



April 15, 2021

**SEPP 65 DESIGN VERIFICATION STATEMENT FOR SECTION 4.55(2)
MODIFICATION APPLICATION OF 1102 BARRENJOEY RD, PALM BEACH**

SEPP 65 Design verification statement

Rob mills architect has been responsible for the 4.55 modification design of the project 1102 Barrenjoey Road, Palm Beach and worked in cooperation with a team of professional and experts in respect of the matter.

Rob mills architects verify that the design quality principles set out in Design quality principles of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development are achieved for the proposed development described in the following document.

- Cover page(DA00)
- Site analysis plan (DA01)
- Massing envelope (DA02. DAO2a.DAO2b)
- Demolition plan (DA03)
- Site plan/Roof plan (DA04)
- Basement plan(DA05)
- Ground floor plan(DA06)
- First floor plan(DA07)
- Second floor plan(DA08)
- Elevation-East and West(DA10)
- Elevation- North and South(DA11)
- Sections (DA15)
- Section-Driveway (DA16)
- Shadow diagrams (DA50, DA51, DA52)
- Materials and Finishes (DA60)
- GFA and landscape calculations (DA70)
- Landscape diagram(A71)
- Solar access analysis (A72)
- Overlooking analysis(A73)
- Natural ventilation and liveable plan diagram (A74)
- ADG Compliance Table (Annexure A)
- Clause 28 Determination of development applications (Annexure B)
- Clause 30 Standards that cannot be used as grounds to refuse development consent or modification of development consent (Annexure C)



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Background:

1102 Barrenjoey, Palm Beach is a DA approved development with mixed development comprising of 3 commercial tenancies on ground level, 4 residential units and basement level that facilitates 21 car spaces, Endorsement date of consent is 13 Nov 2014, Consent No:NO119/14

The proposed scheme seeks to improve on the current Approved Design and submit a S4.55 modification of the Approved Design, which is to refine the vehicle egress design to the basement ,improve floor efficiency of commercial tenancy level and reconfigure the level1 and level 2 for accommodating 2 more apartments, modify architectural articulation of street façade to reduce the impact on Barrenjoey house compared with approved design, as well as improvement to the aesthetic and overall amenity of the development.

Site description

The site is located on the Eastern side of Barrenjoey Road. The site currently comprises of a single level, walk up, food retail building with on-street parking. The site is known as 1102 Barrenjoey Road Palm Beach.

Palm Beach is located approximately 49 kilometres north of the Sydney on Pittwater Bay.

The subject site comprises of one land parcel (Lot 11 DP 1207743).

The site is located within the Northern Beaches Local Government Area (LGA).

Note the current DA and Approved Design is approved under the Pittwater Council (LGA) which has since been amalgamated to form a new LGA classified as Northern Beaches Council.

Total site area is 1141.5sqm.



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Image 1 – Aerial view of subject site and existing context



Image 2 -view of proposed development and existing context



SEPP65 Design principals

Principle 1: Context and Neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship, and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

- Palm Beach sits on a peninsula at the end of Barrenjoey Road, between Pittwater and Broken Bay.
- The area generates significant visitor activity particularly on weekend and holiday periods due to the scenic value of the area. *(pre-lodgement meeting notes)*
- The subject site is at south east side of Pittwater park and opposite of its associated car park.
- The site is located at approximately 160m to Palm beach wharf at north-west.
- The adjoining heritage item Barrenjoey house at immediate north is a two-storey building that contribute s to the older, maritime style of the area. *(pre-lodgement meeting notes)*
- The immediate neighbour at south at 1100 Barrenjoey road is a two-storey single dwelling, stepping up to an additional storey to the rear. side setback is approximately 5m from the southern boundary of subject site.
- The subject site has same topography with 10m- 11.0m height difference between western and eastern boundaries.
- The proposal is in response of future character of palm beach locality, with main character of low to medium density dwelling development and response to scenic protection by minimize visual impact on the natural environment when viewed from any waterway, road or public reserve.
- The section 4.55 modification has no effect to this principle or the approved DA.



