
Sent: 2/12/2020 3:47:09 PM
Subject: Online Submission

02/12/2020

MR Graeme ANDREWS
12 Fishbourne RD
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RE: DA2020/1467 - 36 Smith Avenue ALLAMBIE HEIGHTS NSW 2100

NOTICE OF PROPOSED DEVELOPMENT
DA2020/1467
Lot 115 DP12464 36 Smith Ave ALLAMBIE
Use of premises as a habitable studio

Thank you for your advice dated 18 Nov 20 for the subject development. It was received on the same day as your advice of Building Information Certificate Application No BC2020/0220 for the same location, under cover letter dated 17 Nov 20. I note in the latter case, any submissions were required by 01 Dec 20, one week from the date of receipt. For the DA, a period of two weeks is given for submissions.

As these two documents cover in essence the same thing, I chose to provide a submission on DA2020/1467 having wondered why Council would choose to provide what is confusing information by also forwarding BC2020/0220 in a separate envelope two days earlier.

COMMENT

In addressing DA2020/1467, I need to go back to a submission I provided on 21 Nov 16 for Development Application (DA2016/1191) Construction of a Secondary Dwelling at 36 Smith Ave. In my submission at the time, I raised two points I thought needed to be considered. Firstly, the existing conversion of the second garage at the rear of the block to a dwelling and secondly, parking. It is noted that in response to my submission the 'Assessment Report' of 19 Jan 19 by Council commented:

Car parking Comment: There is no legislative requirement under the SEPP ARH for a secondary dwelling to have any car parking and as such, the existing and past traffic and car parking issues do not hold determining weight in the assessment of this application. Further to this, Council's traffic engineers have reviewed the proposal and have raised no objections to the development.

Use of existing garage as a secondary dwelling Comment: This matter is not for consideration as a part of the assessment of the development application. A condition of consent is included within the recommendations of this report requiring that the site accommodate only one primary and one secondary dwelling. Should neighbouring properties be concerned about the usage of these structures, a formal complaint should be lodged with Council's compliance team.

In effect, Council suggested my two points were not relevant to that DA.

I note in the BBF Town Planners Statement of Environmental Effects prepared by Mr William Fleming covering this application, there is specific reference to the two points I first raised in 2016. Firstly, the conversion of the garage to a dwelling should have been addressed at the time and was not and now is being addressed some four years later by BC2020/0220 and DA2020/1467. Secondly, parking that apparently had no legislative requirement, would appear to have had a DCP requirement noted at para 4.2.4 of that BBF Statement, Pursuant to clause C3 of the DCP, the objectives of the clause state: • To provide adequate off

street carparking. • To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place. • To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces. For dwelling houses the carparking requirements are to provide 2 off-street parking spaces. This application proposes a hardstand parking space located in tandem with the existing garage located under the front patio area.

I am pleased that the comment I raised in 2016, is somewhat belatedly being addressed.

I note that Mr Fleming has also been somewhat challenged by reviewing the plans (Site Plan 92220.01) attached to the applications, in order to formulate his comment in the Statement of Environmental Effects. The plans seem to overlook the boundaries of adjacent properties and consequently, he confuses the garage located on my property immediately to the south of the 'Studio' as being part of the property at 34 Smith Ave. That property extends west only as far as the west end of the 'Shed' detailed in that plan.

Consequently, comments provided in relation to para 4.2.5 and 4.2.6 regarding Noise and Privacy should be amended to reflect 12 Fishbourne Rd as the adjoining property in relation to those comments and not 34 Smith Ave.

In closing, I have no objection to the Application noting the conversion of the existing garage was completed nearly four years ago. I had to raise the issues that were not addressed previously. If they were addressed at that time, we would not now need to re-address this. Further, I also had to point out the technical errors made by what would appear to be a lack of attention to detail.

Sincerely,
G. Andrews