

7<sup>th</sup> December 2023

The CEO  
Northern Beaches Council  
Po Box 882  
MONA VALE NSW 1660

Attention: Claire Ryan – Principal Planner

Dear Ms Ryan,

**Development Application DA2023/0617  
RFI response/ addendum Statement of Environmental Effects/ Updated  
clause 4.6 variation requests – Height of buildings and FSR  
Demolition and the construction of a residential flat building  
22 - 24 Angle Street, Balgowlah**

Reference is made to Council's email of 6<sup>th</sup> October 2023 and subsequent discussions/ communications with Council in the development of amended plans and documentation. This submission represents a considered response to the issues raised and is to be read in conjunction with the following amended architectural plans:

- Amended Architectural plans DA01(A) to DA08(A) prepared by Wolski Coppin Architecture,
- Schedule of amendments prepared by Wolski Coppin Architecture (Attachment 1),
- Amended landscape plans, Revision F, prepared by Wallman Partners Pty Limited,
- Updated Arboricultural Assessment Report prepared by Dr Treegood,
- Updated Luminary Geotechnical Report prepared by D & N Geotechnical.
- Updated BASIX Assessment Report prepared by Senica Consultancy Group,
- Updated clause 4.6 variation request – Building height (Attachment 2), and
- Updated clause 4.6 variation request – FSR (Attachment 3).

The amendments are detailed in the accompanying schedule of amendments at Attachment 1

We respond to the issues raised as follows.

### **1. Height of buildings**

Response: The amendments to the proposal have resulted in a reduction in overall building height relative to ground level (existing) as defined however the north-eastern corner of the upper roof form remains non-compliant with the building height standard by 480mm or 5.6% given its location over a localised area of historical excavation.

The accompanying updated clause 4.6 variation request (Attachment 2) has been updated to reflect the amended plans and the reduction in building height non-compliance. The clause 4.6 variation request is well-founded.

### **2. Floor space ratio**

Response: The amended plans provide for a significant reduction in GFA to a maximum GFA of 681m<sup>2</sup> representing an FSR of 0.81:1 representing a variation of 263.7m<sup>2</sup> or 63%. The floor space has been distributed across the site in a contextually appropriate manner resulting in complimentary and compatible streetscape, built form and residential amenity outcomes.

The accompanying updated clause 4.6 variation request (Attachment 3) has been updated to reflect the amended plans and the reduction in GFA/ FSR proposed. The clause 4.6 variation request is well-founded.

### **3. Residential density**

Response: The amended plans provide for a reduction in dwelling yield from 8 to 6 representing a dwelling density of 1 dwelling per 139.1m<sup>2</sup> of site area. The proposal provides for 5x3 bedroom apartments and 1x2 bedroom apartments to achieve a variety of dwelling sizes and densities.

The proposed exceedance does not detract from consistency with the objectives of this clause, with a variety of dwelling types and dwelling sizes proposed with high levels of internal amenity. The proposed dwelling density is not inconsistent with that of surrounding properties also within the D4 Density Area, noting that the adjoining site to the west comprises 4 dwellings, with residential flat buildings on the properties to the east.

Such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

#### **4. Wall height**

Response: The amended plans provide for increased front, side and rear boundary setbacks and in some areas a reduction in overall wall height. Whilst the building exceeds the wall height control towards its southern end such exceedance is driven by a desire to maintain single level floor plates and the topography of the land which falls away towards the rear of the site.

We are satisfied that the non-compliant portions of wall height do not give rise to adverse residential amenity impacts in terms of views, privacy or solar access nor do they contribute to overall building height to the extent that the development will be perceived as inappropriate or jarring in a streetscape or broader urban context. The consent authority can be satisfied that the objectives associated with the control are achieved notwithstanding the non-compliance proposed.

Such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

#### **5. Number of storeys**

Response: Whilst the proposal is three stories as defined given the relationship of the basement to ground level existing towards the northern end of the site the proposal seeks approval for 2 storeys of residential accommodation consistent with the DCP provision. The non-compliance with the storey control is directly attributed to the desire to maintain single level floor plates and the topography of the land which falls away towards the rear of the site. The variation is limited to the rear of the property where the elevated nature of the ground floor apartments relative to boundaries and the principal living and open space areas of surrounding development will not give rise to adverse visual amenity impacts.

The variation is acceptable on merit.

#### **6. Setbacks - Front, side and rear**

Response: The amended plans provide for increased front, side and rear setback. In relation to the rear setback we confirm that the primary building façades now generally maintained an 8m setback to the rear boundary with the balconies extending to within 6 m of the rear boundary as nominated. These setbacks are compliant with the Part 3F setback provisions contained within the ADG and to that extent provide appropriate spatial separation and privacy outcome to the rear boundary of the property.

The side boundary setbacks have also been increased to achieve a 3m setback to the primary building façades with minor encroaching elements either achieving enhanced privacy outcomes through eyelid type window arrangements or are designed and located to not give rise to adverse privacy impacts. The 3m setback is compliant with the applicable DCP provision.

The application also provides increased setbacks to the front boundary of the property which are again contextually appropriate having regard to the setbacks established by adjoining development and the visual relief achieved by the substantial landscaped road reserve located immediately adjacent to the frontage of the property. The front setbacks satisfy the objectives associated with the control in that they maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street. The front setbacks are acceptable on merit.

