

## Gavin & Elizabeth Butler

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**From:** Gavin & Elizabeth Butler <gebutler@aapt.net.au>  
**Sent:** Thursday, 29 October 2015 3:56 PM  
**To:** 'Mark J Ferguson'  
**Cc:** 'peter@midboyd.com'; Kyle Hill (kyleahill@optusnet.com.au); 'billthomson232@optusnet.com.au'; 'wendydunnet@gmail.com'; Selena Webber (selenawebber@hotmail.com)  
**Subject:** 316/324 Barrenjoey Rd Newport

Mark,

It has come to our attention that the developers of this site (old Caltex site) have Lodged a Sec 96 Application to move the driveway from Barrenjoey Rd to The Boulevard. (The Newport Residents Assn have not yet seen a copy although it is on your web site). It also appears the developer has already constructed a new driveway into The Boulevard without consent. The original approval was from the Court Orders of the L & E Court.

Some of the residents of The Boulevard are most upset by this unauthorised construction and are very concerned regarding the redirection of all traffic to that street, plus the obvious loss of parking.

We would appreciate you looking into this breach of court orders and consider Council action be taken against the developer.

When we receive formal notification of the S96 we will be lodging an objection.

Another of our members who has an adjoining unit on the North side on Barrenjoey Rd has also written to council regarding another breach as noted below;

*I wish to draw councils attention to the following work which has been carried out in complete contravention of the approvals.*

*The plans approved by the land and Environment court date 13 march 2004, copy attached ( appendix 2,3 &4) for your reference, clearly indicated that the 3rd level ( DA drawing DA-204, revision, E level 2 floor plan, East elevation and F, North Elevation along Barrenjoey rd) has a non accessible roof area which is screened by planter boxes from the adjacent building 326-330 Barrenjoey rd. The approval does not indicate any hand rails or alike being included. Also on this elevation all windows as clearly stated on the drawings are to be frosted glass, not clear glazed.*

*I have observed on inspection of the building progress ( 22 October 2015) the following,*

- 1) An aluminium balustrade has been erected on the roof / non accessible area on the north or eastern elevation of the building, which in effect means this area has been converted to an accessible deck area. Copy of photo attached appendix .1)*
- 2) Clear glazing has been installed to windows on the same face of the building as above.*

*Both of these issues will result in a complete loss of privacy to our unit, and was to a large extent the cause of our objections to the design of the development .*

We look forward to your reply.

Thanks & regards

Gavin Butler

President

Newport Residents Assn.