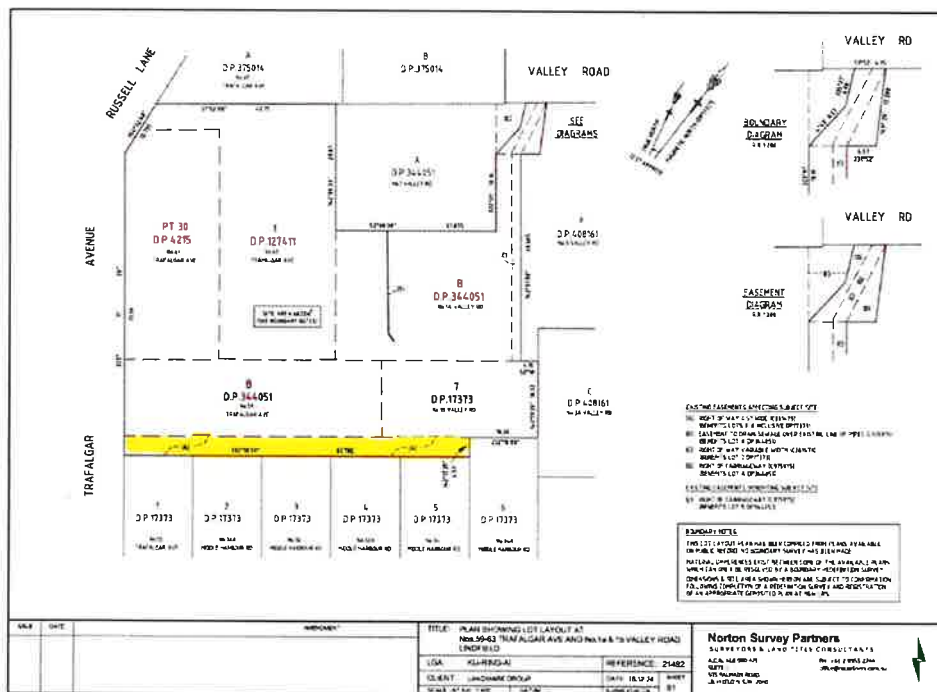# Appendix 3

# Formal Objection to SSD-79276958
# Proposed Residential Development at
# 59–63 Trafalgar Avenue and 1A & 1B Valley Road, Lindfield

## Plan Showing Lot Layout at Nos 59-63 Trafalgar Avenue and 1A & 1B Valley Road, Lindfield

### EASEMENT 'A' ON SURVEY TITLE PLAN - CONCERNS



Re: 59 – 63 Trafalgar Avenue and 1A – 1B Valley Road, Lindfield (**Development Application**)

The proposed development involves the construction of a driveway over land situated between Trafalgar Avenue and 1B Valley Road (**Relevant Land**), which adjoins the rear boundary of the following six properties (**the Properties**):

1. 55 Trafalgar Avenue
2. 30A Middle Harbour Road
3. 32 Middle Harbour Road
4. 32A Middle Harbour Road
5. 34 Middle Harbour Road
6. 34A Middle Harbour Road

