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**Sent:** 25/03/2019 11:04:36 PM  
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25/03/2019

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**RE: DA2019/0081 - 12 Boyle Street BALGOWLAH NSW 2093**

I would like to voice my concern at the absolute disregard for the current status of the Heritage Listed Group of 303,305 and 307 Sydney Rd shown by this DA.

When I purchased my home in 2016 I did so with the understanding that the Heritage Listing would protect the enclave from development. It is deeply disturbing that the peace, privacy and enjoyment of my property will be destroyed if this development is approved.

It is noted that a Heritage listing cannot be revoked whilst a current Development Application which would affect the heritage listed item is at foot. It is also interesting to note that the plans submitted with the DA show that while 303 and 305 Sydney Rd are labelled as heritage listed 307 is not.

I would also like to voice my concern that in the previous iteration of this DA there was no comment or report from the Heritage Officer of Northern Beaches Council despite the large number of objections.

Heritage Conservation listings exist to protect listed places from inappropriate development and alterations. I strongly object to the arrogant assumption that rules for others do not apply to this development. I see no reason why this heritage listed enclave should not be protected.

When a professionally prepared report can say "We consider the overall proposal to have a negligible impact on the other members of the site's listing group (no.303 and no.305 Sydney Road)," the accuracy and veracity of the report must be called into question.

I require assurances that the SoHI report prepared by Heritage 21 will not be considered as an independent assessment of the impact the proposed development will have on the Heritage listed group of houses. It is at best inaccurate and at worst deliberately misleading.

I urge you to adhere to your own guidelines and reject this proposal in its current form.

The "Manly Local Environment Plan 2013" currently available on the Northern Beaches Council website lists Heritage Conservation as a mandatory consideration for the Development Application process. Requirements for dealing with Heritage listed items are clear and unambiguous.

Unless the Heritage listing on 303, 305 and 307 Sydney Rd Balgowlah as a Heritage Listed Group has been revoked without our knowledge the reasonable assumption is that these requirements are binding. When (mainly internal) renovations were planned for 305 Sydney Rd, all of these factors had to be addressed. Surely a potential developer cannot just decide

that they don't apply because they are inconvenient. This development will have an enormous impact on the heritage-listed group.

I draw your attention to the most relevant points from the Manly Local Environment Plan. I have capitalised the most salient parts for emphasis.

I have also added comments and sections from the "heritage report" commissioned by the developer. I acknowledge that Heritage 21 holds the copyright for this SoHI report. It is noted that the report states, "This SoHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site."

Manly Local Environment Plan 2013

5.10 Heritage conservation.

(1) Objectives

(a) To conserve the environmental heritage of Manly,

(b) To conserve the heritage significance of heritage items and heritage conservation areas, INCLUDING ASSOCIATED FABRIC, SETTING AND VIEWS

(2) Requirement for consent Development consent is required for ANY OF THE FOLLOWING:

(a) Demolishing or moving any of the following or ALTERING THE EXTERIOR OF ANY OF THE FOLLOWING (including, in the case of a building, MAKING CHANGES TO ITS DETAIL, FABRIC, FINISH OR APPEARANCE).

(e) ERECTING A BUILDING ON LAND ON WHICH A HERITAGE ITEM IS LOCATED or that is within a heritage conservation area.

(4) Effect of proposed development on heritage significance. The consent authority MUST, before granting consent under this clause in respect of a heritage item or heritage conservation area, CONSIDER THE EFFECT of the proposed development on the HERITAGE SIGNIFICANCE OF THE ITEM OR AREA CONCERNED.

(5) Heritage assessment. The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, if the consent authority is satisfied that: (d) the proposed development WOULD NOT ADVERSELY AFFECT THE HERITAGE SIGNIFICANCE OF THE HERITAGE ITEM including its setting, and (e) the proposed development WOULD NOT HAVE ANY SIGNIFICANT ADVERSE EFFECT on the amenity of the surrounding area.

Heritage 21 SoHI report submitted with the DA states that

"The proposal would retain the on-site heritage item and its visual/historic link with its listing group"

"We consider the overall proposal to offer a contextually informed design that would harmonise with the identified heritage values of the site and allow for the ongoing interpretability of the residence as an example of the inter-war Moderne style."

