

OBJECTION BY GREG SAN MIGUEL

29 Challis Avenue Dulwich Hill

1. My name is Greg San Miguel. I live at 29 Challis Avenue Dulwich Hill, of which I am registered proprietor. I live with my partner Sonia Legge. I have lived here since January 1998, so I have been here for over 27 years. My four kids were raised here and my two grandchildren often play in the backyard.
2. My property (which is in fact on two separate titles and two blocks wide) backs into the Maronite property which comprises a long but narrow strip of land that runs between Wardell Road to the west and Marrickville Avenue to the east. Our house is at the eastern end of Challis Avenue, six properties in from the end of the street.
3. When I moved here the Maronite block comprised a building fronting Wardell Road that had been a Carmelite order of nuns cloister. That building then housed a primary school and (I believe) a pre-school. The land behind our house comprised an orchard and trees. Since then we have watched the site being built out with:
 - a major secondary school development
 - the existing nursing home
 - a major upgrade of the school development
 - a current new school developmentand now, the subject application.
4. I have dealt with the school and the Maronite community of sisters from time to time over this period. I am broadly supportive of the aims of the school and indeed the nursing home. However I have the most serious and urgent concerns about what is proposed under this SSD application. I refer to the Maronite community in this document as ‘the developer’.
5. **Scale of development and its consequences**

The site is already over-extended. The vast and disproportionate scale of the development is entirely inappropriate and will be damaging to the safety and amenity of the local community; destructive of the highly sensitive natural and built environment of

the site; it will place an excessive toll on available infrastructure, and will have adverse cultural impact.

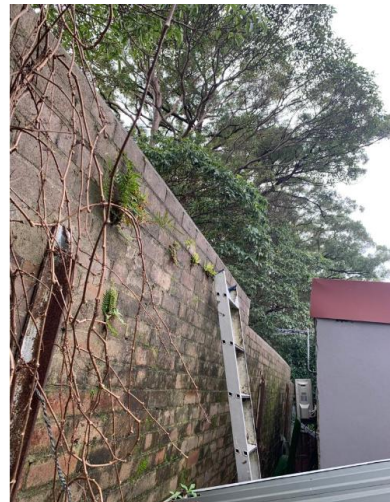
6. Impact on safety

- 6.1 First and foremost, the developer is acting irresponsibly in even proposing any development at the site without addressing the long outstanding issue of the heritage wall.

This view is not expressed lightly. The subject property is surrounded by a heritage-listed brick wall of about 3.3 m in height that extends the length of the boundary of the developer's property from Wardell Rd and Marrickville Avenue on the north eastern side, adjoining homes on Pine Street, and the south western side, adjoining homes on Challis Avenue.

That wall frames the relevant north eastern and south western boundaries of the nursing home as well as the south east frontage of that site.

This wall displays an alarming lean that has exacerbated significantly in the time we have been here, it is cracked and twisted.



- 6.2 The wall has been a source of intense and continuing concern and complaint for residents extending back more than 20 years. The local council has made orders as far back as 1999 and since which the developer has failed to comply with. I have personally made a GIPA request of Inner West Council which has produced a file of more than 200 pages of such

complaints and disputation, including reports by structural engineers as to the risk to safety the wall poses.

In 2022 the wall became a central obstacle to the developer's DA for expansion of the school. The East Sydney panel which ultimately approved that DA imposed a condition, condition 35, to ensure that the wall would be expertly assessed as being structurally sound before a constructions certificate could be issued.

Condition 35 provided:

35. Structural Adequacy of Heritage Boundary Wall

Prior to the issue of a Construction Certificate in relation to the relevant stage of development, as referred to in the approved Overall Staging Diagram (21049 DA-915 Issue F prepared by Leaf Architecture and dated 02/10/2024), the Certifying Authority is to be provided with evidence from a suitably qualified structural engineer that the existing heritage brick boundary fence is structurally sound.

6.3 Most recently, I received from Inner West Council this week a copy of a letter from ROC engineers, who are engaged by the developer in relation to this SSD, to the effect that the wall is structurally sound. A copy of ROC's letter is below:

St Maroun's College
c/- Kyle Watson
Bellcorp

kyle@bellcorporation.com.au

RE: St Maroun's College – Heritage Boundary Wall

Dear Sir/Madam,

ROC Engineering Design, in their capacity as professional engineers, certify that the existing heritage boundary brick wall is currently structurally sound.

ROC Engineering Design requires that verticality survey monitoring of the wall be conducted quarterly to inform any future maintenance requirements to the wall.

This certificate shall not be construed as relieving any other party of their responsibility.

Yours sincerely,



Stephen Yarnold
Senior Structural Engineer

However this letter was devoid of any 'evidence' as required under condition 35 and Inner West Council has advised in writing that it is undertaking 'additional inquiries' as to the absence of such evidence.

The absence of evidence is consistent with a reality reflected in the prior expert views of a number of expert engineers.

