

12th July 2022

The General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Ms Lashta Haidari – Principal Planner

Dear Lashta,

**Supplementary Statement of Environmental Effects - Mod2022/0230
Modification of Land and Environment Court Issued Consent Case number
2021/00048099 Collaroy Street Pty Limited v Northern Beaches Council
Shop top housing 1 Alexander Street and No. 4 Collaroy Street, Collaroy**

Reference is made to Council's email of 23rd May 2022 and a number of subsequent meetings and discussions in relation to various aspects of the modification application as submitted namely:

- *The unit numbers referred to in the SEE need to be coordinated with the unit numbers on the plans, currently they differ, and it is unclear what is changing. The SEE notes variously; Unit 21, Units 29-30, Unit 08, but no such units are noted on the plans, which note units as A203, A301, C303, D302, etc.*
- *The changes should be bubbled, but not over bubbled with a unique number that is cross-referenced to the text in the SEE, which clearly identifies what element on the plans the SEE is referring to.*
- *Comparing the proposed modification to the original LEC stamped approved plans there appear to have been changes to the communal open space, which have not been noted on the modification plans. Please provide a clear set of drawings that notes all changes from original approved drawings.*
- *There appears to be a disparity between the drawings noted on the Notice of Orders and the LEC stamped plans, and the revision letters do not appear to match. Please provide a full drawing set of the original approved documents.*

During the various discussions a number of additional matters were also discussed in relation to additional modifications which have been identified during the ongoing preparation of required Construction Certificate documentation. The additional modifications now sought, and as reflected on the accompanying plans, are as follows:

1. Sewer diversion

The development requires the diversion of an existing sewer main to run along the northern boundary of the property below the northern edge of the proposed ground floor gymnasium and storage area. Formal advice has recently been received from Sydney Water that a 0.9 – 1 metre wide, 1.8 metre high passageway clear of all other structures is required for their sewer pipe to run through. This has been nominated on Basement Plan DA02(2).

2. Updated landscape plans

The landscape plans have been comprehensively updated to reflect the modified architectural plans and to include additional Construction Certificate detailing.

3. Modification of condition 24 in relation to the approved loading dock

The subject application already seeks the modification of condition 24 to reflect the new car parking allocation however it has come to our attention that the condition requires the approved loading dock to comply with AS2890. The approved loading dock has a reduced head height so does not comply with AS2890 and accordingly cannot be serviced by an SRV.

Accordingly, we seek the modification of this condition to read as follows:

24. Vehicle Access & Parking

All internal driveways, vehicle turning areas, garages and vehicle parking space/~~loading bay~~ dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards). With respect to this, the following revision(s) must be undertaken to the parking allocation:

- ~~4~~69 residential spaces
- 7 residential visitor spaces, which includes 1 car share space. The 7 residential visitor spaces must be line marked as “Residential Visitor Only”.
- ~~11~~4-retail spaces
- 2 motorcycle spaces

These amendment(s) must be clearly marked on the plans submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicle

4. Sprinkler water pressure pump and tanks

The deletion of the previously proposed sprinkler tank room and services room adjacent to the basement driveway on the basis that it has been determined that sufficient water pressure is available within the street water main.

5. Tanking of basement

As required, the plans have been amended to provide for a tanked basement.

6. Reinstatement of awnings along Alexander Street

The approved awnings along Alexander Street have been reinstated to ensure consistency between the approved and modified architectural plans.

Accordingly, this supplementary statement is to be read in conjunction with the Statement of Environmental Effects, dated 15th of June 2022, filed in relation to these proceedings, as amended by the contents of this supplementary statement, and following amended documentation:

- Amended Architectural plans DA000(2) and DA002(2) – DA018(2) prepared by Walsh Architects, and
- Amended landscape plans NEO01-CD-003(C), NEO01-CD-301(C), NEO01-CD-302(B) - NEO01-CD-304(B) prepared by Sym Studio.

In relation to the issues raised in Council's correspondence of 12th April 2022 we respond as follows.

