

1 November 2021

General Manager  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Attention: Maxwell Duncan

Dear Mr Duncan,

**Re: 16 Addison Road, Manly – DA2021/1408**

I am writing to you on behalf of the applicants for this development application.

The public exhibition of this development application has recently finished. Council received a number of submissions. This letter responds to issues raised in those submissions and highlights some additional points we think are worthy of consideration by council.

### **Architectural Design**

The house has been designed by award winning New Zealand architect Andrew Patterson. This will be one of his first houses in Australia and the first in the Northern Beaches. You can see his work on his website below –

<https://pattersons.com/>

My opinion is that this house has outstanding architectural merit and that it will add significant value to the suburb and to that part of the foreshore which is home to a number of older buildings of much less architectural value.

Importantly, Andrew Patterson visited the site on a number of occasions and went to great effort to sculpt the house's form and its materials to suit its Australian surroundings, to sit it sympathetically into the foreshore and not to show off. Andrew has written a letter that can be found in Attachment 1, where he outlines his vision for the house and his design process.

### **Consultation with immediate foreshore neighbours**

Approximately six months prior to the lodgement of the proposal the applicants advised their immediate neighbours, Nos. 12, 14, 18 and 20 Addison Road, of their intention to construct a new family home and provided them with draft plans of the proposal. Please see an example of these letters at Attachment 2. Please note that my clients were unaware that the occupants

of No. 20 Addison Road were not the owners as they have lived in the house for 12 years and had always presented themselves to my clients as the owners. Had they known, my clients would have sent a letter to the tenants of that house and also to the owners.

Following a meeting and subsequent discussions and correspondence with the owner of 14 Addison Road and her town planner the proposal was amended and submitted to Council on 27 October 2021. To my understanding, whilst the neighbour maintains objections by letter dated 29 October 2021, the issues of concern may be addressed by the submission of a Construction Traffic Management Plan (currently under preparation), the preparation of dilapidation reports prior to the release of the Construction Certificate, and a condition of consent confirming that proposed privacy measures will be implemented and maintained and which the applicant agrees with.

I note that it was unusual that the owners of No 20 gave no contact details, despite their letter asking a lot of questions to which we could have responded. On 28 September 2021 I personally provided my contact details to the **occupants** of 20 Addison Road and asked that they be forwarded to the property owners with an invitation to contact me. I have not been contacted to date.

### **Summary of objections**

The development application was notified to neighbouring and nearby residents in accordance with Council's Community Participation Plan from 3 September to 3 October 2021. In response, Council received eleven (11) submissions that have been published on the Council's DA Tracker to date.

For the purposes of this written response, I have attempted to group the issues raised in the submissions without meaning in any way to disrespect the individuals who raised each issue.

### **View sharing**

View sharing is most appropriately assessed using the 4-step process adopted by the Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

My Statement of Environmental Effects (page 20) included the following discussion with regards to the maintenance of views:

*“The following assessment of view sharing impacts has been carried out without obtaining access to neighbouring and nearby properties and is limited to that extent. From experience, when a development application is lodged with Council any further concerns regarding views are identified during the public notification period and are more appropriately assessed at that time.”*

The first step is to assess the value of the views to be affected. None of the submissions provided photographs of the views to be affected that have been

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published by Council, making it difficult to undertake further analysis without making assumptions.

The second step is to consider from what part of the property the views are obtained. Generally speaking, the submissions provide insufficient information to undertake this assessment, particularly in the absence of photos of the views to be affected. However, the Court's planning principle states that "*the expectation to retain side views and sitting views is often unrealistic*", and this needs to be considered in any view sharing assessment.

The third step is to assess the extent of the impact. The Court's planning principle states that "*this should be done for the whole property, not just for the view that is affected*". Insufficient information is provided in the submissions to undertake this assessment without making assumptions.

The fourth step is to assess the reasonableness of the proposal. The information provided in the submissions does not assist in undertaking this assessment without making assumptions because, as detailed above, no additional information has been provided beyond that which was available when the Statement of Environmental Effects was prepared.

Whilst there is insufficient information for me to carry out a full *Tenacity* assessment of impacts on Nos. 12, 18 and 22-26 Addison Road, I will nonetheless make the following observations.