■ The developer advised myself and a neighbour, Mr John Shephard, at a meeting at the school on 5 February 2025, that the school had commissioned and obtained expert advice from a structural engineer on the state and possible remediation of the wall.

However the school rejected that advice and a remediation plan for the wall because it involved extensive remediation work and significant financial outlay

- For the purposes of condition 35, ROC Engineers provided a statement on 6 May 2024 to the effect that the wall is structurally sound “subject to maintenance plan document 24082 S01 [A].”. A copy of that statement is below. The maintenance plan was not in fact a maintenance plan but a plan for remediation of the wall. Inner West Council intervened on 9 February this year at a meeting at the school (not involving residents) and advised the developer that this statement was inadequate for the purposes of condition 35 and required the developer to undertake new investigations and provide a stronger evidentiary basis for acquittal of condition 35.

St Maroun's College
c/- Jodi Gleeson
Bellcorp
jodi@bellcorporation.com.au

RE: St Maroun's College – Heritage Boundary Wall

Dear Sir/Madam,

ROC Engineering Design, being professional engineers, certify that the existing heritage boundary brick wall is structurally sound subject to the maintenance plan on ROC document 24082 S01 [A].

This certificate shall not be construed as relieving any other party of their responsibility.

Yours sincerely,



Stephen Yarnold
Senior Structural Engineer
BE (Hons) MIEAust CPEng NER

- The position is that as of now the developer continues to have failed to provide evidence consistent with condition 35 to the effect the wall is structurally sound.
- A group of residents (including me) engaged an independent structural engineer in February this year, Mr Vince Betro, Director of BG&E consultant engineers, who inspected the site and expressed a range of comments and important questions, a copy of which has been provided to the developer. While the developer has acknowledged the letter and debated certain points, the developer has not provided any substantive answers to the questions.

A copy of Mr Betro's letter is annexed and marked "A".

- 6.4 The wall currently lacks proper footings. In a letter this week Mr Betro made the following comment:

Greg,

Had a look at the documents and email you sent council. Couldn't agree more, not sure how council can just accept a two-line statement from the engineer without substantiating his advice given that they have another reputable engineer. I can't believe they haven't even done any test pits to understand what the wall is founded on and what the foundations look like. I noticed in the ROK report for the next stage states that

Geotechnical Considerations A geotechnical report has been carried out by JK Geotechnics (reference 367889PE). Based on this report, it is understood that the site is underlain by 2.4 - 4.4m of fill and natural sandy soil of 'soil' strength sandstone rock. The average groundwater level was found to be at RL 18.3-20.8m AHD. The proposed basement RL is RL19.0m AHD and some interaction with groundwater is likely.

If the site is founded on fill and sandy clays to depths of 2-4-4.4m I'm not surprised that the wall has leant over if the foundations hadn't been constructed to deal with fill.

Just to reiterate that the conditions mention that the engineer needs to provide evidence that the wall is structurally sound, can't see any evidence.

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with evidence from a suitably qualified structural engineer that the existing heritage brick boundary fence is

- 6.5 In my submission it is apparent that the wall is structurally compromised. The proposal to excavate the site, for a two level basement, poses an overwhelming risk of the wall's collapse. My own grandkids play in the shadow of the wall and backyards the length of Pine Street and Challis Avenue are similarly exposed. It is incumbent on the developer to undertake the proper work required to remediate the wall properly and in advance of any demolition, excavation or construction work.

7. **Damage to environment**

- 7.1 The proposed loss of trees is quite simply unacceptable. The proposed excavation – particularly to such depth - and construction represent a huge risk to the root system of trees which are prized environmental assets in the inner urban area of Sydney.

- 7.2 I understand the trees also provide habitat to rare bird species and support a highly sensitive eco-system.

The developer's report is quite unsatisfactory on the issue of bio-diversity.

- 7.3 As to built environment, the development is utterly unsympathetic to the heritage policies and design systems of the original buildings and the heritage values of the local area.

8. **Infrastructure**

- 8.1 It is incomprehensible how the small and narrow residential street, Marrickville Avenue, will be able to support the traffic and parking requirements of the new facility.

9. **Cultural impact**

- 8.1 The potential loss or collapse of the heritage wall is not merely a safety issue but a cultural one. The wall is a treasured local icon redolent of an earlier time in suburban Australia and an important and much loved feature of our local community.

10 **In conclusion**

For all the above reasons I ask the determining authority to reject the SSD in its current form and to require the issues set out to be fully addressed.

I would add that I would like to have provided much more detail and consideration in this submission but was unable to **because I did not receive any notification of the SSD until at least two weeks after its lodgment. I was not party to any consultation, and I reject the suggests in the SSD (particularly on Engagement) that there has been a full consultative process involving relevant affected parties. I am directly affected and was not part of any such process and I note that Challis Avenue residents were excluded from the consultative zone as set out. Such exclusion speaks in my view to a lack of good faith that should raise significant concerns given the developer is proposing to undertake a socially important responsibility in the management of the nursing home facility.**

Greg San Miguel

21 May 2025.

Greg San Miguel – objection to SSD-69377980

attach letters