
From: Douglas and Margaret
Sent: 30/01/2023 6:38:13 PM
To: Council Northernbeaches Mailbox
Cc: Margaret Warburton
Subject: Douglas and Margaret Warburton - objection to modified DA2019/0081-Mod2023/0001 - 307 Sydney Road, Balgowlah and 12 Boyle Street Balgowlah

To: Northern Beaches Council

By email: council@northernbeaches.nsw.gov.au

Dear Sir/Madam,

Address: 307 Sydney Road, Balgowlah and 12 Boyle Street Balgowlah

Modification of Development Consent DA2019/0081 - Modification Number: Section 4.55(8) modification of Mod2023/0001

Thank you for your notification letter dated 11 January 2023 regarding the proposed Development Application modifications.

We are the joint owners of 25 Boyle Street, Balgowlah. We live directly opposite 12 Boyle Street, Balgowlah. All previous submissions on behalf of 25 Boyle Street, Balgowlah, still stand firm.

It is requested that each of the following matters of strong community objection and public interest be considered important in order to provide a fair and reasonable outcome for the neighbourhood and Northern Beaches community.

OBJECTION 1. 307 Sydney Road Balgowlah - existing common dry stone boundary wall and dry stone outbuilding attached to 14 Boyle Street Balgowlah

The dry stone wall outbuilding located within 14 Boyle Street Balgowlah has still not been identified or shown on any of the development/modified plans or supporting surveys, documents and/or reports. As advised in our previous written submissions to Council regarding this development, the dry stone wall and outbuilding structure located within 14 Boyle Street Balgowlah (shared with the western boundary of 307 Sydney Road Balgowlah) is over 100 years old and remains basically in its original sound condition. The Land and Environment Court has deemed that the existing dry stone wall structure contains significant heritage fabric and intrinsic value to the neighbourhood and accordingly, conditions of consent have been imposed to conserve the dry stone wall structures.

The boundary dry stone wall structure includes the existing use of a physically attached original dry stone outbuilding that is located within 14 Boyle Street Balgowlah. The wall and outbuilding structures form part of the "zone of Influence" as described within the engineering/geotechnical documents that have been submitted to Council for assessment with this modified application. It is essential to the overall assessment of this modified application that the entire dry stone wall and attached outbuilding structure as a whole be incorporated into any assessments going forward. It is critical that conservation and best practice be undertaken within the excavation/development zones of influence.

It is requested that a condition of development consent be imposed to require the inclusion of the existing dry stone wall and attached outbuilding structure as a whole (within the neighbouring premises at 14 Boyle Street, Balgowlah) as conservation items of significant heritage fabric within the zone of influence identified within any documentation (e.g. plans, survey, architectural, structural, geotechnical, vibration, dilapidation assessments/reports relating to demolition, excavation, construction and/or Final Occupation validation works). With regard to the above, it is further requested that a condition of development consent be imposed deeming that all of the dry stone structures be identified as having "intrinsic value" with "particular sensitivity to vibration" with regard to "Peak Vibration Velocity" Limits related to demolition, excavation and construction works/activities. Therefore the excavation/development works must then be carried out in accordance with the safest/lowest GROUP 3 "structural damage - safe limits for building vibration" detailed within the Vibration Emission Design Goals (refer to Table 1 of the Geotechnical Investigation Report prepared by JK Geotechnics, dated 12 July 2022, ref: 31201SB rptRev5). This is considered fair and reasonable as this request is based on the

submission of this new report which provides new information that is subject to this modified application.

It is requested that a condition of development consent be imposed to require the inclusion of on-site vibration monitoring of the existing dry stone wall and attached outbuilding structure as a whole (within the neighbouring premises at 14 Boyle Street, Balgowlah). The vibration monitoring has been recommendation within page 4 of the above-mentioned Geotechnical Investigation Report where any hydraulic rock hammering excavation works are carried out. The vibration monitoring is requested to be installed and maintained as part of the Pre-Construction Dilapidation Report that the Land & Environment Court has deemed to be prepared in relation to the neighbouring premises at 14 Boyle Street, Balgowlah. This is considered fair and reasonable as this request is based on the submission of this new report which provides new information that is subject to this modified application.

OBJECTION 2: Additional important Dilapidation Report features

The Landscape Plans also identify two existing and significant trees located within the neighbouring premises at 14 Boyle Street Balgowlah. A Frangipani tree (4m in height) is identified as Tree 17 and a Bottlebrush tree (5m in height) is identified as Tree 23.

It is requested that a condition of development consent be imposed to require the inclusion of the above-mentioned existing trees within the neighbouring premises at 14 Boyle Street, Balgowlah as significant trees located within the zone of influence identified within any documentation (e.g. plans, survey, architectural, structural, geotechnical, vibration, dilapidation assessments/reports relating to demolition, excavation, construction and/or Final Occupation validation works)

It is requested that a condition of development consent be imposed to secure a bank guarantee or similar payment from the applicant/developer (parent company) which would be refundable upon release of the final Occupation Certificate following payment of any damages incurred to neighbouring premises/structures that form part of the zone of influence and which are subject of a Dilapidation Report.