#### View sharing with 12 Addison Road

With regards to views from 12 Addison Road, any views would appear to be obtained from an upper-level room, which appears to be a bedroom, and an appurtenant balcony, as shown in the following photograph:



*Photograph 1: Upper-level balcony and screen, 12 Addison Road.*

A screen on the eastern side of the balcony restricts views over the subject site and directs views over the neighbouring sites, 10 and 14 Addison Road. This would mean that, in terms of Step 1 of the *Tenacity* assessment, the views that are affected have a lesser value because the screen restricts the view to not being the whole view.

In terms of Step 3 of the *Tenacity* assessment (ie: assess the extent of the impact), the views appear to be from a bedroom and the Court judgement states “*the impact on views from living areas is more significant than from bedrooms*”. Furthermore, the extent of the impact is reduced by the following:

- The screen on the eastern side of the balcony of 12 Addison Road restricts views over the subject site.
- Views currently enjoyed from the balcony and bedroom over 10 and 14 Addison Road are retained.
- The level of the roof of the proposed dwelling house (RL18.90) is 334mm lower than the ridge of the roof of the existing dwelling house (RL19.24).

In terms of Step 4 of the *Tenacity* assessment (ie: assess the reasonableness of the proposal), the elevation of the proposed dwelling house that faces towards 12 Addison Road (ie: the north elevation) is substantially lower than the 8.5m building height control, ranging in height from 5.2m to 5.5m as shown in the following diagram:

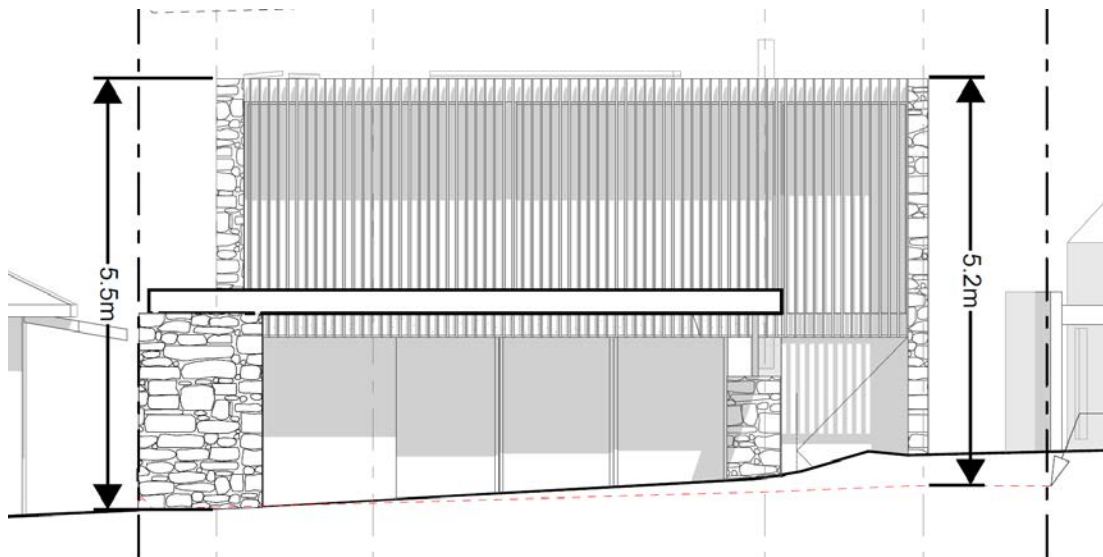


Diagram 2: Building height, northern facade.

#### View sharing with 18 Addison Road

Any existing views from 18 Addison Road that would be potentially affected from the proposal would be from the upper-level window shown in the following photograph:



*Photograph 2: Upper-level window, 18 Addison Road.*

In terms of Step 3 of the *Tenacity* assessment (ie: assess the extent of the impact), the views appear to be from a bedroom and the Court judgement states “*the impact on views from living areas is more significant than from bedrooms*”.

Furthermore, the extent of the impact is reduced because the level of the roof of the proposed dwelling house (RL18.90) is 334mm lower than the ridge of the roof of the existing dwelling house (RL19.24).

The proposal generally retains the eastern side boundary setback whilst removing the existing eaves overhand within that setback, so any view corridor that exists down the side of the building is retained or improved. It is noted, however, that a flat roof is proposed such that level at the sides of the building are raised. It is therefore assumed that there will be a “give and take” in terms of the impact on views from the upper-level window of 18 Addison Road.

