure to extinguish the unused easement is completed.

Yours sincerely

Ross Walker OAM
President
Beecroft Cheltenham Civic Trust

16 May 2019