

Item 3 - DA2024/1684 - 638 Pittwater Road BROOKVALE

PANEL COMMENT AND RECOMMENDATIONS

General

- The development seeks an Amending Development Application to a current approval (DA2019/0239) for a three-storey shop top housing building, noting modifications to slightly reduce car parking (which remains in excess of requirements), mezzanine storage to commercial tenancies and SOHO have also been previously approved.
- The proposed Amending DA includes the addition of a fourth storey accommodating 20 residential units, a further mezzanine to commercial Tenancy 01 and associated amendments for its fire egress, and some changes to the façade presentation and detailing.
- The Panel raises concerns with regards to the objectives of SEPP (Housing) Schedule 9 Design Principles and the accompanying Apartment Design Guide design criteria for *minimum* amenity which the proposal will have on the design approved in 2019. These are primarily around the following:
 - natural daylight
 - natural ventilation
 - natural ventilation and noise
 - solar access over the long term
 - natural cross ventilation, and
 - visual and acoustic privacy.

These are discussed in this report because they have implications for the design quality resulting from the proposed fourth storey in context of the entirety of the proposed development, and a context where construction has not commenced.

Strategic context, urban context: surrounding area character

Comments

- Strategic context –
 - a) The Panel notes Council adopted the Brookvale Structure Plan in November 2023. However, the draft Northern Beaches Local Environmental Plan currently awaiting DPHI Gateway Approval, has not reflected the new height (and density) provisions that would now apply to the subject site.
 - b) The Panel further understands the original approval included a significant excess of car parking spaces for 'future proofing' against the possibility of the Brookvale Structure Plan coming into effect and the likelihood of a future modification to increase height and density. As a principle of good city making for urban densification, the Panel does not support the provision of car parking in excess of requirements particularly at a time where cities need to

embrace public transport and its use and rapidly move away from reliance on private vehicles. This is to avoid the increasing impacts of traffic congestion and to avoid furthering impacts to air quality as we move to full electrification.

- Streetscape analysis – the site is on the corner of a busy arterial road. It becomes more visually prominent when approaching from the south due to the skewed geometry of the junction of Orchard Road as it meets Pittwater Road which winds through the otherwise regular street grid layout of the Brookvale bounded by Green Street to the west, Harbord Road to the east, Federal Road to the north and Wattle Road to the south generally defining the Brookvale E4 General Industrial zone.

This has implications for the façade treatments and internal layouts for the south-western corner. The Panel is not supportive of the full height glazed wintergarden façade. While this was generally accepted in the original DA approval, it fails to adequately consider privacy amenity of the residents making the balconies unlikely to be used or likely to include ad hoc and unattractive screening as individual residents try to manage their desired levels of privacy in full view of buses and vehicles travelling past along Pittwater Road. The Amending DA seeks further modifications to this facade, (see comments at Aesthetics). Visual privacy amenity requires further consideration for this prominent exposed corner.

The inclusion of an additional storey requires streetscape analysis that should include provisions for the Brookvale Structure Plan and current draft amendments to the LEP (which do impact on adjacent sites along Orchard Street).

The Panel acknowledges the prominent corner site has possibilities for localised height in defining the character of the public domain it edges.

In general, the Panel supports the increasing of density consistent with the intent of the public policies where a design demonstrates a high-quality urban form and detail that contributes positively to the surrounding and changing urban fabric. The proposed development has not demonstrated the required level of merit to support the modification for the reasons detailed at the section headings within this report.

- Streetscape character –
 - a) General comment – loss of detail around openings, and building elements removes those elements that define the building's long-term character and importantly serve a purpose for water shedding and controlling weathering needed to maintain its visual appearance over the long term. The loss of façade modelling and details is not supported. Multiple changes of colour and/or material within a flat wall plane represents a poor streetscape outcome.
 - b) Additional residential storey – is proposed as an extrusion of the levels below, which has a certain logic albeit a superficial response. The proposed result presents an unrelieved flat vertical wall plane, delineated solely by colour. This is a poor-quality outcome and is not supported. The additional storey needs to read as a characterful, modulated termination of the building – base, middle and top. While the darker colour is visually recessive, it is a surface applique with no 3-dimensional quality. Further, the dark colour is prone to poor performance over time (discolouring, visible drip lines, and avoidable heat gain) all exacerbated where the wall plane and building elements are unarticulated. Flat painted render/surface application wall planes with openings punched are not supported.
 - c) Corner glazed façade – loss of detailed building elements diminishes the original approved character and is not supported. The loss of facade detail has the effect of further transferring visual interest onto the private activities of resident's private open spaces behind. This is not supported or appropriate for the location.

