
From: Greg Boston
Sent: 16/09/2025 3:55:24 PM
To: Lachlan Rose; David Landsberry
Cc: Council Northernbeaches Mailbox
Subject: Objection - Development Application DA2025/1156 - 23 Beatrice Street, Clontarf
Attachments: Objection - DA2025 1156 - 23 Beatrice Street Clontarf - Final.pdf;

Attention: Lachlan Rose – Planner

Please find attached an objection prepared on behalf of the owners of 21 Beatrice Street in response to Councils notification of the above DA.

Don't hesitate to reach out should you have any questions or wish to arrange a site view.

Regards

Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director

BOSTON BLYTH FLEMING PTY LIMITED
Town Planners



16th September 2025

The CEO
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Lachlan Rose - Planner

Dear Mr Rose,

Notification Response
Development Application DA2025/1156
Alterations and additions to a dwelling house
23 Beatrice Street, Clontarf

We have been engaged by the owners of 21 Beatrice Street, Clontarf to critically review the plans and documentation prepared in support of the above development application. Our client's property is located immediately to the south of the development site as depicted in the image over page. Having reviewed the documentation prepared in support of the application and determined the juxtaposition of adjoining properties we object to the application for the following reasons.

Potential regularisation of unauthorised works

We confirm that Boston Blyth Fleming Town Planners were engaged to prepare the statement of environmental effects (SoEE) in support of the original development application proposing the construction of the existing dwelling house at 23 Beatrice Street, Clontarf (DA 130/2015). This application relied on a clause 4.6 variation request in support of a 1 metre (11.76%) variation to the 8.5 metre building height standard.

The plan extract within Council's written pre-lodgement notes dated 13th June 2025 (PLM 2025/0080) and the clause 4.6 variation request prepared in support of the subject application has been taken directly from the clause 4.6 variation request prepared by our office in support of the original development application. This plan extract is reproduced over page.

