

19 March 2024

The General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Schedule of Amendments

DA 2023/1395

Shop-Top Housing Development @ 1010-1014 Pittwater Road, Collaroy

This letter outlines the amendments made to the current Development Application in response to council's letter dated 24 January 2024.

The amendments made in relation to the points in councils letter are detailed as follows:

1. **Building Height**

Amended plans have deleted the Level 3 apartments but retained the rooftop facilities associated with Communal Open Space. The roof over the communal area is setback to align with grid-4.

2. **Setbacks**

Amended plans have increased setbacks to the rear eastern boundary on Level 1 to 9m to external walls and 7.5m to balconies. Combined with the existing dense vegetation screening on adjoining properties and retention of the trees within the rear setback, this amendment achieves adequate privacy to the low density R2 zone adjoining the rear boundary.

Detailed analysis of the setback to the north rear boundary has been undertaken, including details of the shop-top housing development at 26 Ocean Grove. There are 4 apartments that face south towards the subject site, 2 at ground and 2 at first floor level. The ground apartments have living areas setback 6m from the common boundary – compliant with the ADG. These apartments have private open spaces extending to the boundary. The first floor apartments have living areas at approximately 9m setback to the common boundary and 3m deep balconies. These balconies have fixed privacy screens to the east and west and operable screens to the south facing the subject site.

Concern was raised for the amenity to the apartments of 26 Ocean Grove in relation to **privacy, natural light and outlook**. The amended plans present 3D views from each of the 4 apartments in 26 Ocean Grove facing the site to demonstrate that the proposed amendments will ensure adequate amenity, as is intended and required by the ADG.

To achieve adequate **privacy**, the design of the northern façade of apartments 9 & 18 as relabelled on amended plans (originally 8 & 17) has no clear windows that overlook 26 Ocean Grove. The only glazing on the north façade is glass blocks with opaque finish. This complies with the ADG-3F whereby a habitable room to a blank wall has a minimum 6m separation for upto 4 storeys.. The proposal has a 6m separation to the ground floor carpark blank wall, then an increased separation of 7.5m to the Level 1 and Level 2 wall, and finally 9.3m to the balconies which have privacy screens facing north. Adequate privacy is achieved by the amended plans which exceed ADG numerical requirements.

The 4 apartments in 26 Ocean Grove that face the subject site, do not comply with the ADG in terms of solar access as they face due south. This exceeds the minimum standard and this development does not comply in general with the ADG. In that sense, the 4 apartments rely on 'daylight' to achieve amenity. To that extent, to achieve **natural light**, the apartments rely on south light in winter and morning light through summer, spring and autumn.

The 2 first floor apartments are setback 9m to the common boundary to the external wall of the living room. The eastern apartment is completely open to the east, and to the south as this apartment aligns to the rear setback of 7.5m to balconies in the subject site. The western apartment is setback 10.5m to the wall of the proposed development with a building only one storey higher than this apartment. Both the first floor apartments receive high levels of natural light and are not impacted by the proposed development.

The 2 ground floor apartments are setback 6m to the "blank" common boundary wall to the external wall of the living room. This is compliant with ADG. The eastern apartment is completely open to the east, and to the south as this apartment aligns to the rear setback of 7.5m to balconies in the subject site. This apartment receives high levels of natural light and are not impacted by the proposed development. The western apartment faces the blank wall of the proposed development to the south. The composition of this wall includes a number of stepped elements that increase in setback as they increase in height, thus allowing natural light from the south to penetrate into the 6m rear setback area. The stepped setback of the proposed built form achieves adequate natural light to the ground floor western apartment in 26 Ocean Grove.

In summary, 3 of the 4 apartments in 26 Ocean Grove that face directly south towards the subject site will achieve high levels of natural light, and 1 of 4 will achieve adequate lighting.

The **outlook** of the 4 apartments to 26 Ocean Grove varies. The first-floor apartments have open outlooks and can see Long Reef headland to the SE over the 2 storey R2 zone. These apartments are also open to the sky. The ground floor apartments by nature of being on the ground floor, do not have outlooks towards land but only outlooks to the sky as the boundary fence itself prevents any outlook to landscaped elements.

Of the 2 ground floor apartments, the outlooks are similar in amenity to the natural light amenity, where the eastern ground floor apartment has an open outlook to the sky to the east and south, but the western ground floor apartment is limited in outlook to the east and south east. The expectation to achieve a totally open outlook from this western ground floor apartment facing south into a nil setback side boundary of a site with an 11m height is completely unreasonable. The outlook under the circumstances is considered adequate and reasonable. The subject site has had to compromise in this regard and lose amenity by providing a stepped setback to a built form control "nil setback side boundary".

To achieve an adequate outlook to the ground floor western apartment in 26 Ocean Grove, the design of the subject site has stepped the bulk and scale in both direct (N-S) and indirect orientation (E-W) to provide amenity to an apartment that was originally designed with very poor amenity. Under the circumstances, the proposed design is considered reasonable and acceptable. Any further compromise to the NE apartments by further increase of the setback to this one apartment is considered unreasonable.

3. Internal Configuration

Amended plans have altered the configuration of original apartments 06, 15, 16. Original apartment 06 as a 3 bedroom apartment has been split into 2 x 1 bedroom apartments 06 and 07 to address issues. Original apartments 15, 16, now labelled apartments 16, 17, have been provided with skylights in the centre of the plans to address amenity issues.

