
From: Danny Moore
Sent: 7/02/2024 6:28:52 PM
To: Council Northernbeaches Mailbox
Subject: Submission Re DA2023/1858
Attachments: Moore submission.docx;

Dear NB Council,

Please find attached our submission in regards to DA2023/1858 – 14 Birkley Rd, Manly, NSW 2095.

Regards,
Danny and Susan Moore

Danny Moore
Chief Executive Officer



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Susan and Danny Moore

12 Birkley Road Manly

Submission - DA2023/1858

Assessing Officer – Olivia Rampage

We are writing in relation to the development application for 14 Birkley Rd Manly.

Generally we support the application to replace the garage and include additional storage. While the garage will have a minor impact on our sunlight access, it is generally not in the vicinity of our private outdoor space and we understand the need to improve general amenity with storage and laundries for all three units.

14 Birkley is on our northern side. It comprises a building of such excessive bulk and scale that would never be allowed to be built against current development standards. The southern wall sits less than 1m (830mm) from our northern boundary and extends vertically for over 9m. This would have been a devastating development for the owners of our property at the time. The current built form of 14 Birkley strips almost every bit of available sunlight to our property for the majority of the year. The proposed addition of a excessively non-compliant extended outdoor living area would almost completely eliminate all sunlight to our outdoor private open space. The only private open space our property enjoys. This is acknowledged by No.14's shadow diagrams.

Given there is an omission of a building envelope on the plans, we can only use the Manly Development Control Plan 2013 (MDCP 2013). Clause 4.1.4.2 (Side setbacks) requires that setbacks between any part of a building and the side boundary must not be less than one third of the wall height. The proposal has a wall height of approximately 7m and therefore requires a minimum side setback of 2.3m.

Given that the current southern outdoor living of unit 3 is set back approx. 1-1.5m from the main building, we can only assume that previous approvals limited the built form to that setback. This is evidenced by the fact that there is no setback from the main building of the outdoor living area on the northern side of unit 2. We ask that, at the very least, these same controls are applied to this application.

During our development process we had to change our plans to ensure full compliance on southern boundaries. We were even directed to amend plans, beyond compliance controls, to allow sunlight to a space that is not technically considered a private open space.

Given the significant non-compliance and dramatic impact to sunlight to our only open private space, both in our current house and future plans, we ask that you reject the current plans and require the applicants to amend their plans to meet full compliance.

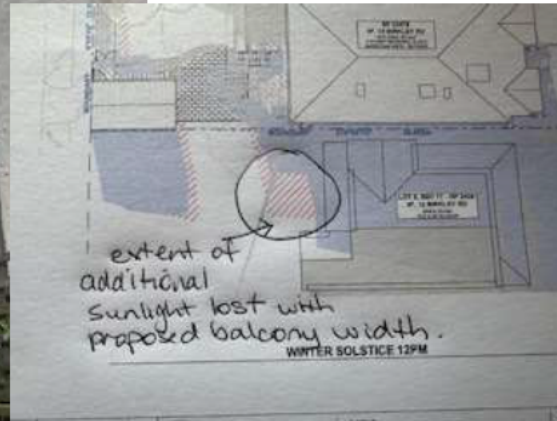
Thank you for taking the time to carefully consider our submission.

Susan and Danny

This image shows the current balcony which sits off the boundary by around 2-2.5metres.



In the below image you can see the additional sunlight we would lose if approved.



This image shows the extent of the current wall along our northern boundary. It is 830mm from the boundary and around 9000mm in height which is excessively non compliant against current building controls.

