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14/03/2019

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

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

Attention: Benjamin Price - Northern Beaches Council

From: D&M Warburton - 25 Boyle Street, Balgowlah

We own and live in the property at 25 Boyle Street, Balgowlah, which is located directly opposite the proposed development at 12 Boyle Street, Balgowlah. We will be directly and significantly impacted by this proposal.

By way of introduction, we have lived here for 50 years and in that time have modified our property and have observed modifications to various dwellings in this section of Boyle Street. The essential neighbourhood character of Boyle Street is one of single residences built in the early 1900's - late 1930's, thus they represent a particular streetscape style. To the former Manly Council's credit, they were strict in seeking to maintain the character of the individual suburbs comprising the Council area.

By bringing this proposal for the now eight dwellings forward, the developers are effectively seeking to change that character in one stroke. We do understand the local government area's need for additional housing, however we do not agree with and do not accept the proposed development of the two existing sites as it is not fair and it is not reasonable that the neighbourhood and residents will be forever affected and inconvenienced by the impacts associated with the current proposal.

Our concerns, including the concerns of our immediate family, regarding the notification process, the application documents and specific objections to the proposed development are discussed in detail below:

PUBLIC NOTIFICATION OF THE PROPOSAL:

It is important for Council to understand that again we only became aware of the existence of this new development application when we looked at Council's DA tracking website and saw that properties had been notified in writing by Council on the north side of Sydney Road, between Boyle Street and Waratah Street, as well as the residents adjoining the development site on the southern side of Sydney Road plus the eastern side of Boyle Street.

The initial properties that were notified of this current proposal did not include those properties on the western side of Boyle Street. It was not until we contacted Council and advised of this disconcerting issue that the above properties were formally notified in writing. As advised

above, this is the second time that we have not been notified of a development application in accordance with adopted legislation (the previously withdrawn application for these premises DA2018/0355 was also not initially notified to our premises).

Additionally, the public notification sign advising of the development proposal was not placed in a prominent position on the site at 12 Boyle Street, Balgowlah, until 7 March 2019 (submissions close on 16 March 2019) and therefore the current development application has not been publically notified for the entire two week duration of the notification period. Residents of this section of Boyle Street that will be affected by the development have not been given the statutory and Council policy required opportunity of time to comment on the resulting significant short term, long term and permanent impacts of the proposal.

As advised above, despite being located directly opposite the main demolition, excavation, construction and post development infrastructure components of the development site there has in effect only been just over one week to consider the following matters which are important, complex and cumulative to the quality of the future neighbourhood: onsite/offsite carparking, traffic generation/safety, vehicle entry/exit, pedestrian entry/exit, waste service storage and collections points, building bulk form and intensity, environmental noise, geotechnical works (including bulk excavation and related sandstone rock cutting/sawing plus noise/vibration impacts), privacy, amenity, view loss, protection of public street trees, conservation of heritage values, neighbourhood character, local streetscape and community cohesiveness.

ONSITE PARKING:

It is noted that Council DCP specifies a minimum parking provision of 0.25 visitor spaces per dwelling. This means that the desired outcome is that the 6 apartments that would be intending to use the Boyle Street vehicle entry/exit require a minimum of 1.5 visitor spaces. The submitted plans only show 1 visitor carspace within the basement section of vehicular access to Boyle Street and this will not achieve the desired outcomes of the DCP regarding the intensified use of this 6 apartment portion of the site. This means that the applicant has rounded down the visitor carparking spaces rather than rounding up to meet the actual demand of the intended use. However, in turn the introduction of any additional visitor carspaces will heighten the traffic/safety congestion implications for Boyle Street and Bentley Street and will also have implications for the overall bulk underground excavation impacts of the site such as vibration as discussed throughout this submission.

It is also important to observe that a tandem carparking arrangement is shown on the basement plans in an effort to accommodate additional cars within the restricted Boyle Street accessed basement area. It is noted that with the previous application (DA2018/0355) Councils engineering team did not recommend the use of this design arrangement.