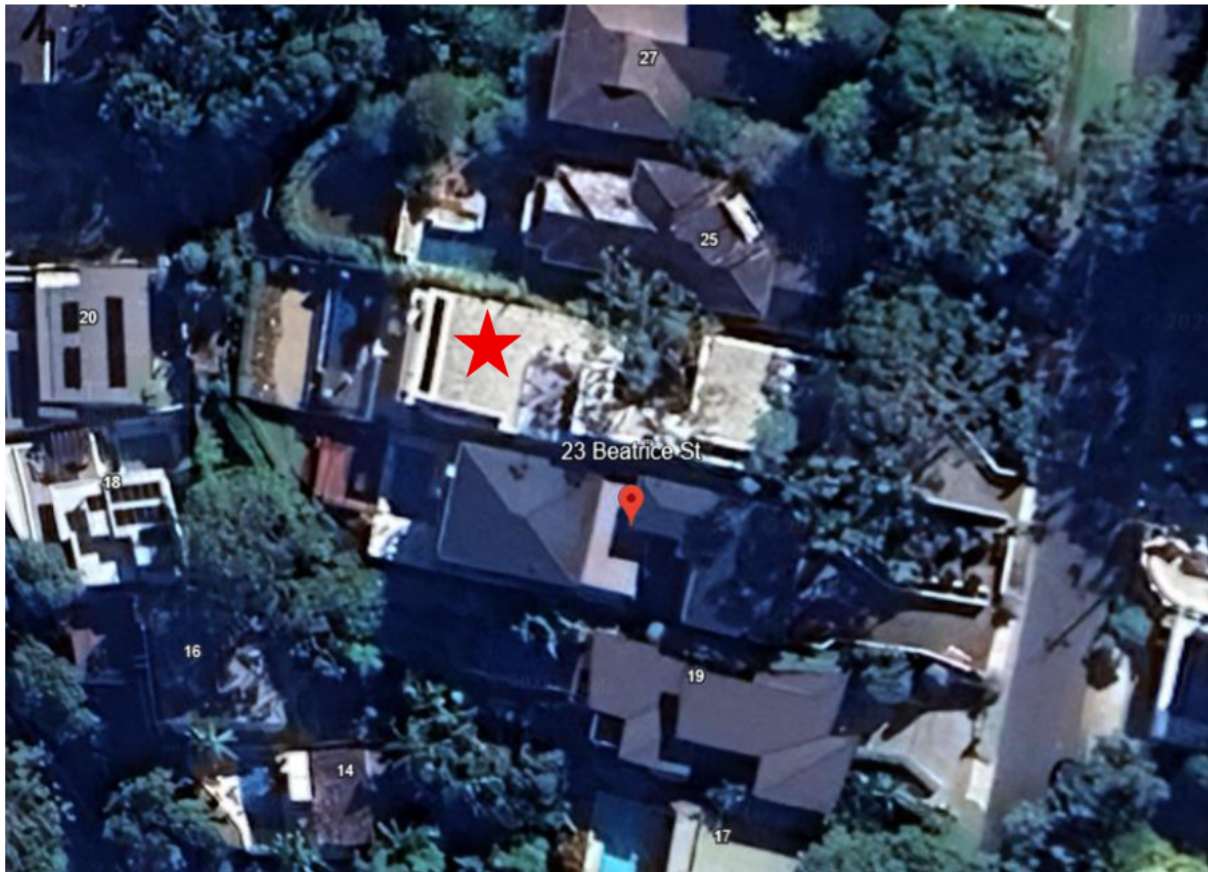


Figure 1 - Aerial photograph depicting the subject property with red star and our client's property to the south.



Figure 2 – Plan extract taken directly from the clause 4.6 variation request prepared by our office in support of the original development application (DA 130/2015). Note the red text has been added by Council (PLM 2025/0080).

We have reviewed our original SoEE and note that there is no reference to the “as built” entry-level roof terrace nor is it nominated on the original development application plan extracts at Figures 2 and 3. Further, the clause 4.6 variation request prepared in support of the original development application does not reference any entrance level terrace noting that any balustrade associated with this terrace would also have been building height non-compliant.

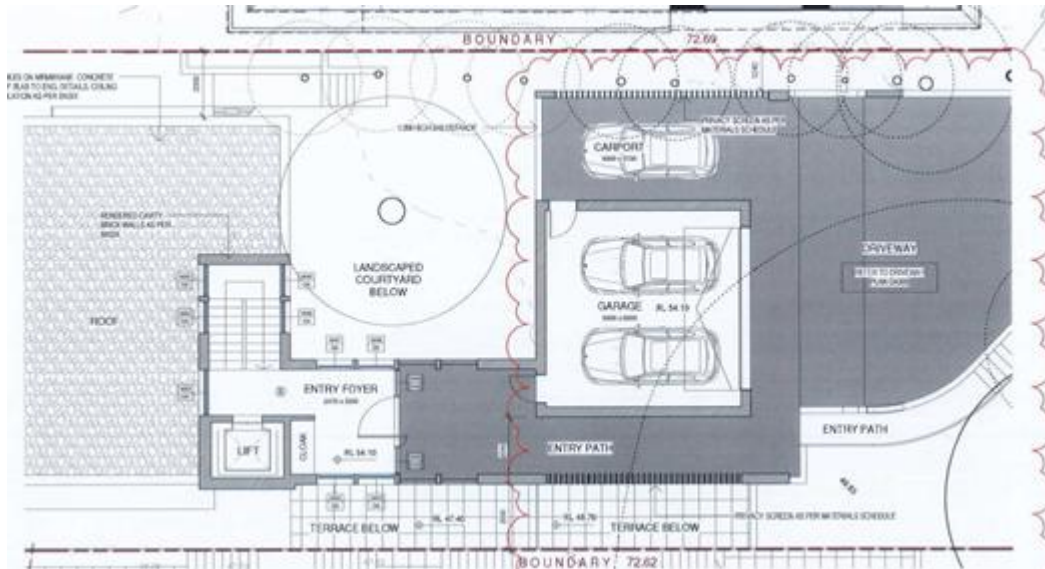


Figure 3 - Plan extract DA 130/2015 showing no entry level roof terrace.

