
Sent: 15/02/2022 4:06:09 PM
Subject: Attn: Mr D Milliken - RE: DA 2022 0033 (30A Addison Road)
Attachments: SUBMISSION of OBJECTION DA 20220033.pdf;

Dear Mr Milliken,

Please find attached a written submission in response to the proposed development of 30A Addison Road, Manly, NSW 2095 (DA 2022 0033).

Please confirm receipt of this written submission.

Regards,
Melissa Browning
3/28 Addison Rd, Manly, NSW 2095

SUBMISSION: Lee & Browning
LETTER OF OBJECTION
DA 2022/0033 - 30A Addison Rd, Manly

Melissa Browning & Simon Jeffrey James Lee
3/28 Addison Rd
Manly
NSW 2095

14th February 2022

Northern Beaches Council
PO Box 82
Manly
NSW 1655
council@northernbeaches.nsw.gov.au

RE: DA 2022/0033: 30A Addison Road, Manly, NSW 2095
Written submission of objection by Browning & Lee

Dear Sir/madam,

Attached herein is a written submission by way of objection to the development proposed for 30A Addison Road: DA 2022/0033.

We ask Northern Beaches council to REFUSE this application due to its adverse effects and impacts on adjoining properties, unless the Applicant submits amended plans that address the issues raised in this written submission.

It gives us no pleasure to submit this written objection to DA 2022 0033 but we must oppose the development proposal as it has such a negative impact on our amenity. We welcome the opportunity to review amended plans that address the concerns relating to the current proposal highlighted herein.

Objections and concerns that should lead Northern Beaches Council to refuse this application.

1. Introduction
2. Excessive Building Mass and impact on adjoining properties
3. Proposed Roof Terrace and its impact on adjoining properties
4. Proposed Building Height and impact on adjoining properties
5. Proposed Setback and impact on adjoining properties
6. Loss of Views
7. Loss of Privacy
8. Vegetation loss and impact on adjoining properties
9. Impact on shared driveway, access & safety concerns

10. Concerns regarding lack of information

11. Conclusions

Introduction

The proposed dwelling in the submitted DA would undermine the level of amenity that we currently enjoy at our property. There is no reason why a fully compliant development plan, and one which maintains the high level of amenity currently enjoyed at our property, could not be submitted for this site. Instead, the proposed development represents an overdevelopment of the site, which has a range of detrimental impacts on our property and amenity:

- Loss of View
- Loss of privacy
- Loss of trees and vegetation

We note that the proposed development does not meet planning controls issued by Northern Beaches council in relation to FSR (0.75:1) or Building Height (11.1m). The failure to meet these building controls has an adverse and detrimental impact on our property.

The proposed building will result in an overly large dwelling. With modest amendments that comply with council planning regulations, the building would have much less impact on the amenity of our property. Our reasonable expectation of the proposed dwelling is for a development that will not result in poor amenity as a direct result of non-compliance of the new building at 30A Addison Rd.

Reducing the amenity of our property as a direct result of the applicant improving his own amenity seems unreasonable, and avoidable with a more considered proposal and skilful design.

The proposed building represents an overdevelopment of the site (a battle-axe block with narrow shared access). The construction phase will require large trucks and machinery of a size inappropriate for the site and its access.

We request that council reject the DA as it currently stands and instead request amended plans. We ask that council inform us upon receipt of the amended plans so that we may review them.

The subject site, neighbourhood and our property.

DA 2022 0033 proposes to demolish an existing dwelling that sits on 30A Addison Road and construct a new three storey dwelling with garages in its place, removing established vegetation and landscaping anew.

The site is a battle-axe block, accessed by a long thin shared driveway that is owned by 28A Addison Road. The shared driveway gives access to six properties, including the subject site by way of an easement.

30A Addison Road is in an elevated position and has harbour frontage.

The established neighbourhood is made up of homes and low-density apartments, many of which enjoy views of the harbour and North Head National Park beyond.

Our property at 3/28 Addison Road sits adjacent to the subject site.

