



northern
beaches
council

MEMORANDUM

DATE: 13 April 2023

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Peter Robinson - Acting Director, Planning and Place

FROM: Max Duncan – Principal Town Planner

SUBJECT: Item No. 4.1 – DA2022/0469 – 1102 Barrenjoey Road, Palm Beach – Construction of Shop Top Housing

TRIM REFERENCE: 2023/228563

The purpose of this memo is to advise the Panel that amended plans have been submitted to Council (via the NSW Planning Portal) in response to the deferral of Item No. 4.1 considered by the Panel at the 15 February 2023 meeting.

At the 15 February 2023 meeting, the Panel deferred the item for the following reasons:

- a) Amended plans that reduce the overall height, bulk and scale including removal of the mansard roof to reduce the massing created by the proposed roof form. Consideration should be given to materiality, upper level set back and the form of the roof to achieve a upper level which is more recessive and an overall compatible development with surrounding development particularly Barrenjoey House.*
- b) Amended plans to reduce the overly strong vertical influence of the balcony columns and their impact on bulk and scale.*
- c) Amended plans to redesign the mechanical plant enclosure to minimize the height of the screening and the provision of rooftop landscape screen.*

Following deferral of the item, the applicant submitted an amended design to the Panel which comprised of a flat roof design, with removal of the mansard roof.

The amended scheme was provided to the Panel and on 8 March 2023 the panel met to deliberate on the amended proposal. In addition to Council staff, the Chair of the Design Sustainability Advisory Panel and Council's Heritage Advisor were present at the meeting.

The Minutes of the deliberation of 8 March 2023 are available on the LPP webpage.

Following this meeting, the applicant was advised of the Panel's position on the amended proposal comprising of a flat roof scheme. In summary, the Panels preference (by majority) was that the plans considered at the 15 February 2023 meeting (pitched roof) is the preferred outcome, subject to some recommended design changes. The Panel Chair granted additional time for the further amended plans to be submitted by the applicant.

The minutes required the following changes:

1. *Reduction of the central portion of the roof by 460mm and reduction of associated screening around the mechanical plant area, resulting in a reduction to the maximum building height of 460mm from the existing ground level.*
2. *Reduction in the amount of columns from four (4) to three (3) columns per balcony at the front (western) façade of the building.*
3. *Replacement of the roof material between the recess of the Level 1 balconies with an open batted section to allow light into the roof sections, the batted section maintaining the roof pitch.*
4. *Recess the central balcony 500mm from the alignment of the two adjacent balconies on Level 1 western façade.*
5. *In line with the above, reduction of the roof edge and gutter line back to align with the recessed balcony.*

The applicant submitted further amended plans on the 27 March 2023 and the applicant has responded to the Panel's request as follows:

1. *Reduction of the central portion of the roof by 460mm and reduction of associated screening around the mechanical plant area, resulting in a reduction to the maximum building height of 460mm from the existing ground level.*

Comment: The central portion of the roof has been reduced 460mm and the screening around the plant area maintained equal to the maximum height of the roof (RL13.75). The landscape planter box to the east of the roof plant area is maintained and also has a maximum height of RL13.75. The amended plans to respond to the Panel's request.

2. *Reduction in the amount of columns from four (4) to three (3) columns per balcony at the front (western) façade of the building.*

Comment: The amended plans have been updated to accommodate this change. The amended plans respond to the Panel's request.

3. *Replacement of the roof material between the recess of the Level 1 balconies with an open batted section to allow light into the roof sections, the batted section maintaining the roof pitch.*

Comment: The amended plans have been updated to accommodate this change. The amended plans respond to the Panel's request.

4. *Recess the central balcony 500mm from the alignment of the two adjacent balconies on Level 1 western façade.*

Comment: The amended plans have been updated to accommodate this change. The amended plans respond to the Panel's request.

5. *In line with the above, reduction of the roof edge and gutter line back to align with the recessed balcony.*

Comment: The amended plans have been updated to accommodate this change. The amended plans respond to the Panel's request.

Additional Public Submissions

On 30 March 2023, Council wrote to each person who had made a submission regarding the proposal advising that amended plans had been received. The letter outlined that any further submissions be made to the NBLPP by 10 April 2023 ahead of a further public meeting.

