
From: Douglas and Margaret
Sent: 27/02/2024 4:55:30 PM
To: Council Northernbeaches Mailbox
Cc: Margaret Warburton
Subject: TRIMMED: Warburton - Objection to Mod2023/0716 - DA2019/0081 - 307 Sydney Road & 12 Boyle Street, Balgowlah

Douglas and Margaret Warburton

25 Boyle Street

Balgowlah NSW 2093

Attention Northern Beaches Council

Subject: Objection to Mod2023/0716 - DA2019/0081 - 307 Sydney Road & 12 Boyle Street, Balgowlah

Thank you for the notification of this modified development proposal.

We own and live in the property at 25 Boyle Street, Balgowlah. Our family home is located directly opposite the proposed development at 12 Boyle Street, Balgowlah. Since the inception of the development we have lodged a number of written submissions objecting to the losses that will be experienced throughout our neighbourhood.

We will now also be impacted by this modified proposal. We have reviewed the current submissions lodged by neighbouring residents and support their ongoing objections to the development. The following matters are also requested to be considered as part of the assessment of this modified application:

1. Modified Landscape Plan vs Approved Landscape Plans

The development consent condition (numbers 43(A)(i), 46 and 52) identify the approved Landscape Plan drawings. The modified landscaping plans have gone way beyond this approval and are trying to introduce a brand new common pedestrian pathway along the entire northern boundary of 12 Boyle Street, Balgowlah. This landscaping change is very significant due to impacts including the elimination of the dedicated landscaping space approved by the Land & Environment Court being replaced with unconditional 24/7 pedestrian traffic use. The judgement by the Court required that the approved landscaping plan and related conditions of consent were created to provide "soft landscaping to compliment architectural screens to aid privacy" and protect the amenity of the northern neighbouring premises at 14 Boyle Street Balgowlah. This proposed modified landscaping change was not accepted by the Court, is not fair, is not reasonable and is completely unacceptable to the amenity of the neighbourhood. This pathway is also unnecessary as there is already an approved pedestrian pathway located along the entire southern boundary of 12 Boyle Street, Balgowlah. It is requested that Council reject the unapproved unhighlighted common pedestrian pathway that is shown (within the modified landscaping plans) along the entire northern boundary of 12 Boyle Street, Balgowlah.

2. Sydney Water wastewater (sewer) infrastructure

The Statement of Environmental Effects (page 20) advises that "the site has no special or engineering constraints". We have observed that the modified stormwater management plan identifies there is an existing subsurface Sydney Water main sewer line that is located within the rear yard of the development within 12

Boyle Street Balgowlah This main sewer line also connects through to the rear yards of neighboring private properties uphill and downhill along Boyle Street Balgowlah. The Sydney Water sewer main line is a special engineering constraint that has not been appropriately considered with this development. The neighbouring properties that use this sewer connection line will be impacted by the development as the excavation and construction work within 12 Boyle Street Balgowlah is proposed to be carried out immediately adjacent to this major Sydney Water sewer pipe. The modified excavated carpark, new dwellings and the eastern side of the below ground reinforced on site detention tank are shown to be built under/over the sewer line. It is requested that Council require more stringent engineering and geotechnical pre-approval assessments plus impose additional conditions of consent to ensure that the functioning and operation of the neighbouring private property sewer services are not impacted during the excavation and construction phases of the modified development.

3. Stormwater On Site Detention Tanks within 12 Boyle Street, Balgowlah

The lower ground stormwater management plan shows that stormwaters originating from the driveway ramp within 12 Boyle Street Balgowlah are directed towards the on site detention tank. The plan shows that a grated stormwater pit is positioned directly on top of the Sydney Water sewer line. It is requested that Council review the stormwater management plan and impose additional conditions of consent to ensure that there is no possible cross connection between the stormwater and sewer systems. This is to prevent any unauthorised connection of stormwaters entering the sewer system.

4. Stormwater plans to be reviewed by Heritage adviser

Condition 23 of the approved development consent states that the approved stormwater plan is to be reviewed by Councils heritage adviser. It is requested that the assessment is undertaken of the stormwater plans that have been submitted as part of this modified application particularly relating to the 100 year old dry stone retaining wall structures that are located on the ground surface within 12 Boyle Street, Balgowlah, and within the neighbouring properties.