"We assess the proposal to demonstrate evidence of innovation and design excellence in its navigation of heritage opportunities and constraints at the site"

"We are satisfied that the proposal would not impinge on or dilute the heritage value of the item. The development has gone beyond simply retaining the heritage item but striven to

integrate the proposed multi-dwelling development with the siting, footprint and character of the site's primary dwelling. It has achieved such contextually informed design in a manner that pays a due degree of homage to the distinguishing elements of the item while remaining clearly distinguishable as contemporary additions. This harmonisation of the new and the old..... "

These statements are clearly ludicrous and demonstrate the standard of the research and quality of the report. The heritage-listed item will have a first-floor addition that has no relevance to the style or current appearance of the building. The two-story dwelling covering the existing lawn will completely remove the visual link with the other heritage-listed items in the group. The rear of the building will disappear. In short, no part of the existing Heritage Listed building will be visible. The statements in this report must not be deemed to be in any way impartial or accurate and are based solely on a commercial arrangement.

The Heritage 21 SoHI report also states "The existing ability of the site to be appreciated is essentially confined to the small number of its users due to its lack of visual connection with the streetscape." There are very clear sightlines from the street and the view cone opens to the pleasing view of this enclave, which can be enjoyed by all passers-by on Sydney Rd as well as all the many residents of the dwellings to the south of the property.

The Heritage 21 SoHI report also states "Whether or not the existing landscaping features hold a significant connection to the on-site item is difficult to assess. Heritage 21 believes they do not." The broad expanse of lawn that links 305 and 307 were very deliberately designed to link these two dwellings. The lawns that spread across both properties are part of the appearance of the heritage-listed group.

Below are guidelines and questions for consideration along with the responses from the Heritage 21 SoHI. No reasonable person could argue that this proposed development will be anything other than overwhelming or that the responses are accurate. The responses are breathtaking in their audacity.

"Consideration should be given to whether making a house bigger will ruin its appearance. Additions to small houses can easily overwhelm them and use up garden space needed for private open space and impact the setting and pattern of development in the locality. Modest additions work best and can be organised as wings or pavilions to the existing house. All additions must be at the back of the house, not the front.

Response - In our opinion the proposal is of commensurate scale and proportions in relation to the heritage item as well as its wider group. While not a modest addition, the new work has been sited and designed in such a manner to resonate with the character of the primary dwelling and allow for its ongoing interpretability. The new works would not swamp or extinguish the character of the item. •

How is the impact of the addition on the heritage significance of the item to be minimised?

Response - As discussed, a conscious design effort has been exercised to respect and pay homage to the architectural cues and original envelop of the heritage item without sacrificing creative initiative or descending down the path of slavish imitation.

Will the additions tend to visually dominate the heritage item?

Response - We believe that the proposal is compatible and, in many ways, complements the

scale and proportions of the item as well as its architectural qualities. The continuation of the curvilinear form and volume of the original ground floor to the first-storey as well as the replication of the flat parapet roof would, in our opinion, result in an interconnected and interesting dialogue with the item. Instead of any relationship based upon the absolutes of dominance or subservience. The other major elements of the new works would be situated in such a way so as to safeguard an adequate extent of the item's external integrity and interpretability and, further, its relationship with its listing group.

How does the new development affect views to, and from, the heritage item[s]? What has been done to minimise negative effects?

Response - While new structures would appear in the viewshed of the heritage item they have been sited in such a manner so as to preserve key sightlines between the three items and their existing visual relationship with the public domain."

It is hard to accept that these responses are reasonable or accurate when reading these comments in conjunction with viewing the plans. I challenge you to look at the artist impressions of the proposal and read the responses and reconcile that they are referring to the same development.

The responses have also totally disregarded the view of 305 and 307 from the south. This presents a pleasing view of green space and two original and intact ocean liner dwellings.

This report failed to mention the heritage listed dry-stone wall that runs along the eastern boundary of 12 Boyle St as well as 3 other adjacent dwellings. The great grandfather of the owners of 14 Boyle St built this wall in the early 1900s when the entire area was a farm. This dry-stone wall forms the entire length of the western boundary with 307.

As further confirmation of the standard of the report, the SoHI reports states that the fireplace in 307 is a later addition. This is incorrect. The fireplace was in existence as a gas fireplace when the previous owners moved in during the 1950s so the assumption must be that it is original.

Point 10 of the Manly Local Environment Plan 2013 bears repeating. "The consent authority may grant consent to development ...if the consent authority is satisfied that... the proposed development **WOULD NOT ADVERSELY AFFECT THE HERITAGE SIGNIFICANCE OF THE HERITAGE ITEM**". The heritage-listed item will not only be adversely affected by this proposed development, it will essentially be invisible and lose the link with the remainder of the heritage-listed group.

With this in mind, you cannot approve this development in its current form. If the consent authority finds that the proposed development does not adversely affect the heritage item that would be grounds for appeal.

Protect this unique enclave. Do not accept this report. Adhere to your own guidelines for Heritage Conservation and reject this proposal.