We ask Northern Beaches council to reject the current DA on the following grounds:

- The proposed development is excessive in terms of bulk and scale
- The proposed development exceeds building heights permitted
- The resultant loss of views by our property has not been addressed
- The resultant loss of privacy by our property has not been addressed
- The proposed development is an overdevelopment of the site
- The proposed dwelling is excessively large for the site
- The proposed dwelling is larger and higher than the immediate neighbours at either side
- The proposed development will dominate over the natural landscape with its size and bulk
- If approved, the proposed development will set a precedent for the overdevelopment of future building projects in an area of Manly that is enjoyed for its quiet and connection to the natural landscape, and its breeding ground status for endangered species of little penguins
- The proposed development is not in keeping with the height and scale of existing buildings in the locality.

The proposed roof terrace should not be approved

- The proposed roof terrace undermines (and removes) visual privacy that is currently enjoyed at 3/28 Addison Rd, and other neighbouring properties
- The proposed roof terrace undermines acoustic privacy that is currently enjoyed at 3/28 Addison Rd and other neighbouring properties
- The proposed roof terrace would result in loss of views over the harbour and North Head NP from our home
- The proposed roof terrace is excessive in that the proposed dwelling has many other balconies and terraces from which to enjoy harbour views
- The existing roof top area is not and has never been enjoyed as a terrace as it doesn't comply to building code safety standards. The proposed roof top terrace is therefore an entirely new addition.
- No other residences in the locality have roof top terraces, therefore the proposed roof top terrace is out of character with existing buildings and homes.

The proposed building height should not be approved

- The proposed building height is excessive and does not comply with maximum building height of 8.5m as set out in the LEP
- The proposed building height in the proposed eastern corner is 11m
- The proposed building height in the proposed roof terrace Roof Terrace balustrade is 9.6m
- The proposed building height is 2.1m above the existing building height
- The excessive height of the building will cause significant loss of views and privacy, and adversely impact the amenity of the neighbouring properties, especially our own.

Proposed non-compliant setbacks

- The proposed setbacks are non-compliant and should not be approved.
- The proposed DA does not comply with rear and side setbacks
- The rear setback is exceeded by over 3m
- Non-compliance with side set back of the proposed building results in loss of views from neighbouring properties
- Non-compliance with side set back of the proposed building results in loss of corridor views of the harbour waters from the street
- Excessive building bulk due to non-compliance of setback standards make the proposed dwelling inappropriate for the site
- Excessive building bulk due to non-compliance of setback standards make the proposed dwelling dominate the landscape visually
- Excessive bulk of the proposed building will eliminate the connection to the foreshore both visually and acoustically that we currently enjoy.

Loss of views

- The proposed development results in a significant and severe loss of views for neighbouring properties, including our own
- The proposed development will eliminate / obstruct views, especially water views, enjoyed by bedrooms, living rooms and entertaining decks from our home.
- Loss of views could be avoided with a more considered and skilful dwelling design, one that is compliant and one that does not try to achieve too much on a constrained site
- The proposed development will result is loss of views from private neighbouring properties as well as from public spaces (from Addison road)
- The proposed development is unreasonable, and goes too far, in terms of view sharing. The proposed development does not take into consideration the concept of reasonable view sharing
- The proposed development has not been designed to achieve reasonable view sharing from surrounding properties and public spaces
- The proposed development would adversely change the amenity and views enjoyed by our family for the worse.

- The view loss caused by the proposed development is neither reasonable or acceptable.
- A more skilful design could easily reduce the adverse impact on neighbouring properties in terms of view sharing whilst providing the applicant with an equal enjoyment of views and amenity. There would be no detrimental impact on his views or amenity.
- The negative impact on views from neighbouring properties and public spaces is the result of non-compliance to planning controls, and an attempt by the applicant to achieve too much on a constrained site
- The current Development Application does not include a view impact analysis.
- The applicant has not yet provided Height Poles or a thorough View Loss Assessment.
- A View Impact Analysis would more adequately provide an assessment of the extent to which the current proposed development impacts/obliterates views currently enjoyed by neighbouring properties and public spaces.

The image attached is the view of the harbour waters enjoyed from our entertaining terrace. The increased height and width of the proposed building will all but obliterate this view. The loss of views from our home are as a result of multiple non-compliance points covered in this written objection.



