

Attachment C

Submissions

From: Tom Schinckel
Sent on: Wednesday, January 22, 2025 12:35:18 PM
To: dasubmissions
Subject: Submission - D/2024/1237 - 89 Macleay Street POTTS POINT NSW 2011 - Attention Julia

ErringtonSubmission - D/2024/1237 - 89 Macleay Street POTTS POINT NSW 2011 - Attention Julia
Errington

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Errington

I write to you to support the above DA application. I live in an adjacent suburb and frequently walk to Macleay Street to visit the restaurants, cafes and retail shops in that area. I also used to live in an apartment at [REDACTED] Macleay Street for a number of years. I run past the site several times a week on my jogging route. I am also a member of Sydney YIMBY, a grassroots organisation which advocates for housing abundance, although I write to you in my personal capacity. I am a professional in my mid-thirties, which sadly now makes me a younger resident of the inner-eastern suburbs.

The proposed DA would significantly uplift the quality of the subject site and improve the area's amenity from my perspective as a frequent user of the site.

The proposed DA appears to represent a significant uplift of housing capacity on this site (from 12 1 bedroom apartments to 8 2/3 bedroom apartments, with a total of 20 bedrooms).

No doubt you will receive submissions criticising the proposal as "luxury housing" or bemoaning the loss of "naturally occurring affordable housing". However, there is extensive economic evidence that increasing housing supply of all types and at all levels of the market improves housing affordability overall - which should be our focus rather than myopically focusing on individual streets or sites.

There is a chronic undersupply of new housing in the inner suburbs of Sydney. Failing to meet housing demand in Potts Point and other suburbs does not cause the demand for higher-end housing to disappear - rather, this demand gets pushed to other parts of the city. It is the start of the chain which leads to housing stress and homelessness elsewhere in our city.

Anecdotally, I would say it is now more uncommon for the junior lawyers in their 20s who I work with to live in Potts Point as I was able to, as these areas have become unaffordable. Instead, it is more common for them to live in the inner west and other further afield parts of the city, increasing competition for housing in those areas.

The DA proposes a modest and tasteful development. In my experience living and visiting the area, I have never found it to be particularly busy or overcrowded. The area has great infrastructure and amenities and could accommodate much more housing.

If you could please keep me updated on the status of the DA, it would be appreciated. I would be happy to appear at any hearings on the DA.

Tom Schinckel
[REDACTED]

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Tom Schinckel
[REDACTED]

From: Brent Heatley

Sent on: Sunday, January 26, 2025 8:09:18 AM

To: dasubmissions

Subject: Submission - D/2024/1237 - 89 Macleay Street POTTS POINT NSW 2011 - Attention Thomas Walters

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Dear City of Sydney

As Chair of Strata Committee for SP64557 91-93 Macleay St Potts Point, and on behalf of our building's 41 lot owners, I hold concerns that the proposed development of 89 Macleay St Potts Point will it will impact units 5, 12, 13, 21, 22, 30 & 31.

Units 30 & 31 in particulat would loose their views toward Opera House and the Harbour Bridge.

We are also concerned that there is no report in the DA regarding loss of natural light/over shadowing impact.

Please advise.

Thank you

Brent Heatley
SC Chair SP64557
91-93 Macleay Street
Potts Point NSW 2011

From: Kerrin-gai Hofstrand
Sent on: Monday, January 27, 2025 11:21:28 AM

To: dasubmissions
Subject: DA2024/1237

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Dear Sir/Madam

Once again you are bowing to developers ripping the heart and soul out of Potts Point.... Your leader Clover Moore ... keeps describing Sydney as a city of villages Well it's NOT IF THERE IS NO HISTORY LEFT!!!

We are the only city in the world that rips every building down to build a 2025 monstrosity

You have a DA in to cut off the street down to the naval base You have ripped up 1/2 of Darlinghurst road with the bourbon demolition.... You have la strada being demolished !!!! This DA is barely a BLOCK from La Strada Can SOMEONE get out from behind their desk and have a look at the decimation of Potts Point / Kings Cross.... Why not put some energy into helping the small shop owners whose awnings are falling down instead of trying to cut off and destroy more of Macleay street

The answer is no!!! Don't do it as you are THEN CUTTING OFF ALL OF MACLEAY STREET do your homework by getting up into the area and checking your DA sites bloody ridiculous

Ms K-G Hofstrand

Sent from my iPhone

From: Andrew Savvides

Sent on: Monday, January 27, 2025 6:01:27 PM

To: council

Subject: Re: DA/2024/1237 - 89 Macleay Street, Potts Point 2011

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Dear Thomas / Julia,

Re: DA/2024/1237 - 89 Macleay Street, Potts Point 2011

I am the owner of 87 Macleay Street, Potts Point 2011

I do not object to this development, however there are 3 items I would like to bring to your attention.