An additional factor for consideration regarding lack of off street carparking within the development is that the area located around this section of Boyle Street (which intersect with Bentley Street) is already heavily used for street carparking by:

- (i) Local residents including overnight parking.
- (ii) Workers/visitors to the area. This may be for periods of time or for the duration of the day including the early morning to late evening times. We also do observe workers parking in the street and then walking to catch the bus that goes to Wynyard/St Leanords from either of the close bus stops located near Sydney Road.
- (iii) Visitors to the All Saints Church and adjoining community hall for hire which is located on Boyle Street, between Sydney Road and Bentley Street. The church and hall do not have any

provision for off street carparking. The development site abuts the rear boundary of the church and hall.

(iv) People accessing the Hop Skip Jump and other bus services. Boyle Street is located within the outer vicinity of the Manly dedicated 2 hour parking zones and therefore Boyle/Orchard streets are constantly used for unlimited street car parking stays.

(v) Since the large Stockland retail shopping centre opened around the corner, in Condamine Street, we have observed that Boyle Street and Bentley Street have become more congested with vehicle parking and it is now more difficult for our family to locate a carparking spot.

Such is the street parking congestion that we do now continue to utilise our neighbour's offer to use their off street carparking when spaces are not available in Boyle Street or Bentley Street.

TRAFFIC CONGESTION/SAFETY:

We live on the corner of Boyle Street and Bentley Street. At this junction, Boyle Street narrows considerably and the only way vehicles can pass up or down the southern section of this street is to veer into a driveway or parking space if available.

Vehicles often park too close to the corner of Boyle Street and Bentley Street. Sight lines at this road junction are obscured in a similar manner to the junction of Boyle Street and Sydney Road.

In addition to local and through traffic, numerous vehicles use the junction of Boyle Street and Bentley Street as a rat run and turning circle before returning to Sydney Road. This is due to the no right turn from Boyle Street into Lauderdale Avenue and the difficulty in navigating trucks down through the narrow mid section turn within Bentley Street.

The proposed driveway for the entry and exit of motor vehicles servicing the 6 apartments at 12 Boyle Street is just a few meters from the junction of Boyle Street and Bentley Street. The plans show that the existing driveway access within the north western corner of 12 Boyle Street, Balgowlah, will be demolished and replaced with a new wider driveway access located adjacent to the south western corner of the site.

The existing hazards and difficulty in navigating this busy intersection of Boyle Street and Bentley Street will only increase due to the proposed permanent relocation of the driveway access, intensification of traffic congestion, visitor on street carparking and the need for additional time to perform the actual servicing of waste collections resulting from the accumulation of wastes generated by the additional number of household bins (garbage, paper recycling, container recycling and garden organics) plus general clean up/bulky waste items.

The traffic report and plans submitted with the application shows a vehicle exiting the eastern driveway of 12 Boyle Street, Balgowlah, and a vehicle entering the same driveway within the proposed widened section of the access area. The external turning path/waiting bay diagrams show no cars parked on Boyle Street. However as long term owners and residents of Boyle Street we know that the depiction on the plan is not representative of this section of road which is constantly parked on both sides of the street for most hours of the day every day of the year.

The traffic report also states that the design of the widened external turning path/waiting bay accessing the site from Boyle Street is non compliant with current Australian Standards as the waiting car does not fit within the entire space nor the site itself and is therefore required to overlap onto the public pedestrian walkway. Vehicles stopping/parking over a public road reserve/pedestrian area (eg resident, visitor and any service delivery vehicles) is also a non compliance with the Australian Road Rules which Council Rangers can enforce and issue on

the spot penalty infringements/fines. This design flaw also increases the impacts of blocking the exiting drivers vision which in turn increases the related vehicle and pedestrian hazards. These impacts are not safe, fair, reasonable, desired or sound outcomes for Council or the community. Considering the safety implications of this design outcome it is requested that prior to the determination of the application that this proposal be referred to the Pedestrian Council of Australia for assessment and consideration of return comments to Northern Beaches Council.

