

7 June 2022

The Chief Executive Officer
Northern Beaches Council

**27A-29 PINE AVENUE, BROOKVALE
ADDENDUM - STATEMENT OF ENVIRONMENTAL EFFECTS
DA DA2021/2153 - Proposed demolition and redevelopment of the site for a
residential flat building; Appeal 2022/00014963**

Dear Sir / Madam,

1 Introduction

This Addendum Statement of Environmental Effects responds to the design amendments that accompany this application, the related contentions in the matter, and the associated DCP considerations.

2 Overview and accompanying documents

The amended DA is accompanied and supported by the following additional information:

- Amended architectural plans dated 26 May 2022 Rev B by Walsh Architects
- Schedule of design amendments by Walsh Architects dated 2 June 2022
- Solar access report by Walsh Analysis dated 29 March 2022
- Amended landscaped plan dated 2 June 2022, Issue C
- Schedule of landscaped design amendments by Plot, Issue C
- Addendum accessibility report 3 June 2022
- Updated land survey dated 11 May 2022 - additional information relating to the height of the southern boundary fence (Top of fences on southern boundary added, RLs 'clouded' on the survey plan).
- Amended stormwater management plans and information accompany and support of the amended application.

2.1 Summary of changes - Amended plans

A summary of changes within the amended application are provided within the:

- Schedule of design amendments by Walsh Architects
- Schedule of landscaped design amendments by Plot.

3 Contentions

3.1 Number of storeys (control B2)

In our opinion the design, as amended, is assessed as appropriate in satisfying the objectives of control B2 and the particulars of contention 1.

3.2 Setbacks and separation (privacy)

The design has been amended to address privacy. The following aspects are noted:

- Fencing between residences has been included on the amended landscape plans and noted as 1800mm high fencing. The fencing will provide privacy between dwellings at ground level as well as containment for pet owners.
- Changed window treatments within the opposing walls/spaces (east to west) to the following units within the development:
 - Ground floor level – opposing units 2 / 8 and 10 / 15, 1.8m high fencing and landscaping within allocated private open spaces
 - Level 1 - opposing units 7 / 11 and 15 / 19: frosted glazing to the kitchen windows, privacy screens to the north facing balconies.
- Level 2 - southern balconies are reduced in size with an increased southern side setback of approx. 5.9m from approx. 4.6m previous. The balconies provide a southern distant outlook, but are inset from the building edge to limit downward looking to neighbours at 23B-27 Pine Ave. The small balconies allow for improved outlook light and ventilation to the bedrooms without inappropriate privacy impacts.

The separation requirements under 3F of the ADG relate to privacy. Privacy within the development is addressed by the plan amendments.

3.3 Access

The design has been amended to address DCP control D18 Accessibility and Adaptability.

The control requires the development to be compliant with AS1428.2 and that 10% of the proposed units (3) be capable of being adapted to meet the adaptable house class C classification under AS4299.

3 adaptable units have been incorporated, being unit numbers 8, 10, and 16.

Overall, the proposal achieves 10% adaptable dwellings and 20% universal living, also addressing ADG section 4Q Universal Design.

An addendum BCA/access report accompanies the amended application by BCA Logic confirming the proposal's compliance with access provisions.

3.4 Communal Open Space

Communal open space has been added to the proposed development.

A calculation of communal open space area is provided at sheet DA400 of the architectural plans. It demonstrates that 476m² and 21% of the site area is provided. The landscape plans have been amended to include these spaces.

The 21% (465m²) is slightly below the 25% (554m²) recommended in the ADG. Notwithstanding this numerical exception the proposal is assessed appropriate in providing meeting the objective of the ADG and for the communal open space needs of future residents noting:

- Most apartments provide in excess of the minimum provision of private open space under 4E-1 of the ADG.
- The site is within close walking distance (approx. 60m) to public open space (Brookvale Park) located on the corner of Federal Parade and Pine Avenue. It provides a range of recreational opportunities including informal open space, picnic area, children's playground, sportsfield.
- High quality landscape areas are proposed that incorporate planting throughout but notably to the site perimeter to facilitate amenity within the site and privacy to neighbouring properties.
- Appropriate recreational uses are proposed that will positively contribute to the amenity of the location and use by future residents. The proposed spaces will provide:
 - opportunities for group and individual recreation and activities
 - opportunities for social interaction.
- Communal open space is provided in appropriate locations to achieve amenity for future occupants and avoid adverse amenity impacts on neighbouring properties.

