
From: Michael Haynes [REDACTED]
Sent: Friday, 29 September 2023 2:43 PM
To: Planning Panels - Northern Beaches
Cc: Kristoffer Harvey; Alex Phegan
Subject: DA2022/0646 - Item 5.1, LPP meeting - 122 & 124 QUEENSCLIFF ROAD, QUEENSCLIFF
Attachments: Letter to LPP - Item 5.1, LPP meeting - 4 October 2023.pdf; Annexure 2 - SEE Addendum - Solar and facade.pdf

Categories: NBLPP

Kind Regards

Michael Haynes
Director



Town Planners

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29 September 2023

The Local Planning Panel
Northern Beaches Council

122 & 124 QUEENSCLIFF ROAD QUEENSCLIFF
Item 5.1, LPP meeting, Wednesday 4 October 2023
DA2022/0646 – Demolition works and construction of a residential flat building

Dear Panel,

We wish to advise the Local Planning Panel that the applicant has reviewed the Council's assessment report, commend Council staff on their efforts in assessing the DA, and generally support the report's content and recommendation. Responses are made below to the draft conditions of consent.

1 Solar access to 120 Queenscliff Road, Queenscliff

We understand that solar access is a concern of the adjoining eastern property at 120 Queenscliff Road, Queenscliff. An assessment of solar access is contained within Council's assessment report, however in our opinion, the panel may be assisted by the attached Addendum Statement of Environmental Effects dated 7 July 2023, which provides further detailed analysis of this aspect.

2 Comments in response to draft conditions

Within Annexure 1 attached are responses to draft conditions 2, 9, 22, 23, 53. The applicant respectfully requests the Panel's consideration of comments (in red) in response to these draft conditions.

Please don't hesitate to contact me if you wish to clarify any of these matters.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners

3 Annexure 1 – responses to draft conditions 2, 9, 22, 23, 53

General Conditions

2. Approved Plans and Supporting Documentation

Comments:

- **2a. Approved Plans: The condition refers to an older version of the BASIX Certificate. Schedule of documents need to be amended to refer to BASIX Certificate revision 05 dated 19/06/2023.**

Building Work – Before Issue of a Construction Certificate

9. Amended Landscape Plan

An amended landscape plan shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

*a) Drawing LS02 - add 1 x *Tristaniopsis laurina* in the southern corner of the rear setback; substitute 5 x *Banksia ericifolia* on the north-west boundary with a suitable alternative with a maximum height of 1.8 metres (m).*

*b) Drawing LS03 - substitute 2 x *Syncarpia glomulifera* with one of the following species; *Angophora hispida*, *Buckinghamia celsissima*, *Melaleuca linariifolia* 'Snow in Summer', *Xanthostemon chrysanthus*.*

c) Drawing LS04 - the planters located immediately around the perimeter of the rooftop terraces shall include plant species with a 1 metre mature height for the northern, eastern and western sides. Species shall be selected in response to the available soil depth noting the requirement of minimum 300 millimetre (mm) for grasses and 500mm for shrubs.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

Comments:

- **In response to (a) 'Drawing LS02 - add 1 x *Tristaniopsis laurina*' the applicant would prefer not to add an additional tree near the southern corner of the rear setback. There is potential for such a tree in this location to increase shadowing to neighbours to the south and east which are challenged by natural sun and also obscure the outlook from the property.**

22. Privacy Screens

The following additional privacy screening measures are to be included:

- i) A 1.65 metre privacy screen (measured from finished floor level) is to be erected to extend 1.0m rearward for the side balustrades of balconies to the mid level units and upper level units.

The privacy screen shall be of fixed panels or custom louver style construction (with a maximum spacing of 20 millimetres to limit direct line of sight across the adjacent side boundary), in materials that complement the design of the approved development. On the outside edge (outside the balustrade screen) a 50cm wide planter box is to be provided for additional screen planting

ii) Window W:1.01:01 and W:102:01 are to include a full height full width angled privacy screens across the whole of the window glazing area.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: In order to maintain privacy to the adjoining properties and maintain general amenity toward adjacent private open space and neighbouring dwellings.

