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

I wish to register the strongest possible objection to this development.

The developer has resubmitted plans that still have so many features that are non-compliant and have even added an extra dwelling. The arrogant assumption that the building codes don't apply to them makes a mockery of the building codes and heritage guidelines.

The Environmental Effects report states that "We confirm that small areas of ground floor east and west facing wall and roof elements to Town Houses 1 and 2 breach the side boundary setback control as do the upper wall elements to Unit 7 where the setbacks established by the existing heritage building are maintained. The only other minor breaches occur to the upper northern roof and wall edge to Unit 6 (in part) and the eastern upper level wall and roof edge to Unit 5.

So, Units 1,2,5,6 and 7 are all non-compliant. And they have been redesigned this way. Why not just design it so that it complies?

The district views that I enjoy from my sitting area at the top of my stairs will be severely impacted by a building that at 9.67 metres is over height and at 1.25 metres from my boundary is way too close.

The underground carpark will require the excavation of the sandstone under the heritage listed home right up to my boundary....and if the heritage listed building suffers damage and has to be demolished? Too bad. So sad.

They have offered to take archival photos to record what will be lost.

No mention has been made of the setback on the northern side of the property. Currently 307 and 305 have a historically matched setback which is broken on the western side by a living room that was added in the 1960s and does not affect the visual relationship. The joint setback forms a cohesive whole and combined with the unfenced lawn contributes to the historically existing curtilage of the two heritage listed dwellings. While this setback has no relationship to the street, it does confirm the relationship between the two dwellings and should be respected as part of the fabric of the enclave. The plan to build units 5 and 8 on the entirety of the lawn will totally erase this relationship.

Excavation under the heritage listed house and right up to my boundary is likely to make access down the steps to the lower level of the garden almost impossible. These steps are the only access point. The geological report makes no mention of potential destruction of the path and steps which are partially formed by the sandstone outcrops that run across 305 and 307.

The geological survey has not done a core sample of the southern lawn area of 307. There is no statement of the stability or possible contamination of this area or of the presence of ground water. This area is historically a quarry and provided the sandstone used to build Edinboro (Circa 1875) at 297 Sydney Rd. The survey has no idea what has been used to fill this area.

There is known to be a water course through 307. A glance at the topographic maps show where this would flow. Currently the water flowing downhill is retained in the former quarry and is gradually released onto the properties downhill. Has this change in the flow of water been adequately addressed?

The original side wall between 305 and 307 which is part of the heritage fabric and is slated for removal appears to straddle the boundary and as such cannot be demolished. The trees which the developers would like to prune are also on our property. I do not give permission for any such crown pruning to take place.

With all the extra pedestrian traffic enjoying the 50 metre level walk to Sydney Rd and the bus stops, I am concerned that there is no proposal for keeping pedestrians and vehicles separated as they use the shared laneway to Sydney Rd.

The Statement of Environmental Effects states in its entirety "Flora and fauna. The site does not contain any significant flora or fauna with landscaping enhanced as a component of the works proposed."

In their 2012 report, Rappaport suggest that the existing palm tree and eucalyptus at the rear of the building should be preserved. The landmark palm tree which was to be relocated on site is now to be removed and sold. The River Gum is to be destroyed. This tree is much loved by birds as it is one of the very few tall trees in the area. I have observed powerful owls, tawny frogmouths, pied butcherbirds, lorikeets, corellas, cockatoos, eastern rosellas, cuckoo shrikes, magpies, currawongs and others using the tree throughout the course of the day. Ringtail possums nest in the trees bordering 12 Boyle St and 307 Sydney Rd. The open space and the rocky outcrops provide shelter for bandicoots, blue tongue lizards, water dragons, skinks and many other smaller creatures. We have even had a wallaby passing through. At a time when green space is rapidly disappearing, efforts should be made to retain as much of this biologically diverse open space as possible.

With the reduction in the building area due to the removal of the access lane from the equation, the floor space ratio, residential density and open space ratios will become even less compliant.

The Building Height: Maximum of 8.5 metres. The proposed height is 9.67 metres or a noncompliance of 13.8%. Excuse= "Whilst the proposal requires the consent authority to give favourable consideration to minor building height and FSR variations, strict compliance has been found to be unreasonable and unnecessary. The areas of non-compliance are appropriately described as minor involving small sections of first floor upper wall and roof elements." Noncompliant.

Side setbacks: Minimum 1/3 of wall height from boundary. With a setback of 1.25 metres, the wall should be a maximum of 3.75 metres. Excuse= "The 'strictly compliant' envelope, involving walls being setback by increased dimensions as wall height increases, in a stepped form from the side boundaries is not a desirable urban form. In urban design/planning terms it provides for a superior outcome than a strictly compliant 'wedding cake' form. The breaching

areas of the building are well setback from the street frontage and are in locations where such setbacks do not give rise to adverse streetscape, view loss, overshadowing or unacceptable privacy impacts. Complimentary and compatible and satisfies objectives of control." Non-compliant.

Rear Boundary: Minimum 8 metres from rear boundary. A minor encroachment to the ground floor level planter box of 960mm. Excuse= "Given the minor, non-trafficable nature of the breaching planter box element, and the fact that this element prevents persons standing within 8 metres of the rear boundary, we considered strict compliance to be both unreasonable and unnecessary under the circumstances." Non-compliant

Open space: Should be 35%. Before subtraction of the area of the handle, the open space is 22.7%. Excuse= "the proposal does not technically comply with the landscaped area control." Non-compliant

Floor Space Ratio: Should be 0.6:1 representing a gross floor area of 1053.5 square metres. The planned ratio is 1116 metres square or 0.63:1 which is non-compliant with the FSR standard by 62.5 square metres or 5.9%. Excuse= Strict compliance has been found to be both unreasonable and unnecessary under the circumstances. Non-compliant

Residential Density: Should be 1 dwelling per 250m² of site area. The planned density is 1 dwelling per 219m² of site area. Excuse= Strict compliance has been found to be both unreasonable and unnecessary under the circumstances. Non-compliant.

These breaches should not be allowed to pass just because the developer thinks that these rules are unreasonable and unnecessary. Northern Beaches Council must stand up and insist that building codes and heritage guidelines are enforced. This developer could have designed a compliant proposal. The blatant disregard for the rules is a deliberate choice based solely on greed.

This is a landmark estate that is clearly visible from across the valley in Balgowlah Heights. It provides a haven of green and open space for all the many residents who live around it. I urge you to reject this Development Application.