Further to the above, in accordance with ADG objective 3D-1 'Design criteria 2', 50% direct sunlight to the principal usable part of the communal open space is required for a minimum of 2 hours between 9 am and 3 pm on 21 June which would be the proposed north western communal courtyard. The view from the sun diagrams show that the proposed, table, chairs and barbecue area within the north western courtyard achieves good solar access between 11am and 3pm.

3.5 Solar access

The following amendments are noted in relation to solar access:

- Additional survey information in relation to the southern side boundary dividing fence height. has been undertaken to confirm the extent of existing shading cast by the fencing.
- The roofs of each of the three proposed buildings have been lowered so that all top floor apartments have 2.4m ceiling heights, as allowed under Objective 4C-1 of the ADG for two storey units with less than 50% of the area on the upper floor. These height reductions have improved sunlight access to the neighbouring building to the south.
- Building 1 (the front building) is moved 300mm to north to improve solar access to the southern neighbouring building. This change maintains a 4.5m side setback; it had a 4.8m side setback due to the Right of Way. This being extinguished enables Building 1 to shift to north to increase the sunlight access to the neighbouring building at 23B-27 Pine Ave.
- Reduction in bedroom areas in units 7, 11, 15, 19. The bedroom areas have been reduced to the minimum size under the ADG to improve the solar access to the southern neighbour. The reduction in these areas results in increased southern side setbacks to proposed units 7 and 11 (first building break) and proposed units 15 and 19 (second building break) (figures A and 7 to 10 illustrate) and allows for additional sun to various apartments at different times; the impacts can be seen on the Views from the Sun diagrams. These areas

were designed carefully to provide the optimal solar access outcome for the southern adjoining neighbours within the complying building envelope.

3.5.1 Solar compliance assessment

Clause 6A of SEPP 65, establishes that the Apartment Design Guide is to be used to assess the prescribed criteria and the development control plan has no effect with regard to these matters. Clause 6A is repeated and responded to below:

6A Development control plans cannot be inconsistent with Apartment Design Guide

(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following—

(b) solar and daylight access,

Following review of the architectural plans, as amended, (and which have incorporated the updated survey information), solar access elevations, Views from the Sun' diagrams, and solar access report, the following observations are made:

- The existing development at 23B-27 Pine Ave does not comply with the solar access provisions under 4A 'Solar and daylight access' of the ADG or control D6 'Access to sunlight' of the Warringah DCP. It is vulnerable to overshadowing due to its design and location on a south facing slope.
- A compliant (LEP and DCP) building envelope has been modelled and the solar access impact considered. The proposed development as amended provides an improved solar access outcome than a compliant building envelope due to its lowered height and increased southern side setbacks.
- Units 7, 8, 9, 10, 11, and 12 within 23B-27 Pine Ave are of relevance to the assessment being adjacent to the southern side of the proposed building.
- Solar access will be diminished to some aspects of the adjoining property, whilst at the same time, solar access will be improved to other areas (this is due to the closer proximity of the existing development, lowering of the proposed building height, and increased southern side setbacks proposed). It is noted that the existing dwelling house at 29 Pine Ave is both higher and closer to the southern boundary than the proposal.
- A detailed half hourly breakdown of proposed solar access to each adjoining dwelling (Units 7, 8, 9, 10, 11, and 12 within 23B-27 Pine Ave), is provided with in Appendix C of the solar access report.
- 23B-27 Pine Avenue currently has 5 out of 18 (27.8%) units receiving 2 hours of solar access to their living room between 9am-3pm. In response to the proposed development, there are some apartments that have an increased amount of sunlight and some apartments that did not receive a complying amount of solar access previously now do. This is due to increased setbacks and lower building heights near the boundary than the existing buildings on the site. There is a 0% compliance reduction to the property's solar compliance status and the provisions of 3B-2 of the ADG are therefore satisfied.
- As already established, the location occupies a south facing hillside. In the circumstances the following provisions of objective 4A-1 of the ADG are applicable: '*Achieving the design criteria may not be possible on some sites. This includes: on south facing sloping sites*'. In these circumstances '*Design drawings need to demonstrate how site constraints and*

orientation preclude meeting the design criteria and how the development meets the objective’.

In conclusion:

- The development to the south at 23B-27 Pine Ave is vulnerable to shading due to its design and location on a south facing and downward slope. As acknowledged in 4A of the ADG, compliant solar access in these circumstances ‘may not be possible’.
- The proposed development, as amended, provides a skilled and considered design that minimises its solar impact. It provides an improved solar access outcome than a compliant building envelope.
- The proposed development improves solar access to the southern neighbouring property in some locations whilst diminishing solar access in other locations, overall striking an appropriate balance of ‘gains and losses’.
- The proposed development maintains reasonable solar access to the dwellings at 23B-27 Pine Ave and satisfies the provisions of 4A of the ADG.

