
Sent: 30/09/2019 2:11:10 PM
Subject: Submission to DA 0081/2019
Attachments: Letter- objection-307 Sydney Road Balgowlah4.pdf;

Hi Benjamin,

Please find attached the objection by planning direction on out behalf. I will send the over letter from Nigel to you in separate mail to follow.

Tuukka

The General Manager
Northern Beaches Council

25th September 2019

Att: Benjamin Price,

**Re: 307 Sydney Road & 12 Boyle Street Balgowlah - DA 2019/0081
Proposed Residential Flat Building**

Dear Benjamin,

I refer to Council's notification of amended plans and documents in support of a development application for the erection of a residential development incorporating the retention of and modification to the existing heritage item at the above property.

Planning Direction P/L has been commissioned by the residents of Boyle Street and Sydney Road to review the amended application and make submission to Council on their behalf.

Documents viewed via Council's internet page includes the development application form, the survey plan, driveway plan, amended planning report, and the statement of environmental effects.

Based on my assessment, I maintain strong objection to the proposal. In the absence of full architectural plans being placed on exhibition, I continue to rely on issues raised in prior submissions.

A Summary of main Issues

1 Access from Sydney Road

The development application form makes reference to two lots, which forms the subject site. Lot 1 in DP 115705 - No 12 Boyle Street and Lot D in DP 335027 - No 307 Sydney Road.

Clearly the design and access arrangements cannot be contained within these lots alone. The frontage to Sydney Road is only 3.05m wide and vehicle and pedestrian access is reliant on the full width of the access handle inclusive of adjoining land legally described as SP 5090 - No 305 Sydney Road.

Access and servicing cannot be contained wholly within Lot D.

No reference is made to a right of way arrangement in the application. Typically Council requires formal carriageways and hard paving to service new developments. Concrete wheel strips would not suffice to service multiple dwelling use.

It would appear that the subject site is reliant on the adjoining site also for proper use, serviceability and access (as indicated in the diagram below sourced from the Traffic report). Without the owner's consent of adjoining property owners involved in the shared driveway, the application is incomplete and cannot be determined favourably. Please note that the owners of SP 5090 do not consent to the application.

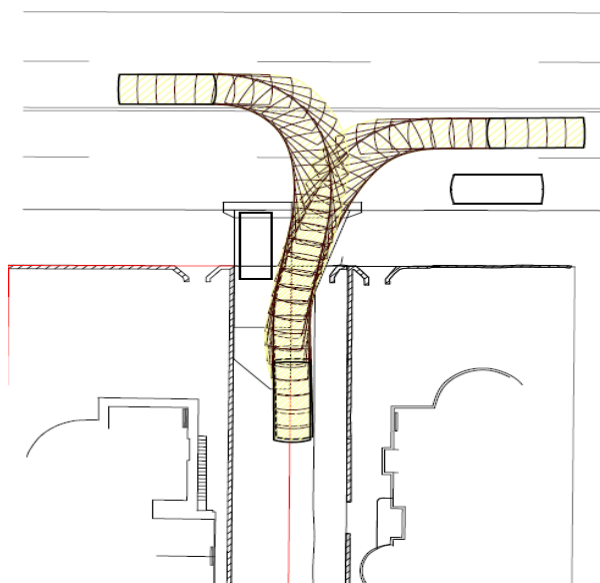


Image of proposed access arrangements as presented by the applicant.

The width of the ramp and driveway is 3m when the standard calls for 3.3m. Further a 5.5m passing area is required when the proposal presents 6.3m.

All manoeuvring is tight and highlights the compressed and overdevelopment nature of the proposal.

3 Clause 4.1.1.1 of the Manly DCP relates to residential densities.

A density of 1 dwelling per 250sqm applies to the site.

The applicant proposes to erect 8 dwellings on the subject site, generating the need for a site area of 2,000sqm to accommodate 8 dwellings.

