
Sent: 29/03/2019 12:00:24 AM
Subject: Online Submission

29/03/2019

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RE: DA2019/0191 - 2 A West Street BALGOWLAH NSW 2093

DA2019/0191 2A New West St Balgowlah Heights - subdivision
Dear Assessment Officer,

As a walker in the area and resident of many years - I would like to object to DA2019/0191 for a subdivision of the land known as 2A New West St Balgowlah Heights.

Whilst the land itself is privately owned, this request includes the acquisition of Council land, previously Crown Land to be re-purposed for a driveway for a single residence. This newly transferred land should remain for public use. The previous subdivision attempt in 2007 appears to have been unsuccessful for this very reason. (See SEE p4 and p18). These concerns do not appear to have been addressed - just overcome by a worrying precedent. Community consultation and public use of the area would be ignored. How would anyone know to object to or comment on this ruling on 21 December 2018?

I recognise that if a subdivision is granted, then a further DA for a dwelling will be submitted with further removal of vegetation and impacts to the green corridor which includes Brimbecom Park. (SEE p7. The proposal doesn't seek approval for a dwelling house on Lot 2.)

Access is proposed from an already congested one track laneway which is not a road and would destroy valuable Council reserve bushland, flora & fauna. (SEE p7 Access to Lot 2 is to be via an extension to the driveway that exists in the unconstructed section of New Street East servicing 37 and 37A New Street.)

The site experiences a significant fall from its south-western corner to its north-eastern corner. The land falls some 22m and represents an average grade of 1 in 2.6, or 38.6%. To build in this environment will require suitable access for building materials, trucks and diggers. The public road has not been continued through due to the difficult topography of the area. The proposed driveway does not sufficiently cater for this and creates major inconvenience to other residents.

There is a green corridor along the north side of the Crown Land adjoining New Street West and an access link from this green corridor to Brimbecom Park. This green corridor on the north side of New St West will be breached by the access road. This public land and wildlife corridor should not be truncated for a private development's road access.

Is there information on the impact on local fauna and flora as a consequence of removing the bushland and of potential interference of wildlife access and movement to and from Brimbecom Park using the green bush corridor on the north side of New St West?

Please do not approve this subdivision to use public land to allow further development and destruction of our ever-decreasing green corridors.

Reference to Statement of Environmental Effects (SEE)

P6. Council raised issues concerning the status of New Street East over which access was required relating to:

- New Street being a Crown road; and
- the application requiring owner's consent from:
- the NSW Department of Lands as the proposal sought approval to carry out work on a Crown road; and
- the owners of 37 and 37A New Street East, the properties for which the existing concrete driveway in New Street East was originally constructed.

Ultimately, the owner/applicant found it all too difficult to address Council's issues and withdrew the application. The owner's endeavours to obtain owner's consent from the Department of Lands has resulted in the Crown Road section of New Street, between West and Woodland Streets, being transferred to Council by virtue of a notification under the Roads Act 1993 published in Government Gazette No. 144 on 21 December 2018.

Legal advice received by the owner indicates that the consent of the owners of 37 and 37A New Street East for the use and/or extension of the existing driveway is not required as the driveway is located on public land and they are not the owners of the driveway or the land on which it is located. In these circumstances, the owner now wishes to re-apply for the subdivision.

P18. The owner's endeavours to obtain owner's consent from the Department of Lands has resulted in the Crown Road section of New Street, between West and Woodland Streets, being transferred to Council by virtue of a notification under the Roads Act 1993 published in Government Gazette No. 144 on 21 December 2018.