
From: BT
Sent: 24/02/2022 5:15:10 PM
To: Council Northernbeaches Mailbox
Cc: Scott Beggs
Subject: 54 Bardo Road Newport 2106 Section 455 Modifications Mod2021/0873
Section 455 Modifications Mod2021/0822 WRITTEN SUBMISSION:
LETTER OF OBJECTION Submission: Beggs
Attachments: BEGGS FEB 2022 SUBMISSION.docx;

Please upload this submission against both MOD DA

SUBMISSION: BEGGS
a written submission by way of objection

**Mr Scott Beggs
56 Bardo Road
Newport
NSW 2106**

24 February 2022

**Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why
NSW 2099**

**Northern Beaches Council
council@northernbeaches.nsw.gov.au**

Dear Chief Executive Officer,

Re:

**54 Bardo Road Newport 2106
Section 455 Modifications Mod2021/0873
Section 455 Modifications Mod2021/0822**

**WRITTEN SUBMISSION: LETTER OF OBJECTION
Submission: Beggs**

This document is a written submission by way of objection lodged under Section 4.15 of the EPAA 1979 [the EPA Act].

We refer to our submission dated 1 December 2021. [attached]

We are extremely concerned to the Amended Plans submitted by the Applicant dated **18 February 2022** on NBC website. Our major concerns:

- Insufficient Deep Soil for Canopy Trees on the Western Boundary
- Excessive 6m deep excavation on the Western Boundary
- Excessive Fill to 1m high on the Western Boundary
- Non-compliant Setbacks and Overdevelopment

IMPACTS UPON ADJOINING PROPERTIES: LANDSCAPING

CANOPY TREES ON WESTERN BOUNDARY

Council will recall that we were very concerned on the lack of deep soil along the western boundary to support the 7 screening trees.

We were concerned on the Contiguous Pile Wall built on our boundary raising geotechnical hazards and added risk.

We were concerned on the poor landscape provision to the screening trees along the western boundary.

The Architect's Drawings dated 11 February 2022, now show the Contiguous Pile Wall built on our boundary, with a 1m wide by 1m high Planter Box built on our boundary to support a run of Blueberry Ash Trees.

We contend that each Blueberry Ash requires substantially more surface area to maintain a run of Blueberry Ash. A zone of 3m wide of deep soil is considered the minimum width.

The landscaped area as shown in the Landscape Plans proposes tree planting in areas considered to inadequately provide spatial dimensions, with insufficient soil depth, to support long term tree growth.

Should the plans be approved with the current layout, trees within 2m on the proposed works may all be removed without approval under the tree removal provisions.

We contend that the design is unacceptable, and a full 3m western setback to the Contiguous Pile Wall and the built form above, must be achieved to provide adequate spatial dimensions, with sufficient soil depth, to support the canopy trees along the western boundary.

We are concerned to the long-term health of Tree 7. The SRZ and TPZ will be adversely impacted due to the proposed development.

Unless the basement is redesigned to provide a 3m western side setback to the Contiguous Pile Wall to allow for an adequate landscaping zone, and a 3m setback to the built form above, we ask for the DA to be REFUSED.

IMPACTS UPON ADJOINING PROPERTIES: EXCESSIVE EXCAVATION & FILL ON OUR BOUNDARY

The proposed development involves excessive and inappropriate excavation.

The Amended Plans now call for excavation up to our boundary, and up to 6m deep.

The Amended Plans now call for artificial fill up to our boundary over 1m high.

Unless the basement is redesigned to provide a 3m side setback to the Contiguous Pile Wall, and for the deletion of the Raised Planter on the boundary, we ask for the DA to be REFUSED.

IMPACTS UPON ADJOINING PROPERTIES: EXCESSIVE BULK & SCALE

The proposed development continues to request excessive overdevelopment with further non-compliance in FSR, Rear Setback, & Excavation causing amenity harm of poor character, excessive bulk and scale, additional overshadowing, additional privacy concerns.

Unless the FSR is reduced, with a more compliant rear setback and western setback, we ask for the DA to be REFUSED.

REASONS FOR REFUSAL

We contend that the Development Application should be refused on the following grounds.

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 ("SEPP HSPD").

- Clause 26(2) Access
- Clause 29 Character
- Clause 31 Design of in-fill self-care housing
- Clause 32 Design of residential development
- Clause 33 Neighbourhood Amenity and streetscape
- Clause 38 Accessibility

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with PLEP 2014:

- Clause 1.2 Aims of Plan
- Land Use Zone: R2 Low Density Residential
- Clause 7.2 Earthworks

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of P21DCP

- Landscaping
- Solar Access
- Visual Privacy
- Seniors Housing
- Locality
- Side and Rear Building Line
- Building Envelope

The proposal is contrary to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that the proposal has a **detrimental impact** on both the natural and built environments in the locality of the development.

