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**From:** BT  
**Sent:** 1/12/2021 10:33:10 AM  
**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 WS Dec 21.pdf;

**Could Council enter this objection against BOTH Mod DA please.**

**SUBMISSION: BEGGS**  
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](mailto: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
- 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