

Memo

Development Assessment

To: Northern Beaches Local Planning Panel

Cc: Rodney Piggott
Manager Development Assessment

From: Jordan Davies
Town Planner

Date: 9 December 2020

Subject: DA2020/0824 - Additional information received – 321 Condamine Street, Manly Vale

Record Number: Insert Record Number here

Dear Panel Members,

Council has received additional information and amended plans from the applicant to seek to resolve issues raised in the assessment report and partially reasons for refusal of DA2020/0824 at 321 Condamine Street, Manly Vale.

The following information has been provided:

1. Amended level 3 plan and roof plan showing operable skylights for top floor residential units; and
2. Updated solar access diagrams to demonstrate the solar access received for individual units.

The additional information seeks to resolve the non-compliances raised in the assessment report regarding solar access and cross ventilation as required by the Apartment Design Guidelines (ADG).

I address each issue individually below:

1. **Cross Ventilation** – The ADG requires that 60% of the units within the development are naturally cross-ventilated. The proposal as submitted consists of 45% cross-ventilated units, non-compliant with the ADG and therefore included as a reason for refusal of the application.

The applicant has submitted an amended level 3 plan and roof plan providing operable skylights for all of the top floor units within the development. The applicant submits that this increases the amount of naturally ventilated units to 19 out of 31 or 61%, compliant with the ADG.

Council has reviewed the proposal with regard to the controls within the ADG. Whilst it is acknowledged that the inclusion of skylights for the top floor units will improve natural ventilation to some degree and allow thermal regulation of the

units, the use of operable skylights is not considered to meet the objective of the ADG 4B-3 whereby at least 60% of units are required to be cross ventilated via apartment layout, window placement and the use of dual aspect units and corner apartments.

Given the shortfall of compliance with the ADG, the issue of cross-ventilation remains a reason for refusal.

2. **Solar Access** – The ADG requires that 70% of units receive a minimum of 2 hours solar access between 9am and 3pm at mid-winter. The solar access diagrams and information submitted with the application indicated that 35% of the units receive a compliant amount of solar access as required by the ADG, whilst 84% units receive up to a minimum of 1.75 hours solar access, noting that this calculation is based on some units receiving sunlight outside of 9am to 3pm.

Following completion of the assessment, the applicant has advised an error was made in the preparation of the solar access diagrams and information submitted to Council. The applicant advised the calculations were based on the amount of sunlight accessing the living room at 1m above ground level, not the amount of sunlight obtained to the window surface area to the living room. The applicant has submitted a revised set of solar access diagrams demonstrating the amount of apartments receiving solar access to the living room window surface. The applicant submits this is consistently with how solar access is assessed in accordance with the planning principle established by *The Benevolent Society v Waverley Council [2010] NSWLEC 1082*. The applicant submits that this can be used to demonstrate compliance with the ADG.

Council has undertaken an assessment of the revised submitted solar access diagrams. The assessment is as follows:

- 12 out of 31 (38.7%) units receive the compliant amount of solar access in accordance with the ADG, being 2 hours between 9am and 3pm on 21 June
- 10 out of 31 (32.2%) units receive solar access for two hours, however this is achieved by including solar access received from 8am and up to 4pm, as well as sunlight received to the top floor units via skylights.

Therefore, it can be said that only 38.7% of units receive a compliant amount of solar access in accordance with the ADG, with the remainder of the units receiving solar access via alternate methods outside compliance with ADG control.

Given the significant shortfall in compliance with the ADG, Council is not satisfied that the amended solar access diagrams address the concerns in the assessment report and reasons for refusal.

Therefore, I advise that the information submitted has not satisfied Council's concerns raised in the assessment report and the reasons for refusal remain unchanged.