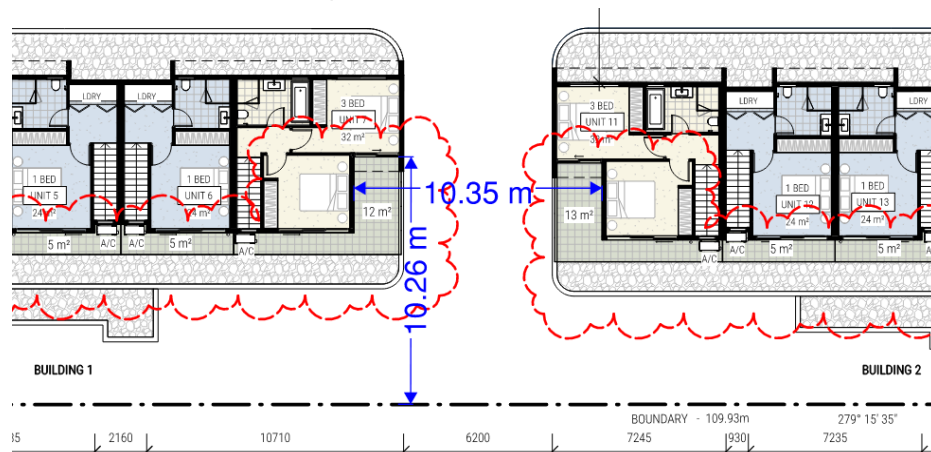


Figure A - The amended proposal provides two, 10.35m gaps at the upper level within the length of the proposal development which increases solar access

3.6 Facades

The western (front) building façade has been altered (figures 11 and 12).

The front façade has been amended to clearly address the street rather than side boundaries. Additional windows have also been added to this façade which assists in casual observation of the street.

The amendments provide improved materials, improved delineation of the upper storey, enhanced streetscape presentation of the building, and overall, a compatible development outcome when viewed from adjoining land and the streetscape.

The pedestrian entry on the southern side of the property frontage has been altered to include a roofed portico, letterboxes, and landscaping. These have enhanced the legibility and functionality of the pedestrian entry.

The proposed development will enhance the streetscape through:

- a compliant front set back.
- a smaller and recessive upper level

- a modest and relatively narrow (10.8m) building form within the site's 20.17m wide landscaped frontage
- a compliant landscape area.
- a co-ordinated and comprehensive landscaping regime for the property that includes generous landscaped and garden within the front set back and a waste bin area that is contained within the footprint of the proposed building
- a compatible residential flat building form that is characteristic of the location.

3.7 Development on the right of carriageway

Extinguishment of the Right of Carriageway has been materially progressed. The Deeds and prescribed NSW Land Registry Services (LRS) form for extinguishing the reciprocal Right of Way (ROW) have been executed by both parties (the Registered Proprietors of the CP SP78003 and the registered proprietor of 29 Pine Ave).

The next steps in concluding the legal extinguishment of the ROW are:

- Documents will be forward to Office of State revenue for Stamping as Stamp Duty is payable.
- Once stamped, the prescribed LRS form is lodged with LRS to remove the reciprocal ROW off both parties Titles.
- The timing for this is anticipated to be several weeks. If not executed by the time of the applications determination, a deferred commencement condition of consent would be appropriate in addressing this issue.

3.8 Stormwater Management

Stormwater Management has further investigated. The original, single OSD tank has been split into two OSD tanks.

Some stormwaters will be conveyed to the property's street frontage and other waters will be conveyed to the easement at the rear of the property.

Amended stormwater management plans and information accompany and support of the amended application.

3.9 Waste Management

Waste Management has been addressed by the following provisions / design amendments:

The waste bin room and the bulky goods rooms have been made into separate rooms, each with their own door. We have therefore split it into two rooms and relocated it into the basement.

This bulky goods storeroom is 33.6m³ meeting and exceeding the requirement of 9.2m³.

3.10 Sustainability

Sustainability has been addressed by the proposal's BASIX compliance. Section 7 of the BASIX SEPP states:

'7 Relationship with other environmental planning instruments

This Policy prevails over any other environmental planning instrument, whenever made, to the extent of any inconsistency'.

3.11 Plans

The architectural plans, as amended, indicate a compliant building height providing several means of verification including cross sections, long sections, elevations, and height blanket diagram.