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Image 3- View of subject site from across Barrenjoey Road



Image 4- View of subject site from south of Barrenjoey Road



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Image 5- View of subject site from north of Barrenjoey Road



Principle 2: Built form and scale.

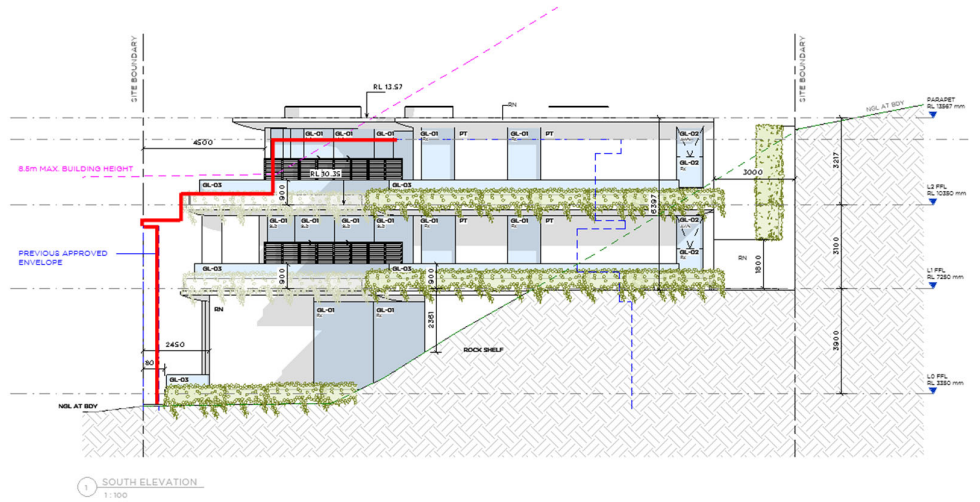
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation, and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

- The southern wall of the original Barrenjoey house building is set back approximately 1.2m from the north boundary of subject site.
- 1100 Barrenjoey road is approximately 5m from the southern boundary of subject site.
- The front street setback *DCP D12.5* require front setback to be 3.5 or established building line, whichever is the greater.
- Approved DA provides 0.6m front setback of colonnade and 4.1m for shop glazing line.
- Our proposed scheme provides 2.24m front setback of colonnade and 6m for shop glazing line.
- North side setback *DCP D12.6* require 3.0m along that adjoining side or rear boundary.
- Approved DA provides 0m setback to north on ground level and level 1. 1.5m on level 2.
- Our proposed scheme provides 1.0m to north for all three levels.
- Approved DA provides 6m and 10.6m to south on ground level, 4.2m and 6.3m on level 1 and 5.1m and 5.76m on level 2.
- Our proposed scheme provides 8.7m to south on ground level, 4.3m and 5.7m on level 1 and same parameter on level 2.

	Approved Ground	Approved L1	Approved L2	Proposed Ground	Proposed L1	Proposed L2
Front	0.6m-4.1m	0.6m(terrace) 3.4m(glazing line) 4.0m(glazing line)	1.4m(terrace) 4.8m(glazing line)and 5.2m(glazing line)	2.24m-6m	1.4m(terrace) 4.4m(glazing line) 4.8m(glazing line)	1.6m(terrace) 4.6m(glazing line) 4.8m(glazing line)
North	0m	0m	1.5m	1m	1m	1m
South	6m(terrace) 10.6(building line)	4.2m(terrace) 6.3m(building line)	5.1m(terrace) 5.76(building line)	No terrace 8.7(building line)	4.3(terrace) 5.7(building line)	4.3m(terrace) 5.7m(building line)
Rear	6.5m	6.5m	6.5m	3.0m	3.0m	3.0m

On Summary,

- Our proposed scheme significantly reduced the impact of colonnade with 0m to 0.6m setback from approved DA by increasing front setback of ground level and level 1.
- Our proposed scheme slightly increases north setback adjoining Barrenjoey house compared with approved DA.
- Our proposed scheme slightly reduces the south setback with strategically placed privacy screen and improved landscaping design over the top of driveway.
- Overall, the building look smaller and less bulky from street and interface space is more open on pedestrian level via the public seating provided together with outdoor seating on ground level.