The proposed development will take away our views for the benefit of the applicant and future residents of 30A Addison Road.

On the matter of the loss of views, we ask council to REFUSE this Development Application.

- To accurately measure the impact of the non-compliant building height, we ask that Height Poles be placed measuring Roof height, proposed roof terrace, all terraces, height of privacy screens. We ask that the applicants qualified building surveyor oversee for accuracy and interpretation of the architectural drawings.
- We also require that height poles be used to measure the established trees that this proposal seeks to remove causing an adverse impact on privacy for neighbouring properties. Privacy concerns associated with this development proposal are covered in a separate section of this written objection.

Loss of Privacy

- The proposed development has a significant and severe negative impact on our visual privacy.
- The proposed development will overlook our home, which sits adjacent to the proposed dwelling.
- The proposed rooftop terrace will look directly into the following highly used rooms in our home:
Kitchen
living room
study
2 x bedrooms
private open garden space
entertaining deck
- The impact of the proposed roof top terrace on our privacy is unacceptable.
- A more skilful design would minimise the impact upon our privacy.
- Due to the negative impact on the privacy currently enjoyed from the most highly used rooms in our home (kitchen, living room, study and entertaining terrace) **we ask council to DELETE the roof terrace in its entirety.**
- The Development Application fails to provide a Privacy Impact Analysis.
- We request that a Privacy Impact Analysis be provided to assess the severity of privacy loss the proposed development creates.



The proposed roof terrace will overlook our kitchen, living room, private open space, 2 x bedrooms, study and entertaining terrace.



The proposed roof terrace will directly overlook our entertaining area (as well as our kitchen, living room, private outdoor space, study and 2 x bedrooms).



The proposed roof top terrace will look directly into our study which is a highly used room in our home. This complete loss of privacy is unacceptable

Loss of vegetation and removal of privacy between homes other than the proposed development site

- The vegetation-strip adjacent to the shared driveway is currently home to 17 mature Thuja Orientals.
- The trees are higher than 5m, they are established, they are significant and are between 25-40 years old.
- The 17 trees are approximately 40m in height and offer a line of visual and acoustic privacy.
- The trees offer significant privacy screening, both visual and acoustic, to neighbouring properties, specifically between 30 Addison Road and 1, 2 and 3/28 Addison Road.
- If the trees were to be permanently removed, we would be able to see directly into the enclosed garden, the kitchen, the living room, the master bedroom and the private entertaining terrace of our neighbouring property 30 Addison Road, from the living area, kitchen, entertaining area, bedroom and garden area of our home at 3/28 Addison Road.
- These established trees act as an effective windbreak in severe weather and should be retained.
- These established trees absorb heat during the summer months and should be retained.
- These established trees provide effective shade to adjacent properties and reduce heat absorption of the built / tarmacked environment.

- It is preferable that summer heat be absorbed by shade creating trees, rather than relying on high energy consuming air conditioners. Removing the trees will remove the shade currently enjoyed.
- The proposed development seeks to remove all 17 mature trees.
- The removal of these trees would have a significant and negative effect on the amenity of the neighbouring properties whilst having little impact on the subject site.
- The proposed removal of these trees, whilst not protected, does not recognise or protect the natural and visual environment currently enjoyed by us, neighbouring properties and the public streetscape.
- The trees are enjoyed by birds and wildlife and are home to water dragons, long nosed bandicoots, possums. Their removal would have a detrimental effect on local wildlife.
- Given the current challenges we face in relation to climate change, the excessive removal of established trees in favour of the built environment (and in this case a single dwelling that is non-compliant) needs careful consideration.
- The Proposed Development includes the replacement of the 17 significant trees with small agapanthas. Small Agapanthas will not be appropriate in neither height nor form.
- The proposed removal of all 17 trees is a major and permanent removal of existing and established vegetation. This a very permanent solution to a short-term problem.
- We request that an arborist be engaged by the applicant to determine the health of the trees and to determine whether the proposed works will have an adverse effect on the trees, their stability and their health.
- The proposed development is excessive in size and scale and leaves no space on set-back areas for planting suitable vegetation to over screening and privacy, because the proposed development is non-compliant in terms of its set back.
- We propose that the 17 existing significant and mature Thuja Oriental trees be “retained” and “protected” given the high level of amenity they provide.



