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**Sent:** 7/04/2019 3:31:01 AM  
**Subject:** DA 2019/0081 - Submission from 16 Boyle Street, Balgowlah.  
**Attachments:** Balgowlah Submission 2019.docx;

Attention: Mr Benjamin Price.

Please find **attached** Submission from Owners of 16 Boyle Street, Balgowlah, raising objections to DA 2019/0081, being Proposed Residential Flat Building at 307 Sydney Road & 12 Boyle Street, Balgowlah.

Regards,  
Vanessa Nicolarakis Smith

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To: Northern Beaches Council

Attention: Mr. Benjamin Price

Date: 7 April 2019

From: V. Nicolarakis Smith on behalf of E.A. Nicolarakis,  
16 Boyle Street, BALGOWLAH NSW 2093.

Dear Mr Price,

**Re: DA 2019/0081 – 307 Sydney Road and 12 Boyle Street BALGOWLAH NSW 2093.**

We **Strongly Object** to the proposed development of 307 Sydney Road and 12 Boyle Street, Balgowlah.

### **Loss of Water and District Views**

The two upstairs apartments, apartments 3 and 4, of 16 Boyle Street currently enjoy highly valued water views from both their lounge rooms and bedrooms.

These views (please see **attached** photographs) include views of North Head through to the horizon where container ships can be seen slowly moving by. Residents can watch the regular passing of the Manly Ferry, yachts bobbing about or waves crashing on the rocks at North Head.

The views also extend over to Reefy Beach and Dobroyd Head, and are similarly picturesque (although some of the views are concealed by pine trees at the rear of 307 Sydney Road (on the right of photographs)).

The entirety of these views, including the views currently concealed by the pine trees, will be 'permanently' lost under the proposed development. We refer to the four principles set down in *Tenacity Consulting v Waringah* [2004] NSWLEC 140.

1. Undertaking an assessment of the views the proposed development will affect, we believe the views currently enjoyed at 16 Boyle Street are iconic views of Sydney Harbour, particularly incorporating water views through North Harbour with the land/water interface of North Head and also of Dobroyd Point.

2. We believe it to be entirely reasonable that these views be shared by neighbouring residents as is currently the situation. The proposed development seeks to entirely 'take' views from 16 and 14 Boyle Street for the sole benefit of the proposed new development. This goes against the principle of view sharing. We do not regard this as fair and equitable but rather consider this to be entirely unreasonable.
3. The extent of the impact on the whole of the property we would regard as severe to devastating as the proposed development blocks all views currently enjoyed from the upstairs apartments, including district views and water views. This significantly diminishes the value and enjoyment of the property at 16 Boyle Street.
4. Assessing the reasonableness of the proposal that is causing the impact, we consider this proposal to be entirely unreasonable given there are other non-compliance issues relating to planning controls (eg. insufficient parking spaces).

Given the arguments listed above, we argue the development application should not be approved in its current form (please see **attached** photographs at the end of this document).

### **Privacy Concerns**

The proposed development will occupy the current grassy frontage of the historic home at 307 Sydney Road. This proposed two floor residence will be directly adjacent to the open backyard at the rear of 16 Boyle Street, an area that is currently enjoyed by the residents of 16 Boyle Street for outdoor activities and the hanging of washing.

We believe this proposed development will have a very negative impact on the enjoyment of the open space at the rear of 16 Boyle Street. The proposed new residence will directly overlook the backyard of 16 Boyle Street and any privacy that residents of 16 Boyle Street currently enjoy will be lost.

Furthermore, the ground floor unit, unit 2, at the rear of 16 Boyle Street will lose all privacy and will also suffer a significant reduction in sunlight to both bedrooms and bathroom.

### **Sandstone Wall**

- There is a sandstone wall on the boundary at the rear of 16 Boyle Street, adjoining 307 Sydney Road. This sandstone wall extends along the rear of 16, 14 and 12 Boyle Street, and possibly beyond down to 10 Boyle Street. We understand this sandstone wall has historic significance, dating back to pre-World War I. We refer to the Submission of P and D Stempel of 14 Boyle Street dated 9 March, 2019.
- The current Proposed External Plans state:  
    "Existing rock wall on 14 Boyle Street boundary to be retained".  
There is no reference to the developer's intentions to retain the stone wall behind 16 Boyle Street suggesting an intention to remove it. We strongly oppose this and consider this entirely unacceptable given the stone wall constitutes our boundary.

- We oppose any works that will affect or disturb this stone wall in any way, and request Council impose strict requirements on the developer to ensure the wall is left untouched in any way.

### **Disturbance to Existing Sewer Line**

- Currently, a sewage line runs at the rear of 16 Boyle Street, coming from 14 Boyle Street. We have been unable to ascertain from the current proposed development plans whether there will be any disturbance to this sewer line.
- We request clarification as to whether the proposed development will result in any disturbance to this sewer line.

### **Traffic Concerns along Boyle Street**

- Currently, Boyle Street (South of Bentley Street) is highly congested and is only wide enough for a single vehicle to travel up or down due to parallel parking on both sides. Cars have to duck and weave in and out of driveways/car spaces to enable each other to pass. This problem will only be made worse with increased traffic accessing the proposed development.
- Furthermore, the Anglican Church located next to 16 Boyle Street, is used on a daily basis as a community hall for a range of activities / classes, attracting large numbers of cars at drop-off and pick-up times at all times of the day, and especially after school. Cars are regularly parked on the grassy nature strip or double-parked on the road because there is no available street parking. Any significant increase in housing density in Boyle Street without sufficient off-street parking will impose further demands on an already strained parking set-up.
- At the end of Boyle Street, where Boyle Street meets White Street/Lauderdale Avenue, there is a “No Right Turn” sign. This control in effect directs traffic onto Bentley Street, which has become a rat-run for anyone Seaforth-bound wanting to get off Sydney Road. Bentley Street is not suitable (especially where it turns into/becomes Orchard Street) for such increases in traffic and this will only be made worse with increased density.

### **Conclusion**

This enclave of three historic homes and the land they sit on provides an aesthetically beautiful hub. We do not consider this proposed development to be at all compatible or complimentary with the residences that currently exist in this precinct. We request this Development Application be refused in its current form.



Figure 1: Photograph taken from Apartment 4/16 Boyle Street, lounge window, showing North Head, Reefy Beach, and Dobroyd Point, and with Manly Ferry crossing North Harbour.



Figure 2: Photograph taken from Apartment 4/16 Boyle Street, bedroom window, showing North Head, Reefy Beach, and Dobroyd Point, and with Manly Ferry crossing North Harbour.



Figure 3: Photograph taken from Apartment 3/16 Boyle Street, lounge window, showing Store Beach, Q Station and North Head.