- The facades are well articulated with balconies and architectural features of introducing vertical element and oval cut-out integrated planters to further soften impact of structure therefore break up visual bulk.
- The height of proposed scheme is increased by 817mm given proposed parapet height at RL 13,567 and approved DA at RL12,750.
- The section 4.55 modification has no effect to this principle or the approved DA.



Principal 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

- DCP B2.6 requirement is the commercial/retail component of the development must be a minimum of 25% of the gross floor area of the building.
- Our proposed scheme proposes 410.4sqm commercial being 27.4% of the gross floor area of the building.
- And Clause 4.5a LEP sets a maximum rate of shop top housing of one dwelling per 150m² of site area for shop top housing. Permissible apartment number is 7.
- Our proposed scheme increased the apartment number from 4 in approved DA to 6.
- The proposed scheme provides 209.3m² of deep soil landscape with ADG requirement of 79.9m²
- The proposed scheme provides for the following apartment mix:
6x3 bedroom
Apartment mix proposed in previously approved DA.
4x3 bedroom
- The proposed scheme complies with DCP and ADG in terms of the size of rooms, balconies and achieves appropriate dwelling yield that is envisaged from a development of this nature.
- The section 4.55 modification has no effect to this principle or the approved DA.

Principal 4:Sustainability

Good design combines positive environmental, social, and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

- The front façade has generous balconies that will provide improved solar and view access whilst enabling greater ventilation opportunities and sense of space.
- layout of apartment in middle (unit 2 and unit 4) is well considered in terms of sizing and positioning of windows, and extra light well is provided for light and ventilation, to minimise mechanical heating and cooling.
- A high degree of cross flow ventilation is achieved for 100% of apartments.
- 66.7% of units will receive minimum 2 hours of sun light between 9am to 3pm mid-winter.
- Palm beach support and encourage innovative and emerging transport technology, such as electric cars and autonomous vehicles. The proposed scheme provides EV charger at basement car park for electric vehicle charging.
- The materials palette is tuned to energy efficiency and low-energy use with insulation, low-emissivity glass, double -glazed windows, and high thermal mass building products.



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- Dedicated Bicycle spaces in basement and general storage for each unit is provided to promote alternate transport modes.
- The section 4.55 modification has no effect to this principle or the approved DA.

Principle 5: Landscape

Good design recognizes that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

- DCP C.1 require 20% of site area or 35 sqm per dwelling of landscaping to be provided, whichever is greater. 228.3sqm of landscape is required.
- The approved DA provides 420.4 m² landscape area.
- The proposed scheme provides 319.4 m² landscape area and 209.3 m² of deep soil landscape with ADG requirement of 79.9m².
- The proposed scheme incorporates generous landscaping on the setback areas, terraces and open space throughout.
- The planting will consist of native species of scale and size to appropriately balance and soften the building scale and bulk.
- The landscaping plan is prepared by landscape architect POD Landscapes with incorporation of council's guideline. The proposed landscaping contributes a positive image & an appropriate contextual solution.
- Introduce more green and native landscape species to reflect the nature locality of palm beach to achieve a biodiversity development.
- Propose public seating and landscape for pedestrian along west boundary, encourage sense of community.
- Maintain northern end of the site landscape with soil depth greater than 800mm above built structures from approved DA.
- Landscape is proposed around public seating to minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.
- The section 4.55 modification has no effect to this principle or the approved DA.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.



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- All of dwelling units within the development achieve the required amenity in terms of privacy, ventilation, solar access and noise.
- Private open space is provided for each apartment with;
Unit O1: 17.4m²
Unit O2: 18.1 m²
Unit O3: 34.1 m²
Unit O4: 17.3 m²
Unit O5: 18.1 m²
Unit O6: 34.9 m²
- The proposed scheme provides spacious habitable living area, well ventilated wet area and sunlight-filled terrace for maritime living lifestyle.
- The privacy screen is proposed in strategic location to ensure no unreasonable privacy impacts occur.
- Replaced one way ramp from approved DA with two way passing bay to streamline traffic movements in and out of the site with improvement of visibility. (subject to Section 138 roads act approval)
- The proposed scheme is under review of accessibility consultant and is DDA compliant overall, with one of the apartments A4 being adaptable and achieve standard of silver liveable housing.
- Adequate Storage facilities have been provided in accordance with ADG requirement.
- For public interface, increased setback on ground provides quality outdoor space and good connection to Barrenjoey road.
- The proposed plans detail the provision of 23 car parking spaces, 14 for residential use, 2 for residential visitor use and 7 for retail use. Relevant matters are addressed in submitted traffic report.
- The section 4.55 modification has no effect to this principle or the approved DA.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