5. Lack of on-site parking numbers - no visitor spaces and no loading zones

The approved plans and development consent (condition numbers 31 and 76) require on-site visitor car spaces. However, the basement carparking area modified plans do not show any visitor car parking spaces. This carparking consideration is important as the waiting/loading bay that was originally on the plans has also been deleted. It is requested that Council consider this lack of visitor parking that was required by the Court approval.

6. Traffic Congestion and Safety

Now that the on-site waiting/loading bay has been deleted from the plans there will be more traffic safety hazards and impacts within Boyle Street. Any cars waiting to turn from Boyle Street into the driveway of 12 Boyle Street Balgowlah will be confronted by a lighting (stop/go) system. When a car has turned from the street into the driveway it will need to reverse backwards into the street and wait to let the exiting car up the ramp and out of the driveway onto the street. This will cause unsafe traffic movements and congestion along this narrow uphill and downhill section of Boyle Street.

The corner of Boyle and Bentley Streets narrows at 12 Boyle Street, Balgowlah, and is commonly used as a turning circle back into Sydney Road, Balgowlah. The narrower northern section of Boyle Street is also used as a rat run for drivers to short cut back into Lauderdale Avenue. The All Saints Church in Boyle Street is open for business with a recent expansion of operations to include more public hall entertainment and functions with not one on-site car parking (except for funeral cars). This combination of the traffic safety hazards adjacent to this development appear not to have been understood by the people that are assessing the design of the driveway entry/exit and has not been adequately addressed to prevent ongoing and permanent traffic nuisances. These issues will arise with the above plus:

- The weekly waste and recycling collections. The 8 x 240 litre bins will obstruct the road and litter the streetscape on a weekly basis as Councils waste contractors do not wheel the bins back into the bin

enclosures like they are meant to after the bins have been emptied.

- Delivery vehicles.
- Vehicles U-turning in Boyle/Benty Street.
- The increase in the number of vehicles entering and leaving the development at 12 Boyle Street, Balgowlah.

It is requested that Councils traffic team review this concern and implement a safer system for the general public and the occupants of the five dwellings that are proposed to be utilising the entry/exit within 12 Boyle Street, Balgowlah. A waiting/loading bay was previously proposed at the entrance to 12 Boyle Street Balgowlah and that was a good solution.

7. Waste (garbage and recycling bins) services infrastructure

- We support the comments provided by Councils waste team requiring that privacy walls and a roof be added to the amenity of the bin enclosures.
- There is no provision for the permanent storage of common household goods such as bikes, sporting equipment or any other general items
- There is no provision for the temporary storage of bulky goods awaiting disposal for the twice yearly general clean up provided by Council

8. Glare from exterior light of vehicle/pedestrian access areas

The proposal does not reference our ongoing concern regarding lights shining into our house. The lights will be from cars entering/exiting the driveway ramp within Boyle Street, Balgowlah, the buildings and any common pedestrian/vehicular access areas. We have a living room, bedroom and a home office at our house that faces east directly onto Boyle Street, Balgowlah, which is now the location of the new driveway within 12 Boyle Street, Balgowlah. It is requested that a condition of consent be imposed requiring that all lights (including security, pedestrian and driveway access stop/go traffic) within the development be carefully positioned, mounted and shielded in order to reduce the potential for any adverse impacts of light pollution and glare directed toward our residence.

9. Privacy and amenity impacts

- Privacy screening within 12 Boyle Street, Balgowlah, (Building 3) is only shown to be mounted on the top floor of the western elevation facing Boyle Street, Balgowlah. It is requested that privacy screens be required to cover all west (Boyle Street facing) glass on the ground floor within townhouse 1. The privacy screens will assist the occupants from the general public being able to see directly into their lower front bedrooms.
- The modified plans show an assortment of different sized glass/glazing designs along the western facade of 12 Boyle Street, Balgowlah. In order to prevent neighbourhood privacy and noise intrusion nuisances, it is requested that all of these western facing bedrooms only contain windows (no doors).
- In order to prevent neighbourhood privacy and noise intrusion nuisances, it is requested that a consent condition be imposed requiring that the front lawn area is only utilised for landscaping as proposed and not be used for recreational purposes.

10. Geotechnical Report

- There is inconsistent information between the modified plans and the older reports that have been submitted.