Comments:

- In response to 22(i) - We believe this condition should be removed. Privacy is achieved with the proposed solid balustrade of 1m height.
- In response to 22(ii) - We believe this condition should be removed. A detailed analysis and documentation of the privacy screen has been provided to the neighbours. As such, a privacy screen of half the width of the glazing has been designed and approved in coordination with the neighbours.

23. Waste and Recycling Requirements

Details demonstrating compliance with Northern Beaches Waste Management Guidelines, are to be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

Note: If the proposal, when compliant with the Northern Beaches Waste Management Guidelines, causes inconsistencies with other parts of the approval i.e. architectural or landscaped plans, a modification(s) to the development may be required.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

Comments:

- We believe this condition should be removed because a waste management report has been prepared and submitted with the DA to address Northern Beaches waste management guidelines. We have coordinated this with Council's waste consultant.
- Compliance with the waste management plan may be included in draft condition one to require compliance with the submitted/assessed waste management plan.

53. Car Lift Traffic Requirements

- To prevent vehicles reversing to or from Queenscliff Road signage must be erected at both the street level and basement level entry points to the lift advising drivers to enter in a forwards direction
- the lift must return to street level as a default mode of operation once a vehicle has exited it at basement level (to minimise waiting time for traffic entering from the road)
- Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer. This engineer is to submit a compliance certificate to the Principal Principal Certifier that the system has been installed and operating as designed, in accordance with the requirements of this condition, prior to the issue of an Occupation Certificate issued for the development.

Reason: To reduce potential for vehicle conflicts entering or exiting the basement carpark.

Comments:

- We believe this condition should be removed.
- The traffic report prepared by PDC consultants has not stated a requirement to add signage to prevent reversing of cars into the car lift. There is no expectation that vehicles would want to reverse on the car lift, such would be counter intuitive.
- The car lift has a landscaped lid on top; its default position will have the top of the lid flush with the street level as discussed and agreed with Council during the DA assessment. Therefore, the car lift is located one level below street. This provides for an appropriate streetscape with a concealed car parking entry. Contrary to this design intention, the condition would require the lift carriage's default position to be above the surface level, visually exposing the lift carriage and forming a detracting feature within the streetscape.

7 July 2023

The Chief Executive Officer
Northern Beaches Council
Attention: Mr Alexander Keller

STATEMENT OF ENVIRONMENTAL EFFECTS - ADDENDUM
122 & 124 Queenscliff Road QUEENSCLIFF
DA2022/0646 – Amended façade and solar access submissions

Dear Sir,

BBF Town Planners are instructed by the applicant, to submit this additional information in support of the subject Development Application. The information responds to matters raised in email correspondence from Council dated 15 June 2023. The submission is accompanied and supported by:

- Amended Architecturally rendered perspective streetscape image – copies of the 3 facades are provided at Annexure 1.
- Further detailed shading analysis.

1 Front façade

I note the following key changes have been made to the front façade in response to Council's feedback:

- The size of the glazing for the bedrooms fronting the street have been doubled (widened), and vertical screens added to half of the glazing.
- A balustrade has been added to suggest a narrow (less than 1m deep) open style balcony.
- Brick banding has been added to the façade for further articulation.
- Glazing to the fire stair remains the same size.
- Planters and vegetation are incorporated.

We submit that these modifications strike the right balance in achieving a characteristic residential streetscape presentation, high quality architecture, and high amenity for the future dwelling occupants. If these are considered satisfactory, the applicant will proceed and amend the architectural plans to reflect they modified façade.

2 Control D6 'Access to Sunlight' and 120 Queenscliff Road

2.1 Summary

In response to Control D6 'Access to Sunlight', and 120 Queenscliff Road, we submit the following:

120 Queenscliff will receive greater than or equal to 30m² of solar access (compliant) to its rear Private Open Space at 9am, 10am and 11am on 21 June.