In terms of Step 4 of the *Tenacity* assessment (ie: assess the reasonableness of the proposal), the elevation of the proposed dwelling house that faces towards 18 Addison Road (ie: the north elevation) is substantially lower than the 8.5m building height control, ranging in height from 5.2m to 5.5m, as shown in the Diagram 2 above.

#### View sharing with 20 Addison Road

The submission from 20 Addison Road expressed a particular concern regarding views from the more eastern room. My clients wanted to retain the view for the

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owners, and the tenants, of 20 Addison Rd so as part of their plan they stepped in the house on that side to achieve this outcome. The following diagram demonstrates that sight lines are essentially unchanged from this room:

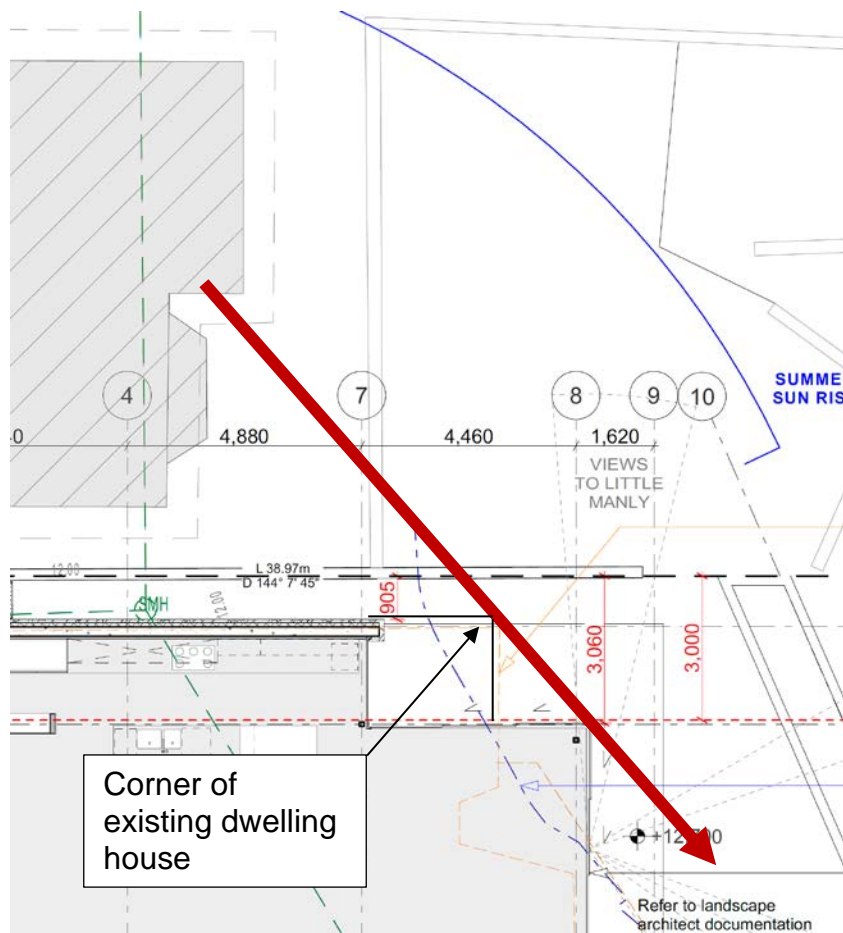


Diagram 1: Views from 20 Addison Road are maintained.

In terms of Step 3 of the *Tenacity* assessment, the proposal has little if any impact on views from 20 Addison Road. The occupants of 20 Addison Road retain extensive views over Little Manly Cove, Little Manly Point, North Head and Middle Harbour. The impact assessed under Step 3 of the *Tenacity* principle is negligible.

View sharing with 22-26 Addison Road

22-26 Addison Road is a residential flat building with a number of separate units. The positions from within that building that would appear to currently enjoy views over the subject site are an upper-level balcony, part of the adjacent room to that balcony (assumed to be a living room) and attic windows (assumed to be to a bedroom), as shown in the following photograph:



*Photograph 3: Upper-level balcony and attic window, 22-26 Addison Road.*

In terms of Step 2 of the *Tenacity* assessment (ie: consider from what part of the property the views are obtained), those views are across a side boundary and some of those views are from sitting positions. The Court judgement states “*the expectation to retain side views and sitting views is often unrealistic*”.

