

Memo

Development Assessment

To: Development Determination Panel (DDP)

Cc: Rodney Piggott,
Manager, Development Assessment

From: Claire Ryan
Principal Planner

Date: 8 October 2024

Subject: DA2024/0142 – 111 Addison Road, Manly

Record Number: 2024/722576

Dear Panel,

The purpose of this memo is to inform the Panel that submissions from two parties have been received in response to publication of the Assessment Report for DA2024/0142 at 111 Addison Road, Manly:

- Bill Tulloch on behalf of Anthony and Nicola O'Brien at 109 Addison Road, Manly
- Lara and Tony Garrett at 18 Reddall Street, Manly

The following issues (in *italics*) were raised in the submissions, with commentary from the Assessing Officer below each objection. Objections have been paraphrased for succinctness.

Conditions of Consent

Conditions of consent should be applied to address the following:

- *Delete the portion of built form at the first-floor level facing 109 Addison Road that does not comply with the DCP side setback control, by increasing the side setback at this level to a minimum of 2000mm, to reduce the bulk and scale, and to reduce solar loss and amenity impact.*
- *Reduce the roof height from 1525mm to 500mm, to reduce the bulk and scale, and to reduce the solar loss and amenity impact of the gable ended roof structure.*
- *All first-floor windows facing 109 Addison Road should have a minimum sill height of 1.5m measured from the finished floor level, to reduce amenity impact.*

Comment:

In response to the three conditions requested:

The proposed non-compliance with the side setback control is acceptable for the reasons detailed in the Assessment Report. The proposed development does not result in unreasonable built form or amenity impacts.

The roof height is compliant with the maximum specified by Clause 4.1.2.3 of the Manly Development Control Plan 2013. The development is also compliant with the maximum

building height specified by Clause 4.3 Height of Buildings of the Manly Local Environmental Plan 2013. The proposed development is acceptable with respect to solar access for the reasons detailed in the Assessment Report. The proposed development retains compliant solar access to adjoining private open spaces, and equitable solar access to the windows of living rooms in adjoining dwellings.

The proposed windows on the side elevations are acceptable for the reasons detailed in the Assessment Report. The windows are for the first floor voids and bedrooms, do not adjoin areas of recreation, are for access to ambient light (rather than access to views) and are not aligned with windows or private open spaces of adjoining properties.

No additional conditions are recommended.

Floor Space Ratio

The floor space ratio non-compliance should be eliminated by deletion of the rear decks, which are not compliant with the rear setback control.

Comment:

The outdoor decks are not classified as gross floor area, as defined by the Dictionary of the Manly Local Environmental Plan 2013, so are not included in the calculation of floor space ratio. The variation to the floor space ratio control is acceptable for the reasons detailed in the Assessment Report. The development is predominantly compliant with built form controls, is of a form and type anticipated for the locality, does not result in unreasonable amenity impacts, and provides an enhancement of the site in compatibility with the surrounding area.

This matter does not warrant refusal of the application.

Privacy

The rear balconies at the first floor will result in unreasonable visual privacy impacts to 18 Reddall Street and should be treated with privacy screening.

Comment:

The rear balconies at the first floor are acceptable with respect to privacy for the reasons detailed in the Assessment Report. By way of their location and configuration, the balconies are reasonable in their context. The balconies are set beyond the minimum rear setback control stipulated by Clause 4.1.4.4 of the Manly Development Control Plan 2013, are a maximum of 1 metre in depth, and are accessed via a bedroom, so are not a place of regular recreation.

This matter does not warrant refusal of the application.