

## Memo

### Development Assessment

**To:** Northern Beaches Local Planning Panel

**From:** David Auster  
Principal Planner

**Date:** 9 December 2020

**Subject:** DA2020/0634 - 402 Sydney Road, Balgowlah

**Record Number:** DA2020/0634

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The applicant has submitted amended plans and an amended Clause 4.6 request.

The clause 4.6 request has amended the height non-compliance to 17.5m in accordance with the assessment report.

The plans have been amended to reduce floor space to comply with the floor space ratio control, in response to the assessment report. The amendments are very minor in nature, with the extra floor space being gained by minor changes to wall locations (in the order of 100mm), and minor changes to internal floor space including deletion of some wardrobes, and inclusion of new void spaces. The amendments will not noticeably alter the overall external shape of the building as previously proposed, and the proposal as amended will now comply with the floor space ratio requirement.

These amendments also cause the building to become compliant with clause 6.16 *Gross floor area in Zone B2*, in relation to percentage of commercial floor space in the building.

The Panel also requested clarification on the report with regard clauses 4.2.6.1 and 4.2.6.2 of the Manly DCP. These clauses read as follows:

#### **4.2.6.1 Wall Height on the Street Frontage**

*Note: The maximum building height is a development standard in the LEP and is contained in the Height of Buildings Map.*

- a) *Within the LEP building height development standard, this DCP limits the wall height at the street frontage to 10.5m which is determined to be the established maximum height of street facades for the Local Centre particularly along Sydney Road and is significant in preserving local characteristics of the townscape.*

#### **4.2.6.2 Exceptions to LEP Building Height**

*Objective 1) To ensure that the height of buildings including the height at the street frontage fulfils Council's townscape objectives.*

*The extent of any exception to the LEP height development standard pursuant to LEP clause 4.6 is to consider whether:*

- a) the height of the street frontage of the building complies with the wall height requirement at paragraph 4.2.6.1 of this plan;*
- b) the height provides a better relationship to adjoining development in terms of fulfilling the Council's townscape objectives, and does not adversely affect adjoining properties in terms of loss of sunlight, views and privacy;*
- c) plant rooms, lift overruns, pitched roofs or the like are designed as an integral part of the building in such a way as to appear an appropriate part of the overall townscape and not conflict with overall townscape objectives (see paragraph 3.1 Streetscapes and Townscapes);*
- d) due to the slope of the land if it can be demonstrated that no adverse effect to adjoining properties would result*
- e) in relation to 292-338 Sydney Road, Balgowlah, the height above established street facades in this location is not visible from the street.*

In relation to the above clauses, the assessment found that the proposal was non-compliant with the wall height at the street frontage requirement, but was generally acceptable in relation to the relevant objectives, including the Townscape objectives under clause 3.1 of the DCP. It is noted that the above clause states reasons for varying the building height development standard, including that it should not adversely affect adjoining properties in terms of loss of sunlight, views and privacy. As discussed within the assessment report, the proposal does adversely affect the views of the neighbouring building to the west, and this is one of the reasons the clause 4.6 request was not concurred with.

The assessment report states under clause 4.2.6.2:

*Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.*

After reconsideration, this paragraph should be corrected. The proposal is not supported in relation to the impact on views caused by the height of the proposal (as discussed generally under clause 4.6 of the LEP in the assessment report). However, the general streetscape presentation and development overall is considered generally acceptable in relation to the Townscape principles under clause 3.1, 3.1.3 and Schedule 2 in the DCP, called up by clause 4.2.6.2.