

**From:** Donna D <[REDACTED]> on behalf of Donna D <[REDACTED]> <Donna D  
<[REDACTED]>  
**Sent on:** Saturday, November 30, 2024 1:47:58 AM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2024/937 - 100 Botany Road ALEXANDRIA NSW 2015 - Attention Georgia McKenzie  
**Attachments:** Objection Letter Kurraba Group DA.docx (3.45 MB)

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Hi Georgia,

I am a resident and owner of a neighbouring property.

Please find attached feedback and comments on the DA for 100 Botany Road.

Please contact me if you have any questions.

Regards

Donna

[REDACTED]

**Objection Letter****D/2024/937****Address**

84-88 Botany Road ALEXANDRIA NSW 2015

86-96 Wyndham Street ALEXANDRIA NSW 2015

98-100 Wyndham Street ALEXANDRIA NSW 2015

108 Botany Road ALEXANDRIA NSW 2015

100 Botany Road ALEXANDRIA NSW 2015

74 Botany Road ALEXANDRIA NSW 2015

**Applicant**

KURRABA GROUP

**Concerns Regarding Proposed Development Impact on SP71198 and Surrounding Residents****1. Right of Carriageway and Legal Ownership**

- Currently, only Lot 11 DP 219505 enjoys a right of carriageway over the laneway referred to by the Kurraba Group as "Wyndham Lane North," pursuant to an easement granted in 1959 under H237356.
- No other lots in the development application have legal access to the land owned by SP71198, which is collectively owned by 45 titleholders.
- The proposed development seeks to intensify the usage of the laneway without consulting or obtaining consent from the SP71198 owners, making the current plans invalid.
- The laneway forms the sole egress point for SP71198 owners, and any interference could block access to private properties, including designated disabled parking spots.

**2. Misrepresentation of Plans and Laneway Dimensions**

- The Kurraba Group's renaming of the laneway suggests an attempt to claim control over land not owned by them.
- The right of way under H237356 applies to only 4 meters of the laneway, but the developers falsely claim it to be 5.5 meters wide, despite having no access to the additional land.
- Sections of the laneway are as narrow as 3.2 meters, making two-way traffic impossible and unsuitable for medium-sized vehicles (2 meters wide) or garbage trucks (minimum 2.5 meters wide).

**3. Traffic and Safety Concerns**

- The laneway was not designed to accommodate the increased traffic volume proposed. Current average usage is only 1–2 cars per hour over a 24-hour period, but the development will drastically increase this volume.
- High traffic and insufficient width will make the laneway unsafe for both vehicles and pedestrians.
- Proposals to turn the laneway into a one-way road will block SP71198 owners from accessing their properties, violating their rights under the easement.

**4. Privacy and Amenity Impact**

- The laneway directly abuts SP71198 residents' bedrooms, living areas, and outdoor spaces, which are private areas. Despite extensive reporting, no measures have been proposed to address these privacy concerns.

- The proposed health campus building will overshadow SP71198, severely limiting sunlight and rendering outdoor amenities, such as the pool and garden areas, largely unusable.
  - The building's design allows direct views into residents' balconies, bedrooms, and living spaces, further intruding on their privacy.
- 5. Construction-Related Issues**
- Ongoing construction noise already exceeds safe limits daily due to adjacent projects, such as the Waterloo Metro. Noise monitoring has been conducted during these activities, making it difficult to distinguish the additional impacts.
  - Recent examples include workers sawing bricks until 3:30 a.m. for the Metro project, followed by new works starting at 7:30 a.m. No provisions are in place to limit noise pollution from overlapping construction projects.
  - Parking for tradespeople during construction is inadequately addressed. Previous projects, such as the Waterloo Metro, have seen workers take up local residential parking, leaving residents without access.
- 6. Health Risks from Hazardous Materials**
- Excavation works risk exposing residents to lead, asbestos, and other heavy metals. Current lead concentrations in the soil are 71,000 mg/kg, 240 times the safe level of 300 mg/kg.
  - Asbestos contamination, particularly friable asbestos, is an extreme health hazard. Proper tenting and independent monitoring must be enforced for all excavation activities.
  - Dust mitigation from prior projects has been inadequate, with the EPA intervening during the Waterloo Metro project.
- 7. Misalignment with Easement Terms**
- The terms of the 1959 easement under H237356 do not support the intended modern usage of the laneway, such as increased traffic, waste vehicle access, or shared zones.
  - The landscaping plan implies plans to funnel traffic through Wyndham Lane South, yet this is not transparently stated in the application.
- 8. Residents' Access and Traffic Flow**
- SP71198 residents rely solely on the laneway for access to their properties and parking. Traffic flow during peak hours is already limited, with light changes allowing only one car to exit at a time.
  - Unlike SP71198, other lots in the Kurraba Group have alternative access points via Botany Road or Wyndham Street, meaning they are not landlocked.
- 9. Failure of Community Engagement**
- During earlier consultations, the Kurraba Group assured owners of SP71198 that no access through their land would be required, a statement now proven false.
  - Without SP71198's owners' consent, any council approval for the development would be invalid, as ingress and egress conditions are fundamental to the operation of such a consent.
- 10. Environmental and Community Impact**
- Approximately 300 residents live in close proximity to the site and will be heavily impacted by construction and development.
  - Noise, dust, and overshadowing will make the area increasingly uninhabitable.
- 11. Access to Land & Airspace**
- Neighbouring properties will need to be accessed during demolition and construction works – no permissions have been sought.