It is also noted that the new wider driveway proposal in effect permanently removes one of the existing on street carparking spaces from the eastern section of Boyle Street, Balgowlah. The removal of this carspace is another detriment of this proposal and should be considered as a public interest and determining factor of refusal of this application.

Traffic congestion/safety is a primary consideration for this development and the surrounding neighbourhood. Any backing up of traffic and maneuverability of vehicles entering/exiting the site and basement carpark of the site only add to congestion and safety concerns within Boyle Street and Bentley Streets. This relates to all stages of the development works including demolition, excavation, construction and ongoing.

It is requested that Councils engineering/traffic management team carry out an onsite inspection of this area prior to their final determination as a desktop analysis will not show the full extent of the impacts and hazards regarding this proposal.

GEOTECHNICAL REPORT:

It is noted that the geotechnical report shows that insufficient preliminary work has been conducted to establish the final structure of the sandstone bedrock for potential negative impact on nearby existing residents. This relates to the extent of the excavation that will be required to meet the necessity for adequate underground car parking facilities, lift access, onsite stormwater detention, plant/equipment and storage areas which all are shown to appear as essential for this project to proceed.

Within the comments and recommendations of the geotechnical report it is stated that the profile is to be confirmed by the drilling of boreholes using a drilling rig in order to penetrate into the existing sandstone bedrock. The report advise that access for a drilling rig would be required to drill the boreholes which at present is only possible within the northern portion of the site at 307 Sydney Road. Provision of underground parking beneath 12 Boyle Street is obviously critical to the project proceeding and the solution identified within the report advises that confirmation of the geotechnical and structural integrity of the proposal is only possible after complete demolition of the existing house and related heritage dry stone walls/features within 12 Boyle Street, Balgowlah. This situation requires clarification and assessment before Councils determination of the application. The only way it can proceed without the entire detriment of those existing structures/buildings is drill rig access via driveway to 307 Sydney Road, which is a shared driveway.

It is not appropriate to accept that existing dwelling/s and the heritage walls/features will be demolished prior to a satisfactory and acceptable geotechnical investigation of the site which will ultimately determine/condition the overall extent of the site excavations and foundation bulk.

The bulk excavation of the sandstone will also cause additional traffic implications within Sydney Road and Boyle Street. Large vehicles and trucks cannot physically navigate down to

the narrow southern end of Boyle Street or mid turning section of Bentley Street and this will cause significant disruption and turning at the intersection of Boyle and Bentley Streets. The demolition stage plan shows that trucks are intended to access the site from the existing driveway access within 12 Boyle Street, however the construction stage plan shows that the construction site access will be from Sydney Road. This needs to be clarified as part of Councils assessment of the application with regard to traffic impacts including large demolition/excavation/construction trucks and vehicles queuing, turning path navigation, on street car parking, sight lines, public safety and the amenity of residents of Boyle Street as detailed throughout this submission.

Another point of significance regarding the excavation and construction works is the vibrational impacts on the important and heritage dry stone boundary walls and adjoining dry stone garden shed boundary structure within the immediately adjoining premises of 14 Boyle Street, Balgowlah, and 10 Boyle Street, Balgowlah. The issue of protection measures relating to the significant above and below ground excavation impacts including adjacent sandstone rock cutting/sawing, vibration and construction impacts on these delicate heritage structures/buildings have not been addressed or assessed within the application. The current unknown extent of the excavation works is of concern to the community as it relates to the retention of historical and heritage records/features/structures/buildings and therefore forms the responsibility of Council to appropriately review and address prior to determining the application.

WASTE SERVICES INFRASTRUCTURE:

Waste service bins (garbage, paper recycling, container recycling and garden organics) plus general clean up/bulky goods storage awaiting collections are not shown to be located within the basement carpark.