Recommendations

1. Provide streetscape analysis scenarios to test and support any proposed additional storey: under the existing LEP controls; and the Brookvale Structure Plan with current draft LEP amended controls.
2. Generally, the façade treatments must retain the approved level of detail and modelling of building elements if not actively seek to improve them.

3. The additional storey is to present a clear physical separation from the storeys below including areas of wall planes extending from storeys below. This is needed so the base, middle and top of the building is coordinated to be 3-dimensionally defined.
4. The curved corner façade is to increase the modulation more consistent with the approved DA and reduce the extent of glazing. This is needed to address the following:
 - so building elements in the façade demonstrate a 3-dimensional quality to the edge detailing
 - so junctions of materials and articulation of building elements can better control long-term weathering,
 - to increase the level of visual interest as a positive contribution to the street, and
 - better manage resident amenity. Note: dark tinted glazing or colour-backed glazed panels to manage solar heat gain and/or visual privacy is not supported as it disengages from the public domain, has poor internal amenity for residents/tenants, and would introduce a further busyness to an already busy materials/colour palette.

Scale, built form and articulation

Comments

- Scale – is generally acceptable subject to streetscape analysis and addressing identified deficiencies of the design proposition as currently proposed. However, the medium density mixed use scale is expected to present a characterful building.
- Built form – a proposed additional storey may be appropriate for the site and its wider context where the addition demonstrates a high-quality outcome. The combination of the top floor presenting as a mix of recessed spaces (private open spaces) or an extension of the wall plane of Levels 1 and 2 below is not achieving a desirable built form as it presents holistically.

The inconsistent treatment of the perimeter edge of the top storey fails to clearly define the building form to achieve a satisfactory urban character.

The Panel suggests either reinforcing the overall building form consistently or consistently setting the proposed addition's building line inboard of the building edge to create a meaningful shadow line and expressive and recessive top storey and an expressed roof form.

The proposed use of surface painted colour to make the top storey addition 'appear' recessive is not supported. It does not achieve a level of design quality expected on this prominent corner and is generally considered poor practice. This is further discussed below and at Aesthetics.

- Articulation –
 - a) Generally, articulation of the built form is achieved at the building entries which are expressed as a vertical recess in the massing when viewed along the streets. This vertical recess extends through for the fourth storey addition. Overall, this is a generally positive approach for the built form and becomes a visual cue for locating each lobby entry along the long Orchard Road and Charlton Lane frontages. The previous approval for a 3-storey development sensibly presents a clear commercial ground floor shop front address that is delineated by the footpath awning, with the mass of the two residential storeys presenting as a cohesive piece. The proposed additional has not achieved a satisfactory response to the building articulation due to the combination of split treatment of 'space' and 'solids' at the building edge, the materials and colour use.
 - b) Top storey – it is suggested that the mass of the additional storey is consistently inboard of the building edge along all street frontages. This is to address the otherwise flat wall planes created and their poor-quality vertical expression proposed by a change in surface paint colour.
 - c) Façade treatments - need to retain the approved framing elements/ hoods around the wintergardens and other windows. These had achieved generally positive plays of light,

shadow and texture that gives the minimum structural wall thicknesses some essential 3-dimensional depth. Deleting these framing elements results in:

- flattened, unarticulated and bland wall planes
- elevations that have lost the approved DA's sense of rhythm in the street
- lost the visual interest expected when viewed from the public domain.

Poor outcomes associated with extensive use of appliques/painted rendered finishes and an absence of edge detailing around building elements, their junctions and where changes of material/colour/texture occur is to be avoided. See also comments at Aesthetics.

- **Building Height – floor-to-floor height** – The Panel notes the 3-metre residential floor-to-floor heights of the approved DA do not satisfy ADG *minimum* accepted as being 3.1 metres.

While 3 metres has long been rejected as sound industry practice, the Panel notes this now creates significant compliance implications for the proposed development due to legislative changes.

The introduction of the Design and Building Practitioners Act had reinforced the need for at least 3.1 metres to address the influx of building defects around waterproofing performance. This has gradually further changed so that accepted industry practice accommodates a minimum of 3.2 metres at DA stage – or more – depending on the vertical relationships of wet areas and habitable rooms.

Further adding to this difficulty is that 2025 will introduce amendments to the National Construction Code (NCC) for compliant water proofing.

As a result, current professional development recommendations consistent with the NSW Building Commission is that a minimum floor-to-floor height of 3.2 metres will be required to comply with the 2025 NCC for effective waterproofing *and* for achieving the SEPP (Housing) development standard for *minimum* ADG unobstructed floor-to-ceiling height of 2.7 metres. The Panel therefore strongly suggests that the applicant consider addressing this in the the Amending DA.