Of note is subclause b) which reads as follows:

- b) *For the purposes of calculating the residential density control for battle-axe lots, the area of the access handle is excluded from the site area, consistent with the provisions for minimum subdivision lot size in LEP clause 4.1(3A).*

The exclusion of the battleaxe handle from the site area calculation leaves a workable site area of 1,616.45sqm, representing a significant departure from the control. The density control is a fair indicator of overdevelopment and is a key consideration of objective (b) of clause 4.4 relating to floor space ratio.

4 Heritage

Council's heritage expert is requested to properly assess the extent of impact caused to the heritage item.

I recommend a review of the heritage consideration undertaken by Manly Council in respect of DA0064/2012 for alterations and additions to the heritage item at No 307 Sydney Road Balgowlah (the subject site), particularly the report prepared by *Rappoport Pty Ltd - Conservation Architects and Heritage Consultants*. Findings of the consultant re the heritage item include:

The subject site has aesthetic significance as an example of the inter war Functionalist style, showing elements of the related P&O style. It features a flat roof, strong horizontal elements including rendered drip course and wide windows, smooth rendered finish and a fin wall. page 25.

Ordinarily any proposed alteration to a heritage item could impact on the heritage value of the place. However if undertaken in a sympathetic manner, the impact can be mitigated. The proposed extension to create more living space would occur to the rear and interior and only a small part would be visible from the public domain. In our view, this reduces potential negative impact upon the significance of the item or the positive contribution that the subject item currently makes to the heritage group.

page 36.

Council's heritage officer concluded that the proposed addition located at the rear of the site is considered to have a manageable impact on the existing listed cottage and the group as a whole. Council report 20th March 2012.

The current proposal before Council is for the construction of a second floor on the heritage dwelling, the construction of a two storey building in front of the dwelling and construction of attached cascading built form to the rear of the dwelling. Effectively the use is changing also from a dwelling to a residential flat building.

The extent of impact on the heritage item and group of dwellings would appear to be **considerable and devastating**. The proposal presented currently totally undermines the listing and previous considerations applying to a rare group of dwellings.

The current appeal of the heritage item, including its flat roof would be decimated by the built form proposed on-site. The application must be **refused** on heritage grounds, particularly in view of the previous consideration by Council in 2012, which identified that the provision of built form only to the south of the item is the appropriate approach with regard to the subject site and grouping of heritage items.

In addition the construction proposed would completely undermine heritage value of the remaining dwellings being part of the 'group'.

The two storey component also obscures the orderly views gained of the harbour from No 16 Boyle St. Further discussion is provided below.

5 View Sharing

No 14 and 16 Boyle Street benefit from water views over the top of the existing heritage item and across the site.

The retention of the heritage item in its current form is essential from a local historical context and will address any view loss concerns.

This should be the logical conclusion.



The photos above and below depicts the current view presently enjoyed across the subject site from Apartment 4/16 Boyle Street, lounge window, showing North Head, Reefy Beach, and Dobroyd Point, and with Manly Ferry crossing North Harbour. The view is significant!



It is further noted that the proposed development is non-compliant with the building height and presents bulk to the extremities of the site.

6 Setbacks, building envelopes and Privacy

The proposed design is too congested and requires screens and landscape bays to assist with reducing overlooking into adjoining properties. The buildings are close to each other and adjoining properties to the west and south.

Cross viewing is likely from the living rooms and decks into No 10 Boyle Street.

The proposed removal of established perimeter landscaping and replacement with re-instated landscaping is considered to be inadequate noting that the *NSW Land and Environment Court* planning principle is that landscaping cannot be relied upon to maintain privacy from the proposed upper level balcony into the rear yard of the neighbouring property.

