

BYRON SHIRE COUNCIL
DOC NO:
REC'D: - 9 APR 2021
FILE NO: A84076
ASSIGNED: C. Smith
Federal, NSW 2480

April 8th

[REDACTED]

A new DA10.2019.650.2 was lodged March 25th 2021 to change DA10.2019.650.1 for 103 Kings, Rd. Federal, passed April 2020. Re new entry, new drive & New Dual occ. Now at lock up stage. Although the new DA was only lodged March 25th 2021, with public exhibition ending 13th April, Council Plan is to address new DA, in the May Council planning meeting. We have been told we will be invited & due to the impact to our home we hope Councillors will be able to attend.

Dear Council, Councillors & Planners,

In the original DA the difficulties of a steep battle axe block at 103 had to be overcome, to get approval for a dual occupancy.

The existing house at 103 & our house [REDACTED], are historically one property, they are close. When separated [REDACTED] included most of the frontage, leaving 103 with a battle axe, steep block of over 100 acres. The original access to 103 was to the East, nearer 93 Kings Road that the Plummer's also own. New owner, Mr. Plummer wanted the access & driveway to the dual occupancy on the West, by our home. The battle axe nature of 103, means there is little space & the planned access to the dual occ. passes very close to our bedroom, open plan living, deck & spa. Due to proximity & steepness of slope, the impact of : Noise, reverberation, dust, fumes & visual nuance is very significant. We therefore put our objections to the DA.

The conditions of consent sought to overcome the detrimental environmental impacts magnified by proximity & the steep battle axe block, with the mitigation of The Earth mound, 1.5m high continuous from entry to new house. The earth mound approved is the best mitigation for Noise & reverberation & widely used for this. Planting as a visual screen, (of little use for noise mitigation,) sealing of the drive to reduce dust. We are looking forward to the mitigation measures passed as a condition of the DA to help. Our bedroom is heavily impacted, one is woken when any vehicle uses the drive to the new dual occupancy, noise is great on the steep slope. We have not been able to use our spa, that has been damaged by reverberation. Our water quality effected by dust & most probably fume residue, turning to mud.

Our home, as Kings Rd. is on the North, is orientated & opens up to the East & South East, to what used to be a view of a quiet valley. We are looking forward to the earth mound mitigation, to help with Noise, the most difficult impact. Reverberation lessened, fumes should be caught in mound as they are emitted low at exhaust level, the sealed Road to mitigate the dust. Plus the visual impact, which will in time be lessened by plantings.

The Plummer's new DA amendments, seeks to change every aspect of the mitigation on the steep battle axe block & add additional impacts.

Hence our strong objection to the changes to the original DA approval. The substantial changes sought will result in adverse impact on previous assessment of these matters. Substantially change the conditions of approval, with maximal detrimental environmental impact.

2,
The impact to our home is not as Karina presents with averages of car movements. The averages she uses are for normal single tenancies, in normal conditions. Not multiple tenancies. She does not take into account the magnified effect of the very steep driveway & proximity to bedrooms. It is advised not to have driveways & parking near bedrooms in government guidelines.(Attached.) The existing house is multi tenanted, for the 3 bedroom existing home, 4 vehicles.

Karina stated the very large entry study at new house, will be used as a 4th double bedroom in the new dual occ. If multi tenanted like existing house, there could be 6-8 cars for the dual occupancy, up & down the steep driveway. This combined with the proximity and steepness of entry & driveway presents a non-average situation.

The council report for original DA10.2019.650.1 ignored our objections regarding the detrimental environmental impact on our home, so impact to our home is not covered in the report, by Lachlan Wall, supervised by Greg Smith. After the report was finished, Senior planner Chris Larkin did a site visit and saw the impact to our home. The impact can only be seen at our property, [REDACTED] Rd, due to elevations, steepness of site, proximity to our home, orientation of home to south east & position of rooms & decks. Not possible to see on a flat piece of paper or from 103 Kings Rd. Unfortunately councillors, due to covid, were unable to make a site visit to see the impact for themselves. We are heavily impacted & were looking forward to having the earth mound mitigation to protect us.

Chris Larkin (Council Planner) and Karina Vikstrom (Planner for Newton Denny Chapelle N.D.C. representing Mr. & Mrs Plummer) worked together to plan the Mitigation measures needed to get the original DA passed. Karina presented her design for the mitigation at construction certificate stage. A 1.5m high earth mound with 1:3 ratio sides, continuous along the length to the new house, the council condition of approval. We do not know if she took into account the existing cuts and mounds of earth, in her calculations that would lessen earth/fill. These can be seen in, attached A View of Driveway pic. There are many ways to achieve the earth mound using less earth/ fill by, 1m retainers, to reduce the volume of earth required, with the additional 50cm height with 1;3 ratio sides on top. 1.5m retaining(for which a DA amendment would be needed,) Or a 1m earth mound with 1m sound fence, no gaps. Lots of options. The earth mound mitigation as passed in the DA, can be done with less earth/ Fill and is the best mitigation. A condition of approval because of the high impact caused by the new entry & steep drive placed so close to our bedroom. Rather than throw out the conditions of consent it is best to adjust with minimal environmental impact. As suggested above.

The alterations the Plummer's seek are as follows.

a. The Plummer's want, An additional new gated access, near the top of the drive, near their approved new cross over to the new approved driveway, by our bedroom. The new access & steep driveway already heavily impact us. The additional new gated access sought, off the drive at the top, is even closer to our

bedroom, bypasses the mitigation & will impact us more. From the proposed new additional gated access, they want a driveway shape, leading to an open area, 4 m from our bedroom, labelled existing grass, (there is a Tree Trunk pile & weeds there now.) At the site visit, which included, Chris Larkin & Greg Smith, Karina referred to this area as a parking area off the main driveway. It is 4m from our bedroom. It is not labelled as parking. Karina mentioned guest parking & parties etc. The new access sought, with driveway shape leading to an open area, also links to the previous unapproved drive. (see A Driveway View attached) New accesses should not be granted, to encourage vehicles to bypass the mitigation & go even closer to our bedroom.

The impact to us would make large areas of our home un- useable. It is not reasonable and flies in the face of good planning practise, which is to steer vehicles away from bedrooms. Dual occupancies are supposed to provide more housing, not make existing historic houses unviable, by impacting bedrooms & living areas, so they can't be used.

We cannot agree to the new access sought at the top, near our bedroom. We request Council and Councillors stay with what has been approved in DA. The alteration is not part of the original DA consent approval, is substantially different. It would maximally detrimentally impact our home. The DA consent is trying to reduce impact, so the alteration is working in opposition to consent conditions as it would increase impact of noise, reverberation, fumes and dust, as the area in question is not sealed, & bypasses the Earth mound mitigation.

Planting is a visual screen, but known to be of little to help with noise & reverberation. We have a choice to look away, but we cannot escape the noise & reverberation, fumes & dust, impacting health & home.

The New driveway passed in original DA, has an earth mound from entry to new house, is designed to, once past their existing house, move East, to try & get a little more distance from our home. The new access sought does the opposite to what was passed in the DA. It will facilitate vehicles to bypass the mitigation and move in a Westerly direction, Closer, 4 m from, our bedroom, open plan living, deck & Spa.