**The Right of Carriageway over the Development site is shown below in <mark>yellow</mark>.**
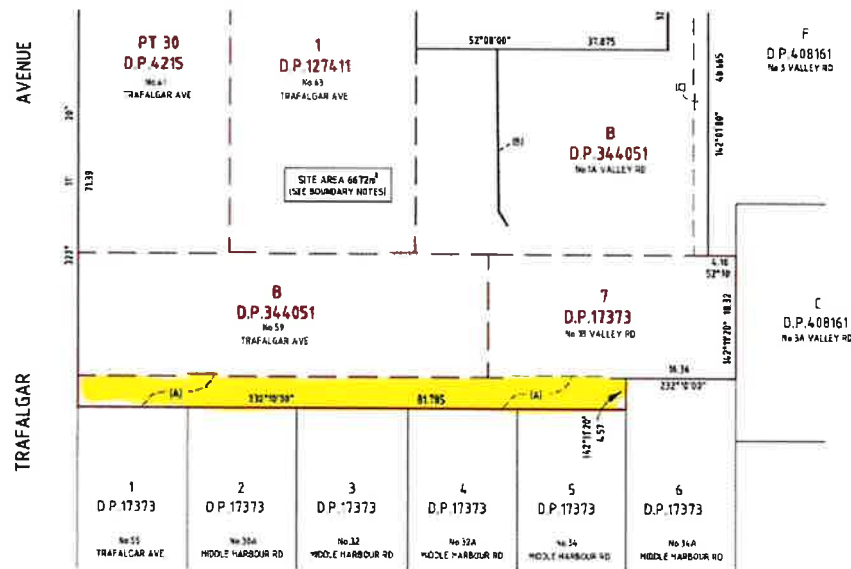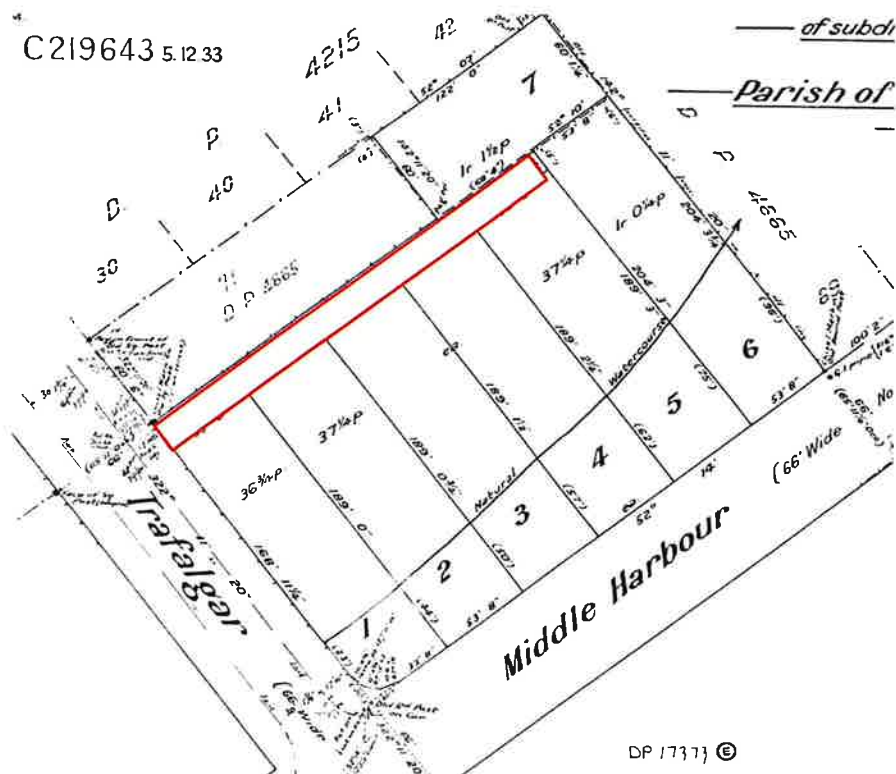


All these properties include a "Right of Carriageway" appurtenant to the land (Dealing C345620 or Dealing C261479).

In 1934, when ownership of Lot 7 in DP 17373 (1B Valley Road, Lindfield) was transferred, a right of carriageway was reserved to the owner of this property *"over that portion of the said Lot 7 as shown on the said Deposited Plan as 'Site of proposed right-of-way 15 feet wide'"*.

Below is an extract of Deposited Plan 17373 which shows the right of carriageway in <span style="color:red">red</span> that benefits this property. The right of carriageway is 15 feet wide, which is approximately 4.5 metres wide.

It is regularly used by the property owners to enter and egress the property.

Appendix 3 - Easement 'A' on Survey Title - Concerns to SSD-79276958 – Proposed Residential Development 59–63 Trafalgar Avenue and 1A & 1B Valley Road, Lindfield – Ref Owner of 36 Middle Harbour Road, Lindfield

## MAJOR CONCERNS

The Development Application provides for a driveway to be constructed on the right of carriageway that would allow entry into and exit from a carpark of the proposed development at all times of the day and night.

**This will result in high volumes of traffic on the right of carriageway, the consequences of which would be highly detrimental to the property and which include: -**

    (a)    significant interference with the exercise of the property right, making it difficult or dangerous for the property owner to use the right of way safely.

    (b)    increased risk of the owners and occupiers of the property being injured when using the right of carriageway.

    (c)    reduction in the value of the property, given the inability to use (and dangers of using) the right of carriageway. The extinguishment of the property right would have an obvious and significant impact of the value of the property.