1. The architectural facade design of this building is not compatible with our famous Macleay street or the area.
It looks like a 60's building with no local character (apart from the existing heritage home)

2. There are some north side windows on the drawings that will overlook in our building, which should not be there but if they have to, is best to have obscure glass.

3. The fire hydrant booster should not be located behind the principal entry gate and right against our building's wall, bad idea.

Kind Regards,

Andrew Savvides

(on behalf of Savvides Holdings Pty Ltd)

From: larryaylward
Sent on: Thursday, February 13, 2025 1:34:29 PM
To: dasubmissions
Subject: Submission - D/2024/1237 - 89 Macleay Street POTTS POINT NSW 2011 - Attention Thomas Walters
Attachments: IMG_0376.jpg (878.83 KB), IMG_0377.jpg (913.23 KB), IMG_0379.jpg (815.41 KB), 9_Billyard_Ave - Council Heritage Officer Memo.pdf (4.81 MB), D_2024_1237_89 Macleay.pdf (105.87 KB)

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Hi Thomas

Please see attached comments on this DA for 89 Macleay.

Regards

Larry Aylward







HERITAGE RE-REFERRAL

FILE: D/2018/57 **DATE:** 10 July 2018

TO: Bridget McNamara (DA responsible officer)

FROM: Hendry Wan (Heritage Specialist)

ADDRESS: 9 Billyard Avenue, Elizabeth Bay NSW 2011

PROPOSAL: Demolition of existing dwelling house and construction of two four storey semi-detached dwellings, associated landscaping and carparking, and subdivision of the site into two lots.

Documentation

With reference to the following documents received for this report:

- DA architectural drawings set (A-DA-110 – A-DA-302) by Chenchow Little Pty Ltd Architects, dated 12 December 2017.
- Heritage Impact Statement by Urbis Pty Ltd, dated December 2017.

Heritage considerations

Heritage Item:	No
Vicinity of Heritage Items:	Flat building 'Macleay Regis', 10-12 Macleay Street, Elizabeth Bay (Item No. I591)
Conservation Area:	Yes (Elizabeth Bay and Rushcutters Bay Heritage Conservation Area – HCA 20)
Contributory Buildings status in Conservation Area:	<i>Contributory</i>
Sydney DCP 2012 Locality Area:	Section 2.4.6 The Bays (City East)

STATEMENT OF SIGNIFICANCE OF ELIZABETH BAY AND RUSHCUTTERS BAY HERITAGE CONSERVATION AREA (C20)

Elizabeth Bay and Rushcutters Bay has significance for its original pattern of nineteenth century marine villas and grand residences, and terraces of late nineteenth and early twentieth century.

The area has significance for a second overlay of early to mid-twentieth century apartment housing. Together with Potts Point nowhere else in Australia were apartments built to this height or level of density. These two periods represent the largest proportion of built area

and creates streetscapes of strong urban form and Victorian, Federation and Inter-War character.

The area provides building types that represent the last 150 years of development and co-exist in a harmonious way. Despite the intrusive nature of later high rise towers whose impact is disproportionate to their proportion of built area, the area provides a highly cohesive character although the towers visually dominate the background of low scale streetscapes.

ASSESSMENT OF HERITAGE IMPACT

The author of this heritage referral visited the site on 12 March 2018, carrying out external and internal inspection.

Brief history of the place

The dwelling house at 9 Billyard Avenue was built c.1914.

It was originally part of a group of three two-storeyed houses built in a row:

- 9 Billyard Avenue (was referred to as Residence No. 1)
- *existing*
- 11 Billyard Avenue (was referred to as Residence No. 2)
- *demolished and replaced with existing infill building*
- 11A Billyard Avenue (was referred to as Residence No. 3)
- *demolished and replaced with existing infill building*

They were designed for Dr Charles Bickerton Blackburn, a prominent person who made significant contribution to Australian society.¹

Original architectural plans were approved in November 1913. They show the three dwellings had similar floor plans and layout; each was differentiated with different bay windows to the front facade (facing Billyard Avenue) – see Figures 1-3. The architect for these plans is not known but is possibly Robertson & Marks (who drew plans for the proposed conversion of Residence No. 3 into two flats in 1932).