The above issues also relate to the Development Consent condition number 26 of the Land & Environment Court development consent.

OBJECTION 3. Classification of existing garage structure located within 14 Boyle Street, Balgowlah

It is also essential to the overall assessment of this modified application that the existing garage structure located within 14 Boyle Street Balgowlah is appropriately identified. Existing documentation and plans incorrectly identify the garage within 14 Boyle Street, Balgowlah as a "carport".

It is requested that a condition of development consent be imposed to require the inclusion of the existing garage structure located within 14 Boyle Street Balgowlah as a garage within any documentation (e.g. survey, architectural, structural, geotechnical, vibration and dilapidation assessments/reports relating to relating to demolition, excavation, construction and/or Final Occupation validation works).

OBJECTION 4. Two external waste/recycling areas fronting western boundary of 12 Boyle Street Balgowlah

Our front gate at 25 Boyle Street Balgowlah faces east directly into 12 Boyle Street, Balgowlah. The modified plans propose to introduce, on a permanent basis, two separate external waste/recycling areas which have been re-positioned on both sides of their front (Boyle Street) driveway entrance.

The proposed waste/recycling bin bays will now be visible from both uphill and downhill along the street which is not in accordance with Councils streetscape visual amenity planning principles. The external bin enclosure is requested to be appropriately redesigned to prevent the negatively distracting visual impacts. Having all of the bins (waste, paper, mixed containers and vegetation) exposed at the front yard of a multi-unit premises is something akin to what historically occurred prior to the amalgamation of the Councils and the implementation of current streetscape planning controls which are now more thoughtful of neighbourhood amenity impacts. As a minimum, it is requested that a condition of development consent be imposed to require the inclusion of privacy screens located around the perimeter of the external waste/recycling areas within 12 Boyle Street, Balgowlah. This is particularly important along the Boyle Street (western) frontage.

OBJECTION 5. Privacy vegetation hedge 1.8m to be maintained along Boyle Street Balgowlah frontage

The consent conditions require that a 1.8m vegetation privacy hedge is to be maintained along the Boyle Street (western boundary) frontage. The Landscape Plans show that three agave plants 0.5m in mature height are intended to be located adjacent to the north western corner of the premises at 12 Boyle Street. Compliance with the approved consent conditions must be achieved to enable streetscape privacy, neighbourhood amenity

and to detract from persons overlooking into 14 Boyle Street Balgowlah. This location at the junction of Boyle Street and Bentley Street means that the character of both streets is permanently set at this point. It is requested that Development Consent Condition number 9(t) remain and not be deleted as proposed. This relates to compliance with the ongoing requirement to maintain a 1.8m vegetation privacy hedge along the Boyle Street (western boundary) frontage. This also relates to Development Consent Condition number 51 relating to Tree totals.

OBJECTION 6. Maintain the planter boxes above the driveway within Building 3 facing Boyle Street

It is requested that Development Consent Condition number 9(u) remain and not be deleted as proposed. This relates to compliance with the ongoing requirement to maintain the planter boxes above the driveway within Building 3 facing Boyle Street Balgowlah.

OBJECTION 7. Open style front fence along western boundary of 12 Boyle Street Balgowlah

It is requested that Development Consent Condition number 9(v) remain and not be deleted as proposed. The proposed western boundary fencing details are not adequately provided to demonstrate that the fencing is to be constructed along the entire western boundary along 12 Boyle Street Balgowlah.

OBJECTION 8. Structural Integrity Methodology Report

It is requested that Development Consent Condition number 15 remain and not be deleted as proposed. The structural integrity methodology report that has been submitted with the application documents does not meet detailed compliance measures required within the Land & Environment Court consent.

OBJECTION 9. Construction Traffic Management Plan

It is requested that Development Consent Condition number 32 include our adjacent premises (25 Boyle Street Balgowlah) into any neighbourhood notification that is required to be undertaken relating to the proposed Construction Traffic Management Plan and any temporary traffic control measures.

OBJECTION 10. Building 3 - Townhouse 2 - upstairs rear balcony (northern) privacy screen

It is requested that a Development Consent Condition be maintained and not deleted as proposed. The Building 3 (Townhouse 2) upstairs rear balcony privacy screen is to be extended the entire width and height of the northern external balcony to prevent overlooking into 14 Boyle Street Balgowlah. The modified plans do not adequately demonstrate that the rear privacy screen is to be installed as required by the consent condition. A number of the plans only indicate a partial rear privacy screen treatment.