Only June and July do not comply with 30m² at 12.00pm, which is needed to meet the numerical control. During these two months, 120 Queenscliff Road will be non-compliant with the numerical solar access control, for 1 hour between 11:00 AM and 12:00 PM by 33% to 53%. A breakdown of the solar access between 9 AM and 3 PM is provided below:

- The rear yard has compliant solar access (that is, more than 30m²) between 9am and 11am on 21 June. 2 hours. This is compliant with the ADG but not the DCP. It is noted that an additional half an hour was gained by the amended (increased) eastern side setback on level O1 (dated 4 May 2023). This was not previously updated on the shadow diagrams. Therefore, the shadow diagrams accompanying this submission should replace the original shadow diagrams lodged with the DA.
- At 11:30am the rear yard will receive 20 m² of solar access – a 10 m² or 33% exception to the numerical requirement.
- At 12pm the rear yard will receive 14 m² of solar access – a 16 m² or 53% exception to the numerical requirement.
- At 12:30pm the rear yard will receive 18 m² of solar access – a 12 m² or 40% exception to the numerical requirement.
- At 1:00pm the rear yard will receive 21 m² of solar access – a 9 m² or 30% exception to the numerical requirement.
- At 2:00pm the rear yard will receive 19 m² of solar access – a 11 m² or 37% exception to the numerical requirement.
- At 3:00pm the rear yard will receive 14 m² of solar access – a 16 m² or 53% exception to the numerical requirement.

Whilst there is a numerical exception proposed, in our opinion there are appropriate circumstances for Council to apply flexibly to the numerical control having regard to the control objectives, the circumstances of the site, and the merits of the proposal. These are noted below.

2.2 Additional analysis

In addition to the mandatory assessment times of 9 AM, 12:00 PM, and 3:00 PM on 21 June, analysis has been made year-round in relation to 120 Queenscliff Road.

The analysis examines 12pm for every month of the year on the 15th of each month. It shows that 120 Queenscliff will receive 3 hours solar access to POS for 10/12 months of the year.

2.3 Orientation and south slope

The orientation of the properties and south facing slope, makes strict compliance with the DCP control (D6 Access to Sunlight') difficult to achieve.

Due to the orientation, topography and building pattern, the southern open space area of properties along the southern side of Queenscliff Road are highly vulnerable to being overshadowed.

2.4 Older (non-compliant) development & views to the south

The development pattern is predominantly circa 1940s and pre-dates the current planning controls. Control D2 requires, inter-alia, that:

- 'Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play' (requirement 2).
- 'Private open space is to be located to maximise solar access' (requirement 6).

There is no evidence to suggest that any of the properties would provide a private open space directly accessible from the principal living areas in compliance with Control D2. This is particularly so given that significant coastal, lagoon, and district views are available to the south, which are optimised from the from the upper levels of the developments. Furthermore, is at the adjoining property owner's discretion where they wish to locate and configure the private open space on the property (given its inherent opportunities and constraints) to gain solar access.

2.5 Site specific design v compliant building envelopes

The proposed development involves a reduction in the existing solar access to 120 Queenscliff Road but the proposed outcome is better than a compliant dwelling house under both the Warringah LEP/DCP and the Housing Code (Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008), are both applicable to the site.

The proposed design is a site-specific design that incorporates a stepped rear façade and greater than the minimum rear setbacks (6m under the DCP, 8m under the Codes SEPP). The rear setbacks increase as the height of the building rises. The following rear setbacks are noted and illustrated in figure 1 below:

- Roof terrace – 16.85m
- Upper level - approx. 14.4m
- Middle level – approx. 11.41m
- Lower level – approx. 8.40m