Recommendations

5. The addition is to be physically defined not rely on painted surface finishes.
6. The top floor is to be modulated consistently so that it expresses the termination of the built form – top floor and roof.
7. Building height – floor-to-floor heights should be included in the current application to demonstrate a minimum of 3.2 metres plus realistic structural depths in section drawings. This should be increased where wet areas are proposed above habitable rooms of units below.
8. Reinstate the framing building elements deleted from openings to street frontages – also required to mitigate western sun.
9. See Amenity for implications for acoustic treatments and natural ventilation that may impact on the built form of the addition.

Access, vehicular movement and car parking

Comments

- The excess of car parking is noted. While this results in the proposed additional units still having allocated parking, it would be good to understand the extent of the excess as there are implications for wasted costs and resources, and site impacts including loss of street trees through excavation on the street boundary where it could otherwise be avoided.

- The Panel in general does not support the provision of car parking in excess of minimum requirements. As cities grow, increasing the reliance on private transport above public transport options is contrary to sound city-making principles for managing high amenity density and an efficiently working city. The Panel further notes the site is well served by the B-Line buses and other local bus routes.
- Approved truck movements are located centrally at ground level and accessed from Orchard Road. The Panel notes the approval, however, the location has flow-on impacts for managing visual and acoustic separation both for the adjacent SOHO units and the noise transfer to the podium level above which is discussed at Amenity.

Recommendations

10. Consideration be given to car parking to be at the minimum required rates where impacts could be reduced.
11. Considered whether amenity improvements can be made between the ground level truck/loading and adjacent SOHO and podium above.

Landscape

Comments

- The Panel notes revised landscape plans did not form part of the submission. Reference is therefore made to the existing approved plans prepared by Concept Landscape Architects dated 04.09.2018. The Panel notes the approval included the removal of a mature *Eucalyptus microcorys* (Tallowood tree) to accommodate the proposed basement carpark.
- While a zero-lot boundary is permitted along Pittwater Road, consideration should be given to the established trees that may be worthy of retention at the corner of Pittwater Road and Orchard Road.
- With the considerable variations proposed to the approved scheme, the Panel suggests there are opportunities for DA2025/168 to design around the retention of additional streetscape-contributing trees.
- The continuing retention of trees along the Charlton Lane setback is supported. These trees and the deep soil zone provide the only meaningful landscape for the site and make an important contribution to the future character of Charlton Lane as it meets Orchard Road.

Recommendations

12. Consideration should be given to street planting within a structural root cell system to enhance the streetscape and provide critical shade to the development. Tree species with an appropriate canopy spread should be selected to minimise or indeed eliminate the need for heavy pruning of branches on the building side of the trees in future years.
13. Some building articulation to allow for planting on structures or some type of planter boxes to soften the building with overspill planting should be considered – including the detailed design of awnings to allow trees to grow and for canopy spread over time.
14. The existing trees along the eastern boundary need to be assessed by a Level 5 Arborist and appropriate measures taken to ensure their health is protected and long-term viability is delivered.
15. The proposal should consider a green roof option with low growing ground covers – (there are several companies specialising in this area) to respond to reducing the heat island effect, reduce the reliance on heating and cooling, and improve the performance of rooftop PV.
16. The internal courtyard area does not seem to address the space well and does not provide much in the way of vegetation especially tree planting. Consideration for redesigning this space including its

relationship with the ground level could be undertaken with little design changes to any other part of the building or infrastructure.

Amenity

Comments

The following deficiencies are reasons why the proposed development intended duplication of existing unit types and layouts cannot be supported in the fourth-storey:

- Solar access – sun-eye 3-d modelling does not include future permitted development envelopes of neighbouring properties. This is needed to demonstrate the long-term solar access performance for consistency with the ADG requirements and definitions. The submitted modelling appears as if the site is in isolation. The Panel appreciates the original DA may have presented the modelling similarly, however, it is inconsistent with the ADG and the proposed application must demonstrate consistency with ADG requirements.
- Natural cross ventilation – The Panel notes that the ADG is clear in stating natural cross ventilation of units and natural ventilation of habitable rooms is not achieved by internal courtyards. While the existing surrounding development conditions may currently provide unobstructed air flow paths beyond the site's boundaries, it appears the approved DA likely had not considered future permitted development of those neighbouring properties. The proposed development likewise has not considered future permitted development. This is not supported.

The foreseeable risk is that both courtyards on the subject site will become fully internalised if neighbouring properties build to their side boundaries as is permitted.

