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Sent: 29/01/2023 12:27:32 PM
To: DA Submission Mailbox
Subject: Online Submission

29/01/2023

MR Catherine Kell
2 / 305 Sydney RD
Balgowlah NSW 2093
[REDACTED]

RE: Mod2023/0001 - 12 Boyle Street BALGOWLAH NSW 2093

I wish to reiterate all my previous objection to this proposed development at 307 Sydney Rd and 12 Boyle St Balgowlah.

This applies to all objection related to Mod2023/0001 AND DA2019/0081

It will also include my objections addressed to the Land and Environment Court in 2021 in relation to the amended plans from 2021 which were supplied to objectors but which DO NOT appear in the list of documents related to DA2019/0081.

I request leave to make these written objections in 2 weeks' time when I return from overseas. The timing of this notification to arrive during the holiday period was unfortunate. The plans are so tiny and the resolution so poor that it is almost impossible to interpret them. The explanation for the changes are difficult to comprehend.

The wording of this notice is extremely confusing. Does this mean that the Land and Environment Court has already approved these modifications?

I have grave concerns about this process. It would appear that any modifications that the Developer wishes to make will be acceptable to the court just because they want them to be approved. I am also gravely concerned that there is no mechanism to object to a decision made by the Land and Environment Court. Despite the fact that the initial hearing knocked it back. They then vacated the next hearing until it was finally approved.

Does Council have any view on the fact that the L and E Court can approve applications that do not comply with Council building codes?

One example: The 2021 plans showing the East Elevation of Building 4 at section AA show a Lower Ground Level of RL41.10. The roof ABOVE this ground level apartment is RL51.10. This equals a wall height of 10.00 metres. The setback at this point is 1840 which is far less than the control. The L and E commissioner confirmed to me that my assertion that the wall was 10 metres high was correct. And yet it was approved.

The 2022 plans show that the building height has INCREASED and is now RL51.20. The justification being that the change will be imperceptible to the neighbours. It was over height before and is now even more over height. Apparently the "minor changes" include the addition of skylights in this section of building 4. The Building Height Study notes that the northern skylight protrudes beyond the roof. So, the approved envelope has been breached.

I am baffled that the Land and Environment Court could have approved an excavation that is 350 mm from our boundary where there is a wall that is part of the heritage listing which straddles the boundary.

It is deeply concerning that the developers consider the addition of windows on the Eastern side of Building 4 as a minor change. I could not actually find any reference to this. The comparison to the East elevation plans from 2021 and the East elevation plans from 2023 is startling. Yes, they have put privacy screens but the windows were not in the plans approved

by the Land and Environment court. The 45-degree privacy screen on the Eastern side appears to breach the envelope and will be way too close to our boundary.

I am appalled that the developers could now suggest that the curved window of the heritage listed house at 307 Sydney Rd SHOULD BE REMOVED to fit in better with the rest of the building. This is outrageous. Will the developer then petition the court to have the Heritage Listing removed as there is no longer any remaining heritage fabric? Also please note that it is difficult to find on the plans where this curved section has been altered.

Please note. I am expecting to see a modification request to add a double garage to the north of the multi-purpose room of building 1. There is a perfect double garage sized space there. It WILL change the FSR.

There are many other areas of concern which I simply do not have time to address.