The additional access, not granted in the original DA, should not be granted now it has adverse impact. The alteration is substantially different from original DA. It is unnecessary, there are alternative accesses, that do not have this impact.

Access B has been convenient for the Plummer's this year, for maintenance.

(D,C&A available) There are many tracks between for easy access.

There is also another access by their new house, but the Plummer's understandably, do not want the detrimental impact of vehicles passing close to their new house & we feel the same for our home.

Karina reports, " My client is strongly of the view that it is reasonable for him to be able to continue to access the upper portion of his rural property in a convenient and relatively level location." He already has generous access at the top, with the new entry & driveway. Many other points of access, & tracks all over the property. (See A driveway view attached)

The alteration of additional access at top is substantially different from the DA with an adverse impact , as outlined above. We can't agree to this & ask this alteration to be rejected.

41
The Plummer's don't want to use the previous owners drive with the level areas. They also owns 93 Kings Rd, plenty of options, but they wants to concentrate everything near our home.

We have also offered in compromise 1, of a 30m length of 1.5m high earth mound at top of driveway, (27% of original length needing much less Earth/Fill.) this can easily be traversed by tractors or mowers, pedestrians etc; for easy access/ land maintenance. Compromise 1 we offer. Diagram attached.

It is very important for Councillors & Council to be aware, if the council pass the additional new gated access at the top the Plummer's seek, & they do then use it for a vehicle link to 1st unapproved driveway they made, bypassing mitigation, & parking in the open area, 4m from our bedroom, this use cannot be stopped. It is irrelevant that they have not labelled it for this use. If the additional gated access is granted at the top, it makes possible that use, & defacto outcome. There would be no compliance issues, council planning has confirmed this. The only way to stop this use by our bedroom is not allow the additional access at the top.

The council has agreed the Plummer's already have sufficient Car Parks for the 2 residential properties, as approved. Not possible to use houses for educational purposes, Ranamok or Silviculture businesses, timber Mill etc. only residential purposes. We do not know if there are any restrictions re. multi tenanting?

b. The Plummer's want to alter the DA by entirely removing the earth mound, which is known to be the most effective mitigation for Noise & reverberation. Instead of the approved Earth mound, a fence they propose constructed, not to acoustic fencing standards, with a gap at the base. This is where vehicle engines, wheels, exhausts emit impact/ noise. Therefore we propose, no gap at base of fence. Instead small pipes under fence at intervals pointing down slope for drainage & sm. Animal movement. Recommended height is 2m no gaps. Density should be 12kilograms per sq. m for residential noise mitigation. Though we will compromise to a 1.8m lapped and capped with no gaps or cracks. We have tried to reach agreement, but have failed to do so as the Plummer's have only compromised on 1 item: They now accept the mitigation needs to be permanent.

c. They want to alter the length of mitigation, by nearly half. We do not accept shortening the mitigation so greatly. The Plummer's want no mitigation at all at entry area & approach to it. A particularly noisy area where vehicles have to pause, revving their engines to hold position, before pulling into Kings Rd, then rev. again as they pull away. They also want to remove the mitigation entirely for the lower section. Reducing length of approved mitigation by almost half. The lower section is steep, as seen in, A View from Driveway attached. Vehicles have to change down gears & struggle up slope, making more noise. Steep areas need mitigation, not having this will have an adverse environmental impact. We will compromise to a shorter mitigation, we propose starting mitigation at driveway entry, as original DA, & stopping at point C access on driveway, see compromise 1&2 diagrams. The Alteration of no mitigation at entry & on steep sections should be refused, it has an adverse impact & does not meet the mitigation the original DA conditions sought.

5,
d. The Plummers seek to alter the use of the area, at the top west of 103 Kings Rd. The original DA approved use is called Area 2. Formal entry & landscape planting. It is a narrow area, in the amendment the Plummer's seek to change this use to four different areas, (including new access, drive way shape to open area by our bedroom, Planting type 2, 3, 4) If this area was an APZ it would not need an access or driveway shape to it. If it is not possible to keep the Area 2 on original DA as approved, then we would like area 3 planting here, to prevent misuse that could occur, if the area was gravel (as 1st labelled,) or grass (as now labelled) The substantially altered use should be rejected. The original DA conditions do not seek to create additional impact even closer to our bedroom, but to reduce the impact of the new entry, and steep driveway, very close to our home, heavily impacting our bedroom. The change would have an adverse environmental affect and would render large areas of our home unusable. We do not agree to this change due to impact. Area 2 in original DA should remain as passed. Formal landscape at entry to property & along driveway. This is the agreed and approved use of the area.

Plantings needs to meet the DCP2014 ChB9 & good practise and bush fire provisions, appendix 5, as per approval. To meet these, there should be either no Trees or no overlapping Tree canopies in area 2 of original DA. No tree planted closer than it's mature height to an existing structure, no overshadowing of existing structures, or impact to thermal performance.

Please note that we will be re roofing the Spa deck, as we need to upgrade the roof, to have the solar panels planned, as this roof is assessed as the only suitable roof for solar at our home. We did not want to do this before the earth mounds were done as with the mitigation, we hope for improvement on the impacts to our home & do not want to replace roofing & gutters until the mitigation is in place.

e. The Plummer's also seek to substantially alter the Approved dual occupancy landscaping that we look down on as it is directly below & in front of us & in ear shot. The area is approved as lawn & vegetable garden in the original DA, the Plummer's seek to alter this to select gravel surface, which suggests further parking. We feel it is unnecessary to place the parking directly in front of us. That this has an unnecessary adverse impact. Parking can easily be achieved without this adverse impact in many locations around the new house. The approved use should remain, because of adverse impact. They also show a larger Car Port, there are 2 residential houses approved on 103. Why so much parking? There is also a very large car park at the bottom of the new drive at the Timber Mill. We assume they are providing for many cars for their multi tenanted dwellings.

f. The Plummer's also want to make the alteration of totally removing the boundary fence, that council required as a condition of DA approval. We are willing to compromise on this also, if the council & councillors, really agree it is not needed. We prefer it retained, as the Plummer's property is not maintained & their weeds consistently encroach on our land. It will provide a visual screen while planting grows, as unless they are putting in mature specimens, it will be many years before a visual screen is achieved. The planting is of little help with noise or reverberation. The most effective means of reducing noise is an earth

bank, so widely used. It is important that noise mitigation is done where the noise is emitted. However if the earth mound we need is not kept. The fence they offer, by their own admission is not acoustic mitigation, then any extra barriers, like the boundary fence, may help a little. It is very difficult to catch noise, the further it gets from source. The primary noise mitigation of the mound is very important. Removal of the boundary fence is the opposite of the conditions of DA approval, which requires the boundary fence. The adverse impact is that we will have to wait several years for plants to grow to form a visual screen.

g. Amendment changes re. landscaping DPI House Buffers

We attach the letter from the DPI as 103 is part of the Ranamok Plantation. There is a 70m house buffer around each residence re. no species grown in plantation. Trees for Planting type 4 contain plantation species. Frankly we do not know how they are going to fit over 1,450 trees between 10m – 30+ m high. With many more Trees under 10m. With the available space made even less by the DPI house buffer zones. The 70m buffer zone means that actually as the new house is only 90m away, our buffers overlap on their western boundary, & with their existing house. The plantation is in the establishment phase, (not yet established) so the buffer zones apply. The design needs to be substantially adjusted as species grown in the Plantation cannot be planted in the house buffers.

