



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

The General Manger
Hornsby Shire Council

Dear Sir,

DA/1192/2022 - Subdivision one lot into two lots - 74A Sutherland Road, BEECROFT NSW 2119

The Beecroft Cheltenham Civic Trust strongly objects to the proposed subdivision for the following reasons.

The **flood study** clearly confirms that the rear area where the proposed lot will be created is significantly flood prone. The Trust understands that State Government policy does not support additional development on flood prone land.

If the rear area was an existing lot legally created, then the Trust can understand the rationale of altering the land in order to make the area suitable for housing. But this is not the case. Also the flood report tends to be silent on the impact of the proposed changes on downstream properties. The Trust believes that the precautionary principle should be adopted as the consequences of any development in this flood prone area has the potential to create unknown problems in the long term.

The Trust has consistently argued that **irregular lot boundaries** are inconsistent with Council's planning controls. The proposed common boundary between the two lots has four short boundary lines with three of them ranging from 3 to 10 metres. Such boundary configurations is considered poor planning and do not provide good amenity or privacy and more importantly create small areas of land that are unusable.

The **canopy tree cover** on the proposed lot is such that many of the trees, some very significant and located on adjoining properties, will eventually be either removed or heavily pruned on a regular basis if a dwelling is approved. Based on past subdivisions and subsequent development applications for dwellings, trees that have been protected by strict conditions at the subdivision stage are often permitted to be removed at the dwelling stage. This strategy to get a subdivision approved and then ignoring some of the conditions at the dwelling approval stage is poor planning and creates disrespect and mistrust between the community and Council.

The compliance of the **proposed turning and passing bay** is questioned. While it may be 6 metres long there is no additional transition length of 4 metres. While the turning bay may not require a transition length the proposed bay is a touch over 40 metres from Sutherland Road. While Sutherland Rd is not a main road nor a high pedestrian area, it does have a narrow footpath with limited sight distances. Having the turning bay just over 40 metres from the road is far from ideal.

The necessary **alterations to the eave on the existing dwelling** where the access way is located needs clarifying. According to the proposed subdivision plan the existing eaves encroach 0.53 metres yet only part of the eave (0.32) will be removed, implying the eave will still encroach. The existing dwelling with the access way handle less than 1 metre away will therefore fail to comply with Council's side setback requirements.

The Trust has a long standing and consistent policy where we do not support the concept of access ways passing an existing house where there is less than one metre clearance and where the existing dwelling has to be altered. Based on feedback from previous subdivisions of this nature, minimal separation between dwelling and access creates poor amenity, poor privacy, issues of access to the dwelling and neighbour friction.

In this case the wall of the dwelling is 4 to 9 cms off the proposed access way. There appears to be windows facing the access way as well. The heritage report is silent on the alterations yet the eave removal will be visible from the street. Eave removal is considered to be an intrusive alteration and far from being of a neutral nature.

The planning controls must make sure that the **controls protecting the existing dwelling are not compromised** and compliance is destroyed. This would be contrary to the objects of the legislation. As outlined above there are too many compromises affecting the existing dwelling, with the intrusive turning bay, eaves altered and essentially the access way abutting the eastern wall. This is poor planning.

In summary, the proposed subdivision with many significant constraints is not supported as it is seen as a backward step in terms of quality planning. Even though the applicant argues that the various constraints can be addressed, such as tree trimming, pier foundations, raising the levels, constructing flood walls and removing house eaves, clearly this proposed subdivision is not in the public interest and should be refused.

Yours faithfully

Ross Walker OAM
Vice President
Beecroft Cheltenham Civic Trust
24 November 2022