

Dear Sir/Madam,

11 Chris Bang Crescent, Vaucluse NSW 2030

OBJECTION to Section 4.55 - Application for Modification of Development Consent
Application DA-206/2016/B

The Amended Architectural Plans (AAP) and Amended Statement of Environmental Effects (ASEE) submitted on the 10th of August 2021 by Dr Yarub Jamiel and Dr Huda is still attempting to have all previous breaches, bar one, retrospectively approved, rather than taking effective actions to rectify.

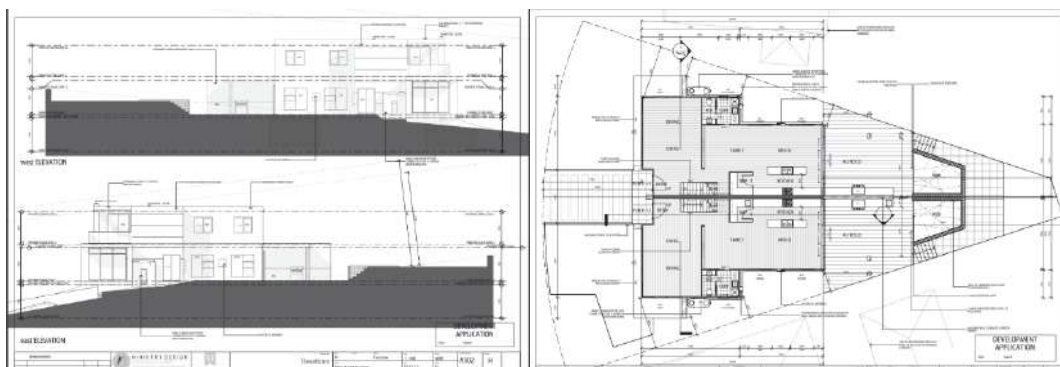
Retrospective approval to these breaches should not be granted due to:

1. The AAP and ASEE seeking to cloak all breaches under the umbrella of “structural foundation support” with insufficient evidence given to support the statement.
2. The AAP and ASEE are contradictory and incomplete and do not give sufficient evidence to support the unauthorised structures breaching the Waverley Development Control Plan (DCP) 2012 (Waverley DCP 2012).
3. Some modifications proposed can be seen as a temporary solution allowing the owners to make the changes they desire once an occupation certificate is issued.

Although we welcome some of the additional changes detailed in the revised plans that seek to bring in line what has been constructed, the impacts on neighbours detailed in previous objections are still not being resolved with the AAP or ASEE. The only effective changes the owners of #11 Chris Bang Crescent have made between the plans submitted on the 16th of June 2021 and the AAPs and previous objections raised, is to erect a masonry wall around the stairs to the roof and to concrete the opening to the roof. These objections are detailed below.

1. UNAPPROVED CONCRETE COVERED PATIO

DA-206/2016 approved only an alfresco area, with a Colourbond roof over the ground floor (see below approved DA-206/2016 plans). On page 14 of the ASSE, when referring to Elevated decks and balconies, reference is made to a Colourbond roof. Does this mean that the owners will be replacing the existing concrete roof with a Colourbond roof?



An assumption is made that the AAP and ASEE submitted as part of DA-206/2016/B are still seeking approval for the enclosed concrete balcony on the first floor.

There is no mention in the AAP or ASEE that the unapproved balcony, concrete pillars and extended roof needs to remain due to it being a major structural issue. The AAPs are contradictory as the ground floor (#4) makes mention of an alfresco roof above the patio, the first floor (#4) shows a roof over an alfresco non-trafficable roof, the roof plan shows an alfresco non-trafficable roof, but the east and west elevations make no reference to the additional concrete pillars or covered concrete patio on the first floor. Does this mean that the owners will be removing this structure? On page 14 of the ASEE under Elevated

decks and balconies, under the Proposed Amendment column, the justification given for, one presumes the patio structure to remain, makes no sense, and I quote “The roof over the alfresco area is non-trafficable. The roof to the dwelling is non trafficable and access is not provided from the first floor to the roof due to the Colourbond roof and glazing blocking the stairs. The balconies at the ground and first floors are generally the same size under the amendment”.