In terms of Step 3 of the *Tenacity* assessment (ie: assess the extent of the impact), the impact is mitigated by the following:

- Views from the attic window appear to be from a bedroom and the Court judgement states “*the impact on views from living areas is more significant than from bedrooms*”.
- The level of the roof of the proposed dwelling house (RL18.90) is 334mm lower than the ridge of the roof of the existing dwelling house (RL19.24).
- Views over the dwelling house would to a significant extent be blocked by the roof of 14 Addison Road, which has a ridge level (RL21.43) that is 2.53m higher than the roof of the proposed dwelling house (RL18.90), as shown in the following photograph:



*Photograph 4: Roof of 14 Addison Road, 2.53m higher than the roof of the proposed dwelling house, restricts views obtained over the subject site.*

In terms of Step 4 of the *Tenacity* assessment (ie: assess the reasonableness of the proposal), the elevation of the proposed dwelling house that faces towards 22-26 Addison Road (ie: the north elevation) is substantially lower than the 8.5m building height control, ranging in height from 5.2m to 5.5m, as shown in the Diagram 2 above.

### **Privacy**

A number of submissions raise concerns regarding privacy. The proposal has been designed to maintain privacy between dwellings. The following comments address specific issues raised in the submissions.

#### **12 Addison Road**

The bedroom canopy to bedrooms 1 and 2 is provided with sufficient separation distance (greater than 9m) from the living areas and private open spaces of 12 Addison Road to ensure no loss of privacy. Furthermore, the canopy is appurtenant to bedrooms, which have low levels of daytime usage, and the canopy is not wide enough to be used for entertaining purposes. The canopy is provided with fixed steel louvres that intentionally further restrict views into 12 Addison Road, whilst also maintaining privacy for the residents of the proposed dwelling house.



