

30 December 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 refer to your letter dated 24 November 2021 requesting additional information in relation to this development application.

In response to the issues raised in your letter the applicant has reviewed the design of the proposal and amended the architectural plans and the landscape drawings.

The principle change to the architectural plans is a lowering of height of the entire building by 300mm, achieved by lowering the floor level of the lower ground floor by 150mm and adjusting the floor-to-ceiling heights on each level to achieve a further 150mm reduction in building height.

Advice was sought from the civil engineer advising the project team as to the possibility of further lowering the building into the site. However, the site is traversed by a sewer pipe and, as a consequence, further lowering of the building is impractical.

Also attached is a Construction Traffic Management Plan that details measures to be taken to mitigate potential impacts during construction. Whilst this has not been requested by Council it was raised as an issue in a number of public submissions.

In response to each of the issues identified in your letter dated 24 November 2021:

1. Built form non-compliance

As stated above, the height of the building has been lowered by 300mm such that it now has a maximum building height of 8.2m and comfortably complies with the control in Clause 4.2(2) of *Manly Local Environmental Plan 2013* (“MLEP 2013”).

The lowering of the building also has the effect of reducing the extent of non-compliances with the wall height and side boundary setback

controls in the *Manly Development Control Plan 2013* ("MDCP 2013"). The remaining extent of non-compliances is shown on Drawing 3.3, Revision C, dated 21.12.2021 by Patterson Architects.

Careful consideration was given to increasing the side setbacks of the building. However, such a design response would result in a poor planning outcome for the following reasons:

- The loss of liveable floor area and constraints on room configurations would have a negative impact on the development potential and amenity of the site and proposed dwelling house. In this regard, it is noted that the proposal complies comfortably with the building height and floor space ratio controls in MLEP 2013 and is not an overdevelopment of the site.
- The loss of amenity as a result of increased side setbacks could be offset by providing additional accommodation within an increased built form at the northern end of the building. However, this would result in loss of views for 18 Addison Road (as described in the attached View Analysis) and increased impacts related to the bulk and scale of the building when viewed from neighbouring properties.
- The site is relatively narrow, with an effective width of 11.0m - 11.5m across the building platform. Providing side setbacks of 2.4m on either side as prescribed by the MDCP 2013 would leave a width of only 6.2m - 6.7m for the dwelling house, with the side setbacks occupying 41.7% - 43.6% of the site width. This would severely constrain the internal layout of the building and result in a poor amenity outcome for the dwelling house.
- A comparison of the subject site with the recently approved development nearby at 7 Bruce Avenue, Manly (DA2018/0369) reinforces the above point. 7 Bruce Avenue has an effective width of 13.3m - 13.8m across its building platform, such that side boundary setbacks of 2.4m either side occupies 34.8% - 36.1% of the site width. Notwithstanding the lack of such a constraint, DA2018/0369 was approved with variations to the wall height control of 33.75% and variations to the side boundary setback control of 34.5% - 45.8%.
- The attached View Analysis demonstrates that, notwithstanding the minor variations to the wall height and side setback controls, the view impacts of the proposal are reasonable and view sharing is achieved.

The proposal achieves the objectives of the wall height and side boundary setback controls, as discussed in detail in Parts 7.2.1 and 7.2.3 of the Statement of Environmental Effects dated August 2021.

2. Development Engineering

Additional information was provided to Council's Development Engineer on 2 November 2021 and further comments provided on 16 November 2021. Those comments conclude:

The amended stormwater plan with the provision of OSD is satisfactory. No objections to approval subject to conditions as recommended. The proposal is therefore supported.

3. View loss

The building has been lowered a further 150mm into the site and it is not practical to lower the building further into the site due to the presence of an existing sewer pipe. Floor-to-ceiling heights have been reviewed and minimised to provide a further 150mm lowering of the building. A flat roof form has been adopted to minimise impacts on views over the property. The building has been designed to minimise height, bulk and scale at the northern end of the building and thereby minimise impacts relating to views and the bulk and scale of the building.

The house is not large and complies comfortably with the maximum permitted floor space ratio. The non-compliance with the side boundary setback control is minimised and does not result in an overdevelopment but rather reflects the narrowness of the site. When looking at how to re-design the house with side setbacks that complied with the requirements of the MDCP 2013 it became clear to the project team that the narrowness of the site meant that compliance could be achieved by relocating part of the building, increasing the height and bulk of the building at the northern end of the site with an additional storey over a garage. This is something that the applicant has sought to avoid from the start as, whilst compliant, it would have far greater view impacts on neighbouring properties. The proposal represents a much better planning outcome and, when balancing the benefits together with the impact of compliance on the amenity of the dwelling house, the applicant feels strongly that the current design is skilful and should be approved.

A more common but less skilful approach to the design of a building on a sloping site such as the subject site would be to provide a number of floor plates, each constructed to the maximum building height and minimal boundary setbacks, beginning at the northern end of the site (over a garage) and providing a series of outdoor open spaces and glazed areas to take advantage of water views to the south. Such a design would have far greater impacts on neighbouring properties in terms of impacts on views, bulk and scale of building, and loss of privacy.

The proposal represents a more skilful design that maintains the development potential and amenity for the applicant whilst minimising view impacts and

providing for view sharing. This outcome is precisely that which is sought by the Land and Environment Court's planning principle (*Tenacity Consulting v Warringah Council* [2004] NSWLEC 140).

A detailed View Analysis is attached to this letter.

4. Boat shed

The boatshed has been designed to accommodate watercraft including kayaks which commonly have a length of 5.0m – 5.5m. Such kayaks are typical for use in areas of Sydney Harbour and through the nearby Sydney Heads. Construction of a hoist for moving boats to water level was considered and then rejected by the applicant due to potential impacts on local threatened species, particularly the Fairy Penguin, and also due to visual impacts. Instead, the applicant is prepared to manoeuvre the kayaks manually to the shoreline.

The architectural plans have been amended to indicate the storage of watercraft, including sea kayaks. The boat shed is also needed to store paddles, stand up paddle boards, surf boards, snorkel gear and flippers.

To minimise visual impacts of the proposed boat shed that landscape plan has been amended to provide for additional screen planting. There is an existing retaining wall on site and the proposal, together with landscaping, will result in a significant material improvement to the visual amenity of the area when viewed from the waterway. The following photomontages shows the view from Little Manly Cove with the landscaping as originally proposed and as amended (source: Patterson Architects):



Original proposal

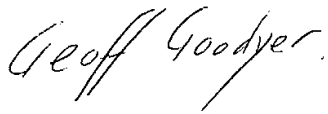


As amended

Conclusion

I trust that Council now has sufficient information to complete its assessment of the development application. If you have any queries please feel free to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Geoff Goodyer". The signature is written in a cursive style with a long, sweeping underline.

Geoff Goodyer
Symons Goodyer Pty Ltd

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