OBJECTION 11. 307 Sydney Road Balgowlah - western kitchen window

It is requested that a Development Consent Condition be imposed requiring that the window within the newly relocated kitchen shown in the modified plans for 307 Sydney Road Balgowlah be treated with opaque glass to improve privacy and negate direct overlooking into 14 Boyle Street Balgowlah. The kitchen is one of the central and most often occupied areas of a residence - particularly when it is located within an open plan multiuse style area as is now proposed with the modified plans. The existing frangipani tree located within 14 Boyle Street Balgowlah (known with the application documents as "Tree 17") is deciduous and high trunked therefore it is unreasonable that this tree is to be relied upon as the single feature to provide visual privacy/amenity protection for onlooking into their premises.

OBJECTION 12. Landscape Plan - plant schedule - new tree identified as Tree "LI"

The tree proposed within the north western frontage of 12 Boyle Street Balgowlah (known within the Landscape Plan plant schedule as tree "LI") is proposed to be a 7m high Crepe Myrtle. When mature, this deciduous (not evergreen) tree species has a very high bare trunk. For those reasons, during any season of the year the proposed tree will not provide adequate or appropriate streetscape amenity from the visual bulk of the building elevation and will not assist in ameliorating the overlooking/privacy concerns that we have regarding our neighbouring premises which is located directly across the road.

It is requested that a Development Consent Condition be imposed requiring the replacement of the proposed tree "LI" with a similar height (but more appropriate and suitable) solid/bushy evergreen streetscape species.

OBJECTION 13. Privacy concerns from Building 3, 12 Boyle Street Balgowlah

Insufficient privacy screens/treatments have been provided on the door/windows along the upper and lower,

northern and western elevations (Building 3) at 12 Boyle Street Balgowlah. Privacy treatments are paramount to neighbourhood and streetscape privacy.

requested that a Development Consent Condition be imposed requiring the implementation of privacy screens/treatments on all door/windows along upper and lower, northern and western elevations (Building 3) at 12 Boyle Street Balgowlah.

requested that Development Consent Condition number 9(i) remain and not be deleted as proposed. Privacy screens are to be constructed as required by Development Consent Condition number 9(i).

OBJECTION 14. Off Street Car Parking Spaces

The overall number of car parking spaces appears to have been decreased within the modified proposal. This action will increase on-street car parking within the already congested Boyle Street and Bentley Street.

OBJECTION 15. Vehicle Waiting Bay - 12 Boyle Street Balgowlah

The vehicle waiting bay within 12 Boyle Street Balgowlah appears to have been deleted with the modified plans. This action will also increase congestion of traffic flow within Boyle Street and Bentley Street.

OBJECTION 16. External landscaped open space area – adjacent to northern boundary - 12 Boyle Street Balgowlah

The modified plans now show that the external landscaped open space area (adjacent to northern boundary) within 12 Boyle Street Balgowlah (Building 3) as being used for the purpose of a common pedestrian walkway in and out of the premises as a whole.

As we recall, the last notification that was received regarding this particular area was shown on the notification plans for use only as a garden.

As we have stated in previous written submissions, the use of the above area (now shown as a common pedestrian walkway) is strongly objected to on the basis of neighbourhood noise, privacy, amenity as well as outdoor lighting glare and intrusion concerns.

It is in the public interest that this northern boundary area of the development at 12 Boyle Street Balgowlah be provided only with evergreen landscaping in order to achieve a more environmentally beneficial and sustainable outcome for the neighbourhood.

The modified architectural and landscape plans show that there is already intended to be a vine covered walkway (with an overhead pergola) positioned along the entire southern boundary of 12 Boyle Street Balgowlah (adjacent to Building 3). This southern walkway is all that is required to provide sufficient pedestrian access into and out of all the premises.

requested that a Development Consent Condition be imposed requiring the entire northern boundary of 12 Boyle Street Balgowlah to be used for the sole purpose as an evergreen privacy landscaped area as was previously designed.

CONCLUSION:

Although we are not an adjoining resident of the proposed scheme, by virtue of living on the corner of Boyle Street and its junction with Bentley Street (and at the point where Boyle Street significantly narrows) we will be highly negatively impacted over the anticipated various stages of demolition, excavation, construction as well as the ongoing life of the development.

With regard to the reasonableness of the proposal, the proposed modification still contains fatal shortcomings which create an unacceptable impact on the amenity of various residential dwellings and apartments within the neighbourhood surrounding both Boyle Street and Sydney Road Balgowlah.

The scheme continues to be unacceptable and ongoing angst remains in the community due to the continued lack of real concern by the applicant.

The development remains inconsistent with the general principles of development control, the desired future character of the locality and planning policies. This scheme remains deficient in many aspects and is

incompatible with community expectations.

Thank you for keeping neighbouring residents involved with the assessment of this application.

We appreciate having the opportunity to be involved in the assessment process and wish to speak again during any future proceedings so that the continuing objections of impacted neighbours from Boyle Street Balgowlah are represented and heard.

Please also keep us informed of any ongoing information and updates relating to this matter.

regards

Douglas and Margaret Warburton

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