
Sent: 1/04/2019 1:49:52 PM
Subject: Additional objection to DA 0081/2019
Attachments: Additional objection relating to traffic arrangements of DA 0081.docx;

Please find our additional objection to the above mentioned development applicaton.

Br

Tuukka Salonen
1/305 Sydney Road, Balgowlah NSW 2093

Additional objection to DA 0081/2019

The Swept path analyses for the vehicular access from Sydney Road to the planned development are all flawed (see SP17-SP24). Any vehicle accessing 307 Sydney Road will, contrary to what has been depicted in the swept path analyses, have to partially pass through land owned by 305 and vice versa.

The end of the battle axe drive where the current right of carriageway easement ends is 6 meters wide. On the 307 side of the battle axe drive about a meter from the boundary fence of 309 are underground cable conduits housing NBN/telephone services for both 307 and 305 Sydney road. Meter and a half on the side of the drive has therefore been laid to lawn. These services cannot be covered up and paved over. Similarly on the 305 Sydney road side are 2 private electrical poles by which both 307 and 305 are connected to the electrical services and a similar width lawn strip runs the length of the drive. The site analysis attached to the DA has left this information out.

Any vehicle accessing either 307 or 305 through the right of carriageway part of the battle axe drive will naturally do so in the middle of the shared drive on the concreted strip in the middle and then turning into their respective sides for property specific parking and garages partially using the neighbouring property for proper turning radius.

We raised the issue of the end of the shared drive and the shared turning area with the developer due to the previous DA 0355/2018 because of concerns about our access to our property. We wanted to formalise a similar right of carriage way easement to this part of the drive too, regardless of the progress and/or potential outcome of DA 0081/2019. As this was not acceptable to the developer, we instead claim **prescriptive right of way** through continuous historic use of the driveway/shared turning area in excess of 20 years. As such also this part of the driveway should be left out of FSR calculation and any plans for buildings, fences, waste enclosures etc. that might have an adverse effect to our continued access to our property. We recognize that 307 has the same right over our land where their access is concerned through the historic turning areas. It is clear from pictorial evidence from 1943 aerial photo in applicants Heritage Impact report (Figure 4.) that the driveway turning area has been in similar shared use at least since then.

Please see the following photographs with normal medium sized vehicle entering the property for further assessment:

Picture below depicts the normal way of accessing the properties at 305 and 307 Sydney Road. Both properties rely on the neighbouring property to access their respective parking spaces. The property boundary is roughly 20cm left of the line in the concrete.



The following picture depicts the situation as per the swept path analyses provided by the developer in support of the DA. In this case the vehicle entering the property is right on top of the essential services and navigating a 90 degree turn right after the boundary fence with 309 Sydney Road on the left into the 307 (left in the picture) is near impossible, contrary to the developer's plans.



We would strongly recommend for council representatives to visit the site to witness firsthand the flaws in the swept patch analyses provided by the applicant and to verify the turning areas required by us at 305 Sydney Road, entering and exiting our property.

We do not support any part of the DA and we do not give consent to any major works carried out in the shared driveway. We are opposed to the use of the shared driveway for access during construction as it is shared by 303,305, 307 and 309 Sydney Rd.

On the basis of our prescriptive right of carriageway and on the basis of guidelines for developing heritage property we request the council to reject the proposed plans as unsuitable for the site and infringing on our rights of access.

Tuukka Salonen and Hanna Marjukka Maki-Hokkonen

1/305 Sydney Road, Balgowlah NSW 2093