From a neighbourhood environmental noise, visual amenity and streetscape perspective it is preferable that all waste service enclosures and general clean up/bulky waste storage facilities be retained within the basement level. At our corner location we are already subject to hearing the ongoing and frequent impacts of noise generated by residents using the waste service enclosure within a multi-unit premises which is located directly opposite our property on the northern side of Bentley Street. The breaking of bottle glass within the container recycling bins is particularly evident when generated on a larger scale.

General clean up/bulky goods items will need to be stored for periods of time between the number of collections that are allocated by Council each year. From an illegal dumping behaviour change perspective it is preferable for these types of items to be stored away from the streetscape so as to deter the likelihood of unauthorised dumping of waste items by residents that do not live at the premises. Additionally, where it is necessary for residents to store these bulky goods items for periods of time allocated areas are not shown on the plans. This may encourage residents to use the exterior ground space adjacent to the external waste enclosure or on the nature strip as alternative storing locations. Council should not encourage this type of inadvertent littering/dumping behaviour within new developments.

The object of a Council Development Control Plan is to ensure that planning, development, building and ongoing land use outcomes preserve the existing character and desired future streetscapes within local neighbourhoods. In this regard, Council should not impose such an unnecessary and visually undesirable front of site feature within the development and subsequently within the streetscape.

The design size and capacity of the waste service enclosure and the general clean up/bulky waste storage areas are to accommodate each of the waste bin types and services. The areas of the proposed street frontage waste service enclosure currently shown on the plans do not accommodate for the required size and capacity that will be generated for each of the proposed 6 apartment/dwelling waste types and services that will be utilising the Boyle Street driveway access. This is of great significance especially considering the introduction of Councils new waste service bin roll out which will be commencing in 2019. The application documents have not adequately addressed the design implementation and operational aspects of the post development and bin roll out servicing and collection issues.

The basement car parking plans also do not provide adequate provision for the storage/keeping of wanted household items associated with each apartment/dwelling.

GLARE FROM EXTERIOR LIGHT OF VEHICLE/PEDESTRIAN ACCESS AREAS:

Our property at 25 Boyle Street, Balgowlah, is located directly opposite the main entry/exit to the proposed vehicle and pedestrian access areas of the six apartments that are intended to be serviced by Boyle Street. We will be affected by any exterior lighting and light mounting/shielding must taken into consideration in order to minimise any potential for glare nuisance to our premises and any other premises adjoining the proposed development site. This amenity consideration has still not been addressed within this amended proposal.

Furthermore, the master bedroom, study and lounge rooms of our house at 25 Boyle Street are located directly opposite the proposed vehicle entry/exit driveway that will be shared by the residents and visitors of the 6 apartments servicing Boyle Street. We are concerned about the obtrusive nature and glare from the lights of the motor vehicles that will operate at anytime during the early morning/evening/night plus any additional lighting/signal arrangement that will be required to operate (24 hours per day x 7 days per week x 365 days per year) to assist vehicles that will forever and for numerous times a day and for every day be entering and exiting the site via the proposed vehicle access ramp. This amenity consideration has still not been addressed within this amended proposal.

NOISE FROM LIFT, ROLLER SHUTTER DOOR AND PLANT/EQUIPMENT:

All lift, roller shutter door, mechanical ventilation plus plant/equipment is to be acoustically treated and sealed so as to prevent the likelihood of any environmental noise nuisances to our premises and any other premises adjoining the proposed development site. The requirement for any mechanical plant and equipment to be audible at not greater than 5 decibels above the existing background noise level is appropriate for this development in accordance with standards and guidelines published by the NSW Environmental Protection Authority. This amenity consideration has still not been addressed within this amended proposal.

HERITAGE VALUE, NEIGHBOURHOOD CHARACTER, LOCAL STREETScape, COHESIVE COMMUNITY:

Not only is a fine, well maintained federation family home at 12 Boyle Street, which was restored and modified under strict Manly Council guidelines, to be demolished, but also one of a unique significant group of P&O style houses is to be substantially altered under this proposal. The extensive alterations of 307 Sydney Road together with the intrusion of new buildings at the Sydney Road site will absolutely change the character and visual aspect of the "group" of houses and is entirely disrespectful of the concept of heritage value. The visual appeal of those two existing houses on their respective sites at 307 Sydney Road and 12

Boyle Street are important to the local area.