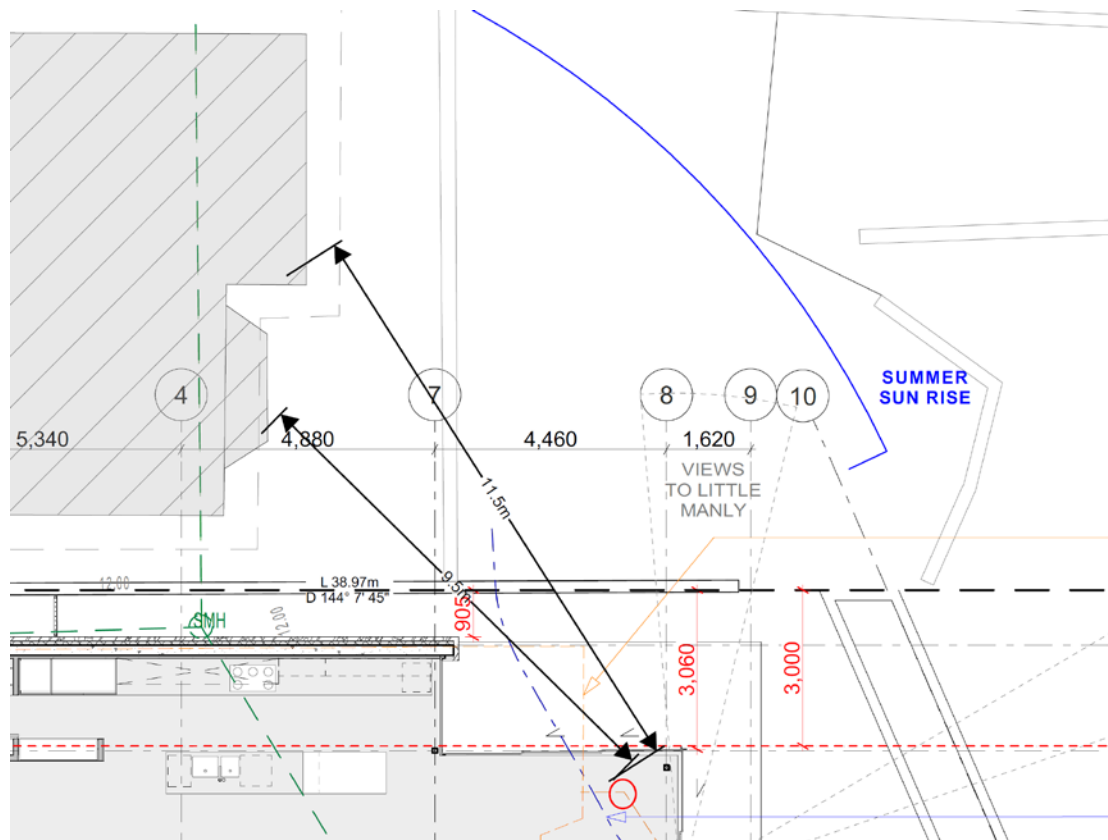
## 18 Addison Road

As discussed above, the bedroom canopy to bedrooms 1 and 2 is provided with sufficient separation distance (greater than 9m) from the living areas and private open spaces of 18 Addison Road to ensure no loss of privacy. Furthermore, the canopy is appurtenant to bedrooms, which have low levels of daytime usage, and the canopy is not wide enough to be used for entertaining purposes. The canopy is provided with fixed steel louvres that intentionally further restrict views into 18 Addison Road, whilst also maintaining privacy for the residents of the proposed dwelling house.

## 20 Addison Road

The window at the upper level of the eastern façade is a “blind window” and designed to provide light into a light well to the kitchen below and is incapable of being seen out of. It does not adjoin a room and will not result in overlooking of 20 Addison Road.

Sight distances from the windows of the proposal to the windows of 20 Addison Road exceed 9 metres, which is sufficient to mitigate privacy impacts. The distance to the bay window is 9.5m and to the sunroom is 11.5m, as shown in the following diagram.



*Diagram 2: Visual privacy to windows in 20 Addison Road are maintained.*

Furthermore, in order for people in the proposed dwelling house to look into the windows of 20 Addison Road they would need to stand in the north east most corner of the house and look back towards No20 (away from the view). This is an unnatural and unlikely event and would require effort. Put another way, there is very little chance of casual or sustained privacy impact. Overlooking impacts on No20 are further mitigated by the fact that to the extent that people inside the proposed dwelling house can see into No 20 it is an oblique angle that affords a view into only a small part of each of the two front rooms of No 20 and because the bedroom is an area with a low level of daytime usage. Lastly and very importantly, the harbour side room that fronts the building line in No 20 is supposed to be looked through more than it is to be lived in as all the core living areas – kitchen, dining room and sitting room – are all set back towards the street on that floor.

Overlooking impacts from the proposed living room to the north-facing terrace of 20 Addison Road are mitigated by side boundary fencing. In addition, the terrace to which the owners of No 20 refer is not an area that has been observed as being actually used by the residents of No 20 – the living areas are upstairs and do not open onto the terrace and the space is not furnished as the outdoor area used is the harbour front grass area below.

### **Biodiversity impacts**

A number of submissions raised concerns about potential impacts on the local populations of Little Penguins and long-nosed bandicoots. The application included an extremely detailed Biodiversity Development Assessment Report (“BDAR”) which will be reviewed by Council’s technical specialists. The report includes recommendations for mitigating actions which it is anticipated would form conditions of any development approval for the proposal.

Impacts to the Little Penguin will be minimal given the development footprint is largely outside of the endangered population’s habitat. Many submissions appear to be unaware that the ocean pool and the impacts upon the Little Penguin have been dealt with through a separate development application. Landscaping of the site and bringing the lower area back to a more natural state will also create more foraging habitat for the long-nosed bandicoot.

Some submissions raised concerns that the BDAR that was published was redacted. This was done to remove sensitive information that may have negative impacts on the penguin population. It is my understanding that this is a standard approach to the assessment of these issues. Council was also provided with an unredacted version of the BDAR for assessment.

### **Calculation of open space area**

One submission questioned the exclusion of the access handle from the site area when assessing the provision of total open space and soft open space. In this regard a purposeful approach has been taken to the application of the control as the access handle is necessarily hard paved to provide vehicle access to the site and its neighbour and is not available for the provision of total open space and soft open

space. It is noted that the requirements for open space are not development standards and are therefore not subject to clause 4.6 of MLEP 2013.

### **View from the waterway**

A number of submissions raise a concern regarding the view of the proposed dwelling house from the waterway. In this regard it is considered that the dwelling house has been designed to be a lightweight and transparent structure and that the element of the proposal that appears to raise the most concern in the submissions (ie: the glazed element on the eastern side) is a design element that will reduce visual impacts compared to a solid, hard structure. In addition, the house will have a densely planted setting designed by Will Dangar which will soften the house and help it sit into the landscape.