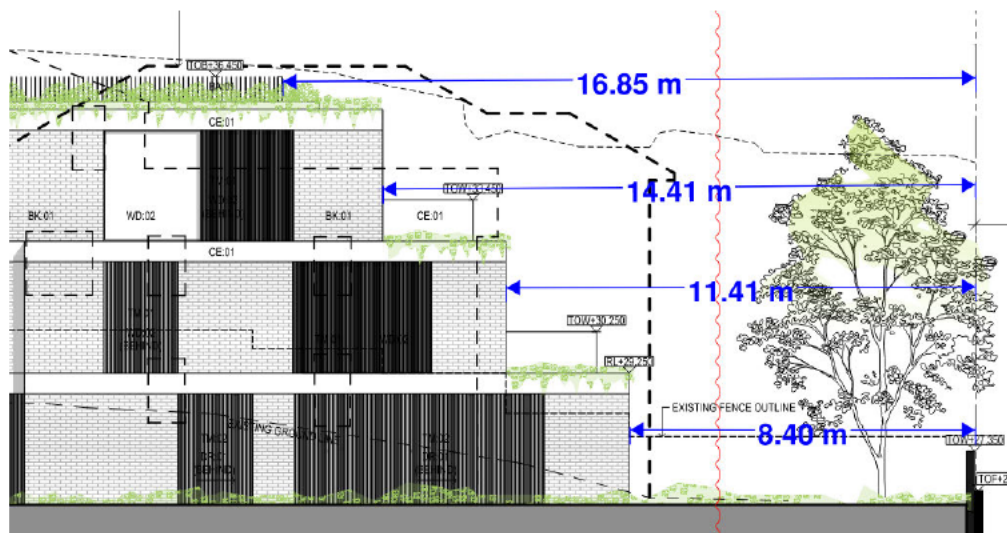


Figure 1 – excerpt of the western elevation showing the increased rear setbacks of each level

Further to the above, another key consideration is the height and setback of the building along its eastern side and at its south eastern corner. DCP control B3 Side Boundary Envelope regulates this aspect. As shown in figure 2 below, the proposal is very close to compliant with

this numerical requirement (addressed further in the addendum Statement of Environmental Effects dated 8 May 2023). The minor exception shown does not inappropriately contribute to the shading impact at 120 Queenscliff Road.

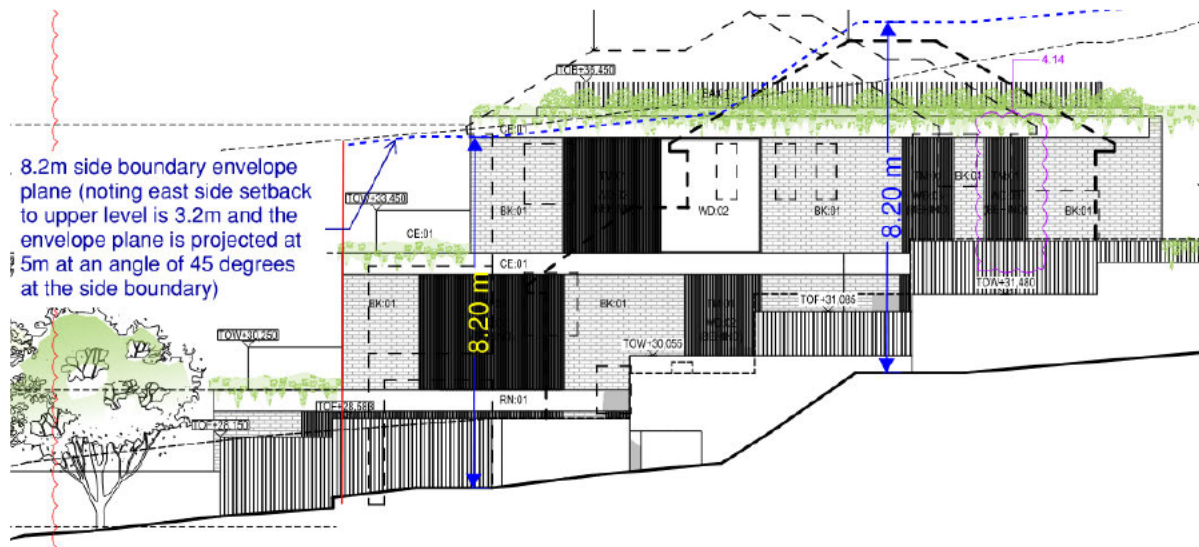


Figure 2 – excerpt of the western elevation showing the increased rear setbacks of each level

2.6 Northern area within the front setback

High, solid front fences are common along the southern side of the Queenscliff Road. These assist in providing privacy and a road noise buffer to the northern setback of these properties. These spaces provide opportunities for solar access, and a second/alternative private open space to the larger areas at the rear of the properties.

