

---

**Sent:** 7/09/2020 9:31:52 AM  
**Subject:** RE: Development Determination Panel Notice

Dear Northern Beaches Council

**RE: DA2019/1447 (27 Alan Avenue Seaforth)**

Thank you for notification of the upcoming Development Determination Panel (DDP) on Wednesday 9<sup>th</sup> September in regard to the above DA. After reading the Council Assessment Report, included as Item 3.1 on the Agenda for the DDP meeting, we wish to address the Panel. Key concerns, raised in our submissions dated 27<sup>th</sup> January 2020 and 13<sup>th</sup> July 2020, have not been satisfactorily addressed. The building bulk (bulk and scale) of the proposed dwelling at 27A Alan Avenue, being a large dwelling of 308.9 sqm on a lot size of 613.1 sqm, should not be considered acceptable given the contravention of development standards involved.

The Council compliance assessment against the Manly Local Environment Plan (LEP) and Manly Development Control Plan (DCP) highlights the non-compliance with the development standards as regards the following clauses:

- Clause 3.4.1 Sunlight Access and Overshadowing
- Clause 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)
- Clause 4.1.3 Floor Space Ratio (FSR)
- Clause 4.1.4 Setbacks (front, side and rear) and Building Separation

The DA % variations as regards the proposed dwelling at 27A Alan Avenue which directly impact on our property are significant:

- Clause 4.1.2.1 Wall Height – 11.8%
- Clause 4.1.2.2 Number of Storeys – 22.3% is 3 storeys
- Clause 4.1.4.2 Side Setbacks – 60.3% (see page 29 of the Assessment Report)

The detailed assessments on Clauses 3.4.1, 4.1.2 and 4.1.4 refer to the objectives of the Clauses which include provide “equitable access to light and sunshine”, “allow sunlight to penetrate .... windows to the living spaces/habitable rooms of ....adjoining properties” and “providing equitable access to light, sunshine and air movement”. The detailed assessment acknowledges that the proposed development reduces sunlight to our property at 29 Alan Avenue but does not recommend any modification to the proposed non-compliant side set back, wall height and number of storeys. In our opinion a more equitable recommendation as regards providing equitable access to light and sunshine and air movement would be for Council to require compliance with the Manly LEP and Manly DCP Requirements referred to above.

For the record we also note the detailed assessment of Clause 3.4.1 on page 25 and 26 contains factual errors:

**3.4.1 Sunlight Access and Overshadowing**

The proposed development results in additional overshadowing to 29 Alan Avenue, resulting in less than 4 hours of direct sunlight to the living room window located on the northern side of the dwelling. In

Comment: As above, the proposed development reduces solar access to the living room window located on the northern side of 29 Alan Avenue which is considered to be in a vulnerable location, additionally it is noted that this living also has a window to the eastern end. As previously state the

The living room window referred to is in fact located on the **eastern** side (not northern side) of the dwelling. The

second window is located on the **southern** (not eastern) end.

Further in the detailed assessment there is reference to the irregular lot sizes needing to be taken into consideration. The irregular lot configuration is arising due the DA which proposes to subdivide 27 Alan Avenue down the length of the block with buildings side by side as opposed to across the width of the block. This configuration would not arise if the subdivision of 27 Alan Avenue was consistent with how blocks further along Alan Avenue have been subdivided.

We request the DPP to consider the views expressed above and in our 2 earlier submissions and require satisfactory modification of the DA to meet development standards before recommending for approval.

Kind Regards

William (Bill) Anderson

ained. The contents may contain errors, computer viruses or have been subject to interference in transmission. Northern Beaches Council. [Northern Beaches Council](#)