- The Geotechnical Report (page ii) advises that the report has been prepared pursuant to a contract between JKG and its Client (Sun Property Balgowlah Pty Ltd which is not the current applicant) and is subject to liability limitations and should not be relied upon by any third parties such as Council.
- Page 8 of the Geotechnical Report advises that it has been prepared for the particular project described (ie not the current modified application) and no responsibility is accepted for the use of any part of this report in any other context or for any other purpose. The report advises that if there is any change in the proposed development described in the report then all recommendations should be reviewed. The report also advises that the client alone (Sun Property Balgowlah Pty Ltd which is not the current applicant) shall have a licence to use this report.
- The Geotechnical Report does not reference the existing Sydney Water public sewer main pipe within 12 Boyle Street, Balgowlah, including any special constraints such as safety/maintenance clearances (buffer distances) that are required to be adhered to from Sydney Water infrastructure.
- It is requested that Council review the documents that have been submitted and determine if they are appropriate for this updated modified application including for example due to the change in the proposed modified excavation reduced levels (RLs) and the now modified relocation of the on-site stormwater detention tanks.

11. Structural Integrity Methodology Report

The approved development consent (condition number 15) identifies the approved Geotechnical Report. It is requested that Council review the condition of consent to include any updated report/s that have been submitted with this modified application.

12. Engineering Report

- There is inconsistent information between the modified plans and the older reports that have been submitted.
- The Engineering Report (page 1) advises that Adams Consulting Engineers has been engaged by Sun Property Northbridge Pty Ltd which is not the current applicant. Page 3 of the report also advises that this correspondence is intended only for the use of the addressee (Sun Property Northbridge Pty Ltd).
- The Engineering Report is still in a draft form as it has a draft water mark embedded into the document.
- The Engineering Report does not reference the existing Sydney Water public sewer main pipe within 12 Boyle Street, Balgowlah, including any special constraints such as safety/maintenance clearances (buffer distances) that are required to be adhered to from Sydney Water infrastructure.
- It is requested that Council review the documents that have been submitted and determine if they are appropriate for this updated modified application for example due to the change in the proposed modified excavation reduced levels (RLs) and the now modified relocation of the on-site stormwater detention tanks.

13. Other Reports

In light of the inconsistencies that have been observed within the Landscape Plan, Geotechnical Report and Engineering Report it is requested that Council review all of the modified application plans and documents to ensure that all modified information reflects the requirements of the Court approved development consent and conditions.

14. Modified development cost estimate and application fee/charges discrepancies

The application form states that the intended cost of the modified development works will be \$10,688. With the ongoing rise in the construction industry costs this is a very unrealistic estimate of the actual cost of the modifications that have been separately itemised. It is requested that Council professionals review the modified development plans and all documentation/reports in order to calculate a more appropriate and realistic costing. It will easily be found that the actual cost estimate will substantially exceed the proposed cost of modified works shown on the application form. This has a direct implication on a number of fees related to the

development application and should be recognised within the application form/documents and appropriate fees charged by Council. For example:

- Development Application fees
- Long Service Levy fee - consent condition number 4(e).
- Monetary Contributions Plan calculation consent condition number 6
- Security Bond - consent condition number 7.

This cost correction is also requested to be implemented by Council as it may impact the fees that are supposed to be charged by other organisations related to the development such as Sydney Water.

CONCLUSION:

The losses to this area of Balgowlah will continue with this modified development. Our focus in preserving heritage and neighbourhood amenity has only strengthened. The modified plans continue with the theme of loss of privacy, loss of heritage values relating to house architecture and the 100 year old dry stone wall, overshadowing impacts, loss of natural blue sky and jeopardy of green open spaces. There is no gain for the neighbourhood.

The whole community understands population growth as we have more families, children and babies in the area even in just the few years that this development has been trying to get approved. We agree with tasteful renovations and architecture that is in keeping with the street and area. This development demolishes a double brick 5 bedroom 100 year old federation home replacing with veneered and metal cladded buildings with significant below ground excavations. The near only original landscaping that is left standing is an Australian red cedar tree located on the Council public footpath in Boyle Street, Balgowlah.

All submissions disagree with this modified development. The development and building works will be watched carefully. We cannot express enough of our concerns for this development. The modification does not enhance or improve any amenity or privacy values that the neighbourhood currently experiences.

The most fair and reasonable option for Council is to support the concerns raised by the community. The ongoing written objections aim to preserve neighbourhood and heritage character, local streetscape amenity values and a cohesive community.

Should this proposal advance further in any form, we wish to be notified to enable review and public comment.

Regards

Douglas and Margaret Warburton

25 Boyle Street Balgowlah NSW 2093

phone: [REDACTED]