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MEMORANDUM

DATE: 25 July 2022
TO: Northern Beaches Local Planning Panel (NBLPP)
CC: Peter Robinson, Executive Manager
FROM: Maxwell Duncan, Adam Croft
SUBJECT: 12 Birkley Road, Manly
REFERENCE: Deferral of DA2021/1991

Dear Panel Members,

The purpose of this memo is to inform the panel of the additional information, i.e *Shadow diagrams prepared at hourly intervals based on:*

- a) the currently proposed design of the southern side as modified by condition 13; and*
- b) a design of the southern side which is fully compliant with the DCP side setback requirements,*

was submitted on 12 July 2022.

An updated assessment of the application in regard to the changes against the built form controls and solar access has been provided as follows:

UPDATED BUILT FORM ASSESSMENT

The below compliance table is based on the amended plans submitted in response to the NBLPP request.

Note: The changes to the compliance table contained in the NBLPP agenda are identified by bold text.

Built Form Controls - Site Area: 469.4m ²	Requirement	Original plans	Proposed amendments	% Variation*	Complies
4.1.2.1 Wall Height	N: 9.7m (1:8.6)	Unit 1 L3: 7.1m - 8.3m	No change	-	Yes
		Unit 1 terrace: 8m - 8.5m	No change	-	Yes
		Unit 1 L2: 6.6m	No change	-	Yes
		Unit 2 L3: 7.1m - 7.5m	7 – 7.6m	-	Yes
		Unit 2 Lift: 7.6m	Deleted	-	-
S: 9.7m (1:8.4)		Unit 1 L2: 4.4m – 5.8m	4.3m – 5.8	-	Yes
		Unit 1 L3: 7.6m - 9m	No change	-	Yes



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		Unit 2 L2: 5.4m - 6.4m	4.5m – 5.4m	-	Yes
		Unit 2 L3: 6.7m - 7.4m	No change	-	Yes
		Unit 2 terrace: 8m - 8.3m	No change	-	Yes
4.1.4.1 Street Front Setbacks	West: 6m	L2: 6.2m	L2: 6.2m	-	Yes
		L3: 5.5m	L3: 5.5m	8.3%	No
	East: 6m	Balcony/Planter: 4.9m	No change	16.7%	No
		Building: 6m	No change	-	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages (North)	Unit 1 L3: 2.37m - 2.77m	1m	No change	63.9%	No
	Unit 1 L3 Pergola: 2.67m - 2.83m	3m	No change	-	Yes
	Unit 1 L2: 2.2m	3m	No change	-	No
	Unit 2 L3: 2.33m - 2.53m	1m	2m	21%	No
	Unit 2 Lift: 2.4m	1.2m	2m	16.7%	No
4.1.4.2 Side Setbacks and Secondary Street Frontages (South)	Unit 1 L2: 1.47m – 1.9m	1.4m	1.39m	26.8%	No
	Unit 1 L3: 2.53m - 3m	2.5m	2.5m – 3m	15.5%	No
	Unit 2 L2: 1.5m – 1.8m	1.4m	1.39m	22.8%	No
	Unit 2 L3: 2.23m - 2.47m	2.5m	2.5m	-	Yes
	Unit 2 Pergola level 3: 2.67m - 2.77m	2.5m	3.1m	-	Yes

UPDATED SOLAR ACCESS ASSESSMENT

This assessment has been undertaken based on the shadow diagrams Plan numbers 2206/DA-19 to 24 Issue 3 and 2206/DA-25 Issue 4 received by Council on 21 July 2022.

The shadow diagrams for the 'council compliant request' appear to represent the solar impacts from a design which met the draft conditions of consent. The shadow diagrams provided do not represent a development that is fully compliant with the DCP controls as requested in the minutes.

3.4.1.1 Overshadowing Adjoining Open Space

In relation to sunlight to private open space of adjacent properties:

a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June).

Comment:



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No. 10 Birkley Road, Manly

No. 10 Birkley Road has 2 street frontages. The western setback contains a yard behind a 1.8m high brushwood fence. The eastern setback contains an at-grade parking space, no front fence and an elevated porch facing east towards views of the ocean. This porch is approximately 6m², is accessed via the primary dwelling entry and a bedroom and is below the main roof of the dwelling. The owner of 10 Birkley Rd states that the east-facing porch is their primary outdoor living area.

It is noted that the eastern porch of No. 10 may be considered as a private open space area, despite not meeting the Manly DCP definition for *private open space*. However, given that the porch is roofed it is not possible to calculate the area of the porch that receives sunlight throughout the day from the information provided. It is acknowledged that there would be a reduced solar access to the porch as a result of the proposal.

The calculations in the table below include only the private open space area (yard) to the west of the dwelling of No. 10.

	Existing	Council request (draft condition)	Proposed	Change
9am	9.5m ²	0m ²	0m ²	- 9.5m ²
10am	10.8m ²	5.3m ²	5.3m ²	- 5.5m ²
11am	10.2m ²	15.5m ²	15.5m ²	+ 5.3m ²
12pm	1.4m ²	18.4m ²	18.4m ²	+ 17m ²
1pm	1.2m ²	13.9m ²	13.9m ²	+ 12.7m ²
2pm	1.4m ²	5.3m ²	5.3m ²	+ 3.9m ²
3pm	0m ²	0m ²	0m ²	0m ²
Total	34.5m ²	58.4m ²	58.4m ²	+ 23.9m²

Conclusion

Both the 'council compliant' plans (in accordance with the draft conditions) and the currently proposed plans result in a net increase of 23.9m² in sunlight access to the western yard. However, as stated above it is not possible to calculate the existing or proposed sunlight access to the eastern roofed porch based on the information provided, nor is it possible to determine the proposal's compliance with 3.4.1.1 (should the porch be considered as a private open space).

It is noted that the east-facing porch is vulnerable to overshadowing from any type of development on the subject site and that the level of sunlight access to the porch is also limited by the roof above and by existing landscaping.

To provide for any material increase to the level of sunlight access to the porch, an increased setback from the Park Avenue frontage would be required.

The application is referred back to the Northern Beaches Local Planning Panel for determination.