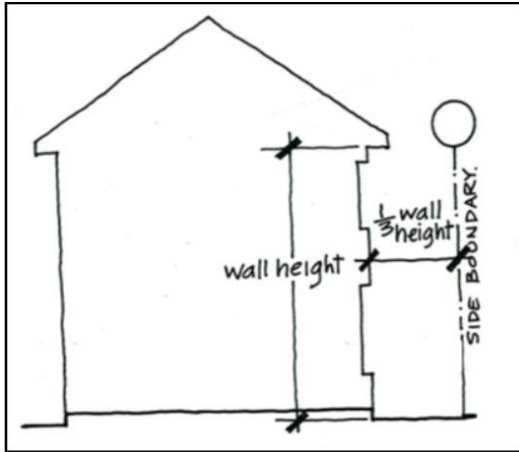
'The second principle is that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens'

It would appear that the rear building component is setback 8m from its external wall to the southern boundary, however proposes a rear elevated balconies setback 7m from this rear boundary. It is noted that the control relates to any part of the building and accordingly a non-compliance arises. The balconies are to have a floor level 7m higher than natural ground level and the design effectively creates a cascading 'grand stand' effect of viewing potential into the adjoining susceptible adjoining dwelling at No 8 Boyle Street.



Landscaping in the form of balcony planters are ground level planting cannot effectively be relied upon by the applicant to protect the amenity, privacy and solar access presently enjoyed by the residents of No 8 Boyle Street. A sectional shadow profile should be provided by the applicant to determine the actual shadow affectation of this southern adjoining property.

Clause 4.1.4.2 of the DCP relates to Side setbacks and secondary street frontages. The diagram below explains the means in which setbacks need to be determined.



A review of the design confirms that little regard has been given to this control with 2 storey elements sitting within 1m from side boundaries.

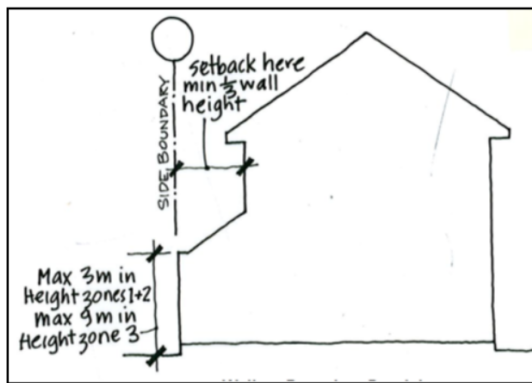


Figure 32 - Wall on Boundary Provisions

Note: Any wall over 3m high must comply with the setback requirements irrespective of whether the wall contains windows or not.

Conclusion

The planning for the precinct is well articulated in Council's planning instruments in terms of determining appropriate density, scale of building, landscape treatment and maintaining privacy. Adherence to the controls would generate a development which is consistent with the desired future character of the locality and sympathetic to the heritage item on the subject site and the items to the east of the site.

The proposed development would appear to have been designed in isolation of these controls and is an overdevelopment of the site.

The application should be refused in its current form.

The proposal exceeds the allowable building height, the floor space remains questionable and density control of the DCP has been ignored. The clause 4.6 justification for a variation to the building height is not well founded given the overdeveloped nature of the site, inappropriate parking arrangements, privacy concerns, potential overshadowing impacts, view loss and various numerical non-compliances with Council's DCP and Australian Standards.

The proposal raises issues relating to permissibility. Typically a subdivision would be required to contain the dwelling on one lot and the residential flat building on the other. If the basement car parking area remains 1m above the natural ground level, then the building should be classified as being 3 storey and subject to SEPP 65 considerations. The applicant continues to disregard this concern.

The proposed built form breaches the building envelope controls.

A more sensitive design is called for which respects the Council controls, neighbour expectations, the heritage listing and topographical circumstances of the site.

The extent of modifications to the design are minor and do not address the core issues of the design.

Regards

A handwritten signature in black ink that reads "Nigel White". The signature is written in a cursive, flowing style.

Nigel White - Bachelor of Applied Science (Environmental Planning)