If the owners are seeking to keep this structure, then an objection is raised as there is no justification for these unapproved covered balconies to exceed the Waverly DCP (2012). The image at right clearly shows how this unauthorised structure adds to the considerable, concrete, visual bulk of the property.



2. SIDE SETBACK

All documentation submitted as part of a section 4.55 must show any changes from the approved DA. The amended basement floor plan does not highlight that the built storage areas have been expanded resulting in the side setback being reduced from 1.550m on the far corner to an approximate minimum of 1m.

As the ground floor structure is built on top of the basement structure and first floor above the ground floor structure, the side setback will be breached on all three levels.

Below is a table that shows the different side setback indicated on the AAP.

	Basement Level	Ground Floor Level	First Floor Level
Eastern Boundary setback 1	Min 1500mm	Min 1500mm	Min 1500mm
Eastern Boundary setback 2	Min 1000mm	1695mm	1675mm
Western Boundary setback 1	Min 1000mm	1625mm	1625mm
Western Boundary setback 2	Min 1000mm	1547mm	1555mm
Eastern Boundary Main Bedroom Balcony Corner			1428mm
Western Boundary Main Bedroom Balcony Corner			1475mm

Not only is the AAP seeking approval for the unapproved side setback breaches, the photographs below, show that what has been built breaches even the side setbacks documented in the AAP’s. There is nothing in the documentation to suggest that the walls will be taken down and rebuilt to fall within the approved setbacks.



Page 13 of the ASEE it refers to “the extremely minor exception of the balcony edge”. However, one can see from the photograph on the left that the side setback breach on the Eastern balcony is significantly less than 1.428m. In fact, it is almost on the boundary

The ASEE is justifying the side setback breaches, by saying the variations are more significant on the basement level, which is below ground, therefore insignificant. However, the photographs on the Eastern boundary show the extent of the side setback breaches on the ground level.



3. CHANGES TO THE FSR

The extension of the walls on the east and west boundaries resulting in a breach of the FSR is shown on the amended plans. The statement in the ASEE stating the approved FSR was 0.5:1 is incorrect, as DA-206/2016 approved an FSR of 0:52:1. The AAP and ASEE have justified the small increase of 12.15m² (which is disputable figure), by “allocating” the unauthorised extensions on the basement and ground floor as storage areas which aren’t included in the FSR.

The amended plans do not address the unapproved work done in bedroom 1. Below is a photomontage of the development that was approved in DA-206/2016. There is also a photograph of the balcony taken from #12 Chris Bang Crescent which shows that bedroom 1 has been extended to enclose the balcony, resulting in a larger space, once again breaching the FSR. The owners have extended the concrete wall out to where a glass balustrade is shown in the photomontage. The owners are also looking to add additional screening and bulk to the edge of the balcony which was not approved in DA-206/2016.



The amended plans do not show any remedy of the breach, but rather seek retrospective approval by passing it off as “added column and wall for structural support to concrete roof”. Shown as #3 on first floor amended plans. No reference to these changes are made in the ASEE.

The side setback and FSR breaches highlighted in the above two sections contradicts the reason given in the ASEE that **“Like the original approved scheme the amended scheme satisfies the stated objectives of the FSR control.** The overall height remains unchanged and the **built form is compatible with the existing likely future built form. The amended proposal reasonably preserves the environmental amenity afforded surrounding residents”** is incorrect. Neighbours of #11 Chris Bang Crescent categorically do not believe that these breaches preserve the environmental amenity afforded to surrounding residents.

4. DRIVEWAY & CAR PARKING

The first application submitted for DA-206/2016 provided for two 5m wide driveways. However, this was not approved by council and in order to obtain approval the plans were modified to allow for a common driveway access from the street that would be a maximum of 4.9m wide. It appears that council rejected the first proposal due to two driveways resulting in the reduction of on-street car parking in Chris Bang Crescent. There was also a reference that the shared driveways were located approximately 1.69m east of the nearest stormwater pit.