4. Building Entries, Circulation and Communal Areas

- i. The building entries have been amended from 2 separate entries to apartments to a single entry to maximise amenity and simplify wayfinding. The amendments made also address the DSAP minutes 8-10 (26.10.23) as follows. 2 skylights have been added to the Level 1 courtyards to provide natural light to the foyers. The first provides a source of natural light to the end of the corridor from the street where the choice of lift lobbies arises, the second to the north provides natural light into the corridor leading to the Lift 2 & 3 lobbies. The stairwells also provide natural light to penetrate the ground level entry to improve amenity. The relocation of the driveway and retail areas results in separation of the residential lobby to the retail shops. Relocation and redesign of the driveway has eliminated the previous issue of undercroft space and visibility splay. The redesign resolves these issues.
- ii. The rooftop communal open space is redesigned and improved to accommodate a BBQ, WC and permanent seating with shade. Direct access is provided from lift lobbies 2 & 3 with lobby 1 using the internal and secure residential lobby at ground to transfer to lobby 3.
- iii. The ground floor communal area is deleted by the ground floor redesign, and improved amenity of the rooftop space.



5. DSAP Recommendations

The DSAP recommendations have been considered and implemented into the amended plans as follows:

- 1) Site analysis – considered with amended rear setbacks and NE relationship, removal of top floor
- 2) Height of upper floor – top floor deleted, level 1 increased setback
- 3) Southern boundary wall – decreased to allow courtyard flow to centre of built form across the common boundary plus deletion of top floor
- 4) Reduce thickness of building – redesign of eastern apartments reduce depth and improved amenity, redesign of northern apartments added natural light to level 1 and level 2 with skylights, skylight added to lift lobby 3 for daylighting of the stair, plus skylights added at level 1 for ground level residential entry.
- 5) Interface to 26A Ocean Grove – typo, there is no 26A, assuming 26 Ocean Grove, the amendments made through design refinement and the additional 3D images provided in the amended plans, demonstrate amenity. This property is not likely to be developed in the future as it is currently at maximum development capacity as a Shop-Top housing development in its current form.
- 6) Height – top floor deleted.
- 7) Floor to Floor heights – increase is not required as service areas align above and below to provide efficient use of the 3.1m ADG compliant floor to floor.
- 8) Refer 4, i above
- 9) Refer 4, i above
- 10) Refer 4 i above
- 11) Local Context – the landscape plan addresses these concerns.
- 12) As above
- 13) As above
- 14) Communal Amenities – redesign has included or allowed for details for the proposed items a. – g.
- 15) Planters are shown on the drawings scaling as 800mm deep to achieve the DSAP request
- 16) Redesign has incorporated skylights to the northern lobby stair.
- 17) Dark internal spaces (assume referring to point 3 above) to northern apartments has been resolved through redesign of apartments 06, 15, 16.
- 18) Courtyard depths are 12m and therefore achieve separation between habitable space for use as primary light source.
- 19) The rooftop communal space amendments provide the BBQ and WC, with direct access from lift lobbies 2 & 3, and indirect access through the ground floor entry for residents using lift lobby 1.
- 20) Gym and lounge at ground level communal open space have been deleted.
- 21) The material proposed to the façade is fibre cement weatherboards. This material is suitable for the Class 2 type of building and appropriate to the environment. This material is similar in maintenance characteristics to painted rendered surfaces more commonly seen in th Shop-Top housing. The material is entirely consistent with the most dominant material of weatherboards as used in residential buildings in the Collaroy Basin locale in single residences, which have no issues of maintenance in this environment. The material is appropriate to the environment and maintenance requirements.
- 22) The detailing of the façade materials are consistent with the character of the local area, a beachside low density residential suburb. The breakdown of the length of the façade to Pittwater Road reduces the mass of elements creates a 'fine grain' nature consistent with the surrounding built form that allows the



development to blend into the surrounding context, quite different and distinct to the brutal and uninteresting rendered masonry facades of other shop-top housing in proximity to the development.

- 23) The hydrant booster assembly is shown with the relocation of the driveway.
- 24) Decarbonisation. Consideration was given to the 5 dot points and where economically feasible will be incorporated.
- 25) EV charging points do not require a 15amp circuit and can be provided by 10amp GPO's. The 15amp circuit is only for 'fast charging' and carries added fire safety risk and is unsupported by fire safety experts. GPO's will be provided to all apartment parking in the detailed construction documentation phase of the project.
- 26) Comments noted, no requirements on drawings.
- 27) Comments noted, no requirements on drawings.

6. Development Engineering

Initial investigations and consultation with the owners of 24 Ocean Grove have commenced. The owners will not agree to an easement until the DA is approved. The levels of the land are entirely conducive to support the proposed gravity drainage to councils piped system in Ocean Grove.

Council has in the past consistently applied a 'Deferred Commencement Condition' to situations such as this and it is unreasonable to insist on the easement being created prior to approval.

We seek that any approval be conditioned with a "Deferred Commencement Condition" requiring the proposed easement to be created with all technical details at that stage.

7. Traffic

The proposed development contains small shops which do not require and SRV to access the basement.

Council has consistently and historically approved Shop-Top housing development without SRV access to the basement for shops of this size, in particular to the adjoining properties at 1004-1008 Pittwater Road, and nearby properties at 1028 and 1034 Pittwater Road and more recently 17 Anzac Avenue, Collaory. This requirement is inappropriate to the development in terms of the size of the retail spaces, and inconsistent with all previous council determinations of Shop-Top Housing in the immediate context of the site.

The loading bay is designed to cater for smaller courier vans, not SRV's, as is detailed in the accompanying Traffic Report by Terraffic, pages 5, 9, 10 of that report. Larger delivery vehicles will use the 1 hour parking on the Pittwater Road frontage with direct access to the shops. The suggested 3.5m clearance is unreasonable in the circumstances and we rely on council's past determinations to support the current plans.

Regards,

GARTNER TROVATO ARCHITECTS



Sean Gartner