The proposal is for a contemporary dwelling house and one submission raises concerns about the compatibility of a contemporary-style building with existing foreshore development. In this regard, the proposal has been architecturally designed and is considered to be of a high visual quality and compatible with surrounding development, noting that other development would have been of a contemporary style consistent with the time of its construction and that building styles change over time. The surrounding locality does not reflect a single consistent style of development and is not identified as being a conservation area.

The building is on a relatively narrow allotment and the side setbacks are increased at the northern end of the building to further reduce its impact when viewed from the waterway.

In terms of bulk and scale, the roof of the proposed dwelling house is 2.53m lower than the roof of the neighbour to the west, 14 Addison Road, and only 300mm higher than the dwelling house to the east, 20 Addison Road. The building steps in from the side boundaries as it faces towards the water to further reduce its bulk and scale.

### **Rooftop structures**

Concern is raised regarding potential impacts from rooftop structures including aerials, satellite dishes and solar panels.

The proposal includes the provision of solar panels as a means of improving the environmental sustainability of the development. However, these are not shown on the architectural plans that have been submitted to Council. If Council believes that solar panels are inappropriate or that there is insufficient information to properly assess their impacts then it is suggested that a condition of consent be imposed in this regard.

No other rooftop structures are proposed other than a flue for a gas fireplace that is shown on the architectural drawings and that has no negative environmental impacts.

The proposal includes a number of skylights that will improve the internal amenity of the dwelling house and are not visible from neighbouring and nearby properties and have no impact on neighbouring residential amenity.

### **Excavation and construction impacts**

A number of submissions raise concerns regarding impacts from excavation and construction.

Excavation of up to 3.5m in depth is required as part of the construction of the dwelling house. A Geotechnical Assessment by JK Geotechnics has been submitted as part of the development application. It follows previous site investigations on 7.2.2017 and 15.8.2019. Fieldwork included four (4) boreholes and sixteen (16) dynamic cone penetration tests.

The report concluded that the risk of the proposed development to property is “very low” and that the development can achieve the “Acceptable Risk Management” criteria subject to adoption of mitigating measures included in the report, including that all excavation (other than for the boatshed) be completed using non-percussive excavation techniques (eg: saw cutting, ripping tynes and rotary grinders). These measures may be enforced as conditions of consent on any development approval.

A number of submissions request the preparation of dilapidation reports prior to any works commencing. The applicant would happily undertake these reports (assuming access is provided by neighbouring properties) because they also provide the applicant with a greater degree of certainty in the event of future claims of damage arising from construction. Council’s standard conditions of approval would include a requirement for the preparation of dilapidation reports.

The geotechnical report (page 8) states that temporary batters will be required during construction and that these should be able to be accommodated within the site. However, it also states on page 9 that it may be necessary for such batters to encroach over the property boundaries but only with the consent of the neighbouring property owner. The neighbour has expressed a concern in this regard, in which case the geotechnical report also suggests the construction of a gravity wall is an option that could be adopted. This issue does not preclude the approval of the development subject to a condition of consent requiring compliance with the recommendations of the geotechnical report.

### **Permissibility of boatshed**

A question has been raised as to whether the proposed boatshed is prohibited due to the zoning of land under *State Environmental Planning Policy (Coastal Management) 2018* (“Coastal SEPP”). In this regard, the Coastal SEPP does not zone land and does not prohibit the development. For the sake of completeness, I note that *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* does contain zoning provisions but that those provisions only apply to land below mean high water mark, and so do not apply to the proposed boatshed.

The land is zoned E4 Environmental Living under MLEP 2013 and the boat shed is proposed as a use that is ancillary to the permissible use as a dwelling house. It is noted that boat sheds are not listed as a permissible use in the land use table for the E4 Environmental Living zone in MLEP 2013. In this regard the boat shed is subordinate and subservient to the use of the land for a dwelling house. The subordination can be observed in the small area of building to be used for the boatshed compared to the building area to be used for the dwelling house and that no access from the landward side is available to the boatshed other than via the dwelling house.