¹ *Australian Dictionary of Biography*, accessed 10 April 2018 <<http://adb.anu.edu.au/biography/blackburn-sir-charles-bickerton-5257>>

The image displays four architectural drawings of a two-story house, arranged in a 2x2 grid. The top row shows the exterior elevations, and the bottom row shows the floor plans.

- Top Left: Front Elevation** - A two-story house with a symmetrical facade. It features a central entrance with a small porch, flanked by large windows. The second story has a row of five windows. The roof is gabled. Labels include "Front Elevation", "Ceiling Line", "First Floor", "Second Floor", and "Top of Back Fence".
- Top Right: North West Elevation** - A side view of the house showing a gabled roof and a small porch on the left side. Labels include "North West Elevation", "Ceiling Line", "First Floor", "Second Floor", and "Top of Back Fence".
- Bottom Left: Ground Floor Plan** - A detailed floor plan of the ground floor. It includes a front porch, a large living room, a dining room, a kitchen, a study, a laundry room, a bathroom, and a back porch. Dimensions are provided for each room. Labels include "Ground Floor Plan", "Front Porch", "Living Room", "Dining Room", "Kitchen", "Study", "Laundry Room", "Bath", "Back Porch", and "Top of Back Fence".
- Bottom Right: First Floor Plan** - A detailed floor plan of the first floor. It includes a front porch, a large living room, a dining room, a kitchen, a study, a laundry room, a bathroom, and a back porch. Dimensions are provided for each room. Labels include "First Floor Plan", "Front Porch", "Living Room", "Dining Room", "Kitchen", "Study", "Laundry Room", "Bath", "Back Porch", and "Top of Back Fence".

PLAN of RESIDENCES BILLIARD AVENUE
FOR DR C BICKERTON BLACKBURN
RESIDENCE No 3.