The area of Balgowlah including our local streets (Boyle and Bentley) and surrounding neighbourhoods are made up of federation and california style housing predominately using sandstone and solid brick based materials of construction with leadlight style window features and landscaped frontages. The demolition and construction of the existing house that we will be permanently facing onto at 12 Boyle Street does not take any of these architectural and planning influences into consideration for implementation within the proposed housing style.

From a neighbourhood perspective, an over 100 year old dry stone retaining wall is in sound condition and currently stands as a common boundary fence along the length of the western boundary of 307 Sydney Road and 12 Boyle Street. The wall measures up to approximately 1.5 metres in height and most importantly the common dry stone wall also acts as the only rear wall to a garden shed that has always been and is still currently used by the owners of 14 Boyle Street. The survey plans showing the existing site conditions within 14 Boyle Street, Balgowlah, do not include an mention of the existing heritage boundary dry stone retaining wall and/or dry stone garden shed. As discussed earlier in this submission, there is no mention of vibrational assessment impacts relating to the proposed excavation/demolition/construction works associated with the ongoing performance of this beautifully crafted common wall and garden shed. This dry stone structure was packed by hand (not affixed/adhered) and is therefore very susceptible to ground excavation, demolition and construction movement.

From a neighbourhood preservation aspect we would appreciate that Council carry out an onsite inspection to take the time to consider and absorb the significant impacts that will occur on the premises at 14 Boyle Street, Balgowlah, and other adjoining premises if this dry stone walling structure is not preserved and protected.

VIEW LOSS, PRIVACY AND AMENITY IMPACTS:

The rear garden setting at our neighbour's property at 14 Boyle Street, Balgowlah, with the dry stone wall/garden shed plus views to the south east featuring important view qualities such as the old Manly ferries passing each other through the harbour waters and the feature of the North Head escarpment from their existing parcel of land all add to the heritage feel and value of not only our neighbour's property but our neighbourhood.

The above mentioned view of the headland, water and movement of boats is iconic, important and significant to the premises at 14 Boyle Street, Balgowlah, however this is not addressed at all within the application. The loss of the entire 100% of their existing view catchment which is currently enjoyed from seated and standing positions within their kitchen, habitable sunroom and backyard is not acknowledged or even mentioned within the Statement of Environmental Effects or any other document related to this application including the submitted view loss diagrams. The applicant's submission documents do not demonstrate true and accurate view loss outcomes of this proposal and show absolute disregard for the interest of neighbouring persons and their property.

Additionally, with the proposed consolidation of the two lots (12 Boyle Street and 307 Sydney Road) the applicant has dismissed any attention toward the existing and established rear boundary setback of 12 Boyle Street. In the process of density, bulk, scale and floor space ratio non compliance with the DCP controls, objectives and outcomes has devastatingly implicated the destruction of all existing beautiful views both from within the dwelling and outside in the rear garden area of 14 Boyle Street, Balgowlah.

The above outcomes show definitive non compliance with legislation in addition to being unfair, unreasonable and solid grounds for refusal of the application. These matters are of community and public interest, are an unacceptable implication of the proposal and must be given crucial and significant weight during Councils assessment and determination of the current application.

Furthermore, the proposal does not achieve any objectives of the development controls and standards with regard to the neighbouring premises at 14 Boyle Street, Balgowlah, regarding density, bulk, scale, privacy and amenity. The northern facing kitchen windows proposed for apartments 3 and 6 look directly down into the neighbouring premises at 14 Boyle Street, Balgowlah. The proposed northern balconies of those apartments are now significantly larger than the previous proposal. The applicants submission advises that the amenity of neighbouring premises will not be adversely impacted however we disagree as the proposal is over densified by 14% which is a significant and material variation that should not be allowed or supported by Council. To protect residential amenity Council should be effectively restricting the bulk and scale of the unacceptable and permanent impacts by not intentionally allowing greater interference of privacy and amenity.

