
Sent: 18/04/2019 8:30:50 PM
Subject: DA application 2019/0187
Attachments: DA response.pdf;

Can you please pass this on to Jordan Davies.

Many thanks

Jane Owen & Anthony Tomas

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Mr Jordan Davies
Planning Officer
18 April 2019

Response to DA No. 2019/0187 - 76 Herbert Avenue Newport.

Dear Jordan,

We are the owners 74 Herbert Avenue Newport (being Lot 149).

Given the lateness of our submission, we have had the advantage of reading the joint submission in response to the DA from the owners of 70, 72 and 78 Herbert Avenue (**Joint Submission**).

We do not see that subdivision is incompatible with the zoning of the land in the way the authors of the Joint Submission express.

However we are opposed to the application on the grounds of loss of amenity to our property (absent appropriate restrictions or conditions on approval that would preserve that amenity).

We explain our position below.

Our property

Our property at 74 Herbert Avenue is the largest parcel of land in the affected area - exceeding 3000 m².

Within its envelope, our property has the largest area of untouched habitat of any of the surrounding allotments. It is built in the midst of a remnant spotted gum forest (with spotted gums incorporated within the building itself).

Its boundary is the Algonia Reserve (as is no 72) and our residential dwelling is unobtrusive, with the building style being one “lightly touching the land”.

As such, and given the fact that the proposed development adjoins our block, it is the amenity of our block which is most affected by the proposed development, and of greatest concern to us given this proximity.

Is the proposal compatible with E4 zoning?

We observe that the zoning of the lot and surrounding lots is E4 - and that the objectives of that zoning are -

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors. and scale integrated with the landform and landscape.

With regard to the relevant considerations of E4 zoning in light of the proposed development we note that the proposed development is to create 2 dwellings on the same footprint as the current dwelling. For this reason -

- the inclusion of a further residence in the E4 zone does not significantly impact the feature of low density residential development - one additional household in the area does not affect the low density of the area.
- neither does it negatively impact the wildlife corridors, *per se*.
- The proposed subdivision does not include any substantial removal of vegetation so as to adversely affect the vegetation of that parcel of land (the forested part of that lot is to be left untouched).

Rather, it is the development application for the dwellings to be constructed which will create any substantial impact on the surrounding area and potentially affect adversely the ecological and aesthetic value of the area.

We cannot see the foundation for the statements made in the Joint Submission that the subdivision will create “two smaller hard surface inhabited areas”. The current dwelling on 76 Herbert Avenue is completely a “hard surface inhabited area”. A number of the dwellings surrounding the block are “hard surface inhabited areas” (unlike the dwelling on our property). We are unsure whether there is any impact by the footprint of the planned dwellings on the water management or flora - rather if properly managed the replacement of the current dwelling with more ecologically sympathetic dwellings may be an improvement to the environment.

As there is no detail of the intended nature of the dwellings to be constructed, no consideration or evaluation of the impact and integration of the landform and landscape can be made.

In fact, this demolition of the current dwelling could present an opportunity to replace the dwelling with 2 dwellings which improve the aesthetic of the area, and the ecological impact.

For this reason, if council approves the application, we request that this only be with the imposition of conditions as to the nature of the construction permitted on the blocks so as to meet the requirements of the E4 zoning (eg the mode of construction, the proportion of retention of soft landscaping vs hard surface construction).

Impact of the proposal on amenity of our block

The proposal includes a dual access driveway adjacent the driveway on our property, with 2 dual car garages and turning “circles” for each driveway. This is the feature of the application which has the most impact on our lot.

As the current dwelling has a driveway with under house garage facing the street, this proposed feature will increase noise and traffic adjacent to our lot which will affect the amenity of our lot.

There is no proposal to ameliorate this loss of amenity by any measures to be incorporated in the current plan. Alternative proposals to create an entry to the garage of the second

dwelling between the dwellings rather than on the boundary of our lot would reduce the effect of traffic and noise.

As the only detail of the second dwelling is a footprint without any detail of proposed height or construction, it is reasonable to suspect that the second dwelling will substantially “overlook” the dwelling on our property and reduce the privacy of our dwelling.

These are serious issues for us as owners of the adjoining property and any consideration of the application or conditions imposed on approval should also take into account this potential loss of amenity (and include the imposition of conditions that would ameliorate the effect on the amenity of our lot eg substantial screening along the driveway, whether on our property or 74 Herbert Avenue; change of the length of the driveway so that it is not intruding into the residential dwelling on our property; height restrictions on the second dwelling).

Impact of the proposal on fire management

We do not believe that the submission addresses bush fire management issues in sufficient detail. This is an issue of concern for all properties in the area. As we understand the fire service is to be consulted we make no further comment in this regard.

Conclusion

Thank you for your consideration of this submission and we are open to any discussion you see as desirable to resolve the issues of concern we have expressed above.

Kind regards

Anthony Tomas & Jane Owen
Owners 74 Herbert Avenue Newport