As Nick Milham, of DPI, letter attached, says on the eastern boundary the buffer zones overlap. Buffer zones are for safety.

Re. Council conditions of approval of original DA & issuing of the construction Certificate. The New house is at lock up stage, so this condition should have been met. Unless 103 no longer has plantation status?

Item 5 page 5 of conditions of consent. The council required an Amendment to Plantation Plan AV1906P. The condition copied below:

Prior to the issue of the construction certificate. The Plantation Plan AV1906P to be amended to reflect the proposed dwelling and associated house buffers. A copy of the approved plan as amended by NSW Primary Industries to be submitted to Council.

As this is a condition of the building certificate being issued, this condition needed to be met before building commenced.

Their landscape plan does not show the house buffers, their Landscape plan needs to comply with the condition above.

h. As councillor Sarah Ndiaye at original DA meeting kindly voiced our concern re. losing our view, but she was not allowed to take this further. We are still concerned about this.

- i. We also include the bush fire certifiers map showing defined hazard for our home. The Camphor Laurel forest below. The Bush Fire Certifiers and Bush Fire safety officers have identified this as the hazard for our home. (Planning portal.nsw.gov.au map identifying Bush Fire Prone land, attached.)

Council planner, Greg Smith, rejects the hazard as identified by Bush Fire Certifiers & Rural Fire safety officers. We do not understand this.

Also we have not found subtropical rainforest, we have found what the Planning Portal.nsw.gov.au map shows.

7,
As listed above, The Plummer's seek substantial alterations that have adverse impacts & are substantially different to what was approved in the DA. The conditions of the DA sought to mitigate a significant impact caused by the Dual occupancy, its access & steep driveway, very close to our bedroom, open plan living, deck & Spa. The proposed alterations of the latest DA have an adverse impact. Adding changes of maximal environmental impact. Radically changing & lessening the conditions approved, which were specific and are not met by the alterations the Plummer's want. Introducing new items, like the additional access at the top they want, previously unthought of impacts, that would cause the reverse of what the conditions in the original DA sought to achieve. What is proposed does not satisfy the conditions & impacts maximally.

Karina's averages quoted do not assume multi tenancing, therefore more vehicles. The steep slope & proximity magnifies the adverse impact of each vehicle.

Design guidelines are to keep driveways & parking away from bedrooms, for obvious reasons.

We cannot let large areas of our home become unusable, but we can compromise & offer compromise 1 or 2 below.

Compromise Diagram 1 attached diagram: Containing the compromise of only 27% (30m long) of the original earth mound length to remain. Then a shorter fence length, mitigation down from the earth mound at top to access option C. on diagram. The transition between the mound and fence being, the mound tapers down behind the fence. The fence lapped & capped 1.8m high as The Plummer's want, but with no gaps or cracks, as this compromises the fence. (Instead pipes under at intervals for drainage & animal movement.) Compromise of a choice alternative accesses, D, B, (B Access in use now,) C & A, plus of course pedestrians, tractors & mowers are able to pass over earth mound at top section. We have put in the boundary fence, on the diagram, as passed in DA, but if Plummer's are adamant about not wanting this & council & councillors agree it is not necessary, we will also compromise on not having this.

We cannot agree on the additional gated access the Plummer's want at the top near our bedroom. Or to the changes to the original DA landscape in area 2, due to impacts already outlined. If all the compromises above are still unacceptable to Council & Councillors, who will decide if the original DA should be changed so radically.

We offer Compromise 2 diagram. This offers the same as 1, but additionally offers not to have any earth mound at all. But the fence mitigation, no gaps or cracks, from the entry point to the access C below. With accesses at D, B (B already used) C & A. (See Compromise 1&2 diagrams.)

We will be the only objection you receive, as everyone else has already had to leave. The Plummer's own all the nearby properties on our side of the street. We are trying to avoid being driven out too.

In Conclusion

We do not agree the amendment sought, has successfully addressed the issues relevant to the development consent notice conditions of DA 10.2019.650.1. Nor

8.
do we agree that the changes are substantially the same for which consent was originally granted.

They seek to alter completely, the mitigation, add in other massive impacts, not sought in the original DA. They are trying to alter use of areas approved in original DA, to uses with high impact to our home.

Also as multi tenanting substantially increases vehicle numbers, Karina's averages do not apply.

Their proposal is to remove earth mound mitigation altogether. Replace the effective, noise & reverberation mitigation of the earth mound, with a non-acoustic fence with gaps, for half the length of the original mitigation. Leaving out high impact areas, the entry & steep section of driveway. This does not meet the mitigation requirements of the DA passed.

They seek to add another access even closer to our bedroom, open plan living & decks. Bypassing mitigation. A 2nd access at the top by our home, was not passed in the original DA, would be a high impact to us, therefore unlikely to have got approval in the original DA.

They seek to completely change use of area 2 approved in original DA, to a different purpose, with potential for high impact by our home.

Also change what was approved around the dual occ. in a manner that could also impact us.

The landscape plan indicates they have not met item 5 page 5 of the DA conditions. Which was a condition that needed to meet before construction certificate. The new house is at Lock up stage.

For all reasons above council should not conclude that the new DA with alterations sought, is substantially the same as the original DA. It is substantially altered from the conditions of consent originally granted.

It is disappointing that when a development heavily impacts a neighbour, the Plummer's seek to make the impact worse, rather than try to help.

Thankyou for your kind consideration, we sincerely hope our objections to the DA amendment sought are carefully considered for the council report this time. We thank the Council & Councillors for their concern shown last time, regarding the impact to us of the original DA & the effective mitigation put in place to help, as conditions of approval. We hope the problems with the alterations the Plummer's want, are considered very carefully, they fundamentally alter the DA approval to the extent that large areas of our home could become unviable. We need to retain use of our family home, we have nowhere else to live.

Yours Sincerely,



Attached, The objection, Original DA with approved mitigation measures, Mr & Mrs Plummer's amendments with our comments in red, Compromise 1, Compromise 2, Bush Fire certifiers map, DPI letter re. house buffers, Gov guidelines, View of Driveway, Photos of site & diagram showing distance of house perimeter to boundary.

Please feel free to contact us if you need further information or have questions. Attached are .jpeg and .pdf formats.

Date: Mon, Mar 1, 2021 at 3:02 PM
Subject: FW: Information re. enforcement



Please accept my apologies for the delay in replying to your email.

Last year you raised concerns about the application of a setback (you've referred to it as a buffer zone) around a new dwelling on the plantation adjoining your property and the potential impacts of a rainforest planting plan within that setback. One of your concerns was that the plan listed rainforest trees and shrubs to be planted within the setback in addition to rainforest species being planted across the plantation.