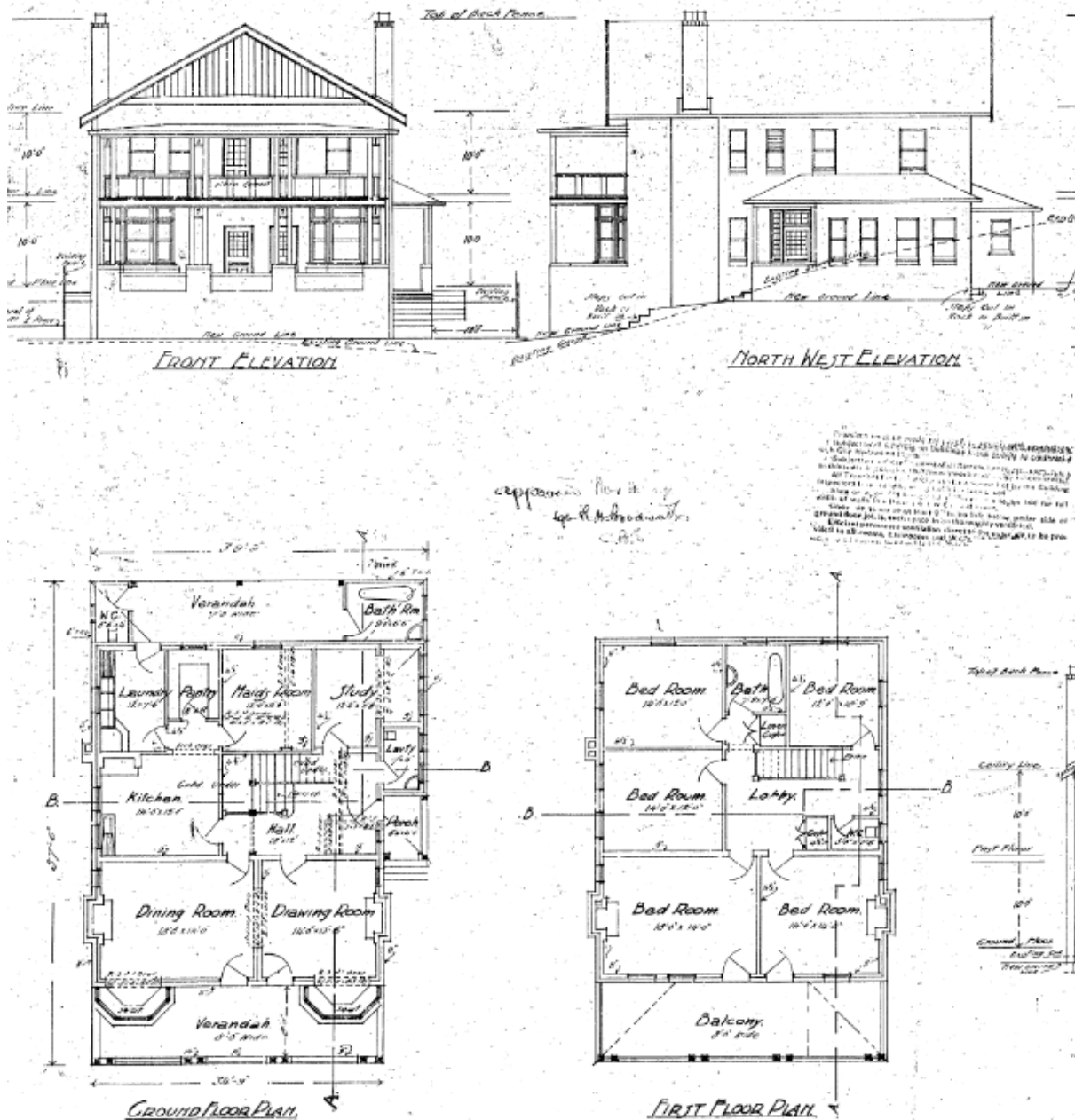


Figure 3: 11A Billyard Avenue - Residence No. 3 approved in 1913 (Source: City of Sydney Archives, 0850/13)

An 1943 aerial image (Figure 4) appears to show Residence No. 2 (at 11 Billyard Avenue) was not built as approved; it was built with a gabled front elevation like that of Residence No. 1 (at 9 Billyard Avenue) and Residence No. 3 (at 11A Billyard Avenue).

