

Memo

To: Northern Beaches Planning Panel

From: Alex Keller
Principal Planner

Date: 15 September 2021

Subject: Item 4.2 - DA2020/1733 at 332 Sydney Road, Balgowlah

Purpose

To provide the NBLPP with Council's consideration of the Applicant's request seeking a 2 week deferral of Item 4.2 of the agenda.

Consideration

The amended Statement of Environmental Effects and amended plan bundle is attached.

The amended plans address some, but not all, of the DSAP's issues with additional concerns maintained by internal referral bodies, as follows:

- a. Waste Services – *'The proposal now complies with Council's Waste Management Design Guidelines.'*
- b. Development Engineering – *'It looks like the OSD tank is still located under habitable floor areas so they have not addressed this issue. As there is no amended stormwater plans the other specific issues relating to the drainage design have also not been addressed'.*
- c. Traffic Engineering – *'Still a few outstanding traffic issues'.*

These are summarized as: the loading bay design not suitable for a medium rigid vehicle (MRV) or small trucks; pedestrian sight lines and safety near the bus stop; need for a median safety strip and consultation with TfNSW being adjacent the signalised intersection. TfNSW have been forwarded the amended plans and traffic report but no response is available.
- d. Heritage – The removal of the existing façade, while not a heritage item, is not supported by the MDCP. The historical value of the building will be extinguished by the complete removal of the existing building for a different streetscape character.
- e. Planning - The amended plans are seeking a height concession via the mechanism of Clause 4.6. The MDCP does not identify this corner site within the *Balgowlah Local Centre* for additional storey height. The MDCP contains parts encouraging the retention of the local character and facades with redevelopment as well as Design Excellence. This concern is discussed in

detail within the assessment report for consideration by the NBLPP and applies equally to the assessed plans and the amended plans received.

- f. Design and Sustainability Advisory Panel – DSAP made 17 recommendations for the applicant to address by amended plans. A preliminary review of those recommendations is provided below for the amended plans:

i) The top floor area has been reduced to be less prominent and this has assisted to reduce overshadowing, visual bulk and related amenity concerns regarding the additional height / storey being sought. The DSAP originally expressed *“that the fact that the building is not an identified heritage item also opens up the potential for ‘savage’ modification of the existing façade to meet current amenity requirements. There are many examples of this type of adaptive re-use.”* The amended plans recently received have not sought to include adaptive reuse or retention of any of the existing streetscape.

ii) Overshadowing diagrams have been provided to demonstrate impacts on the footpath on the southern side of Sydney Road. The upper glass awning would create some direct sunlight impact but the solid building wall / roof parapet does not cause overshadowing to reach the footpath area.

iii) The building is setback to “grid line B” but the balconies have not been setback to this line as per DSAP recommendation.

iv) The building top floor has been setback so it is more recessive. This has only been changed for the common area roof top structure. However, the wide awning skirt (at RL56.00) assists to screen / conceal the upper storey. Some minor reduction in the top storey apartment has occurred for the light well gap.

v) The light well has been enlarged on the northern side. This has resulted in improved internal solar access.

vi) Setback to the north has been achieved at residential levels 1, 2 and 3. The balcony setbacks remain consistent. The amended plans have achieved this DSAP recommendation.

vii) The alcove retail entries along Condamine Street have been shown to include circulation space for disabled access requirements. Further detail would be needed to demonstrate the ramp entry meets the footpath at the correct gradient / crossfall.

viii) The residential entry along Condamine Street is consistent with the original plans. No substantive design response changes to external materials / palate or reshaping of the residential corridor.

ix) The rear lane ramp entry has been redesigned. The ramp shutter is now aligned more toward the lane rather than Condamine Street. Unit 104 and Unit 105 and the planter above the ramp access has been reshaped but it is unclear if an MRV has clearance as per Traffic Engineering comments.

x) The roof top communal open space has been changed to reduce top floor massing / roof awning area. Similar in shape and area with BBQ and toilet facility. It is unclear if this area is accessible for staff from the shop level to use also because there is no toilet at ground level.

xi) The roof top communal open space has not been moved to the north. The design includes a BBQ and toilet facility with some landscape / seating.

xii) The light well has been widened for light / solar penetration. Apartment spaces sharing the light well have been changed to better address privacy/separation and noise. The communal area and A/C positions are consistent with the original plans.

xiii) There is no WC at the ground floor for the retail shops. A staff or customer would have to go elsewhere or seek access to the top floor WC via the public footpath and then the residential entry. A WC should be available at ground floor for customers / staff in the shop. This may affect the 25% FSR balance but is considered a warranted variation.

xiv) The commercial bin store is not at ground level. Shop staff would need to go out via the footpath and back down the ramp / lift and to across the basement (another floor) each time something was to go to the commercial bins. This may affect the 25% FSR balance but is considered a warranted variation.

xv) The residential bin room has been relocated closer to the lifts / stairs. The amended residential bin 'holding room' is acceptable for Council Waste collection services. The car wash bay / commercial bin loading bay has been relocated adjacent to the 2 basement bin rooms.

xvi) Solar access diagrams have been provided to address the amended plans with 'view from the sun' and shadow diagrams. No modelling is provided to address the impact of a similar size building at No.328 to No.330 Sydney Road. In the absence of a site consolidation scheme this is warranted.

xvii) Sustainability attributes such as rainwater recycling and PV on the roof are not shown on the plans. The proposal meets BASIX requirements in this regard.

Conclusion

The amended plans address Council's Waste referral issues and some but not all DSAP concerns. All other referral issues that do not support the proposal as per the assessment report remain unsupported. Further sets of amendments and additional information will therefore be required. Due to the majority of DSAP concerns (in the details outlined) and referral issues that are unresolved, a 2 week deferral would be unlikely to result in a change in the recommendation of the report. The mechanism of a Review would enable the applicant to present a fully revised scheme with procedural fairness.

Recommendation.

That the NBLPP not defer item 4.2 of the NBLPP agenda.