Relevantly, the NSW Court of Appeal considered the case of the permissibility of subordinate uses in *Foodbarn Pty Ltd & Ors v Solicitor General* (1975) 32 LGRA 157, and the following summary is taken from *The University of Sydney v South Sydney Council* [1998] NSWLEC 24:

*The NSW Court of Appeal held that where part of premises is used for a purpose subordinate to the purpose inspiring the use of another part, it is legitimate to disregard the former and treat the dominant purpose as that for which the whole project is being used.*

*Where the whole of the premises is used for two or more purposes, none of which subserves the other, it is irrelevant to enquire which is dominant. If any one purpose operates in an independent way, it is immaterial that it may be overshadowed by others in terms of income generated, space occupied or the ratio of staff engaged.*

It is also claimed in a number of submissions that the boat shed cannot be used as a boat shed because it does not directly adjoin the waterfront. However, the intention of the boat shed is to accommodate boats in the form of kayaks and similar that can be carried to the water, as well as snorkelling equipment and other water toys. The fact that it does not directly adjoin the water does not prevent it from satisfying the definition of a “boat shed” in MLEP 2013. If Council is in any doubt in this regard then the matter may be addressed by an appropriately worded condition of development approval.

### **Development within the foreshore area**

A number of submissions claim that the proposal does not comply with provisions relating to development in the foreshore area. In my opinion this claim is incorrect.

Clause 6.10 of MLEP 2013 contains provisions relating to development within the foreshore area. With regards to the proposed dwelling house, the proposal falls within the ambit of an “*extension, alteration or rebuilding or an existing building wholly or partly in the foreshore area*”, as permitted by clause 6.10(2)(a) of MLEP 2013. The boat shed is permitted pursuant clause 6.10(2)(c), which specifically lists “*boat sheds*” as being permitted within the foreshore area.

Whilst clause 6.10 does not limit the floor area of the extension of the rebuilt and altered building within the foreshore area, the power to permit such a development is not unfettered as it has to satisfy the matters for consideration in subclauses 10.6(3) and (4). These matters are all addressed in detail in the Statement of Environmental Effects.

I would note also that this point was discussed in detail as part of the pre-DA process. I attach as Attachment 3, the legal opinion that we sought as part of this process.

### **Compliance with built form controls**

As acknowledged in the Statement of Environmental Effects, the proposal does not satisfy the numerical requirements of a number of the built form controls in MDCP 2013. It does, however, satisfy all the applicable development standards in MLEP 2013 (building height and floor space ratio) and does not seek to vary those controls pursuant to clause 4.6 of MLEP 2013 and compliance with these development standards indicates that the proposal is not an overdevelopment of the site.

The proposal satisfies the objectives of all the relevant built form controls in the MDCP 2013 for the reasons set out in detail in the Statement of Environmental Effects.

The proposal follows a formal pre-lodgement process engaged with Council's planners which identified the numerical non-compliances and responded to all concerns that were raised. The responses are listed in Part 3 of the Statement of Environmental Effects. Moreover, the volume of the non-compliance is only very minor and it has no negative impact on our neighbours. Whilst a few of the submissions have raised this minor non-compliance, none have linked it to any detrimental impact on their property.

The proposal is considered to be a thoughtful and skilful response to the characteristics and constraints of the site. The site slopes steeply towards the waterfront and the building steps down with the slope of the land whilst the side boundary setbacks generally maintain existing ground levels. The part of the building nearest the foreshore has been designed to minimise visual impacts by being a lightweight, transparent structure and by increasing the side boundary setbacks.

### **Car parking**

A number of submissions raise concerns regarding the provision of car parking. In this regard, the proposal fully satisfies the requirements of the MDCP 2013 by providing two car parking spaces. The size and configuration of the car parking spaces satisfy Australian Standard AS/NZS 2890.1.

### **Congestion during construction**

A number of submissions raised concerns regarding traffic congestion during construction. The applicant has commissioned experienced traffic consultants, Transport and Traffic Planning Associates, to prepare a Construction Traffic Management Report. This will be submitted to Council as soon as it is available. It is noted that it is Council's standard practice to impose as a condition of development approval requiring the preparation of the Construction Traffic Management Plan prior to the release of the Construction Certificate.

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### **Details of fences and walls**

The proposal does not include new boundary fences and walls. Existing boundary fences and walls are to be retained, comprising a mix of masonry and timber walls/fences including decorative concrete blocks on the eastern boundary. As such, concerns regarding boundary fences and walls, and structures that rely on them for support (eg: the portico at No. 20 Addison Road) do not arise.

