

From: Colin Johnston
Sent: Tuesday, 4 November 2008 11:25 PM
Subject: DA/586/2008 – 66 Castle Howard Road, Beecroft



**BEECROFT – CHELTENHAM
CIVIC TRUST
INCORPORATED**
PO Box 31, BEECROFT, NSW, 2119
www.2119.org.au

Councillor Nick Berman
His Worship the Mayor of Hornsby
Shire Offices
Hornsby

Dear Mayor Nick,

DA/586/2008 – 66 Castle Howard Road, Beecroft

The Trust further resolved tonight to advise you of our continued objection to the above. There appears to be no substantive change to the nature or scale of development proposed, despite previous notable resident objections and consequent deferral of the matter by the former Council.

There remain several issues of concern, including compliance, privacy, environment impact, plus degradation of the fundamental character of Beecroft and Cheltenham. These are again submitted from my message of 2 September below.

In reviewing the proposal, the Trust notes that poor merit issues are apparent. Our legal advice remains that there is that no comparison is likely with certain LEC cases. We also note possible LEC action by the developer. Our concerns remain unaddressed, as they were detailed in my message of 2 September last.

Reflecting the level of local residents' concerns, our Trust would be prepared to offer all reasonable professional and related assistance to Hornsby Shire Council in refusing this inappropriate and ill-considered development, should the developer proceed to the NSW Land & Environment Court.

The Beecroft Cheltenham Civic Trust seeks to address Council tomorrow night on these critical issues.

Yours sincerely,

Colin Johnston

President.

From: Colin Johnston
Sent: Tuesday, 2 September 2008 11:36 PM
Subject: DA/586/2008 – 66 Castle Howard Road, Beecroft



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Councillor Nick Berman
His Worship the Mayor of Hornsby
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Dear Mayor Nick,

DA/586/2008 – 66 Castle Howard Road, Beecroft

The Trust resolved tonight to advise you of our continued objection to the above. There are several issues of concern, including compliance, privacy, environment impact, plus degradation of the fundamental character of Beecroft and Cheltenham. In reviewing the proposal, the Trust notes that poor merit issues are apparent. Our legal advice is that no comparison is likely with certain LEC cases. Our unaddressed concerns include:

Compliance

Residents have raised concerns about compliance with key prescriptive measures of the DCP. In particular, there are concerns in relation to two storey houses on battle-axe lots. The applicability of a key LEC judgement (in North Sydney) appears dubious. It is also most regrettable that Council's own concerns from previous Council meeting minutes do not appear to have been addressed.

Privacy

Local residents have raised serious and significant concerns about potential intrusions on the privacy of their homes and curtilage. The Trust notes legal opinion that interference with view can be important.

Environmental

Adjacent residents report significant vegetation clearing; this seems consistent with the application's poor addressing of landscape issues generally. Also in this regard, my Trust's previous concerns regarding notable risks to certain significant trees have not been addressed in the modified plans.

Character of suburbs

Constant piecemeal and major episodes of significant tree removal change the character of the two suburbs, and our Bushland Shire. In our March 2008 Resident Survey, notable numbers of householders indicated the importance of trees to the amenity of Beecroft and Cheltenham. In this instance, residents have indicated to the Trust that they believe the design of the proposed houses is quite inconsistent with the treed, heritage character of Beecroft and Cheltenham.

This development is a notable departure from the general type of housing in the area, as well as posing important environmental concerns. We urge council to take a strong line opposing this and be prepared to defend any challenge that may arise in the Land and Environment Court.

We also request that Council's Mr. Jamie Slaven examine and report to Council on the environmental significance of the site and any works undertaken so far.

BCCT strongly supports the residents' opposition to these significant DAs. The Trust's legal advice is that Council may be acting *ultra vires* the pre-election *caretaker mode* provisions indicated to it recently by the NSW Department of Local Government, given the issues above.

Yours sincerely,

Colin Johnston

President.