    (d)    significant increase in traffic noise and loss of privacy, resulting in a reduction in the enjoyment of the property.

## PROPOSED PEDESTRIAN MOVEMENT AND ACCESS AS DISPLAYED IN THE DKO REPORT
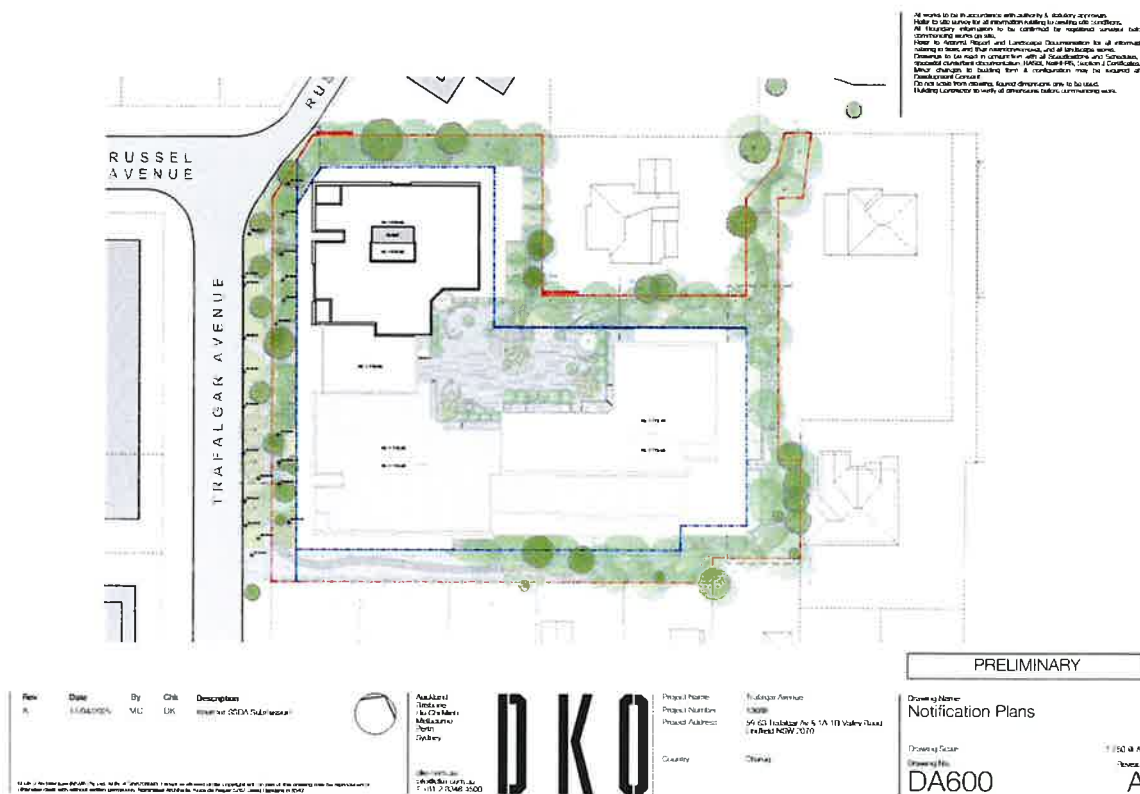


*Diagram 1*

## PROPOSED PEDESTRIAN MOVEMENT AND ACCESS AS DISPLAYED IN THE DKO REPORT

# PEDESTRIAN MOVEMENT & ACCESS



*Diagram 2*

The EIS designs provided by Landmark's Architect and Landscape designer – show a **tree lined path** that mispresents the existing and important **Right of Carriageway** that the residents in 30A, 32, 32A, 34, and particularly 34A Middle Harbour Road utilise.

The Right of Carriageway for the adjoining Middle Harbour Road residents, has operated since 1935 and is used for vehicular access, such as delivery of heavy materials, swimming pool services, emergency services etc.