Inclusion of the area within the front setback of 120 Queenscliff Road from 11:30 PM to 12:00 PM is assessed as reasonable and responsive to the exception provision (i) within the control, which states:

'i) the slope or topography of the site or adjoining property makes compliance impractical'

Including this area contributes the following:

- At 12:30pm the front yard will receive 41m² of solar access. Combined with the rear yard there is 54m² of solar access, which meets and exceeds the control.
- At 3pm the front yard will receive 30m² of solar access which meets the control.

Solar access from the northern site frontage is a valued feature of the properties on the southern side of Queenscliff Road, which would be inappropriate to disregard. It is noted that the subject DA relies on solar access from this façade to achieve the appropriate compliance (albeit with the ADG).

The calculations contained on the architectural plans (copied below) reflect both:

- the combined total of the front and rear areas proposed to receive solar access, and
- Just the rear area.

Inclusion of the front area significantly exceeds the minimum 30m² and 3-hour time frame. 44m² to 77m² of the combined yard area receives solar access for a 6-hour period on 21 June.

Combined total of the front and rear areas:

120 QUEENSCLIFF REAR YARD + FRONT YARD

SOLAR ACCESS	09:00	10:00	10:30	11:00	11:30	12:00	12:30	13:00	14:00	15:00	TOTAL HOURS
EXISTING	66m ²	73m ²	77m ²	67m ²	70m ²	81m ²	98m ²	110m ²	114m ²	39m ²	6 HOURS
DCP ENVELOPE	66m ²	73m ²	77m ²	53m ²	50m ²	54m ²	58m ²	58m ²	39m ²	30m ²	6 HOURS
CDC ENVELOPE	66m ²	73m ²	77m ²	51m ²	46m ²	48m ²	50m ²	47m ²	39m ²	30m ²	6 HOURS
PROPOSED	66m ²	73m ²	77m ²	67m ²	59m ²	55m ²	59m ²	63m ²	58m ²	44m ²	6 HOURS

Just the rear area:

120 QUEENSCLIFF REAR YARD ONLY

SOLAR ACCESS	09:00	10:00	10:30	11:00	11:30	12:00	12:30	13:00	14:00	15:00	TOTAL HOURS
EXISTING	45m ²	39m ²	40m ²	30m ²	31m ²	40m ²	57m ²	68m ²	75m ²	9m ²	5 HOURS
DCP ENVELOPE	45m ²	39m ²	40m ²	16m ²	11m ²	13m ²	17m ²	14m ²	0m ²	0m ²	1.5 HOURS
CDC ENVELOPE	45m ²	39m ²	40m ²	14m ²	7m ²	7m ²	9m ²	5m ²	0m ²	0m ²	1.5 HOURS
PROPOSED	45m ²	39m ²	40m ²	30m ²	20m ²	14m ²	18m ²	21m ²	19m ²	14m ²	2 HOURS

2.7 Swimming pool

Regarding the inclusion of the swimming pool, we respectfully submit that there is no requirement within control 'D6 Access to Sunlight' or 'D2 Private Open Space' that excludes inclusion of swimming pools from the calculation of private open space. It is ultimately at the property owner's discretion how they wish to use and allocate the space within the rear of the property.

2.8 Solar access to living room window

There is no requirement relating to solar access to living room windows. Notwithstanding there is a living room window within the western side of the dwelling house at 120 Queenscliff Road which has been assessed.

The property at 120 Queenscliff Road self-shadows this window between 9 am and 10 am, the proposed development retains solar access to this window for a two-hour time period between 10:30 am to 12:30 pm. This is in addition to the requirements of control D6.

2.9 Summary

Based on the above, the proposed development makes involves a site-specific design that provides an appropriate shading outcome. The DA is responsive to the existing local circumstances and appropriately addresses the provisions of DCP controls D2 and D6.

3 Conclusion

The applicant respectfully requests Council's consideration of this additional information in the assessment of the development application. Please don't hesitate to contact me if you wish to clarify any of these matters.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners

Annexure 1 – Façade Images



Figure 3 - Amended DA – June 2023



Figure 4 - Amended DA – June 2023



Figure 5 - Amended DA – April 2023



Figure 6 - Original DA