

## Urban Design Referral Response

<b>Application Number:</b>	DA2019/0505
<b>To:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot 2 DP 9900 , 876 Pittwater Road DEE WHY NSW 2099 Lot 3 DP 9900 , 876 Pittwater Road DEE WHY NSW 2099 Lot 4 DP 9900 , 876 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 9900 , 874 Pittwater Road DEE WHY NSW 2099

### Officer comments

The applicant has submitted a new DA2019/0505 as a response to the previous DA2018/1851 which was withdrawn. Amended drawings dated 20 August 2019 was submitted in response to the issues raised. The proposal can now be supported for the following reasons:

- 1. Previous DA:** The 24m building height control has been exceeded by about 7.8m. The amendment to the LEP (Dee Why Town Centre Planning Proposal) proposes a 27m building height ie. 3m height limit increase in exchange for a one storey reduction in podium height limit. However the LEP amendments have not been gazetted to date.

Assuming the LEP amended building height of 27m, the proposal will still be 4.8m over the building height limit. The proposed roof garden amenity structure comprising of fire stairs, lift core/lobby, toilet and undercover bbq seating area exceeds the building height control. The development should be beneath the maximum Height of Buildings permitted with variations only being considered for roof features or articulation – not additional floor space.

The building height towards the Eastern boundary should step down to a maximum height of 24m at grid D to ensure adequate solar access and lessen the impact of the proposed built form to the residential units next door. Detailed shadow diagrams should be submitted to demonstrate solar access compliance to these next door units. The step down in the built form can then be utilised as the roof garden area (24m building height roof area) with the undercover amenities area tucked into the 27m building height area. The roof communal garden area should be designed to keep users away from the building edge for visual/acoustic privacy, comfort level, safety and security considerations.

**New DA:** The proposal is about 4m above the 24m building height control. Given the LEP amendments for the Dee Why Town Centre Planning Proposal have not been made and the 27m building height is endorsed by Council, the proposed building height from grid A to grid D/E can be supported. The building height from grid D/E to H should be reduced to 24m to allow more daylight access and minimise the built form impact to the existing residential units on the eastern boundary. The roof communal garden can be located on this lower roof area. The provision of a 1.8m high glass balustrade to make the roof garden more comfortable and safe during windy days should be considered.

**Amended DA Aug 2019:** The proposal is now totally within the 27m building height limit. Compared to the previously approved DA, the building depth on the eastern boundary has been reduced from 16 to 13m. So despite the increase in previously DA approved building height of 24m to proposed 27m, the building façade width has been reduced by 3m as well, thereby neutralising the potential

building impact on the adjacent neighbouring apartments. The proposed building height on the eastern boundary will not affect winter solar access to the neighbouring apartment units. The additional 4 units proposed on the top floor are also solar compliant units in accordance to the Apartment Design Guideline. As such, the proposal can be supported.

**2. Previous DA:** Building built-to lines on Pittwater Road/ Oaks Ave: 5m to kerb for the first 4/3 (3/2 – amended DCP) storeys respectively and 9m for the above storeys have not been complied with. The proposed solid structure balconies also encroach into the 9m setback requirement. Only lightweight structures that do not add to the visual mass of the building, such as pergolas and balconies, may penetrate the build-to lines. (Warringah DCP 2011). There are also balconies encroaching into the 5m setback zone sitting on top of the footpath awning structure. These balconies can become quite unsightly when the residents move in and start putting out clothe-drying racks and outdoor furniture. There will also be issues of noise nuisance and visual privacy between balconies.

**New DA:** The proposal has complied with the Building built-to lines and proposed a further setback of about 2.5m (on top of the 9m kerb setback) to the upper stories on the south-eastern corner. This will reduce the shadow impact on the southern side of Oaks Avenue.

**Amended DA Aug 2019:** The amendments do not affect the comments made previously which were supported.

**3. Previous DA:** Apartment Design Guidelines (ADG Pg. 87) require minimum ground floor retail/residential floor to ceiling height of 3.3/ 2.7m respectively. ADG recommends floor to floor height of 3.7/ 3.1m respectively allowing 0.4m for building structure and services. The proposal does not comply.

**New DA:** The proposal has proposed 3.94 to 3.97/ 3.1m floor to floor height on the ground floor retail/residential floor. Shortfall on the ADG requirement of 70% solar access with 56.4% of the apartment proposed can be supported given the constrained nature of the site and the 75.6% (60% required) cross ventilation of apartment achieved.

**Amended DA Aug 2019:** The amendments do not affect the comments made previously which were supported.

**4. Previous DA:** The corner built form treatment could be further improved. The curved solid wall treatment with the dark colour panel finish on the upper floors appears very heavy. It could be lightened with corner windows treatment or change in colour/material finishes to a more neutral cohesive scheme.

**New DA:** The upper floor is now cladded with a lighter shade of material finish (dark cedar 'Urbanline' cladding) which will complement the face-brick façade panels of the neighbouring building.

**Amended DA Aug 2019:** The amendments do not affect the comments made previously which were supported.

5. **Previous DA:** The cross ventilation concept using the internal venting of the units via a small opening next to the front door relying on convection of hotter air rising to the roof top vents is a concern as there will be issues of noise and smell nuisance leaking through the unit vents into the common corridors. A suggestion to improve ventilation will be to extend and open the linear light/air well into the main courtyard to ensure effective air circulation and avoid trapped smell.

**New DA:** The cross-ventilation concept has been improved via a continuous window opening facing the Pittwater Road boundary.

**Amended DA Aug 2019:** The amendments do not affect the comments made previously which were supported.

6. **Previous DA:** The awning at Oaks Avenue closer to Pittwater Road side should be extended wider to achieve a 1m setback from the kerb. Where there are street trees on the footpath, the awning should be 1.5m set backed from the kerb. Minimum awning clearance height of 3.2m should be maintained. Coordination with the upgrading works at Dee Why Town Centre currently underway will be required.

**New DA:** The Dee Why Town Centre upgrading works around the site have been completed. There are 3 cabbage Palms along the Pittwater Road façade so the shop awning should be 1m setback from the original kerb line which is correctly shown on the drawings but not dimensioned. The shop awning facing Oaks Avenue should be extended wider to achieve a 1.5m setback from the kerb given there are 4 street trees along that façade.

**Amended DA Aug 2019:** The shop awning along Pittwater façade should be 1m setback from the original kerb line. The shop awning along Oaks Avenue should be extended wider to be 1.5m setback from the kerb line to cater for the existing street trees. All dimensions to be indicated on drawings.

#### Recommended Heritage Advisor Conditions:

### DEFERRED COMMENCEMENT CONDITIONS

#### Shop Awning Design

The shop awning along Pittwater Road should be 1m setback from the original kerb line. The shop awning along Oaks Avenue should be extended wider to be 1.5m setback from the kerb line to cater for the existing street trees. All dimensions to be indicated on drawings.

Reason: Shop awning design to cater for existing street trees (DACHEADC1)