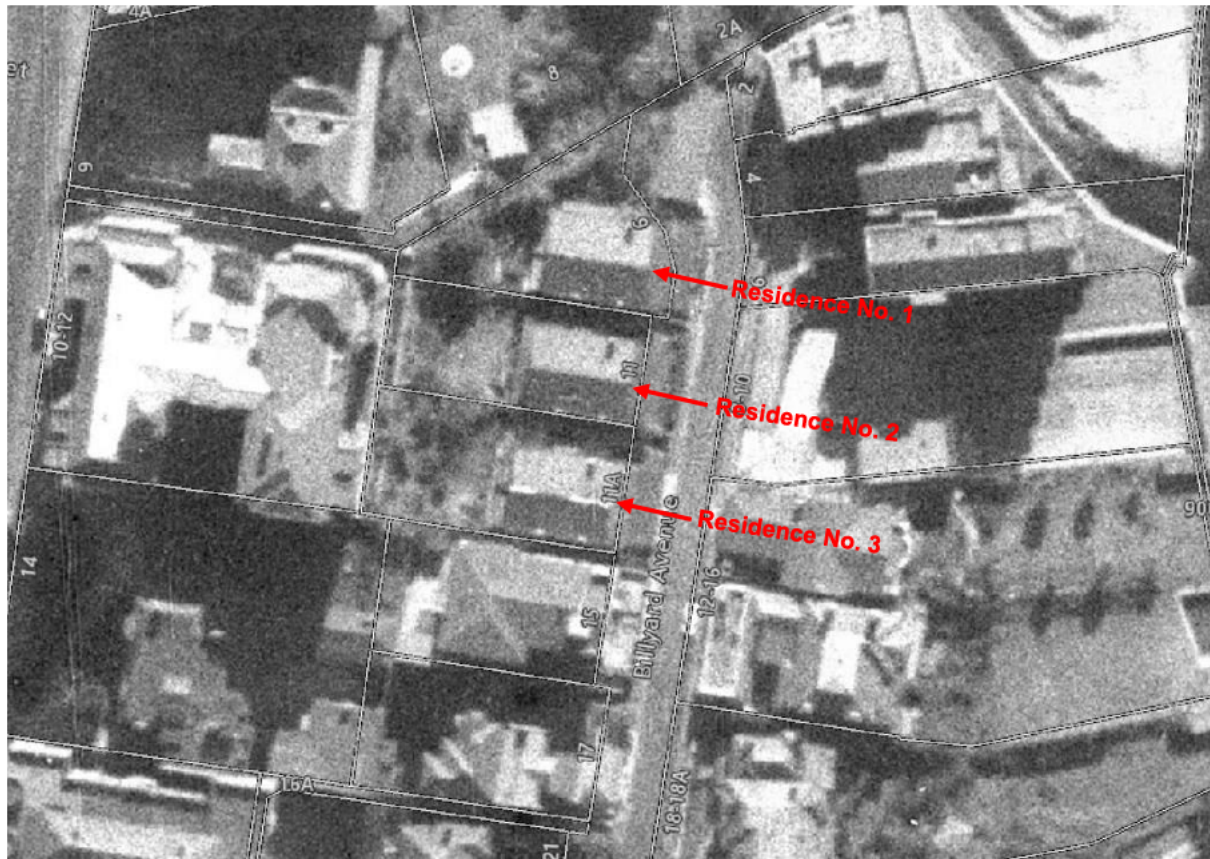


Figure 4: Aerial image, 1943 (Source: City of Sydney, Geocortex Aerial 1943)

The existing dwelling at 9 Billyard Avenue was converted into two flats c.1986. The front balconies on both ground and first floors were enclosed at this time. The internal stairs and the W.C. were modified to create access to the first floor flat from the north. See Figure 5. The internal layout remained largely unaltered but the first floor was extended to the west (kitchen, sunroom, bedroom) above the ground floor rear verandah.

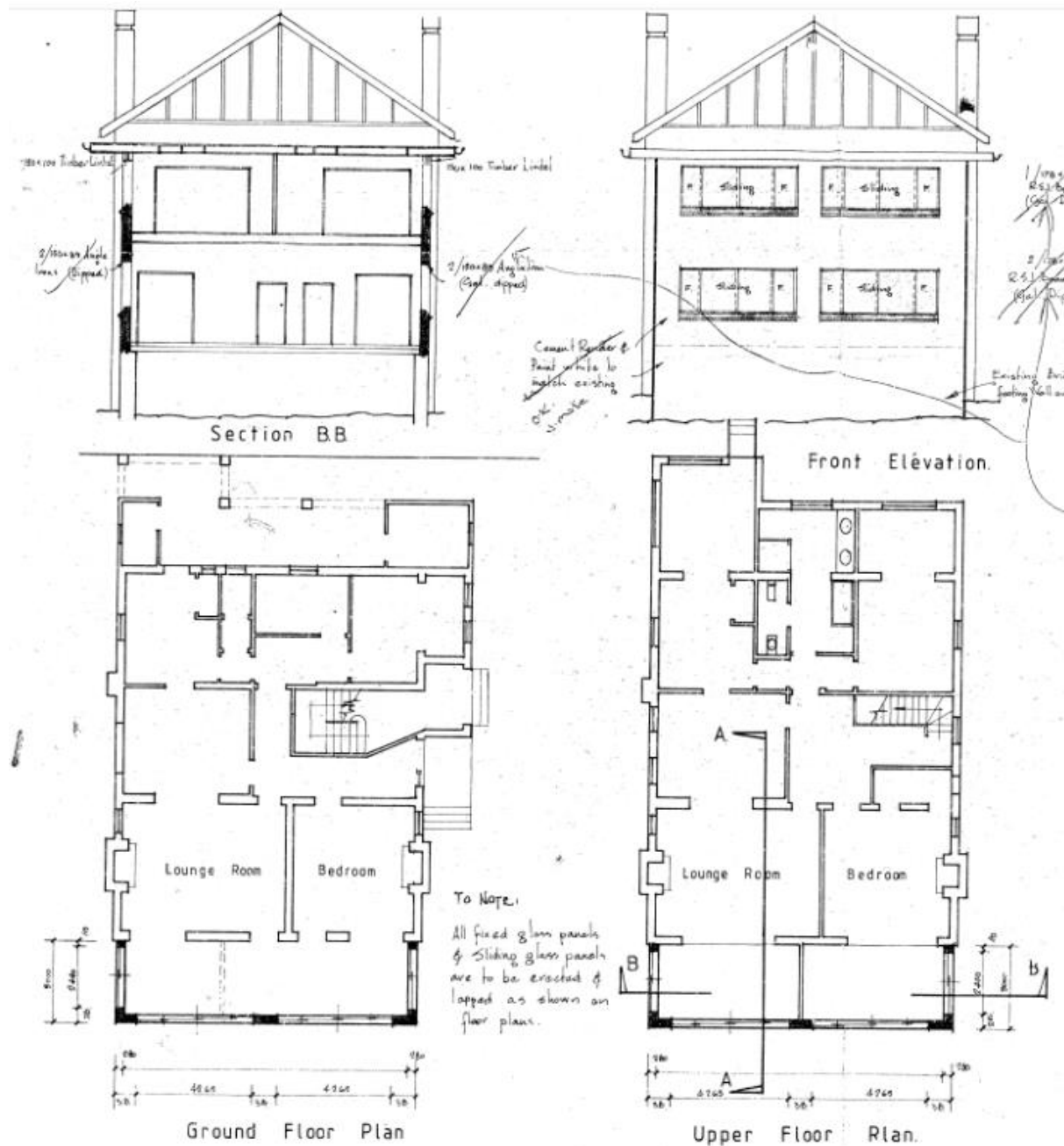


Figure 5: 9 Billyard Avenue - balcony enclosures approved in 1986 (Source: City of Sydney, 1579/86)

Most of the original configuration and architectural details survive on the northern elevation; these are evident and visible from a public place (Billyard Avenue). Original configuration and architectural details also survive on the southern elevation but these are only partially visible from Billyard Avenue, being partially blocked by the adjacent 3-storeyed building at 11 Billyard Avenue.



Figure 6: 9 Billyard Avenue - view of east and north elevations, 2018 (Photo: City of Sydney)



Figure 7: 9 Billyard Avenue - view of east and south elevations, 2018 (Photo: City of Sydney)

Demolition of Contributory building located within heritage conservation area

According to Section 3.9.7 (Contributory buildings) of the Sydney DCP 2012:

Contributory buildings are buildings that make an important and significant contribution to the character and significance of the heritage conservation area. They have a reasonable to high degree of integrity and date from a key development period of significance of the heritage conservation area. They are buildings:

- *from a significant historical period and are highly or substantially intact; or*
- *from a significant historical period and are altered yet recognisable and reversible.*
- *Contributory buildings are to be retained unless the consent authority determines the replacement is justified in exceptional circumstances.*

There is a key threshold issue in the proposed demolition of a contributory building located within a heritage conservation area (Elizabeth Bay and Rushcutters Bay Heritage Conservation Area – HCA 20).

Contributory buildings within HCA 20 include single dwellings and mid-century residential apartment buildings.

Residence No. 1 was built c.1914-16. It falls within the transitional period from the Federation period to the Inter-war period. Both Federation and Inter-war periods are Elizabeth Bay and Rushcutters Bay Heritage Conservation Area's significant historical periods. The existing building appears from a public place to be altered yet recognisable and reversible – clearly a Contributory building.

Its contribution to HCA 20 is not dependent on the existence of the original Residence No. 2 (11 Billyard Avenue) and Residence No. 3 (11A Billyard Avenue), both demolished and replaced with the existing buildings.

Within HCA 20 and in the vicinity of 9 Billyard Avenue are Contributory, Neutral and Detracting buildings – see Figure 8.



Figure 8: Contribution of buildings to Elizabeth Bay and Rushcutters Bay Heritage Conservation Area shown on Building Contributions Map in Sydney DCP 2012

The existing dwelling at 9 Billyard Avenue is located next to a Detracting building at 11 Billyard Avenue. 11A Billyard Avenue is currently ungraded; as part of the Conservation Areas Review Project 2014, it is recommended that this will be amended to Neutral because the contemporary infill does not detract from the significant character of the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area (Section 3.9.8 of the SDCP 2012).

The context of 9 Billyard Avenue is that it is located at the transitional point between a heritage conservation area and a non-heritage conservation area. 9 Billyard Avenue is located at the northern boundary of the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area (HCA 20) and a non-heritage conservation area.

In this context, the proposed demolition of this Contributory building is considered justified and acceptable.

The key consideration is whether the replacement building is justified in exceptional circumstances.

An appropriate replacement building at 9 Billyard Avenue could take the form of single dwellings or residential apartment buildings.

The replacement building must satisfy design excellence requirements (Clause 6.21 of SLEP 2012).

Note that regardless of how sympathetic or appropriate the replacement building is, it can only be a Neutral building at best, and not a Contributory building - as defined in Section 3.9.7 (Contributory buildings), Section 3.9.8 (Neutral and appropriate infill buildings) and Section 3.9.9 (Detracting buildings) of the SDCP 2012.

Heritage assessment of proposed replacement building

The proposed replacement building is a pair of semi-detached dwellings with flat roofs. The height of the proposed 4-storeyed dwellings is lower than the height of the existing building. The replacement building is set back from the street and also features a substantial and well-wrought sandstone retaining wall to the street alignment that is characteristic of HCA 20.

Elizabeth Bay and Rushcutters Bay Heritage Conservation Area (HCA 20) inventory report specifically mentions Billyard Avenue as having “detracting garages on street at rear of properties.” The existing sandstone retaining wall fronting Billyard Avenue will be largely retained and new sections constructed with salvaged sandstone from the site as well as incorporating new stones to match existing. The existing garage opening (1980s) in the sandstone retaining wall will be blocked up with sandstone and two new garage openings made into the sandstone retaining wall. The new garage openings will have vertical batten gates and vertical batten garage doors (more details are required).

The proposed replacement building has a sympathetic contemporary design and is located between two mid-to-late 20th century apartment buildings: 11 Billyard Avenue is a Detracting building and 8 Macleay Street is located without a heritage conservation area.

The proposed replacement building has some echoes of Deepdene Apartments (designed by Ancher, Mortlock, Murray & Woolley architects) at 110-110B Elizabeth Bay Road, which is a Contributory building, also located within HCA 20. See Figure 9.



Figure 9: Model of Deepdene Apartments by Ancher, Mortlock, Murray & Woolley. (Photo: David Moore. Courtesy the archive: davidmoorephotography.com.au. From <http://architecturebulletin.com.au/summer-2016/stuart-murray-1926-2015-ken-woolley-1933-2015/>, accessed 10 April 2018)

The contemporary design, form, scale, bulk, roofscape and setback of the proposed replacement building are appropriate to HCA 20.

Contributory buildings in the vicinity of 9 Billyard Avenue are predominantly rendered and painted masonry buildings, with a smaller number of facebrick buildings. The proposed replacement building is a concrete building with sections of rendered brickwork. Many glazed openings will be shielded by sliding aluminium shutters with vertical battens. The proposed materials, finishes and colours are appropriate to HCA 20 and the immediate surrounds; however, further details will be required.

The façade modulation is considered appropriate to the site context, with an appropriate balance of solid and void ratio (some glazing will have sliding external shutters).

Conditions of consent are recommended (see below) to ensure design excellence outcomes.

CONCLUSION AND RECOMMENDATION

- From a heritage perspective, the proposed development is acceptable subject to heritage conditions of consent.
- The proposed demolition of this Contributory building is considered justified and acceptable in this instance and is contingent on the replacement building meeting design excellence requirements.
- The proposed replacement building is a sympathetic contemporary infill building within the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area. From a heritage perspective, the proposed replacement building satisfies design excellence requirements.
- The proposed development complies with Clause 5.10 (Heritage conservation) of the Sydney LEP 2012 as it conserves the heritage significance of heritage conservation areas, including associated fabric, setting and views as required by sub-clause 5.10(1)(b).
- The proposed development complies with Section 3.9.6 (Heritage conservation areas) of the Sydney DCP 2012, in particular provisions (1) and (2).
- The proposed development complies with Section 2.4.6 (The Bays locality) of the Sydney DCP 2012, in particular principles (a), (b), (e) and (k).
- The approach taken for the proposed development is consistent with Burra Charter 2013 best practice conservation principles.

HERITAGE CONDITIONS

Should the proposed development be approved, the following conditions should be imposed:

(1) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

In accordance with Section 3.9.1(7) of the Sydney Development Control Plan 2012, an archival photographic documentation of the existing building located within a heritage conservation area is to be submitted to and approved by Council's Area Planning Manager, prior to a Construction Certificate being issued.

Procedure

The recording is to be in a digital format.

- (a) An A4 report submitted in PDF format created directly from the digital original. The report is to include:
 - (i) Development Application number, consent condition number, project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

- (ii) Photographically document the exteriors and interiors of the existing building. The documentation should also include the building's setting in the Billyard Avenue streetscape and immediate surrounds.
 - (iii) Location plans that clearly indicate the location and direction from which images were taken, and the image number.
 - (iv) Digital image catalogue sheets containing the following data for each image: Image file number, image number cross referenced to the location plan, image subject/description and date photograph taken.
 - (v) Written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (b) Include electronic images, taken with a minimum 8 megapixel camera, saved as individual TIF, JPEG or PDF files of a size of approximately 4-6 megabytes (MB). Each digital image is to be labelled so as to enable the cross reference to the digital image catalogue sheets and location plans.

NOTE: Choose only images that are necessary to document the place and avoid duplicate images.

- (c) The report and the images are to be submitted on a CD, DVD or USB flash drive.

