



northern
beaches
council

MEMORANDUM

DATE: 13 March 2024
TO: Development Determination Panel (DDP)
FROM: Adam Richardson, Manager Development Assessment
SUBJECT: Item No. 3.3. DA2023/1242 – 28A Ocean Road, Manly

The purpose of this memo is to advise the Panel that there have been two (2) late submissions received concerning the above item. The majority of the items raised are addressed within the assessment report. The following responses address new issues raised within the late correspondence:

FSR – skylights to the attic space, despite the lack of access, allows the roof space to be used as storage and is therefore ‘Gross Floor Area’ exacerbating the unacceptable bulk and scale:

Comment: The roof of the proposed addition is not directly accessed from the floor directly below. It is acknowledged that skylights are present in the roof, however these skylights pass through to the ceiling space below, allowing for the penetration of light below. The provision of skylights does not alter the use of the space and the absence of access to the roof space is such that it cannot be counted Gross Floor Area, as it does not fall within the definition of same, with regard to the definition of GFA under the Manly Local Environmental Plan 2013. For the reasons discussed within the report, the proposed development is considered to be of an acceptable bulk and scale.

View Impacts – request that the balcony roof be pulled back to improve views:

Comment: For the reasons discussed within the report, the proposed development is considered to represent acceptable view loss and a reduction in the length of the balcony roof is not considered necessary.

Spa – create unacceptable noise impacts

Comment: This issue has been addressed in the assessment report and the impacts of noise are to be mitigated by recommended Condition 44.

Shadow – inadequate shadow diagrams

Comment: The additional shadow diagrams are noted. It is evident from the drawings that the purported shadow cast by the additions will fall on existing roof areas. As such, it is considered that the proposal represents an acceptable impact in relation to solar access.

Heritage – the proposal represents an unacceptable heritage impact and existing building fabric should be retained

Comment: As detailed within the assessment report, Council's heritage advisor has considered the proposed development and found it to be acceptable, subject to recommended Conditions. It is important to note that the subject site is not a listed heritage item, nor is it located within a heritage conservation area.

Conclusion

There is no change to the recommendation for approval.

Recommendation

The Panel note the submissions.