- The proposed development has been designed taking into consideration the CPTED principles to eliminate any opportunity of concealment.
- Well considered height of planter box and balcony setback, together with tenancy usage on ground level increases passive surveillance opportunity.
- Higher retaining wall at Rear boundary together with tall hedge provides a natural barrier.
- Vehicle ramp entrance is clear and well identifiable on south-west corner of site without obstacle to minimise conflicts. pedestrian main entrance moves to middle of front boundary to the commercial premises with a DDA ramp at north end and landing in the middle. The modification of separating vehicle and pedestrian circulation improve the pedestrian safety from Barrenjoey road.
- Convenient access to pedestrian entrance and lobby area on ground floor with secured glass door.



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- Common area lift and basement car park are secured with close circuit television cameras.
- Lift is programmed to ensure public has no access to upper level of apartments.
- A secure basement is provided with individual secure storage facility.
- The section 4.55 modification has no effect to this principle or the approved DA.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

- The proposed scheme provides 3 bedroom mix of units with option of study room to suite different demographics and household needs.
- A variety of apartment size is provided for community with different budget.
- 1 adaptable apartment is provided for the future adaptation of a dwelling to accommodate the occupant's needs. All other units are easily converting to adaptable and achieve silver liveable housing standard.
- The proposed development is suitable for people of all abilities to access and live, it contributes to create an inclusive, healthy, safe and socially connected community.
- The section 4.55 modification has no effect to this principle or the approved DA.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

- The proposed scheme incorporates elements of existing local character via using natural local material such as sandstone render/cladding or painted in Dulux "Mud Puddle" or "Strap". Roofing is natural zinc, and is low-reflective." (*condition B.38 for Approved DA NO119/14*)
- Activated street frontage is achieved via large area of glazing opening of shop façade, subtle variation of material chosen and accompanying landscape, provide a desirable aesthetic to Barrenjoey Road.
- The façade design sensitively incorporate curve element from profile of colonnade to edge of slab contributing to overall organic appearance of the building, visually integrating the building into landscape surroundings.
- The façade design introduces more vertical elements as per pre-DA comment notes suggested further breaking up the horizontal form. The proportion and scale of colonnade and architectural articulation to west façade is determined after carefully study the heritage item of Barrenjoey house, to echo the scale further achieve high level of harmony.



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- The high-quality aesthetics result is enhanced with the skilful integration of landscaping & street front elements to engage in a non-threatening manner with neighbouring buildings and pedestrians.
- The section 4.55 modification has no effect to this principle or the approved DA.



In conclusion, the section 4.55 modification has no effect to all these nine principles or the approved DA. We trust the above will assist Council in furthering its consideration of the planning proposal. Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 0457 321 074.

Yours sincerely,
Ada Li
Registered Architect NSW, No. 9867
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Annexure A
ADG Compliance Table(end of document)



Annexure B

Clause 28 Determination of development applications

(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration)—

(a) the advice (if any) obtained from the design review panel, and

(b) the design quality of the development when evaluated in accordance with the design quality principles, and

(c) the Apartment Design Guide.

(3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the development to which this Policy applies within 14 days after its first meeting to deal with the application concerned, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.

(4) The 14-day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.

(5) A consent authority is not required to obtain the advice of a relevant design review panel under subclause (1) if an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development.

(6) In this clause—

architectural design competition means a competitive process conducted in accordance with the Design Excellence Guidelines.

Design Excellence Guidelines means the Design Excellence Guidelines issued by the Director-General in October 2010.

Note—

A copy of the Guidelines is available on the website of the Department.