(2) SANDSTONE RETAINING WALL

- (a) The raising of the height of the sandstone retaining wall and re-using salvaged stone blocks for a rebuilt stone street wall are acceptable. The rebuilt stone wall should follow the existing alignment. Battlement features at the top of the existing wall are to be interpreted within the rebuilt sandstone boundary wall.
- (b) Details (at minimum scale of 1:50) of the sandstone retaining wall including source and details of new stone, the blocked-up garage opening and new garage openings, are to be submitted to and approved by Council's Area Planning Manager, prior to a Construction Certificate being issued.

(3) FAÇADE MODULATION

- (a) A horizontal mullion or similar architectural treatment should be incorporated in the street-facing (east) façade to subtly articulate the 2 storeys of the ground and mezzanine floors. This visual cue would be appropriate to the surrounding context.
- (b) An architectural treatment should be incorporated in the north and south rendered masonry façades to articulate the 2 storeys of the ground and mezzanine floors, and to break down the scale of these facades. This visual cue would be appropriate to the surrounding context.

(4) SCHEDULE OF MATERIALS, FINISHES AND COLOURS

Prior to the issue of a Construction Certificate, a detailed schedule of proposed materials, finishes and colours must be prepared. A physical sample board must be submitted to Council's Area Planning Manager for approval.

(5) PROTECTION OF PUBLIC FEATURES IN CONSERVATION AREAS

The proposed work must take measures to protect existing features on the public land including street and laneway stone curbs and gutters. If they need to be interrupted during the process of construction, they must be properly recorded and reinstated to the original condition.

Submitted for consideration.

Hendry Wan
Heritage Specialist
Planning Assessments

L.J Aylward
PO Box 3129
Tamarama 2026

Thomas Walters
City of Sydney

13 February 2025

Dear Sir

Reference number: D/2024/1237

Site address: 89 Macleay Street, POTTS POINT NSW 2011

Proposed development: Substantial demolition of existing contributory building and construction of a 6 storey mixed use development comprising retail and residential on the ground floor, with 5 levels of residential above and rooftop communal open space and pool.

I own 21/91-93 Macleay Street which is alongside 89 Macleay.

(1) The existing building at 89 Macleay is deemed Contributory. The proposed new structure to be erected behind is, in my view, anything but Contributory. The structure is aesthetically unappealing and detracting.

As a comparison, the DA approved structure/building for 95 Macleay is the opposite.

The owner of 89 Macleay could see if the Contributory status can be completely removed so a decent, sympathetic scheme can be proposed. Removal of the status was achieved for the development at 9 Billyard Avenue, Elizabeth Bay 2011.

(2) Why were no reports required for shadowing/loss of natural light? The new structure's height at the rear will impact units on the northwest corner of 91-93 Macleay St – units 4, 5, 12, 13, 21, 22, 30 & 31. See attached photos.

(3) Notwithstanding the waste management report, this proposed development will result in more bins being out on the footpath for prolonged periods.

This is the busier pedestrian side of Macleay Street and the footpath adjacent to 89 Macleay St is not wide. There seven-day waste bin clearance. On recycle collection day (Wednesday), there will be a lot of bins out on the footpath.

Can I suggest you consider an inspection of 89 Macleay St site from the roof top of 91-93 Macleay. I can provide access if required.

Yours sincerely

From: [REDACTED]
Sent on: Wednesday, February 19, 2025 9:57:25 PM
To: dasubmissions
Subject: Submission - D/2024/1237 - 89 Macleay Street POTTS POINT NSW 2011 - Attention Thomas Walters

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I request that my name, email and unit number remain private.

Dear Thomas,

I am the owner of [REDACTED], 2B Tusculum Street, Potts Point, and I am writing to express my concerns regarding the proposed development at 89 Macleay Street, particularly in relation to privacy, overlooking, excessive scale, and non-compliance with height controls.

Having reviewed the Architectural Plans, I note that the proposed development introduces new sightlines directly into my property, particularly from upper level windows and balconies. Additionally, the proposal is significantly larger in scale than both of its direct neighbours, exacerbating its visual dominance. I also note that the lift overrun exceeds the height control, further contributing to the bulk and scale of the development.

To mitigate the privacy impacts, I request that the applicant consider incorporating significant additional tree planting within the rear setback to provide screening. Alternatively, I ask that Council impose a condition of consent requiring the planting of mature trees to enhance privacy and soften the visual impact of the development. As shown in the attached photo, the existing significant trees adjacent to the site provide some relief in what is otherwise a highly built-up context.

I urge Council to carefully consider these concerns and request appropriate amendments to the proposal.

Best regards,
[REDACTED]