Below is a photomontage submitted with the amended plans showing the shared driveway and a picture of the current development showing two driveways greater than the width of the garage.



Once again the owners have failed to indicate all changes to DA-206/2016 on the s4.55.

5. GREEN WALL

The south elevations submitted as part of DA-206/2016 show a green wall on the south elevation to comply with council controls. On the AAP's, the south elevation makes a reference to this green wall being replaced by a feature window. Is this yet another attempt to breach a council control?

6. FRONT FENCES

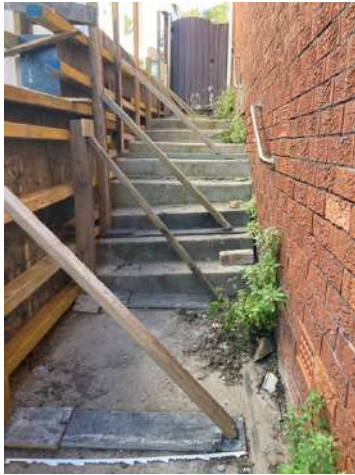
The original architectural plans showed no fences to the proposed street boundary and this was re-clarified in the amended plans, that were subsequently approved by council. Below please find a picture that shows the front walls that have been erected in the street boundary and on council land. No permission was given by council to enclose part of council land.



7. EXCAVATION

Excavation was done right up to the boundary walls on the eastern, western and northern boundaries, which resulted in the fences on the eastern and western boundaries collapsing, the stairs to the neighbouring property #10 Chris Bang Crescent being destroyed and damage to the gardens of #10 and #12 Chris Bang Crescent. There is subsidence in the garden of #10.

The owners of #11 Chris Bang Crescent did a rudimentary job of fixing the stairs at #10 Chris Bang Crescent, but the repair work was badly done, resulting in uneven step. As a result, the 92-year-old owner and her guests are unable to use these stairs. This may not seem like a major issue, but these are the stairs that a lot of Mrs Silver's elderly guests used to access her home, as the front stairs are quite steep. Although having visitors whilst we are in lockdown may not seem relevant, it is very important to Mrs Silver, as many of her friends will be unable to visit her once lockdown is lifted.



The owners of #11 Chris Bang Crescent have yet to fix or compensate the owners of #10 and #12 Chris Bang Crescent for the damage done to their gardens due to the damage caused by excavating right up to their boundaries.

CONCLUSION

It is important to acknowledge that most of the neighbouring properties have ongoing concerns about this development, and that many of us decided that a comprehensive and unified response would clearly demonstrate the local community's concerns and cohesion.

Many of the previously expressed concerns regarding amenity of adjoining properties raised in the previous objections to the previous DA application remain unaddressed.

This objection detailed above clearly demonstrates that the documentation submitted with the DA-206/2016/B is incomplete as:

1. The AAP and ASEE seeking to cloak all breaches under the umbrella of "structural foundation support" with insufficient evidence given to support the statement.
2. The AAP and ASEE are contradictory and incomplete and do not give sufficient evidence to support the unauthorised structures breaching the Waverley (DCP) 2012.
3. Some modifications proposed can be seen as a temporary solution allowing the owners to make the changes they desire once an occupation certificate is issued.

Given the significant and apparently wilful variations from the original plans, the supposed errors made in the construction of the concrete structure and the builder's, certifier's and engineer's inability to recognise the errors, I would question whether there are other variations or structural defects that have not been identified. Relying on the applicant's professional advice has not provided any comfort to date. Council should require the applicant to finance an independent engineering report, provided by an engineer of council's choosing to establish the veracity of their structural claims, clarify all deviations from the original approved plans and assess whether rectification is technically possible. This report should be made available to the concerned neighbours.

Ultimately, the correct course of action is for the council to reject this application. It is incumbent on the applicant to propose plans to ensure the development complies with already approved development plans and Waverley (DCP) 2012. The practical, technical, and financial requirements to do so lie entirely at the feet of the applicant.

I appreciate your time in assessing our objection and would like to be advised as to the progress of this application.

Yours sincerely,

Name:

Address:

Telephone:

Email address: