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**Sent:** 6/04/2019 6:25:57 PM  
**Subject:** Online Submission

06/04/2019

MR Robert Mellor  
3 / 10 Boyle ST  
Balgowlah NSW 2093  
chefbob76@hotmail.com

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

05/04/2019

MR Robert Mellor  
3 / 10 Boyle St , Balgowlah, NSW, 2093 chefbob76@hotmail.com  
RE: DA2019/0811-

Dear Benjamin Price

Please find my strong objection to the proposed development Da2019/0811 for 307 Sydney Rd and 12 Boyle St

As with the last Da 2018/ 0355 If the development was to go ahead I would be greatly affected and strongly object as a big part of the reason i purchased my unit in this great area was due to the outlook onto open green spaces with established trees especially the Canary Island date palm that is always alive with lots of native birds including Lorikeets that nest in the tree. Also being so close to part of the unique "collection" of the group of Heritage listed P & O style properties from the 1930s era. The main reasons i object are as follows

1-HERITAGE - The Heritage significance would be lost completely as a group of properties if 307 was to be changed so much and would be unrecognizable as part of the group that it was originally deemed significant enough by the Manly council to be Heritage listed as part of a "group" of properties. I feel that if the buildings are structurally sound they should not be able to be altered with too much externally to spoil the look that made them special in the first place.

2- VIEWS,PRIVACY,OVERSHADOWING,OVERLOOKING,NOISE

- whilst respecting the environmental characteristics of the site and the amenity of adjoining development.
- Further, the accompanying view loss diagrams demonstrates that a view sharing outcome is maintained to the apartments within the residential flat building at No. 10 Boyle Street having regard to the view sharing principles
- Having regard to the issues previously raised by adjoining property owners and Council staff in relation to DA2018/0355 we have formed the considered opinion that the current development, the subject of this report, achieves the following outcomes: - The development maintains a contextually appropriate spatial relationship with surrounding development with appropriate residential amenity maintained in relation to privacy, solar access and view sharing;
- This objective is satisfied. (c) to minimise disruption to the following: (i) views to nearby residential development from public spaces (including the harbour and foreshores), (ii) views from nearby residential development to public spaces (including the harbour and foreshores),
- We have formed the considered opinion that the minor breaching elements will not give rise to adverse public or private view affectation.
- This objective is satisfied. (d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings, Comment: As depicted on the accompanying shadow diagrams (plans A500(A) to A502(A)) we have determined that the minor breaching elements will not contribute to any

unreasonable overshadowing of the public or private domains with compliant levels of solar access maintained to all surrounding residential properties. This objective is satisfied

- The scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the site having regard to the height, proximity, and orientation of adjoining residential development. Particular attention has been given to ensuring that the development not only responds to its immediate built form context, and the form of development anticipated within the zone, but importantly, to ensure that appropriate residential amenity is maintained to the immediately adjoining residential properties in relation to solar access, views and privacy

Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge) are or North Head valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured. Comment: Having inspected the site and its surrounds to identified potential view corridors, and having regard to the submission previously received from a number of property owners within the adjoining residential flat building at No. 10 Boyle Street, it has been determined that the Town Houses 1 and 2 will impact district and distant harbour views currently available from the east facing bedroom windows (Bed 01 and Bed 02 as depicted on plans A201(A) to A204(A)) of the ground, first and second floor apartments in a south easterly direction across the subject site towards the harbour.

: The extent of view impact is depicted on plans A700(A) to A705(A) with existing views available in an easterly direction across the rear portion of the subject site totally obscured from both bedroom windows at both ground and first floor level. That said, oblique views obtained from these windows are maintained to varying extent such that at no location are 100% of available views obscured.

. Under such circumstances there can be no reasonable expectation for these bedroom views to be preserved. Having reviewed the detail of the application we have formed the considered opinion that a view sharing scenario is maintained between adjoining properties

Referring to the above comments made by Boston Blyth Flemming Town Planners .

I WOULD PLEASE REQUEST FOR COUNCIL TO TAKE A GOOD LOOK AT THE VIEW ANALYSIS FROM 10 BOYLE STREET LEVEL G, W1 ,W2, W3 TO SEE IF A FAIR VIEW OUTCOME WOULD BE MAINTAINED IF THIS DEVELOPMENT WAS TO GO AHEAD THIS WAY. ALSO TO LOOK AT ALL THE UNCERTIFIED SHADOW ANALYSIS DIAGRAMS FOR 10 BOYLE STREET AND SEE THAT MY GROUND FLOOR UNIT WOULD BE CAST IN SHADOWS ALL OF THE TIME RESTRICTING SOLAR ACCESS. D/A 0355 SHADOW ANALYSIS ONLY SHOWED THE LEVEL 1 & 2 WINDOWS ON THE DIAGRAMS AND IGNORED MY GROUND FLOOR WINDOWS AS THE DEVELOPERS KNEW ALL MY SOLAR ACCESS WOULD BE BLOCKED. THIS D/A HASN'T BEEN ABLE TO HIDE THIS FACT BUT HAS GIVEN LAME REASONS AS TO WHY IT WOULD BE OK TO BLOCK MY VIEWS AND SOLAR EXCESS.

IN THE ASSESSMENT BY BOSTON BLYTH TOWN PLANNERS OF THE VIEWS TO BE AFFECTED IT STATES THAT WATER VIEWS AND VIEWS OF AN ICONIC LOCATION LIKE NORTH HEAD ARE THE MOST HIGHLY VALUED. I AGREE VERY MUCH AS MY CURRENT VIEWS FROM 3 OF MY WINDOWS ARE OF THE HARBOUR/GAP AND NORTH HEAD / QUARANTINE STATION . THESE WOULD BE LOST AND LOOKING AT THE VIEW ANALYSIS I WOULD BE LOOKING AT RENDER ON WALLS INSTEAD. THAT SHOULD BE ENOUGH FOR THIS PROPOSOL TO BE DENIED. I DON'T THINK THERE HAS BEEN ENOUGH CONSIDERATION FOR 10 BOYLE ST OR THE OTHER NEIGHBOURS.

The well established rear garden that the residents of 10 Boyle St use on a daily basis to dry there washing and also grow fruits, herbs and vegetables will be cast in shadows for all day

according to the proposed shadow diagrams. How can that be fair? The existing shadow diagrams show that 10 Boyle St is over shadowed from 9am all around the building but this is not true as the sun shines thru my eastern side bedrooms and bathroom at this time with no overshadowing. I have many photos to show this and can send these at anytime if requested.

3. PARKING/STREET CONGESTION The proposed development would cause additional problems with parking on an already congested Boyle St. Where the proposed driveway into the car park would be is a very narrow part of Boyle St and with cars parked on either side of the entrance and across from the driveway it would be very hard to pull out and turn either way safely and virtually impossible in a large car never mind a ute or 4wd or removal truck. It is hard enough pulling out of 10 Boyle St driveway and there is also 8 & 6 Boyle St driveway right next to it making it a lot easier to see traffic and manoeuvre and pull out onto the street. If a development was to go ahead it would make a lot more sense to consider making the entrance in the same location as the driveway at present for 12 Boyle St as the road is a lot wider and much easier and safer for entry and exit.

4. NATURAL LANDSCAPE FEATURES(3.3.1Aii) High density areas the provision of adequate private open space and landscape area, to maximize residential amenity, site work must be minimized to protect natural features (Page 27) (3.3.1 A iii) In areas adjacent to native vegetation the design of development should be sympathetic to natural environment in order to protect and enhance the area as habitat for native fauna (3.3.1 C Undercroft areas must be presented as a positive space and integrated into the design of the building by use of appropriate landscaping and /or the retention of natural features and vegetation where possible, have regard to the volume of space and its orientation, in relation to sloping site see also paragraph 4.1.8. (3.3.2) Landscape and Tree Protection objective 1 to ensure that the development protects and conserves the natural environment. objective 3 Developments must maximize the retention and protection of natural landscape features including significant rock outcrops and vegetation including canopy trees and under story vegetation. (3.4 b)

Development should not detract from the scenic amenity of the area, in particular the apparent bulk and design of the development should be considered and assessed.

Protection of the Rock Outcrop The natural rock outcrop located on western boundary adjacent to property no 10 Boyle street, over which apartment Nos 1&2 are proposed, shall be retained and incorporated to the site design. This is to satisfy clauses: **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

The above statement regarding the natural rock outcrop was something that the Northern Beaches Landscape Assessment officer requested in D/a 0355 and It seems this has been ignored in D/a 0811 as the proposed units 1 and 2 are to be built over the natural landscape with no regard for what was a condition in the last D/a.

5. NON COMPLIANCES as per the M LEP. I feel all the non-compliances from floor space ratios, open space/ landscape ratios, building height, side setbacks, EXIT travel distance in the basement carpark as in the Credwell report. Should all be adhered to as there is no point in creating these rules if they are to be broken as in this case due to greed to squeeze as much out of the space as possible to make as much profit with little regard for residents that already reside here.

Thanks for giving me an opportunity to make my objections known regarding this development application and i hope the council know how important the outcome of this to the residents affected by this.

Regards

Robert Mellor