On this basis, it would appear that the existing entry-level terrace is unauthorised and accordingly the application must fail at law given the inability to regularise unauthorised works by way of development consent.

In the event that the existing terrace has in fact been approved we object to any extension to it on the basis that it will add substantial additional building bulk to a dwelling which is already significantly larger than a majority of properties in the street and which extends further west and at a higher elevation than our client’s property resulting in significant visual bulk and amenity impacts including privacy loss, overshadowing and acoustic impact.

The intimate spatial relationship between properties which is non-compliant with the 1/3rd wall height side boundary setback control exacerbates the visual bulk and amenity impacts the proposal will have on our client’s property.

The proposed terrace extension will contribute to additional visual privacy impacts on our client’s property. This is evidenced by the photograph at Figure 4 of the applicant’s SoEE (reproduced over page). This clearly demonstrates that the western extension of the terrace will not only increase its utility from a passive space accessed from the entry foyer to a fourth level entertaining space with barbecue, fireplace and shade structure.

Importantly, it will also facilitate more immediate and direct overlooking circumstances to each level of our client's property and rear open space area including overlooking our client's swimming pool.

Please also refer to the photographs at Attachment A taken from my client's property. These clearly demonstrate the increased visual bulk of the proposed development and the amenity impacts my client will be subjected to including privacy loss, overshadowing and acoustic impact. (Note: The red highlighted lines are indicative of the scope of the applicants proposed development).



Figure 4 - View from existing terrace directly towards our clients upper-level balcony with the roof terrace to extend further to the west facilitating more direct and immediate overlooking opportunities.

The same can be said for the property to the north of the subject site at No. 25 Beatrice Street as depicted on plan DA12A (Figure 5) which will experience significant visual and aural privacy and view loss impacts.

