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**Sent:** 10/12/2018 12:38:39 PM  
**Subject:** 33 Beatty Street Development Application - SUBMISSION

Dear Adam,

As per our 2 conversations , we submit the below in relation to 33 Beatty Street, acknowledging that we missed the original date of 26 November . (As you are aware, we have unusual circumstances , in that we have sold our house , but have not settled on it at 4 tutus st - which adjoins 33 Beatty street .)

Please confirm receipt of this & acknowledgement of our submission, as you indicated, no issues with us submitting this 2-3 weeks beyond the 26/11.

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Dear Sirs,

We write in relation to the Development proposed for 33 Beatty street, Balgowlah Heights .

WE are the current owners of 4 Tutus street, which shares a rear boundary with 33 Beatty st (approx 15 metres South to North) . We also share a smaller boundary on the side of our house (West to East )of approx 7 metres.

The proposed application, causes us much concern and worry about the impact on Privacy, FSR precedent, and over development . We are also very unclear about how the site would be developed , and managed thru the demolition and build, as the rear of the property has ZERO access, and as such thru the works – issues around safety, noise, waste management and general mess is of huge concern . There is also presently no boundary fence between 33 beatty, 4 tutus st and 4a tutus st.

Specifically, listed below is a summary of the key issues :

Waste Management Plan – Demolition Stage

- It is not practical on the site
- In relation to waste, and site management - Where and how will it be removed ?
- It is literally , a Confined space, with no access other than ladder from within current property (up a very steep incline)
- The application mentions it being "Transferred to street level "– we see this as highly disruptive, not practical and we are unclear how this will be done without major disruption .

Additional works

No mention of new boundary fence between no 4 and 33 beatty . The owners of 33 beatty should put this into their costs and install , as per rear of 4a Tutus .

Site Issues/Geotechnical /landslide risk

We understand the significant historical, and heritage value of Sydney natural sandstone upon which the site sits. However, we note, it is known to experience erosion, especially in sloped areas, and can place neighbouring and adjacent properties at risk .We are very concerned that our Property footings could be compromised with works taking place . We request more detail, and an immediate deeper review of this major issue.

We also strongly believe that there is already clear evidence of damp, moisture drain, and water erosion on the site already (evidenced by the read of the current dwelling, mould, damp, water run off etc..)

FSR

As the council is well aware, as In accordance with Council's floor space ratio map, the maximum FSR

permissible at the site is 0.4:1.

The sites total area equals 959m<sup>2</sup>. Therefore, the maximum permitted GFA is 383.6m<sup>2</sup>.

In the application, an additional 41.306m<sup>2</sup> is proposed through the alterations and additions sought at the site. As a result, the new total GFA is 412.104m<sup>2</sup>, which equates to an FSR of 0.4297:1. A variation of 28.504m<sup>2</sup> is proposed. This is clearly NON compliant, and any approval at this level would be a complete over development of the site, and breaches the Councils own well established rules. To be more specific, the explanation in the DA documents outline, that it should be allowed, and is compliant under 4.6(3). We completely disagree . Factually it does not comply with the set FSR .

#### Public Benefit of Maintaining the Standard

The application outlines "It is considered that the public benefit will not be undermined by varying the standard. The proposal provides for the orderly and economic development of the site. Given the site's orientation, location and context it is considered that the site is well suited for the development, given its proximity to local infrastructure and other amenities." We do not agree .Allowing a FSR to be exceeded has NO public benefit – only the applicants benefit . It sets a very dangerous precedent if approved as is.

#### 4.1.5.(c) Foreshore Scenic Protection Area

The subject site is identified as being located within the Foreshore Scenic Protection area and as such , is a further reason to NOT allow over development exceeding set FSR

#### 4.3.1.(a) Maintenance of Views

The application makes no mention of loss of view from our Property (or indeed others – it only refers to 4a) . Our Southern windows both on Ground level and Level 1 will lose views, including of the harbour . Additionally we installed a new clothesline on the Southern side that will now be impacted if this development proceeds as set out by the applicant . We therefore conclude, that the potential impact on views is considered totally UN – reasonable in this instance.

#### Side & Rear setback

It is not compliant . The application simply does not meet the allowable conditions – and as noted previously over develops the site.

#### Privacy

As per above on Maintenance of Views, the proposed application loses privacy from 4 Tutus . Our South facing windows/glazing that enjoy modest water views will be impacted by new glazing to the rear at a higher level .We do not also understand the need for a rear balcony on a property of this size and scale, and this again reinforces the applicants plans to 'over develop ' the site . The adjacent balcony would be very close to both 4 & 4a living areas .

#### Conclusion

In grappling with this application, and its impacts we conclude it is neither improving the property appropriately, or reasonably, but more critically exceeds the FSR . We were staggered to read the closing comment in the application "Based on the above, it is sensible to conclude that strict compliance with the maximum floor space ratio is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application" This is simply not true .

WE are very worried, by the access issues, potential significant noise and disruption, the concerns over the sandstone and potential for erosion and impacts to our property - through the proposed works.

We ask that our perspective, is considered in looking at this application , and that on merit the Council ask the applicant to make their development within allowable controls - especially in relation to the allowable FSR. As

council ratepayers for over 25 years we believe this is the sensible path forward for all .

Kind Regards

JOHN & MARG WARN

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JOHN WARN