Removal of the 17 established trees will result in a severe loss of privacy between 3/28 Addison Road, and 30 Addison road.



The 17 trees lining the shared driveway offer visual and acoustic privacy to the residents at 30 Addison Road, 1/28 Addison Road, 2/28 Addison Road and 3/28 Addison Road. Their removal will remove all natural visual and acoustic privacy screening.



The 17 trees on the shared driveway offer valuable visual and acoustic privacy. Their removal will obliterate current privacy enjoyed by neighbours.

We ask council to REFUSE the removal of these trees.

A reasonable solution that would benefit all would be to trim the trees to allow building and trade vehicles access to the site during the build process.

Alternatively, we ask council to add a condition of any DA approval associated with this site, that any removal of mature trees be temporary, and that mature trees, to the same height and species as those proposed to be removed be reinstated or replanted immediately following the completion of building work.

Impact on Shared Driveway Access

- The shared driveway provides access to six separate residences.
- The shared driveway is on title to 28A Addison Road, with easements in place for the following properties
 - 1/28 Addison Road
 - 2/28 Addison Road
 - 3/28 Addison Road
 - 1/28A Addison Road
 - 2/28A Addison Road
 - 30A Addison Road



Installing a gate and fence at the subject site boundary will prevent 3-point turning and instead force residents, visitors, delivery vehicles and tradespeople who use the shared driveway to reverse 60m+ to exit the shared garage areas.

- The proposed development application incorporates a fence and gate between the applicant's property boundary and the shared driveway.
- The proposed fence and gate will make vehicular access to the above residences by owners and tradespeople very difficult.
- The proposed fence and gate will hinder turning in the driveway, instead forcing all residents to reverse out of the driveway, traversing the public footpath at the top of the driveway, reversing out onto a blind corner with reduced visibility due to having to reverse.
- Forcing all vehicles to reverse out of the driveway represents a safety hazard to pedestrians and other residents, including children, that use the shared driveway due to reduced visibility.
- A reasonable solution could be achieved by moving the fence and gate a distance of 1m into the envelope of the development site, thereby enabling vehicles to perform a 3-point turn and exit the driveway safely.

We ask Northern Beaches council to consider this safety concern thoroughly.

Additional information

We request that the applicant submit the following assessments to understand the real and true impact of view loss and privacy loss to neighbouring properties and public spaces.

- **View Impact Analysis**, with the erection of height poles setting out the proposed height of the building, all roof structures, screens, balconies and terraces, and measured by the applicant's surveyor.
- **Privacy Impact Analysis**
- **Dilapidation reports** – given the difficult access of the construction site, the close proximity of the neighbouring properties and the fact that the construction site will be accessed using a shared driveway, we ask Northern Beaches Council to add a condition to any approved DA 30A Addison Road that an independent dilapidation inspection be undertaken before demolition starts, and again when the building work has been completed. Reports to be shared with 3/28 Addison Road and the Strata Committee of 28 Addison Road.

Summary and Conclusion

The proposed development fails to comply with current development controls. We look forward to seeing amended plans that address and comply with current development controls.

The proposed development will have a significant and negative impact on the amenity enjoyed by our home and neighbouring properties.

The proposed development, if approved, sets a precedent for the future over-developments with the development of homes too large for sites, and the permanent removal of mature and significant trees.

The proposed development will have an adverse impact on our amenity, with significant loss of views and loss of privacy from our home.

On these grounds, we urge Northern Beaches council to REFUSE DA 2022 0033.

Amended plans that present a more skilfully designed home will give the applicant the amenity he seeks from his new home whilst preserving the amenity enjoyed by neighbouring properties.

We look forward to reviewing and being able to support amended plans that address the concerns highlighted herein.

Kind regards,
Melissa Browning & Simon Jeffrey James Lee
3/28 Addison Rd, Manly, NSW 2095