The view loss, privacy and amenity impacts of this proposal are offensive, jarring and unsympathetic and will create permanent adverse impacts on the value, use and enjoyment of the adjoining lands including our neighbour's and friends premises at 14 Boyle Street, Balgowlah.

The removal of both of the existing site/s vegetation extending back over a great many years is to be replaced by a bulky built form and any new landscaping will take many years to reach maturity. This increases the impact on the environment and wildlife habitats and in turn the amount of time and strain that the development has the potential to cause concern to both persons and wildlife.

PROTECTION OF PUBLIC STREET TREE:

The arborist report prepared by Tree Wise Men states that the healthy large mature public street tree located within the nature strip outside 12 Boyle Street, Balgowlah, must be retained. However, the tree is also noted to be located within close proximity to the area of the existing and proposed new driveway. It is stated that redesign measures are to be provided however the proposed measures are not addressed within the application to assist the community in understanding that measures will be implemented, maintained and monitored by appropriately experienced professionals to ensure the protection of the health, canopy and root zone of this significant tree.

HARD SURFACES/STORMWATERS:

There is more hard/man made surfaces proposed than landscaping and this will only increase the amount of groundwater/stormwater that will need to be released from the site and into the environment over the permanent life of the development.

INTENSITY OF PROPOSED DEVELOPMENT:

Considering the quiet nature of this locality any demolition, excavation and construction works would be intense given the nature and requirements of the site, together with the restricted nature of Boyle Street, in addition to being at a busy junction with Bentley Street, would impose an unreasonable burden on the local community and undue stress and strain for an extended

and permanent period on nearby residents. We contend that the existing stock of housing within the neighbourhood is already sufficient to meet a variety of community and housing needs.

ENVIRONMENTAL POLLUTION PREVENTION AND PROTECTION OF AMENITY DURING WORKS:

Visual amenity, demolition/excavation and construction noise amenity, dust/air emission suppression and the prevention of the likelihood of any environmental pollution incident is of the utmost concern to the community for the duration of any works. The applicants statement that appropriate protection/prevention measures will be implemented, such as whole of site perimeter site shade cloth fencing protection and the NSW EPA "Blue Book" compliant sediment/erosion management controls, are noted.

CONCLUSION:

In summary, this proposal is not respectful of the existing community, nor the existing built and open environment. As detailed in our submission regarding the previous proposal we remain concerned that by acceding to this proposal, or any slightly modified version, Council would be seen to be prone to be acquiescent to any developer proposal to change for worse, the specific character of any local area within Council boundaries. This could be expected to flow on to wider community discontent which is opposite to one of the main objectives of Local Government which is surely to bring local communities together a major reason for amalgamation of three Councils in the first place.

This proposal shows all the signs of private individual profit at the expense of widespread community concern. Council should support the community and reject this proposal in consideration of the numerous written objections to this amended proposal. Council has a Development Control Plan which acknowledges and supports the local community and this development does not meet the compliance requirements or deemed to satisfy objectives which have been implemented by Council and the community to preserve the qualities and values that are currently represented and desired to be maintained in our neighbourhoods. It is noted that the applicant has requested a significant number of variations to the DCP controls, objectives and outcomes however on the basis of the impacts detailed in our and other neighbouring submissions there are not sufficient or reasonable grounds to warrant leniency.

The proposal is only in its infancy and residents of our neighbourhood including ourselves are already feeling the physiological and physical burdening signs of stress that are accompanying the outcomes of this proposal.

We disagree with the applicant perspectives together with Council DCP and policy non-compliances.

We request an onsite inspection with Council to review and discuss the significant range of issues detailed within this submission.

Should this proposal advance further in any form, we would also wish to make comment on matters of assessing design and detail.

Additionally, we request to have the opportunity to speak at any committee, Council and/or panel meeting regarding our concerns and the impacts of this non compliant and objectionable proposal.

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