Annexure C

Clause 30 Standards that cannot be used as grounds to refuse development consent or modification of development consent

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters—

(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,

(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,

(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Note—

The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—

(a) the design quality principles, and

(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

(3) To remove doubt—

(a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and

(b) the design criteria specified in subclause (1) are standards to which section 4.15(2) of the Act applies.

Note—

The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

Annexure A : ADG Compliance Table- Summary of compliance with the ADG Design criteria of part 3 and part 4_1102 Barrenjoey Road, Palm Beach					
Control	Design Criteria		Compliance		
Part 3	Sitting the development				
			Total site area : 1141.5m² Open space required: 285.4m² Open space proposed: 295.4m²(non-communal) Open space on approved DA: Non-compliance Open space on proposed scheme: Non-compliance		
3D Communal Open Space	Communal open space has a minimum area equal to 25% of the site				
			Total site area : 1141.5m² Deep soil zone required: 79.9m² Deep soil zone proposed:209.3m² Compliance		
3E Deep Soil Zones	Minimum of 7% of a site should be a deep soil zone with the following minimum dimensions: 650m2 - 1,500m²: 3m				
			Side setbacks: <u>North</u> Ground floor: 1m First floor: 1m Second floor:1m	<u>South</u> Ground floor: 8.7m First floor:5.7m Second floor:5.7m	<u>Rear</u> Ground floor: 3m First floor:3m Second floor:3m
				<u>Front</u> Ground floor: 6m First floor:4.4m Second floor: 4.6m	
3F Visual Privacy	Up to 12m(4 storeys) 6 meters to the boundary between habitable rooms/balconies		Building separation on approved DA: Non-compliance		
Building separation	3 meters to the boundary between non-habitable rooms		Building separation on proposed scheme: Non-compliance		
	The car parking requirement prescribed by the relevant council.		Car parking for 23 cars(14 residential spaces and 2 visitor space, 7 space for commercial use)		
	In DCP B6.3 off-street vehicle parking requirement 2 resident parking space for each dwelling ;plus 1 vistior parking per 3 dwellings plus 1 parking per 30m² of commerial GFA,		Approved DA:Non-Compliance Proposed Scheme: Non-Compliance Relevant matters are addressed in submitted traffic report.		
3J Bicycle and Car Parking	The Pittwater 21 DCP requires that bicycle parking be provided at a rate of 1 bicycle rack per 3 dwellings.				
Part 4	Designing the building				
			66.7% of apartments in proposed scheme receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter Solar and day light access on approved DA: Nil Solar and day light access on proposed scheme: Non-compliance *Compliance if count apartment number(require 4.2units out of 6 comply, on proposed scheme 4 out of 6 comply)		
4A Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter		100% of apartments in proposed scheme are natrually cross ventilated.		
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.		Compliance		
4C Ceiling heights	Habitable rooms 2.7m Non-habitable 2.4m		Compliance		
	Minimum Apartment sizes: 90m² for three bedrooms. Additional bathrooms increase the minimum internal area by 5m²each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m²each. Every habitable room must have a window in an external wall with a total minimum glass area of no less than 10% of the floor area of the room. Day light and air may not be borrowed from another room.		A1: 186.3m² A2:173.2m² A3:185.8m² A4:188.3m² A5:167.6m² A6:184.5m² Compliance		
4D-1 Apartment Size + layout					
4D-2 Apartment Size + layout	Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Open plan layouts (where living, dining and Kitchen are combined habitable room depth form the window is 8m.		all apartments with dual aspects. light well and corner window provided. Non-Compliance		
	Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments		Compliance		
4D-3 Apartment Size + layout	Apartments are to have the following balcony dimensions: 3bedroom – 12m² with min. 2.4m depth The minimum balcony depth to be counted as contributing to the balcony area is 1m				
4E Private open space and balconies	Ground level apartments should contain a minimum of 15m² of open space, with a minimum dimension in one direction of 3m		Compliance		
4F Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight. 3+ bedroom apartments 10m³		Compliance		
4G Storage	At least 50% of the required storage is to be located within the apartment		Compliance		