As a result, the Panel finds the true performance of the DA approved design for natural cross ventilation is demonstrated by only 4 of 20 units per floor representing only 25% of the units across the development. This is a significant departure from the ADG's *minimum* of 60%.

It is noted that the access stairs from Charlton Lane appears will be open to the above ground central podium, which is a better outcome than the western courtyard. However, an effective flow path through the podium level as a consolidated central space could have been achieved if similar open access was proposed along the three Orchard Road entries *and* the building form of Units 6, 26 and 46 and Units 19/20, 39/40, and 59/60 was not built to their northern boundaries. (Even the loss of at least Unit 6 if not also Unit 26 would connect the two courtyards and provide an airflow path to Charlton Lane for natural ventilation.)

In this context, it is not unreasonable to expect all new units to achieve long-term and effective natural cross ventilation to address some of the approved shortfall, and/or that the design use the opportunity of the Amended DA pathway to address these previous deficiencies.

- Natural ventilation – similar to the previous point, habitable rooms deriving their primary source of natural ventilation from an enclosed courtyard is not supported by the ADG. This impacts on 10 of the 20 units per floor or 50% of the development. The Panel does not support any habitable rooms having no access to natural daylight or ventilation as previously approved Units 2 and 22 and in the proposed Unit 42, and Units 27 and 47.
- Visual and acoustic privacy – the Panel notes visual and acoustic privacy is compromised by:
 - a) units with an internal corner relationship. While directional screening can largely resolve this proximity, the risk is that screens will further impact on natural daylight and ventilation amenity.
 - b) Units 1 and 21 private open space – full height floor-to-ceiling glazing does not achieve adequate levels of visual privacy, which is exacerbated by the south-western corner's visual prominence. This also leaves the balconies exposed to the western sun with no shade protection. The approved façade design is noted, however, the Amending DA should improve the level of resident amenity for these units. As proposed it is unlikely the spaces

will be used other than for storing items, drying washing, and or installing ad hoc screening which would impact on the building appearance over the long term.

- c) Conflict for bedroom windows opening into a common walkway – Units 4 and 5 affected. This is a poor design outcome for long term amenity noting this being further exacerbated due to the apartments opening into an enclosed courtyard space.
- d) Conflicts for units opening directly into the central courtyard – Units 3 and 6 bedrooms affected with added conflicts for the proximity of the common walkway.
- e) Voids in the podium - intended to provide needed natural daylight into otherwise internalised SOHO spaces 2, 4, 6, 7 and 8 require sensitive detailing to manage overlooking to and from the private open spaces of adjacent units above.
- SOHO
 - a) Entry sequence – SOHO units 2, 4, 6, 7 and 8 address the internal central courtyard space. Being at ground level the central space is compromised by accommodating truck movements in and out of the development for commercial deliveries and other servicing. These SOHO unit entries are via a long and walled corridor on the western side resulting in a poor quality address and poor levels of amenity.
 - b) Daylight and ventilation amenity – SOHO units 2, 4, 6, 7 and 8 are effectively internalised with poor levels of access to natural daylight and ventilation. These spaces are all single aspect, oriented into the central courtyard space as do their attached residential Units 11, 13, 15 17 and 18.
- Lift lobbies 3 and 4 entry conflicts and entry character – The Panel notes there appear conflicts for the residential lobbies that also serve the SOHO units. SOHO tenancies may be accessed from the residential entries/lobbies for Lifts 3 and 4. If SOHO spaces 2, 4, 6, 7 and 8 are assumed as back-of-house, the long double-loaded corridor presents as a series of doors with no entry residential character. If the corridor is also intended for public access, a conflict arises for resident security.
- Acoustic amenity and natural ventilation in noisy locations – The Panel notes the conflict for achieving acoustic amenity and required natural ventilation for Units 1, 2, 21, and 22. These units are single aspect and there appears no solution integrated with the design that enables a flow of natural air into these units if the wintergardens are closed. This should be further considered.

For the above reasons, the Panel does not support the proposal that seeks both to duplicate known deficiencies and has not sought to improve overall performance with the opportunity of an Amending DA.