## **7. Total open space**

Response: The proposal provides for a reduction in overall building footprint and a total open space is defined of 410 m<sup>2</sup> representing 49.1% of the site area. Whilst non-compliant with the 55% open space control the proposal provides for a total landscaped area of 327m<sup>2</sup> as defined representing 71% of the required total open space. Under such circumstances, we are of the opinion that the proposal achieves the objectives of the open space and landscaped area provisions through the provision of significantly enhanced landscape outcomes from a qualitative and quantitative perspective. The accompanying amended landscape plans demonstrate that the building will sit within a landscaped setting with the side accommodating landscape plantings capable of softening and screening the development in the round.

The variation to the total open space control succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

## **8. Visual privacy**

Response: As previously outlined, the amended proposal maintains appropriate levels of visual privacy between adjoining development through the adoption of eyelid type side boundary facing fenestration, spatial separation and the introduction of secondary intervening landscape treatments. These privacy attenuation measures have been incorporated without compromising the internal amenity of the development.

## **9. Apartment mix**

Response: The proposal now incorporates 2 and 3 bedroom apartments which provides a variety of apartment types on the site.

## **10. Design and Sustainability Advisory Panel Comments**

Response: The amended plans are responsive to the recommendations made by DSAP including a significant reduction in floor area, building footprint and improved apartment design and amenity. The proposal is contextually appropriate and compatible in a streetscape and broader urban design context.

## **11. Landscape Officer referral comments**

Response: This submission is accompanied by an updated Arboricultural Impact Assessment and amended landscape plans addressing the concerns raised by Council's Landscape officer.

## **12. Waste Officer referral comments**

Response: This submission is accompanied by amended architectural plans addressing the waste officer referral comments.

We trust that the amended documentation, detailed within this submission, comprehensively addresses the issues identified in Council's RFI letter and internal referral responses and will enable the favourable assessment, reporting and determination of the application.

Please do not hesitate to contact me to discuss any aspect of this correspondence.

Yours sincerely

**BOSTON BLYTH FLEMING PTY LIMITED**

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

**Director**

## **Attachment 1**

### Schedule of amendments

**Residential Development  
22-24 Angle Street Balgowlah**

**DA November 2023 Issue  
Schedule of Modifications  
15/11/23**

**COVER SHEET – DA00**

- BASIX Certificate updated

**BASEMENT – DA01**

- Basement size reduced to accommodate 11 car spaces
- Adjusted & modified basement walls.
- Modified and relocated plant room and services
- Modified and relocated lift shaft
- Basement entry ramp modified
- Relocated garbage room to ground floor
- Modified parking spaces including disabled parking spaces and shared area
- Modify and relocate bike racks
- New fire stair adjacent to lift shaft
- Modify storage units
- New doorway to external access stair

**GROUND - DA02**

- Lift shaft, ventilation and fire stairs modified and relocated
- External building footprint and facade modified and reduced
- Apartment G04 deleted
- Apartments G01, G02 and G03 relocated and internally modified
- Southern external tiled ground level balconies deleted and replaced with landscaped courtyards
- New northern terrace to apartment G01 and apartment G02 and G03 balconies/terraces relocated and modified.
- Western ground level terraces modified
- Garbage room relocated from basement

#### LEVEL 1 - DA03

- Relocated lift, stairs, mechanical ventilation.
- External building footprint and facade modified and reduced
- Apartment 104 deleted
- Apartments 101, 102 and 103 relocated and internally modified
- Eastern balcony to apartment 103 modified and reduced
- Apartment 101 southern balcony modified and reduced
- New northern balcony to apartment 101
- Northern balcony to apartment 102 modified

#### ROOF & SITE PLAN - DA04

- Roof form and size modified and reduced
- Roof access hatch relocated
- Roof AC plant room relocated and modified
- Roof skylights deleted
- Lift overrun relocated
- New solar panel array

#### ELEVATIONS 1 – DA05

##### South Elevation

- External façade and built form modified
- Ground level entry modified
- Apartments G04 and 104 deleted
- Apartment 101 southern balcony modified and reduced
- Apartment 103 eastern balcony modified
- External windows and doors modified
- Lift overrun modified and relocated
- External finishes modified

##### North Elevation

- External façade and built form modified
- New northern balcony to apartment 101
- Modify apartment 102 northern balcony
- Modify ground level northern balconies
- Apartment 101 eastern balcony modified



- Lift overrun modified and relocated
- AC plant room modified and relocated
- External windows and doors modified
- External finishes modified

## ELEVATIONS 2 – DA06

### West Elevation

- External façade and built form modified
- New northern balcony to apartment 101
- Apartment 101 southern balcony modified
- Level 1 external windows modified
- Ground level western terraces and external sliding doors modified
- Lift overrun relocated and modified
- AC plant room relocated and modified
- External finishes modified

### East Elevation

- External façade modified
- New northern balcony to apartment 101
- Apartments G04 and 104 deleted
- Apartment 103 eastern balcony modified
- Apartment 102 northern balcony modified
- Lift overrun relocated and modified
- AC plant room relocated and modified
- External windows and doors modified
- External finishes modified

## SECTION AA – DA07

- Building footprint reduced
- Basement walls and access stair modified
- External walls modified
- Apartments G04 and 104 deleted
- Apartments G01 – G03 and 101-103 relocated and internally modified
- Lift overrun relocated and modified
- AC plant room relocated and modified

#### SECTION BB – DA08

- Building footprint reduced
- Basement walls modified
- External walls modified
- Apartments G04 and 104 deleted
- Apartments G01 – G03 and 101-103 relocated and internally modified
- Lift shaft relocated
- Lift overrun relocated and modified
- AC plant room relocated and modified
- Ground level entry modified
- Roof skylights deleted

## **Attachment 2**

Updated Clause 4.6 variation request – Height of buildings

Refer to separate attachment

### **Attachment 3**

Updated Clause 4.6 variation request – FSR

Refer to separate attachment