The geotechnical report by JK Geotechnics note on page 9 that:

*“At the rear of the site along the north-eastern site boundary are two retaining walls that appear to be located within the adjoining property but support the site. While one of these walls appears in good condition the most southern is in a state of failure and is cracked and rotating outwards. Consequently, we recommend that the structural engineer check the capacity of these walls to resist the loads applied. Where there is uncertainty regarding the suitability of these walls or they are unable to resist the applied loads we recommend that the new walls be designed and constructed on site to provide the required support.”*

It is appropriate that all of the recommendations of the geotechnical report, including that quoted above, be imposed as conditions of development approval.

### **Stormwater pipes**

A concern has been raised that proposed stormwater pipes will be located on neighbouring land or direct water onto neighbouring land.

Details of the proposed collection and disposal of stormwater are shown on the plans prepared by Taylor Consulting. All stormwater infrastructure will be located entirely on the subject site and no water will be directed onto neighbouring properties.

I note that the stormwater management plan is currently being updated to include on-site detention in accordance with the requirements of Council's Development Engineer.

### **Impact on property value**

One submission raised the impact on property value as a ground for objection. This is not a relevant planning consideration under the *Environmental Planning and Assessment Act 1979*.

### **Impacts from kentia palms**

The submitted landscape plan includes the planting of six kentia palms, two on the southern side of the dwelling house, three on the northern side of the dwelling house, and one adjacent to the eastern boundary.

The kentia palms were chosen because they have tall slender trunks which minimise impacts on views from the subject site and adjacent properties whilst also being of a scale that is commensurate with the proposed development. The choice of this species in the southern boundary was chosen following discussions with the owner of 14 Addison Road to minimise impacts to their view of Little Manly Beach.

Concern has been raised regarding the impact on views from these trees and also maintenance/safety issues relating to the dropping of branches and seeds. If the species of tree is a matter of concern to Council then the applicant is satisfied if Council's Landscape Officer specifies a different species and that this matter be addressed by an appropriate condition of development approval.

### **Noise from plant**

A concern has been raised regarding the noise from plant associated with the dwelling house. In this regard, it is anticipated that the proposal will only generate domestic levels of noise.

The proposal does not include a swimming pool so there is no issue with regards to noise from pool plant.

Air-conditioning plant is proposed to be located in the lower ground floor plant room where it will be acoustically housed.

### **Laundries**

The proposal includes two laundries, one on the lower ground floor level and one on the ground floor level. This is a personal choice by the applicants to accommodate their laundry needs and those of their teenagers.

Concern has been raised that this will facilitate future use of the building as two dwellings. However, only one kitchen is proposed and the development is for a single dwelling house. If there is any concern in this regard it may be addressed by an appropriately worded condition of consent limiting the use of the site to a single dwelling only.

### **Insurance for damage**

One submission requests details of insurance for the proposed development. This is not a relevant matter for consideration under the *Environmental Planning and Assessment Act 1979*.

### **Conclusion**

Having undertaken a thorough review of the submissions that Council received as a result of the notification of the development application it is my opinion that none of them are of determining weight.



The proposal has been designed by highly regarded architects and represents a thoughtful and considered response to the opportunities and constraints of the site following a detailed site analysis by them.

In particular, the proposal has been designed to ensure that reasonable levels of privacy are maintained for all neighbouring properties, to maintain the amenity of the neighbours as well as the future residents of the proposed dwelling house.


The proposal has been designed to ensure that views are shared with neighbours. The building fully satisfies the building height control and, at the northern end (ie: facing 12, 18 and 22-26 Addison Road) is over 3.0 metres below the building height control. The roof of the proposed dwelling house is 334mm **below** the level of the ridge of the existing roof.

The proposal has been designed to mitigate the impacts of bulk and scale. In particular, the southern portion of the building is stepped in away from the property boundaries and is of a transparent lightweight construction to ensure that views from the adjacent waterway are enhanced and the neighbours' amenity is maintained.

To summarise, it is my opinion that the proposal is of a very high quality and that great consideration has been given to ensuring the building maintains the neighbours' amenity, enhances the public domain whilst providing good internal amenity for the future residents.

I trust that the information in this letter addresses the matter raised in the submissions to your satisfaction. However, if you have any queries please feel free to contact me so that they can be addressed.

Yours sincerely,



Geoff Goodyer  
**Symons Goodyer Pty Ltd**

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