- ***The unit numbers referred to in the SEE need to be coordinated with the unit numbers on the plans, currently they differ, and it is unclear what is changing. The SEE notes variously; Unit 21, Units 29-30, Unit 08, but no such units are noted on the plans, which note units as A203, A301, C303, D302, etc.***

Response: The proposed modifications involving references to individual units are correctly identified as follows:

DA004 – Level 1

- The flipping of the approved Unit 08 (now referred to as C102) balcony and living areas to create a more cohesive architectural language for the facades.

DA005 – Level 2

- The flipping of the approved Unit 21 (now referred to as C202) balcony and living areas to create a more cohesive architectural language for the facades.

DA006 – Level 3

- Minor adjustments to external wall locations of approved Units 29 and 30 (now referred to as B301 and C301) to reflect enhanced internal layouts.

The renumbering of the approved apartments forms a component of this modification.

- ***The changes should be bubbled, but not over bubbled with a unique number that is cross-referenced to the text in the SEE, which clearly identifies what element on the plans the SEE is referring to.***

Response: All modifications to the approved architectural plans have now been clearly bubbled with such modifications now able to be referenced against the modifications detailed within the Statement of Environmental Effects, as amended by this supplementary statement.

- ***Comparing the proposed modification to the original LEC stamped approved plans there appear to have been changes to the communal open space, which have not been noted on the modification plans. Please provide a clear set of drawings that notes all changes from original approved drawings.***

Response: This submission is accompanied by amended architectural and landscape plans which clearly nominate the proposed modifications to the communal open space and associated landscaping.

- ***There appears to be a disparity between the drawings noted on the Notice of Orders and the LEC stamped plans, and the revision letters do not appear to match. Please provide a full drawing set of the original approved documents.***

Response: The Notice of Orders Made, dated 23rd of December 2021, issued by the Land and Environment Court of New South Wales clearly identified the architectural and landscape plans the subject of the development consent. It would appear that the inconsistency has arisen from Council stamping the incorrect plans. We rely on the plans nominated within the Notice of Orders Made and specifically condition 1 of the development consent.

The amended architectural bundle also includes additional 3D views from both Alexander and Collaroy Streets to enable a comparative analysis between the approved development and the development as modified in relation to the raising of the upper-level gutter line to ensure compliance with the ceiling height provisions of the ADG whilst also enhancing buildability and overall building design.

In this regard, we note that the upper level setbacks to all boundaries are maintained with the accompanying shadow diagrams demonstrating the maintenance of compliant levels of solar access to all surrounding development. The modifications do not compromise the visual or aural privacy outcomes afforded through approval of the original scheme with no additional view impact arising as a consequence of the modifications sought. Accordingly, we are satisfied that the conclusions reached by Walsh C in the matter of *Collaroy Street Pty Ltd v Northern Beaches Council [2021] NSWLEC 1779* in his support of the clause 4.6 variation request for building height are not compromised namely:

24. *.....Important for the proposal, in compatibility terms, are certain design features which in a sense mitigate potential height impact. Of most importance are the boundary setbacks of the (contravening) pavilion elements which are important in terms of streetscape perceptions as a compatibility factor. That is to say, I agree with Ex M that the contravening elements will be visually recessive, rather than present as obvious or visually bulky to those walking by. Ex M adequately demonstrates that the proposed building, as a consequence of its design response to context, would be capable of existing in harmony with the height and scale of surrounding and nearby development, despite the height contravention.*

.....

35. *On balance I am convinced that there are sufficient environmental planning grounds to justify the contravention in the circumstances. I believe it generally follows my earlier conclusion that the building height, despite the contravention, does provide a quite responsive and compatible building, with a good capacity to exist in harmony with its setting, in local context terms.*

Under such circumstances, strict compliance with the building height standard is again unreasonable and unnecessary with sufficient environmental planning grounds to justify the variation sought.

We are of the opinion that the amended documentation, the subject of this submission, comprehensively responds to the issues raised and provides for an overall refinement in the detailing and design quality of the development. Having given due consideration to the matters pursuant to Section 4.15(1) of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to development sought in this instance.

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

Yours faithfully

Boston Blyth Fleming Town Planners

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