The development is **not suitable** for the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

The proposal is not in the **public interest** pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* because it results in a development that breaches development standards and controls. The proposed development would result in a development that is of excessive bulk and scale which results in adverse impact on the streetscape, adjoining properties and the broader locality.

We ask that Amended Plans are submitted to Council to resolve these matters, and failing that outcome, for the Development Application to be **REFUSED** by Council for the above reasons.

Yours faithfully

Mr Scott Beggs
56 Bardo Road
Newport
NSW 2106

S U B M I S S I O N : B E G G S
a written submission by way of objection

Mr Scott Beggs
56 Bardo Road
Newport
NSW 2106

1 December 2021

Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why
NSW 2099

Northern Beaches Council
council@northernbeaches.nsw.gov.au

Dear Chief Executive Officer,

Re:
54 Bardo Road Newport 2106
Section 455 Modifications Mod2021/0873
Section 455 Modifications Mod2021/0822

WRITTEN SUBMISSION: LETTER OF OBJECTION
Submission: Beggs

This document is a written submission by way of objection lodged under Section 4.15 of the EPAA 1979 [the EPA Act]

Our main concerns are:

- Contiguous Pile Wall built on our boundary raising geotechnical hazards and added risk
- Poor Landscape: Removal of 7 screening trees along the western boundary
- Overdevelopment with further non-compliance in FSR, Building Height, Rear Setback, causing amenity harm of poor character, excessive bulk and scale, additional overshadowing, additional privacy concerns
- Accessibility

Western Boundary Setback: Basement

The LEC Consent [Case number 2020/00349112 dated 18 June 2021] approved the inside face of the basement wall with a 1.45m western side setback. This allowed a zone for landscaping along the western boundary, and a setback to reduce the risk of geotechnical failure.

The Section 4.55(8) Modification now positions a Secant or Contiguous Pile Wall with a capping beam, right on the boundary with zero setback. The Section 4.55(8) Modification drawings show a 500mm setback, but the Architect has not drawn the Secant or Contiguous Pile Wall that the Geotechnical Engineer states is essential, along with a drained internal cavity.

There will be no soil for the canopy trees shown along the western boundary to allow for screening of the excessive and non-compliant built form.

The LEC Consent Landscape drawing shows a continuous screen of 7 no. screening trees consisting of Blueberry Ash, Coastal Banksia, and Old Man Banksia, providing over 35m of total canopy cover up to 6m high along the western boundary. There are no deep soil zones for any of these seven canopy trees in the Section 4.55(8) Modification DA drawings.

We are very concerned on the poor geotechnical outcomes to our property, on the risk of collapse, and excessive vibration. We will not agree to any temporary or permanent anchors under our site.

We ask for the 1.45m western setback to the basement wall to be retained, with a Secant or Contiguous Pile Wall to be positioned to leave a clear 1.45m wide zone for the 7 no. screening trees consisting of Blueberry Ash, Coastal Banksia, and Old Man Banksia.

If Amended Plans are not submitted to achieve this outcome, we ask for the Mod DA to be refused due to insufficient canopy trees along the western boundary.

FSR

Any further 'creep' of FSR is totally unacceptable.

The consent already provides for a considerable excessive GFA in the R2 Zone site.

We ask for the GFA to be reduced back to the LEC consent.

Building Height

The built form cannot exceed a maximum of 8m.

We ask that all additional built form be reduced to below 8m to accord with the SEPP.

Rear Setback

The built form cannot extend into the 6.5m rear setback zone.

Accessibility

We contend that without the Refuge Island as conditioned within the LEC Consent, the DA presents an unsafe pedestrian access to the designated bus stops for the seniors and people with disabilities.

Reasons for Refusal

We contend that the Development Application should be refused on the following grounds.

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 ("SEPP HSPD").

- Clause 26(2) Access
- Clause 29 Character
- Clause 31 Design of in-fill self-care housing
- Clause 32 Design of residential development
- Clause 33 Neighbourhood Amenity and streetscape
- Clause 38 Accessibility
- Clause 40 [4][a] Height
- Clause 50: (a) Height

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with PLEP 2014:

- Clause 1.2 Aims of Plan
- Land Use Zone: R2 Low Density Residential
- Clause 4.3 Heights of Buildings
- Clause 7.2 Earthworks

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of P21DCP

- Landscaping
- Solar Access
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- Locality
- Side and Rear Building Line
- Building Envelope

The proposal is contrary to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in that the proposal has a **detrimental impact** on both the natural and built environments in the locality of the development.

The development is **not suitable** for the site pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

The proposal is not in the **public interest** pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* because it results in a development that breaches development standards and controls. The proposed development would result in a development that is of excessive bulk and scale which results in adverse impact on the streetscape, adjoining properties and the broader locality.

We ask that Amended Plans are submitted to Council to resolve these matters, and failing that outcome, for the Development Application to be **REFUSED** by Council for the above reasons.

Yours faithfully

Mr Scott Beggs
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