As of the 12 April 2023, Council has received 72 additional public submissions following receipt of the amended plans. The additional public submissions have raised the following issues:

1. *The proposal is out of character and overwhelms the adjoining Heritage Item Barrenjoey House due to the bulk, height and scale. The amended plans do not address these issues.*
2. *The proposal exceeds the 8.5m height limit under the Pittwater LEP.*
3. *Built form non-compliance.*
4. *Impacts upon amenity of adjoining properties and public open space.*
5. *Inconsistent with the desired character of the area.*
6. *Insufficient information with regards to geotechnical risks.*
7. *Increase in traffic as a result of the development.*

Comment: The assessment report prepared for the 15 February 2023 NBLPP meeting addressed each of the above seven (7) points and was based on the plans included as part of the 15 February NBLPP agenda. As the amended plans make a further reduction to the building form and scale, Council's assessment of the proposal remains unchanged from what has previously been outlined within the assessment report prepared for the 15 February 2023 NBLPP meeting. Each of the above issues have been considered within the report, including an assessment by Council's Heritage Advisor and the Design Sustainability Advisory Panel (DSAP).

The building height breach has been addressed in detail within the assessment report.

The parking and site access arrangements are unchanged as a result of the amended plans. The quantum of floor space remains unchanged due to the amended plans and therefore Council's assessment of parking and traffic generation remain as per the original assessment report.

The issue of geotechnical risk has been addressed within the assessment report and supplementary memo provided to the NBLPP as part of the agenda. The amended plans do not change Council's assessment of this issue.

8. *Insufficient time to make a submission on the amended plans.*

Comment: The amended plans are not on formal public exhibition as these plans (less the five changes requested by the Panel) have already been the subject of a public meeting on 15 February 2023. The Chair has used his discretion to refer the application back to a further public meeting following receipt of the amended plans. Whilst the amended plans are not on public exhibition, Council wanted to inform the public of where the application had progressed and give notice of the amended plans which reduced the visual impacts of the development.

Council has considered the additional comments and submissions made by the public and will provide all additional submissions to the NBLPP to consider as part of their determination of the application.

Conclusion:

The applicant has provided amended plans that respond to each of the Panel’s request.

As a result of the amended plans, Council’s recommendation remains that the application be approved, subject to the conditions outlined within the assessment report, as amended by the below condition.

Recommendation – That the Northern Beaches Local Planning Panel approve the application, subject to the conditions outlined within the Assessment Report and the amended below condition:

Replace condition 1 with:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA.03 Rev C	8/03/2023	Rob Mills Architecture
DA.04 Rev C	8/03/2023	Rob Mills Architecture
DA.04.1 Rev C	8/03/2023	Rob Mills Architecture
DA.05 Rev C	8/03/2023	Rob Mills Architecture
DA.06 Rev C	8/03/2023	Rob Mills Architecture
DA.07 Rev C	8/03/2023	Rob Mills Architecture
DA.08 Rev C	8/03/2023	Rob Mills Architecture
DA.10 Rev C	8/03/2023	Rob Mills Architecture
DA.11 Rev C	8/03/2023	Rob Mills Architecture
DA.15 Rev C	8/03/2023	Rob Mills Architecture
DA.16 Rev C	8/03/2023	Rob Mills Architecture
DA.60 Rev C	8/03/2023	Rob Mills Architecture

Engineering Plans		
Drawing No.	Dated	Prepared By
C000 Rev B	26/11/21	Van Der Meer Consulting
C001 Rev B	26/11/21	Van Der Meer Consulting
C201 Rev B	26/11/21	Van Der Meer Consulting
C210 Rev B	26/11/21	Van Der Meer Consulting
C401 Rev B	26/11/21	Van Der Meer Consulting
C402 Rev B	26/11/21	Van Der Meer Consulting
C403 Rev B	26/11/21	Van Der Meer Consulting
C310 Rev A	16/09/22	Van der Meer Consulting
C311 Rev A	16/09/22	Van der Meer Consulting
C305 Rev A	16/09/22	Van der Meer Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Floodplain Management Report SY202-105 Rev B	24/11/21	Van Der Meer Consulting
BCA Report 22007-1	5/03/22	Code Consultancy Group
BASIX Certificate No.1186733M_03	1/02/23	ESD Synergy
Statement of Compliance for People with a Disability Job 220238	07/04/22	Accessible Building Solutions
Waste Classification Report SC00089.01	21/04/22	Epic Environmental
Seepage Analysis and Geotechnical Assessment Ref 33618YJrptrev3	16/09/22	JK Geotechnics
Geotechnical Advice Letter, 33618Ylet2rev3	31/012023	JK Geotechnics

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
LCP-01 Rev F	11/11/22	Fifth Season Landscapes
LCP-02 Rev F	11/11/22	Fifth Season Landscapes
LCP-03 Rev D	11/11/22	Fifth Season Landscapes
LCP-04 Rev A	09/09/22	Fifth Season Landscapes
PLT-01 Rev D	11/11/22	Fifth Season Landscapes
PLT-02 Rev F	11/11/22	Fifth Season Landscapes
PLT-03 Rev C	11/11/22	Fifth Season Landscapes
PLT-04 Rev A	09/09/22	Fifth Season Landscapes

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.