Recommendations

17. Solar modelling – sun-eye (or views-from-the-sun) analysis is to include compliant building envelopes for future development of neighbouring sites/sites in the vicinity to determine solar performance and overshadowing to and from permitted development.
18. Natural ventilation and cross ventilation – all new units are to demonstrate they satisfy the ADG design criteria. It is recommended natural and cross ventilation performance be improved through deletion of 2 or three units, which would still result in a net increase of 17 units. This would enable the Lift 2 lobbies to be open and create a single northern courtyard space linking the airflow path to the Charlton Lane as a similar treatment to the open entry between buildings L3 and L4.
19. Natural daylight – all new units are to provide natural daylight to all habitable rooms consistent with ADG design criteria.
20. Floor-to-floor heights – the applicant should consider broadening the current application to include all residential floor to floor heights be increased to a minimum of 3.2 metres noting additional height may be required for additional ceiling insulation for wet areas/terraces and the like above habitable rooms below, and to accommodate adequate structure for the podium, paving and landscape and complaint waterproofing.
21. Existing departures from the ADG minimum performance – it is recommended there is an opportunity as an Amending DA, for the development to address existing deficiencies to improve the

overall building performance and resident amenity expected by ADG *minimum* performance benchmarks.

22. Clarify lift lobbies 3 and 4 - for managing the perceive conflicts for the SOHO back of house and residential uses.
23. Clarify natural ventilation – how is it proposed for single aspect units in the noisy location.
24. Confirm acoustic requirements – for the fourth-floor level. This may impact on the building line and how the addition relates to the levels below such as the need for wintergardens, setting the building mass inboard of the building edge below.

Façade treatment/Aesthetics

Comments

- Materials - The Panel is not supportive of the extensive use of low-quality materials that generally do not perform well over the long term in polluted environments. The extent of painted surface finishes is prone to a build-up of particulate pollution in combination with the lack of edge detailing has not adequately considered how the building will control and manage weathering.
- Edge detailing – deletion of building elements that had made important contributions to the quality of the facades is not supported. These include the framed hoods around wintergardens and other openings and the general loss of parapet details. The building has not demonstrated a satisfactory presentation to the public domain has been achieved. The Panel considered the amended design to lessen the aesthetic quality of the approved DA.

Recommendations

25. Reinstate building elements such as framing around wintergardens, so that the facades demonstrate a modulated depth needed to contribute positively to the streets.
26. Minimise the use of high maintenance materials such as painted finishes that do not perform well over the long term. On-going and frequently required maintenance so the quality of the building's appearance is retained over the life of the building is an unreasonable burden for future residents when more robust and durable materials are available.
27. Reconsider the massing, materiality and colour selection for the fourth storey addition and include meaningful parapet edge detailing to terminate the wall plane around the building and generous roof eaves for shadow reveals and solar protection for exposed aspects.

Sustainability

Comments

- See notes at Amenity regarding better layouts to ensure good natural light and ventilation for all commercial and residential spaces.
- See notes at Strategic Context for excess of car parking.
- The following should be considered in context of the changing regulatory environment that includes, or will include efficiency, electrification, zero emissions and mandatory disclosure:
 - NatHERS 7 star minimum (as required under law)
 - All electric (no gas)
 - PV panels to the roof with provision for battery storage (include consideration of a green roof for improved performance and mitigating urban heat)

- Hot water via centralised electric heat pump
- Water and energy efficient appliances
- Double glazing as standard – tinting is not supported due to poor associated amenity
- Aim for all apartments to be naturally cross-ventilated – dual aspect
- Materials and building designed for longevity and durability
- Accommodate EV charging capacity for 100% of the development (over time).

Recommendations

28. Remove gas from the building.
29. Gas cooktops can be replaced with induction.
30. The gas hot water system should be replaced by heat pump - the location may need to be on the roof to ensure adequate ventilation.
31. A 9kW PV array is very small for this size building. Increase the array and consider a green roof under the PV.
32. Also consider increasing the PV provision to avoid challenges of proposed 4-star dryers which are heavier and impact architectural layouts and structural requirements.
33. Surplus car parking should not be provided, ensure the spaces provided are restricted to the minimum required for the development.
34. The solar protection for the fully glazed corner wintergardens is to be provided which should include providing a solid balustrade to also address visual privacy.

PANEL CONCLUSION

The Panel acknowledge the existing consent which the applicant benefits, and the constraints associated with the assessment being limited to the discrete scope of the current amending Development Application. Advice has been provided in relation to the existing consent, as this current application provides an opportunity for the applicant to make significant improvements and overcome identified construction issues to the 2019 consent.

In regards to the scope of the current application, the proposal in its current form is not supported. The proposal compounds issues with privacy, acoustic privacy, solar access, natural light and ventilation with the approved development (but not yet constructed) that sits below. These impacts must be considered and addressed in conjunction with the likely development outcomes/resulting impacts which could be realised from adjoining properties redevelopment. It is likely that to address these issues a reduction in the proposed floorplate will be required to remove the resulting impacts on the approved building below.