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**Sent:** 30/09/2019 12:40:07 PM  
**Subject:** ATTN: Development Assessment: Mod2019/0425 DA2018/0449 77 Myola Road, McLeod Submission  
**Attachments:** Mod20190425 - DA20180449 Submission McLeod 75 Myola Road.docx;  
Mod20190425 - DA20180449 Submission McLeod 75 Myola Road.docx;  
Surface Water Runoff 77 Myola to 75 Myola.mp4;

Please find attached our submission concerning the above Mod application:

1. the submission Word document and
2. a video of surface water runoff

Regards  
Leslie & Roy McLeod

**Mod2019/0425 - DA2018/0449 Lot 1 DP538888 77 Myola Road Newport, McLeod Submission (75 Myola Road) regarding Modification to Parking Hardstand**

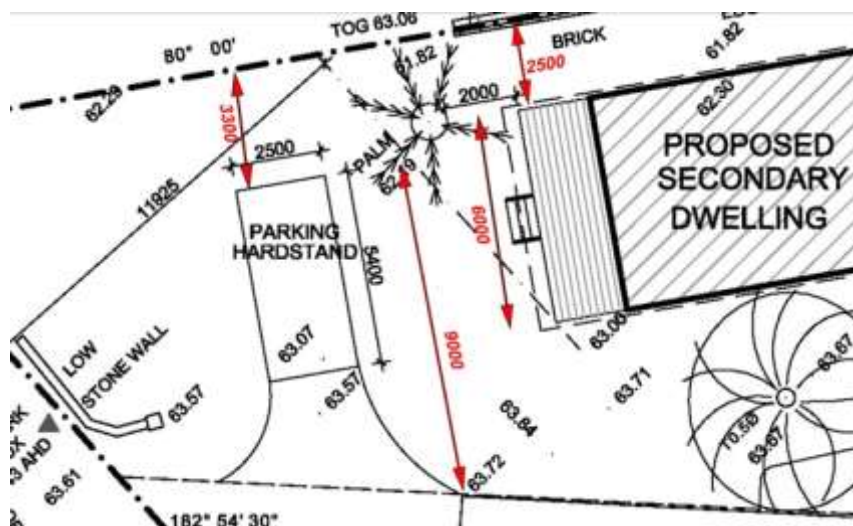
We, Roy and Leslie McLeod, are the owners of 75 Myola Road, the property directly adjoining 77 Myola Road, Newport (**the Property**) and the site of the development.

We have a number of serious concerns with the proposed modification.

**1. Accuracy of the information in the Modification Application**

The Modification Application provides that the 'driveway' will be reduced in width from 3.65m to 3.2m. However, the Stamped Plan accompanying DA2018/0449 for the granny flat shows an approved width for the car parking area of 2.5m, not 3.65m (See **Attachment A.**).

The Modification Application also provides that the 'driveway' will be extended by 1m in length to 11m, towards the northern boundary, resulting in it finishing 1.5m from the northern boundary. However, looking at the Stamped Plan, a 1m extension to the parking area would not bring it to 1.5m from the northern boundary: the granny flat itself is 2.5m from the boundary and the approved car parking area about 80cm further i.e. approximately 3.3m from the boundary. A 1m extension would therefore bring the car parking area to around 2.3m from the boundary. (See the Stamped Plan at Attachment A. and our marked-up extract below)



We ask that Council require the developers to clarify these discrepancies and that we are provided with that updated information, including plans with all relevant dimensions, so that we can properly consider the impact of the proposal on us and respond accordingly.

## **2. Impact on privacy and amenity**

A car parking area 1.5m from the boundary would have an unreasonable impact on the privacy and amenity of our property.

The site on which the car parking area is planned is raised approximately 160cm above our property. Most of that height is the result of prior unapproved earthworks which raised the area approximately 80-100cm above the natural ground level. With the 20cm concrete slab for the driveway, the total height of the site will be approximately 180cm above our property.

If the proposed modification is approved, it will allow for a vehicle (car or even a truck) to be parked unreasonably close to the boundary and looking directly out over our property. It will also result in the parking area being approximately 7 metres from our son's bedroom and what will be our new front door (see plans *McLeod DA2019/0486*). The area over which the parking area overlooks is the entry and exit to our property and is therefore well used with cars and people in the area every day. **Attachments C and D** below provide a visual representation of this impact.

As originally approved, the parking area was partially obscured from our house by an existing large palm tree. The proposed modification will result in it being in front of the palm tree and any screening benefits of the tree being lost.

A car parking area in a front yard, so close to and dominating our property like what is proposed, is unlike anything in the area and completely out of character. At night we will have headlights from cars on the Property shining directly over our yard and the entrance to our house. Noise will also be an issue.

We also submit that this further encroachment on our enjoyment of our property should not be allowed retrospectively and outside of consideration by the Council of the totality of the very significant impact of the granny flat on our home. We should not have to suffer the consequences of poor planning on the part of the developers.

## **3. Safety risk and land slippage**

Allowing the parking area to be constructed so close to the boundary and uphill of our property will also increase the risk of a vehicle accidentally being driven or rolling into our front yard / driveway. This could cause serious injury to a member of our family or damage to our property, or even to the downhill neighbour at 73 Myola Road. There is no barrier to stop a runaway vehicle from 77 Myola road careering downhill. This type of accident has happened in the past in the area.

Further, the unauthorised fill in the location of the parking area, is hard up against a loose sandstone drystack wall (with very limited mortar), which was not engineered

to be a retaining wall. The additional load from a vehicle on the fill, is likely to cause this sandstone wall and our garden wall to be further under stress and potentially buckle. Land slippage is a real concern. As the natural land originally sloped uphill, the closer the parking hardstand to the Northern boundary, the higher the risk of landslip.

#### **4. Surface water run-off**

The surface water runoff, both from the carparking parking area as well as from the steep concrete driveway leading from 81 Myola Road, has to-date not been addressed. We have raised this issue with Council many times. Allowing the car-parking area closer to our boundary will exacerbate the runoff to our property. At **Attachment B** is a video of recent runoff from the current proposed parking hardstand area.

#### **5. Unapproved works on the site**

As we raised in our objection to the DA for the granny flat, unapproved works were undertaken on the property prior to development consent being granted for the granny flat which included earthworks along the boundary with our property and at the site of the proposed car parking area extension. The developer should not be allowed to further benefit from the unapproved earthworks. Council's compliance department should be notified of the matter and appropriate action taken.

### **Conclusion**

Despite how the developers have attempted to frame this proposed modification, its impacts are not minor. We implore the Council to refuse to allow the developers to further unreasonably encroach on our enjoyment of our family home of almost 20 years.

#### **Attachment A. Approved Stamped Plans DA2018/0449**



Stamped\_Plans  
DA20180449 77 Myo

#### **Attachment B. Surface Water Runoff Video (Video attached to submission email to avoid video opening issues)**

#### **Attachment C. Visual Image of Planned Change Impacts**



Attachment D. Mockup of Potential Visual Impact From 75 Myola Road



Error - Cannot convert 'Surface Water Runoff 77 Myola to 75 Myola.mp4' to PDF

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