- Construction activities with use of cranes impacting the airspace over SP71198 will need permission from owners – again none have been requested.

**Conclusion**

This proposed development infringes on the legal rights of SP71198 owners, compromises safety and privacy, and risks the health of the community. Without proper consultation, detailed planning, and significant adjustments, the project cannot proceed without severe consequences for local residents. Council must reject the current proposal until these concerns are thoroughly addressed, ensuring the rights and well-being of SP71198 owners and neighbouring communities.

Dust issues from Waterloo Metro











### 4.3. Proposed Laneway and shared Zone Treatment

As part of the development, the shared zone aims to enhance access and egress, improve pedestrian safety, and meet the requirements of the City of Sydney's Development Control Plan (DCP) and the RMS Technical Direction for shared zones.

The arrangement shall be as follows:

- o Maintain current arrangements for Wyndham Lane North and provide additional egress through the development site.
- o Convert Wyndham Lane South to one-way anti-clockwise to simplify access and egress.
- o Egress from Wyndham Lane South via a new westbound one-way laneway at the southwest corner of the development.
- o Meet DCP requirements by providing the laneway network through the development site.

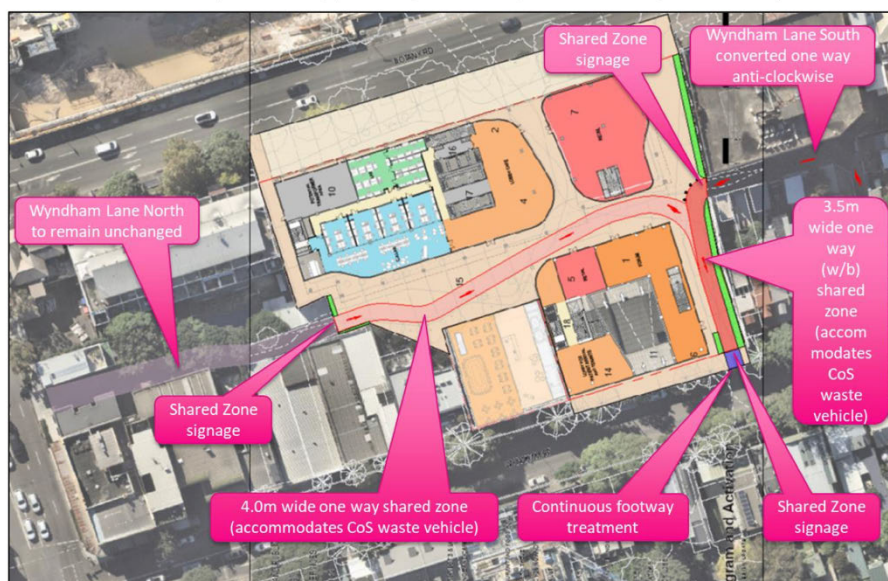


Figure 13 – Option 2 – Laneway Treatment (indicative)

The signage proposed as part of this design is shown in Figure 14 and Appendix 2, subject to



## 8. Remediation extent

The extent of remediation comprises:

- Asbestos (all fill) - suspected or known to be contaminated with asbestos (friable and non-friable), results currently limited to identification in soil, and AF/FA analysis. However, based on current results it is considered there is a risk of exceedances of bulk w/w% SAC (bonded) asbestos in soils;
- Lead in soil – currently identified above Tier 1 SAC for 74-88 Botany Road, with additional exceedances identified at BH113 and BH2 (internal laneway) between other structures. Generally, it is considered there is a risk of additional elevated lead in soils which would require management, potentially given the source of lead may represent the same source as asbestos in soil (i.e., previous demolition and impacted fill). Given the comingling with asbestos it is considered these impacts are to be managed concurrently;
- Total chromium – BH4(AG) exceeding Tier 1 SAC;
- TRH in soil – BH101 (0.5-0.6 m) and BH3 (0.1-0.2) current exceeding management limits (TRH fractions F3). Noted to be comingled with the above. Current groundwater results do not indicate significant impacts to groundwater which may otherwise be suggestive of a management limit exceedance;
- PCB in soil – BH2 (deeper fill, ~1m) exceeding Tier 1 SAC (total PCB);
- PAH in soil – BH2 (shallow fill 0.1-0.2 m) exceeding Tier 1 SAC criteria for BaP TEQ. Further delineation / assessment is recommended to determine whether the impacts are as a result of asphalt / bitumen fragments; and
- Suspected UST (if present) – may include localised heavy metal, TRH/BTEX, PAH impacts in soils / groundwater. If present, remediation would require decommissioning and removal / destruction of tank(s).