We have finished the review of the bushfire hazard reduction provisions in the Plantations and Reafforestation (Code) Regulation 2001 (Plantations Code) and can tell you that setbacks for bushfire hazard reduction apply to habitable dwellings (e.g. houses that people can live in) within the boundaries of the plantation and on adjoining properties. However, the plantation owner or manager is obviously not able to remove trees or shrubs that are planted in the setback area on an adjoining property it does not own. You have advised that your dwelling is five metres from the Ranamok Boundary. This means that the plantation owner is required to have a 65 metre setback on its property.

The setback applied to the two dwellings on the neighbouring plantation may include an area directly adjacent to your house and property boundary.

The setback must be 70 metres from a house or an appropriate distance based on the Planning for Bushfire Protection Guide issued by the NSW Rural Fire Service or a development consent approval.

The setback as required by the Plantations Code only applies during establishment operations on the plantation. Generally, establishment operations include site preparation, permitted clearing, road construction and planting trees, and may be completed quickly or last several years. Once

establishment operations have finished, the planting restrictions in the setback imposed in the Code no longer apply and the landowner can manage that area of land as they choose, subject to any local government or NSW Rural Fire Service requirements.

If you have further concerns about bushfire impacts once establishment operations have finished on the neighbouring plantation, I suggest you contact the NSW Rural Fire Service or your local council and seek their advice.

Thank you for your patience and understanding.

Nick Milham | Group Director Forestry Policy, Research & Development
DPI Forestry

NSW Department of Primary Industries

Regional NSW

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From aus gov site re.housing & noise control

<https://www.yourhome.gov.au/housing/noise-control>

Noise control

Noise can interfere with sleep, rest and conversation and cause fatigue, irritability, headaches and stress. Surveys show that noise is an important environmental concern for most Australians. We all need to contain and reduce noise and protect ourselves from sources of noise in order to enjoy a healthy life. Thoughtful design and practice can reduce the impact of noise on our lives and improve the quality of our living environment.

Place a screen between dwelling and noise source.

- Place driveways and garages away from bedrooms and living rooms.

Building layout and design

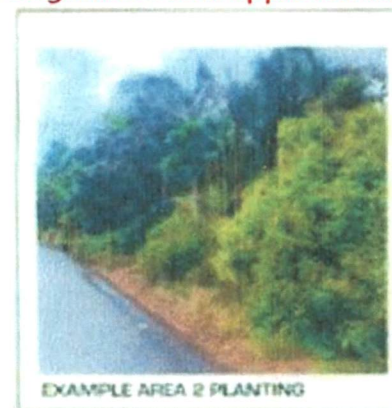
The best protection against noise is to avoid making it in the first place, or by ensuring that noise sources are not too close.

driveways and the parking areas of other dwellings; • DON'T put active recreational areas, garages, driveways and service equipment areas near bedrooms;

Existing deck & Spa to be re roofed for solar panels.

Applicants New raised deck, Car Ports & Garage.

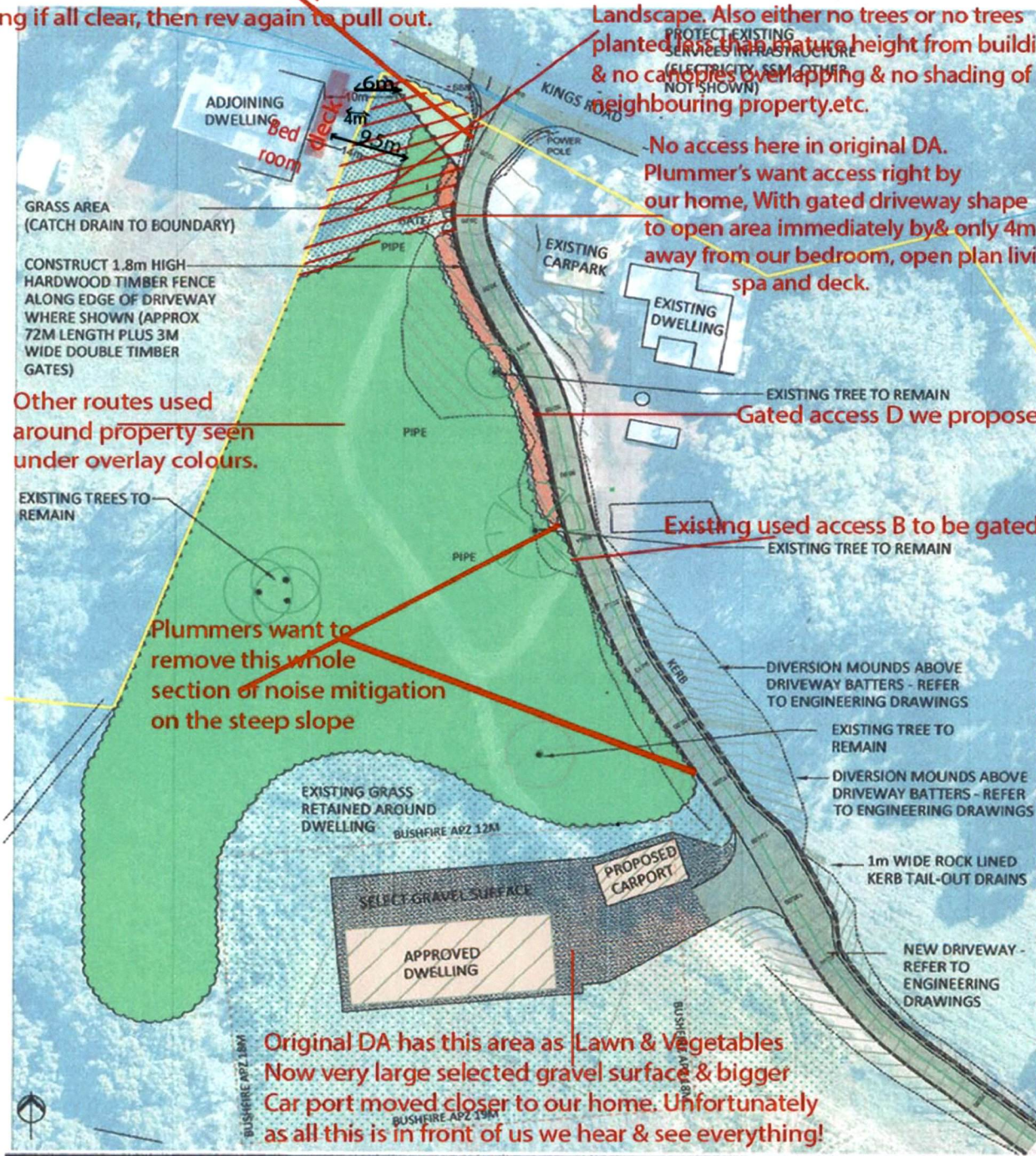
Original DA with approved mitigation measures.



Plummers want to loose all noise mitigation at entry. Where vehicles rev. to hold position whilst looking if all clear, then rev again to pull out.

This area on original DA is 1 area. It should remain as 1 area. On original DA called formal Landscape. Also either no trees or no trees planted less than mature height from buildings & no canopies overlapping & no shading of neighbouring property.etc.

Mr. & Mrs Plummer's amendment, with our comments in Red.



Original DA has this area as Lawn & Vegetables Now very large selected gravel surface & bigger Car port moved closer to our home. Unfortunately as all this is in front of us we hear & see everything!

Earth mound at top of driveway, they can drive over it with tractors or mowers, but stops general usage by our bedroom window etc.

LEGEND

Existing

Property boundary

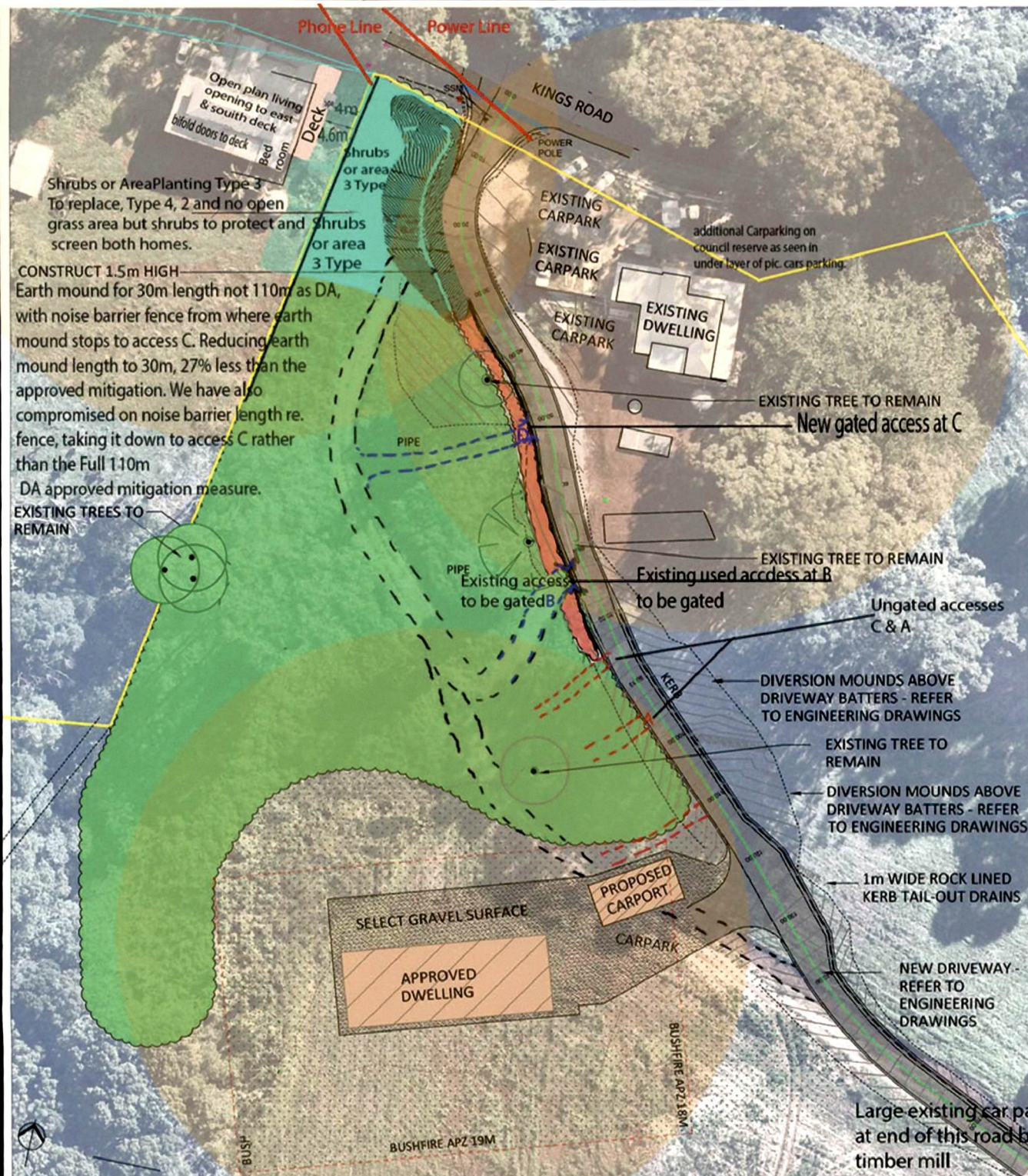
New

- Planting Type 1 - Existing grass
- Planting Type 2 - Entry Planting 57m² (See Plant Schedule)
- Planting Type 3 - Driveway Planting (Behind Fence) 105m² (See Plant Schedule)
- Planting Type 4 - Rainforest Regeneration 4595 m² (See Plant Schedule)
- Compacted gravel surface (Select)
- Timber fence - 1.8m high hardwood (approx location shown)

B	Fence type changed	25/03/2021
A	Mound del / fence added	11/02/2021
-	CC Issue	20/09/2020
No	Description	Date

Amendments Schedule		
SITE INFORMATION		
Lot 2 DP 733182		
103 Kings Road, Federal		
Development Application (Consent):		
10/2019/850.1		
GENERAL NOTES		
Acoustic mound design and survey supplied by Newton Denny Chapelle.		
This plan does not show all underground or overhead services. Locate services prior to excavations.		

Plummers have new cross over at top, granted after DA, (moved 20m closer to our home than previous owners X over.) to new steep driveway. Plummer's have done earth work/levelling by our eastern deck, prior to this application, & caused damage to our Spa as they brought heavy machines very close, our house shook. We cannot allow vehicles so close to home & outside our bedroom window. Landscapes should be designed to avoid these impacts. Government guidelines are vehicles should not pass close to bedrooms & there should be screening between noise source & homes. (Docs attached.) It is unreasonable for Plummers to insist on even closer access points to our home. Mowing & maintenance easily done via several other access points either existing or new. (D,B,C,A) At the moment they use access B. We are sure councillors & council will understand the obvious reasons why vehicles should not be facilitated to pass so close to a bedroom & existing home. Plummers bring vehicles very close, they have also dumped a huge pile of tree trunks on boundary. Also park with head lights pointing into our bedroom. If they want to do a 30m length of 1.5m high,



COMPROMISE 1 as gives all Plummers want, access & use & protects our property. The earth mound reduced from 110m long to 30m long (1:3 ratio). Tractors & mowers can pass over this for maintenance & tenants can wander over, rather than a fence that blocks area. Then a choice of gated accesses D & B or ungated C & A there is another existing by their new house, which understandably they do not want as vehicle access close to house. Mound to be 1.5m high, noise barrier fence to be 1.8m (Should be 2m for noise mitigation.)

Property boundary

- Planting Type 5- Shrubs or alternatively, Planting Type 3 for screening. to comply with APZ & DCP 2014 Ch B9 & good practise.
- Planting Type 1 - Existing grass (Already planted with some shrubs in 2020)
- Planting Type 2 - Entry Planting No tree should be planted closer than its mature height to a home 12m high limit by road side, not 3x22m Trees as plan. 57m² (See Plant Schedule)
- Planting Type 3 - Driveway Planting (Behind Fence) 105m² (See Plant Schedule)
- Planting Type 4 - Rainforest Regeneration 4595 m²
- Compacted gravel surface (Select)
- Timber fence - 1.8m high hardwood should be 2m high, lapped, no gaps between ground & fence, for noise mitigation standards. pipes under for sm. wild life & drainage.
- B existing access in Use. Plus unapproved driveway, which Plumbers agreed to change to new approved driveway.
- Choice of 2 gated entrances, I already in use at B. D & B not close to any house.
- Choice of 3 ungated accesses

D.P.I. 70m Residence Buffer Zones

Type 4 has over 1,450 Trees 30+m, 20+m 10+m More trees under 10m, not enough space, breaching DCP 2014 Ch. B9 & good practise, DPI house buffer zones, these are plantation species. Ranamok do carbon offset. Paid per Tree? Density = \$? Density too great for Trees to thrive. Where is their canopy design?

1.5 m Earth mound substantial reduction in length from 110m to 30m 27% of the Earth/Fill of earth mound, approved as necessary mitigation in DA planned by Chris Larkin & Karina of NDC (Newton Denny Chappel) is the most effective mitigation, It should not be completely abandoned as a condition of DA approval, but adjusted. The 1:3 ratio on sides allows mowers & tractors to pass over as pointed out by Greg Smith. Enjoyment of the area for residents is not fenced off. After 30m of earth mound for rest of mitigation 1.8 m (For noise mitigation 2m recommended & better,) lapped & capped. No gaps under as this allows noise, reverberation, fumes & dust through. For drainage & small animals, short lengths of pipe buried at intervals pointing down slope. The owners do not want an access by their new house, we feel the same. Unfortunately on her diagram Karina has ignored the 4.6m deck & spa, the actual perimeter of our home. Our bedroom window & open plan living, deck & Spa, are 4.1m away from boundary & face the access the Pummer's want by our home, with the gated driveway shape to open area outside our bedroom, Karina wants gravel or grass, we propose shrubs or area 3 planting. Karina on a site visit with planner's Greg Smith & Chris Larkin said they wanted the open area outside our bedroom window as parking for open days, parties etc: it is presented to yourselves as a gated access, near our home, that has a driveway shape, that links to the unapproved driveway they used prior to Dual Occ. DA or to the open area by our bedroom. I asked Greg Smith, if what they want is approved & they used it for Car Parking as Karina said, what would planning do? I was told it would not be planning, but a compliance issue. Compliance could do nothing as no provision breached. Defacto loss of bedroom & open plan living, deck & Spa. Our home becomes unviable. We have already been massively impacted. The access for existing house, was 20m to East away, with no steep driveway to a new house which is very close & very noisy due to steepness. Unfortunately we see & hear everything. Please do not make our family home unviable. Options: Access D, B, Cor A. Keep Vehicle access & movement, away from bedrooms as per Gov. guideline.

We will be re roofing our deck here, It has been assessed as our only viable roof for solar so we needed to upgrade old roof.

New access at top already granted.

Another compromise, no earth mound, the most effective mitigation. We offer instead to accept the Plummers fence, that they offer not even to noise mitigation standard, 1.8m high. But must be with no gaps, under as this is known to compromise mitigation further instead, small pipes at intervals buried under, facing down slope for drainage & sm. animal movement.

Compromise Option 2

Plummer's no longer want to do fence here another compromise.

Planting type 5
1 area like original DA

CONSTRUCT 1.8m HIGH
HARDWOOD TIMBER FENCE
ALONG EDGE OF DRIVEWAY
95m instead of 110m

EXISTING TREES TO
REMAIN

Mitigation need
to be to entry.

PROTECT EXISTING
SERVICES INFRASTRUCTURE
(ELECTRICITY, SSM, OTHER
NOT SHOWN)

KINGS ROAD

POWER POLE

6m

4m

9.5

ADJOINING
DWELLING

Bed room

EXISTING CARPARK

EXISTING DWELLING

EXISTING TREE TO REMAIN

PIPE

PIPE

PIPE

EXISTING TREE TO REMAIN

Compromise on length of mitigation
mitigation should be down to the
approach to the new house as DA

DIVERSION MOUNDS ABOVE
DRIVEWAY BATTERS - REFER
TO ENGINEERING DRAWINGS

EXISTING TREE TO REMAIN

DIVERSION MOUNDS ABOVE
DRIVEWAY BATTERS - REFER
TO ENGINEERING DRAWINGS

EXISTING TREE TO REMAIN

DIVERSION MOUNDS ABOVE
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DIVERSION MOUNDS ABOVE
DRIVEWAY BATTERS - REFER
TO ENGINEERING DRAWINGS

EXISTING TREE TO REMAIN

New



Planting Type 1 - Existing grass



Planting Type 2 - Entry Planting
57m² (See Plant Schedule)



Planting Type 3 - Driveway Planting
(Behind Fence)
105m² (See Plant Schedule)



Planting Type 4 - Rainforest
Regeneration 4595 m² (See Plant
Schedule)



Compacted gravel surface (Select)



Timber fence - 1.8m high hardwood
(approx location shown)



Planting type (5) as original DA Entry Planting. As per
original DA, but either no Trees or No overlapping
canopies. No Tree planted less than its mature height
from an existing structure, No shading of existing
structures, no canopies causing leaf fall on roof & gutters,
affecting water quality. In line with DCP2014 Ch. B9 &
good practise, & Appendix 5 bush fire provisions.

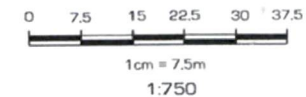
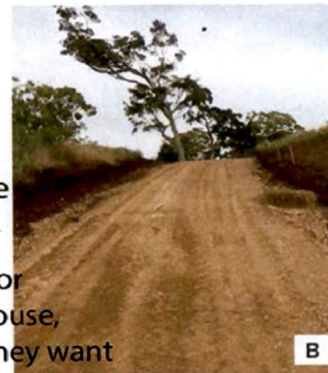
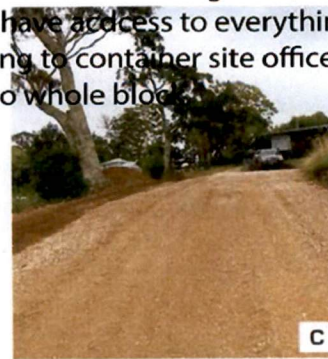
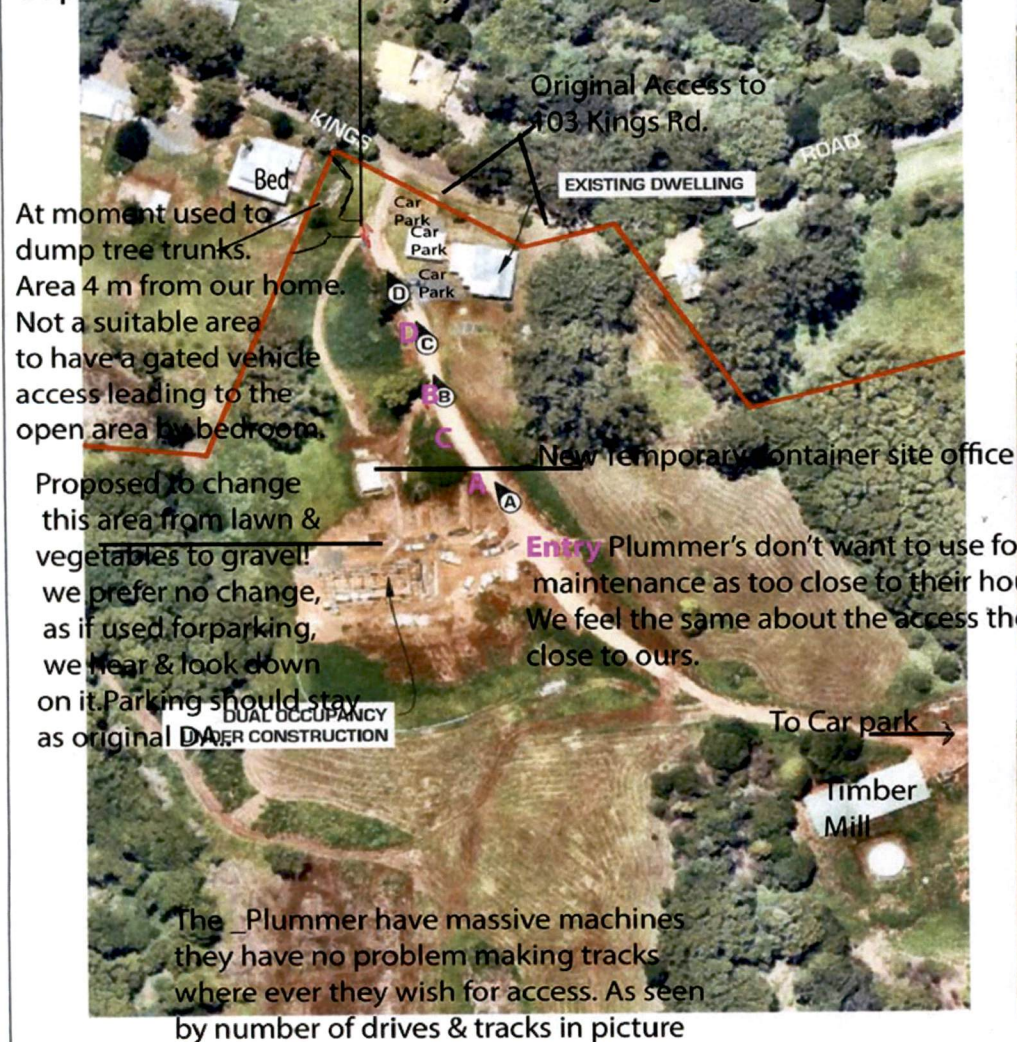
Choice of Easy access D, B, C & A (our compromise)

several choices that do not affect existing homes and do not steer
vehicles closer to bedrooms decks & living areas. This allows access
to all of western area for maintenance and use. But does not focus
vehicles deliberately towards our home, bedroom, living & decks.
The new access at top already granted, after DA, moved access 20m
towards our home, (than previous owner's access) & the steep
driveway beyond, has already had a heavy detrimental
environmental impact. The area shaded is even closer to our
home. Plummers have already got the new access at top via new
X over, already granted & with additional options DBC&A access to
whole area. They use mostly B as you can see from this access not
being overgrown on aerial views. If they want still more they should
do the earth mound at top, 30m, compromise 1, as mowers & tractors

can pass over earth mound, as can people. Plummers knew challenge of the steep battle axe block they bought. Our other neighbours, at 93, had to go, (they tell us how good it is to be away from problems re. 103.) No neighbours left, Plummers bought 93 & we are now the only remaining family on this side. Hence no other objections

Access, the Plummers want by our house, would link to the 1st driveway the Plummer's made. This would Bi Pass the mitigation bringing Noise, reverberation, dust fumes even closer to our home.

Whereas if **D** is used, still in the upper section of driveway, the vehicles pass behind the mitigation, where they are most close to our home. This is reasonable, as Plummers still have access to everything for maintenance etc. as you can see they area already using **access B**, leading to container site office, **B** & past container to 1st driveway in front of mitigation, giving easy access to whole block.



NOTE:
This preliminary layout has been completed in accordance with the instructions provided by Andy Plummer. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a Detailed survey Subdivision Survey Plans and /or Engineering plans. Accordingly, this plan may be modified by the author upon the completion of the final Survey & Site Inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this Plan. As this Plan is a non Survey plan it should not be used as part of any financial transactions or land dealings.



REV	DATE	AMENDMENT
A		
B		
C		
D		

SOURCE PLAN:

1: July 2019: 190474 - plummer's plan

Colour used for access points we offered in Compromise 1 & 2 so you can relate them to this picture. Please note Karinas ABCD denote points on driveway, not accesses our points: **DBC & A** relate to accesses either already in use at **B** or offered as alternatives to the one the Plummer's want by our Bedroom.

Newton Denny Chapelle
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0800 85 220 045 469

PLAN A: VIEW FROM DRIVEWAY

CLIENT: ANDY PLUMMER

LOCATION: LOT 2 DP733182
103 KINGS ROAD
FEDERAL NSW

DATE: 15.02.21

SCALE: 1:750 @ A3

REF: 190474

DRAWN: bk

Distance of The perimeter of our home to boundary

Striped area, is labelled as grass, in amendment, With driveway shape leading to it.

Boundary

Trunk Pile on boundary

Boundary

Karina sais for use as Parking

4m

4.6

SPA

DECK

Open Plan Living double
glass doors with glass louvre
windows either side

Bedroom
Window

Bedroom
Window

Bathroom double
glass doors

Bathroom
Window

The Deck is to be re roofed as it needed to be replaced, since it is the only roof suitable for solar panels. We have been waiting until the mitigation is in place, as we don't want the new solar panels to be plastered with all the dust that is coming from the Plummer's new driveway, which is not sealed yet. We have been putting up with the Noise, reverberation, dust, fumes & visual nuance for a year. It has held up the re roofing & the installation of the solar panels.

Proximity of what the Plummers are Trying to squeeze into a small area. Area 2 on original DA, that is meant to be formal entry planting & along driveway, Area 2 should not be changed in this amendment..



