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MEMORANDUM

DATE: 1 March 2022

TO: Northern Beaches Local Planning Panel

CC: Peter Robinson, Executive Manager Development Assessment

FROM: Adam Croft, Development Assessment Officer

SUBJECT: DA2021/2034 – 30 Fairlight Street, Manly

REFERENCE: 2022/127421

Dear Panel,

The purpose of this supplementary memo is to address an additional submission received by Council in relation to DA2021/2034.

The concerns raised in the additional submission are addressed below:

1. Site Suitability and Density

It is agreed that the development as proposed is unsuitable for the site for the reasons outlined in the Assessment Report.

2. SEPP65 & Apartment Design Guide (ADG)

A full assessment of the development against the provisions of SEPP65 and the ADG is undertaken within the Assessment Report, despite the suggestions within the additional submission. It is acknowledged that the provisions of SEPP65 and the ADG take precedence over the MDCP controls, however these provisions are not prescriptive and may be assessed on merit. Regardless, the assessment of the application finds that the proposal is not supportable due to the inconsistencies with various aspects of SEPP65 and the AGD.

Point (i) relates to a consideration of the Design and Sustainability Advisory Panel and cannot be clarified further by the assessing officer.

Point (ii) relates to a specific section of the Assessment Report which states that five apartments is appropriate for the site. However, this section also identifies that the substantial internal dimensions of the apartments are achieved through a variation to the FSR control and that *“either the density or dimensions of the apartments proposed are greater than can be supported by the site”*, thereby qualifying the consideration that five apartments is appropriate for the site. Points (iii), (iv) and (v) raise concern that sections within the Assessment Report do not give adequate consideration to the potential impacts of the proposal. However, these impacts are discussed further in the relevant sections of the Assessment Report.



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3. Solar Access to the Subject Site

The statement within the Assessment Report that a variation to the solar access control may be supported is a general statement provided in the context of the opportunities and constraints presented by the site. Regardless of the consideration of any potential variation to this control, the proposal is not supported in its current form and includes insufficient information in relation to solar access.

4. Solar Access to Neighbour at 32 Fairlight Street

Drawing DA500 is does not provide adequate detail of the existing and proposed additional overshadowing impacts on 32 Fairlight Street to make a full assessment of the proposal.

5. Equitable Future Development of 32 Fairlight Street

It is acknowledged within the Assessment Report that the proposal would restrict the development potential of 32 Fairlight Street, and that a future development of a similar scale at No. 32 would be likely to have adverse amenity impacts on the subject development.