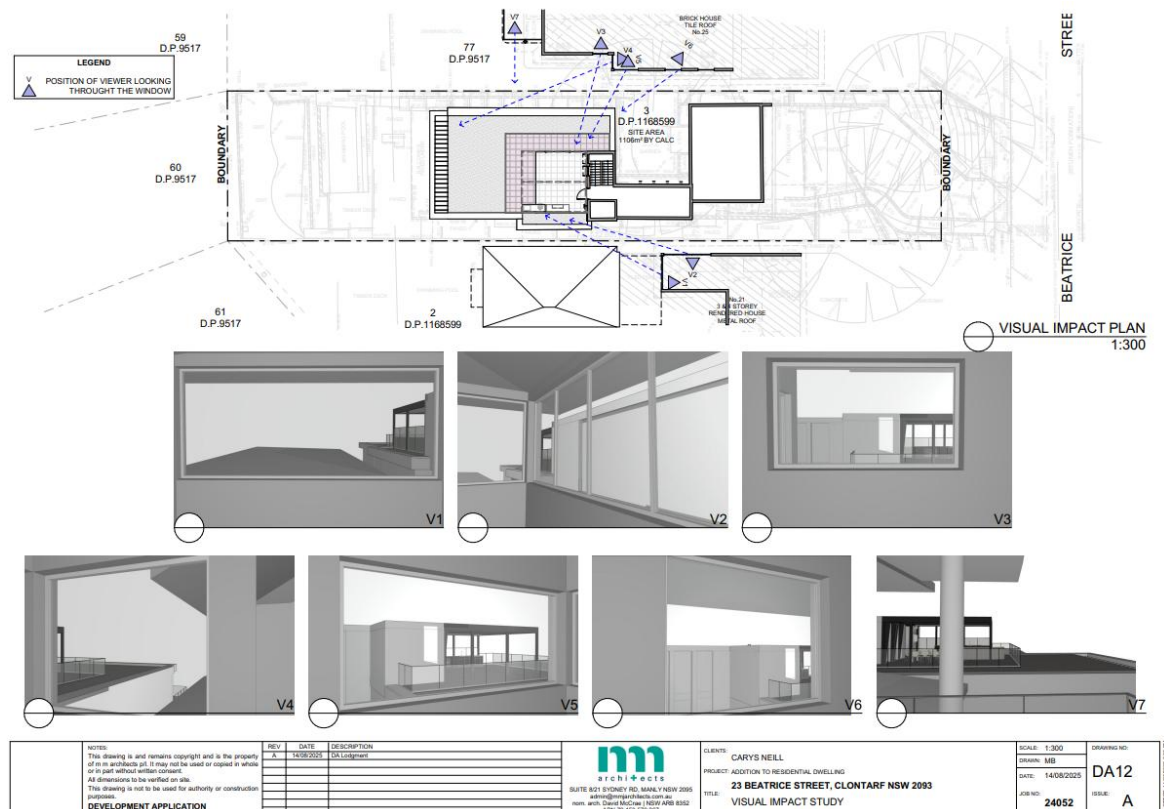


Figure 5 – Plan extract DA12(A) - Visual Impact Assessment

Further to the above, the required shadow diagrams are inadequate as they do not differentiate the shadowing caused by the building height non-compliant awning structure. However it is clear that the non-compliant structures will give rise to additional shadowing impact to the north facing windows and balconies on all levels and rear private open space area of our client's property on 21 June. Further, it is clearly evident from our site view that the awning structure will be visible from Beatrice Street and to that extent will impact views available from the public domain, our client's upper-level west facing window and 25 Beatrice Street as depicted in Figure 5.

Under such circumstances, the clause 4.6 variation request prepared in support of the 52% building height variation proposed must fail on the basis that the objectives of the height standard are not achieved by the non-compliant building height elements namely:

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

This objective is not achieved. The building height breaching elements replace an originally compliant area of flat parapeted roof form with balustrading, walls and an awning structure which will contribute significantly to the height and bulk of the existing building which is already in excess of the building height standard. The proposal would be inconsistent with the desired future streetscape character in the locality noting that the building height breaching awning will be discernible as viewed from the street. We do not accept the environmental planning ground put forward in the clause 4.6 variation request that the building height non-compliance is attributed to the topography of the site and previous excavation noting that the existing building as approved already exceeds the height standard.

(b) to control the bulk and scale of buildings,

This objective is not achieved. The building height breaching elements proposed will contribute to the already significant bulk and scale of the existing dwelling.

(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),*
- (iii) views between public spaces (including the harbour and foreshores),*

This objective is not achieved. The building height breaching elements will impact both existing public and private views as previously outlined.

(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

This objective is not achieved. The building height breaching elements will cause additional shadowing impact on our client's north facing living room windows and west facing upper level feature windows, upper-level balconies and rear private open space.

The building height breaching elements will result in a loss of visual and aural privacy given the clear intent to use this space for entertaining rather than the existing small passive space accessed from the entry foyer. In our opinion, the proposal is inconsistent with the objectives of the building height standard with insufficient environmental planning grounds to justify the additional building height breaching elements. The clause 4.6 variation request is not well-founded and accordingly the application must fail.

We can confirm that building height was a fundamental consideration in the assessment and determination of the original development application (DA 130/2015) and in our opinion such application would not have been approved had the upper-level terrace extension and awning structures components been proposed as part of the original development application.

We note Council's pre-lodgement advice that a building height variation would not be supported where it was demonstrated that it resulted in adverse streetscape or amenity impacts. To ensure consistency in the assessment and decision-making processes we urge Council refuse the subject application for the reasons outlined within this submission. We also request that Council investigate the existing upper-level terrace to ensure that it has in fact been approved.

Please do not hesitate to contact me to arrange site access or should you wish to discuss any aspect of this submission.

Yours sincerely
Boston Blyth Fleming Pty Ltd

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director

Attachment A

Photographs taken from my client's property indicating examples of the visual bulk of the proposed development and the amenity impacts my client will be subjected to including privacy loss and overshadowing. (Note: The red highlighted lines are indicative of the scope of the applicants proposed development).