These service vehicles and trucks will need to be accommodated from the entry on Trafalgar Avenue, all the way to the rear of 34A Middle Harbour Road.
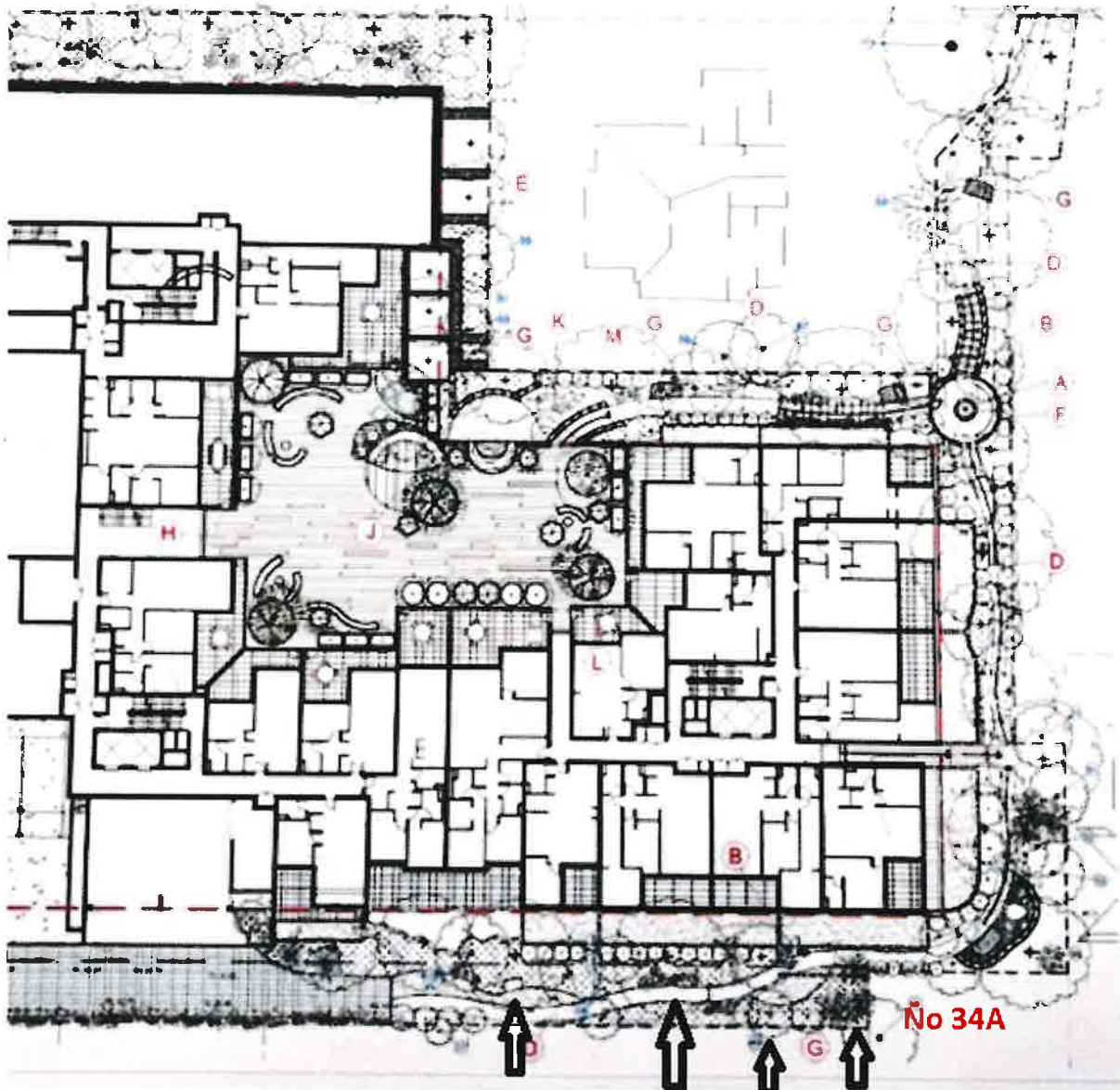
Diagram – Showing the Carriageway Easement – Safety Concerns

## MAJOR CONCERNS FOR THE SAFETY OF PEDESTRIANS

There are serious concerns that the proposed building setbacks from the Middle Harbour Road boundary are insufficient and may compromise safety for all users, particularly children.

Whilst this may be modified by the Architects in their following design iterations, it means that further Building setbacks will be required to ensure Safety. Not just for the Future residents of the Development but equally importantly for the access and safety concerns for the established Right of Carriageway users adjacent to the Easement.

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