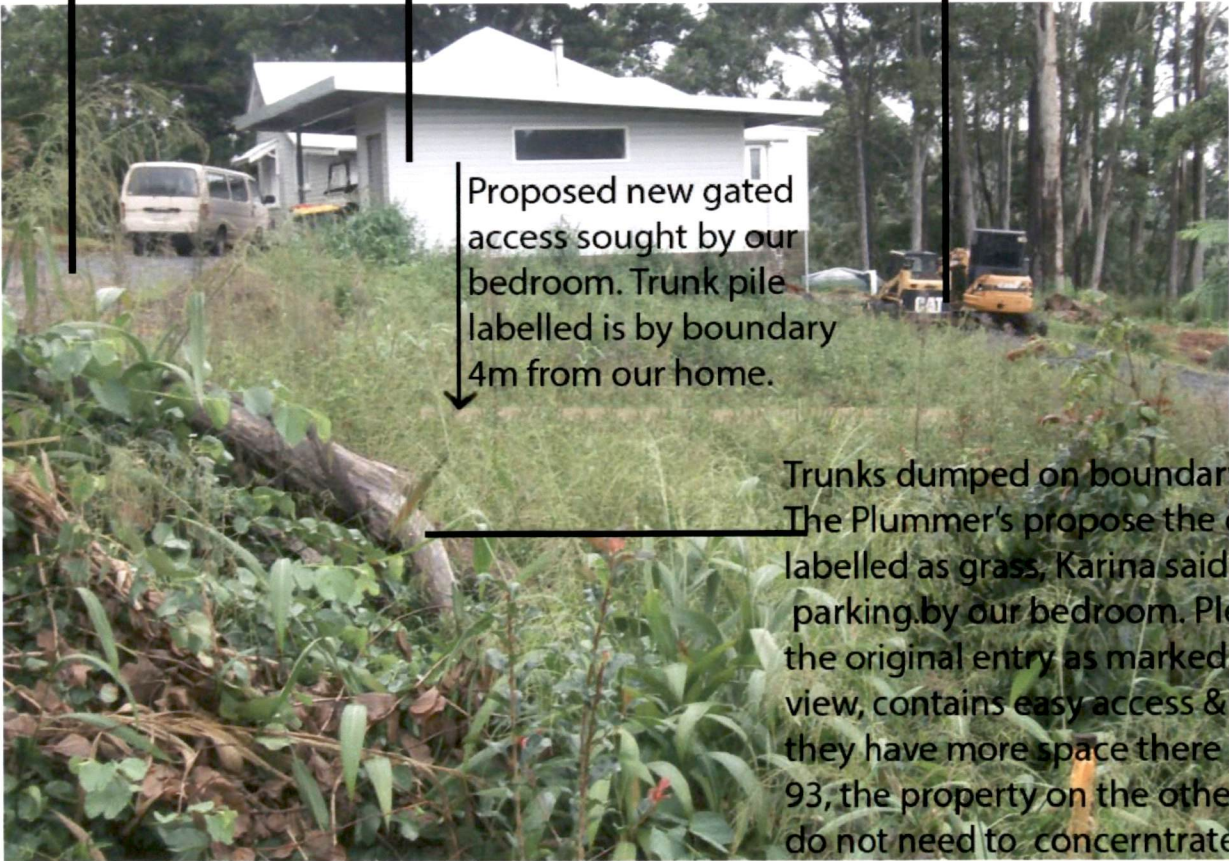
Existing House
103 Kings Rd

Trunks on
boundary

Car Parking

New Carport for 2 Cars
Plus Garage.

Car Parking



Proposed new gated
access sought by our
bedroom. Trunk pile
labelled is by boundary
4m from our home.

Trunks dumped on boundary where
The Plummer's propose the open area
labelled as grass, Karina said for additional
parking by our bedroom. Please note
the original entry as marked on driveway
view, contains easy access & flat areas, so
they have more space there & they own
93, the property on the other side.. They
do not need to concentrated all
vehicle movement to maximally impact us.

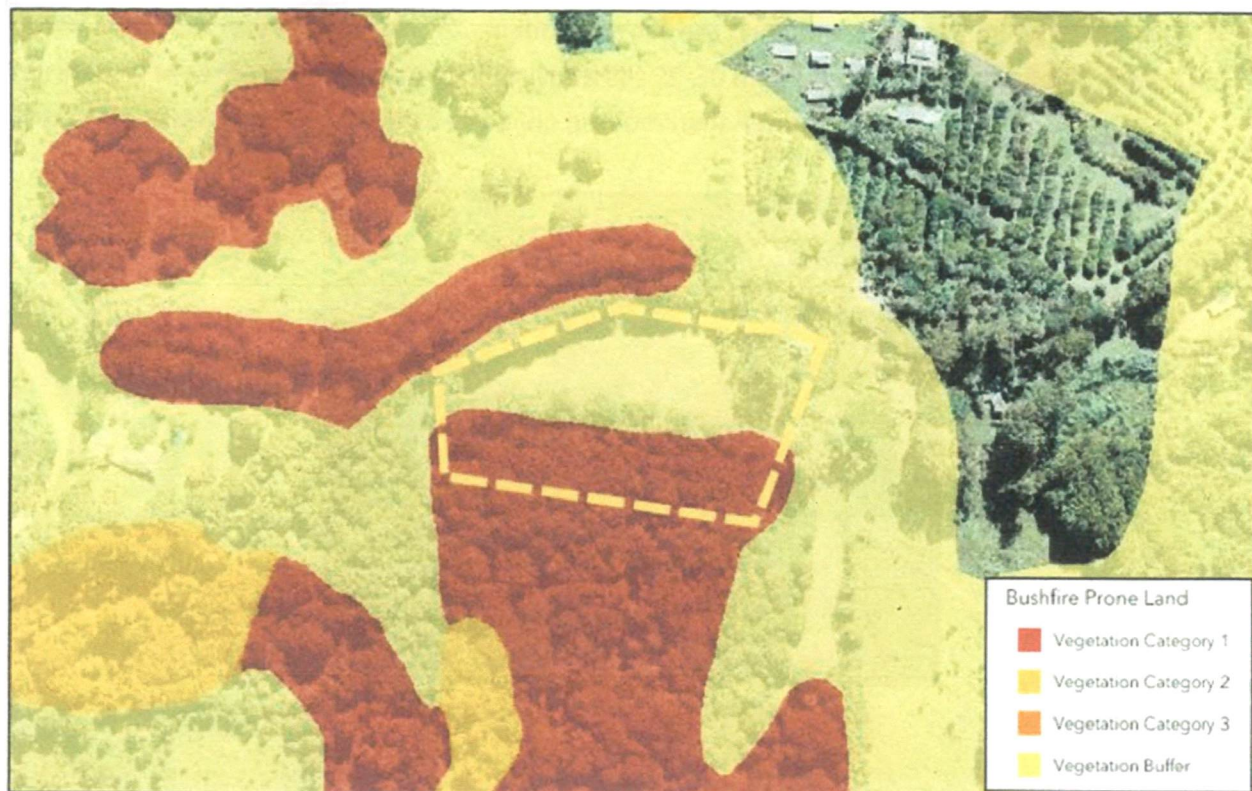


Figure 3: Bushfire prone land map

Source: planningportal.nsw.gov.au

Bush Fire certifiers have used the Source: Planning Portal. nsw, gov, au
 They have clearly identified our bush fire hazard & the categories in the coloured key.
 When we had our property also assessed by the Rural Fire service safety officer, they too
 confirmed the same hazard area.
 Both confirmed degree of slope must be taken in the hazard below.

The slope in the hazard below our home is 25-27 degrees.

We don't understand why Greg Smith, planner for council.
 has identified a different hazard.