Detailed elevational solar access and shadowing plans have been provided to determine solar access between 9:00 AM and 3:00 PM on 22 June. These are complimented by a tabulated half hourly breakdown of solar access within Appendix C of the solar report.

4 Jurisdictional matters

The following jurisdictional matters are noted in response to the plan amendments.

- LEP Clause 2.3 zone objectives – the zone objectives have been considered and the proposal is not antipathetic to the objectives.
- LEP Clause 4.3 Height of Buildings, 8.5m - compliance with the development standard is maintained by the amended development.
- LEP Clause 6.2 Earthworks and LEP Clause 6.4 Development on sloping land - there are no changes to the proposed basement level and therefore to the extent of excavation. There are no significant changes associated with landscaped areas in terms of the cut and fill proposed. Compliance with these provisions is maintained by the proposed development as amended.

Aside from the above, there are no further other jurisdictional matters triggered by the plan amendments.

5 Conclusion

It is assessed that the design changes will provide a development outcome that responds to the specific circumstances of the site and satisfies the relevant planning objectives,

The proposed development will provide a characteristic residential flat building that is compatible with the surrounding development. It will provide for the housing needs of the community in a highly accessible location zoned for medium density development. The proposal is therefore in the public interest, and in our considered opinion, worthy of Council's support.

Yours sincerely,



Michael Haynes

Director - BBF Town Planners





Figure 5 – previous 1st floor level plan



Figure 6 – amended 1st floor level plan

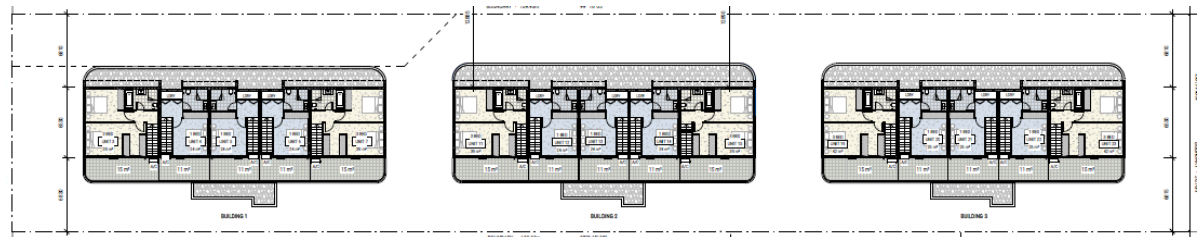


Figure 7 – previous 2nd floor level plan



Figure 8 – amended 2nd floor level plan

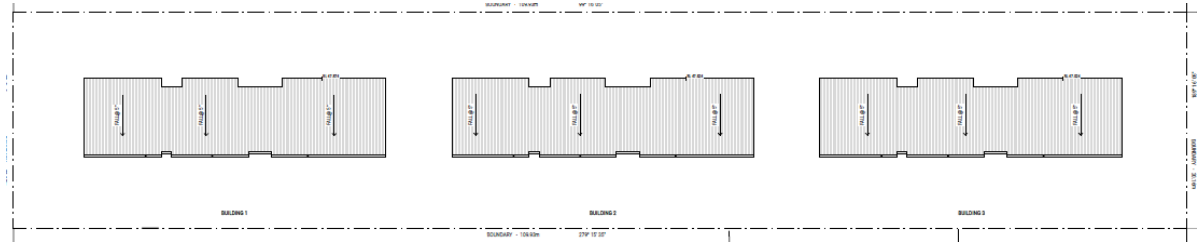


Figure 9 – previous roof plan

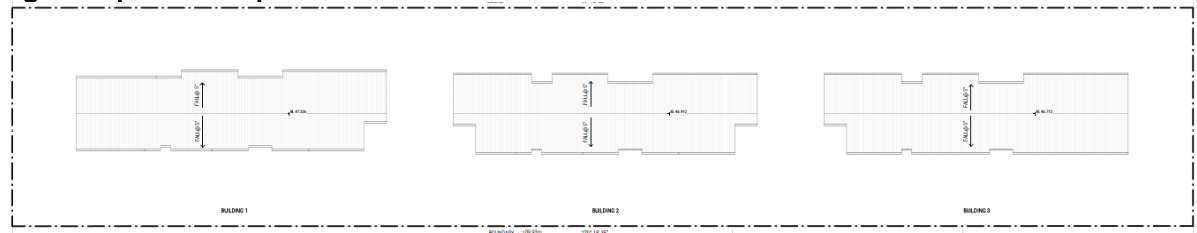


Figure 10 – amended roof plan



Figure 11 – previous design facade perspective



Figure 12 – amended design facade perspective

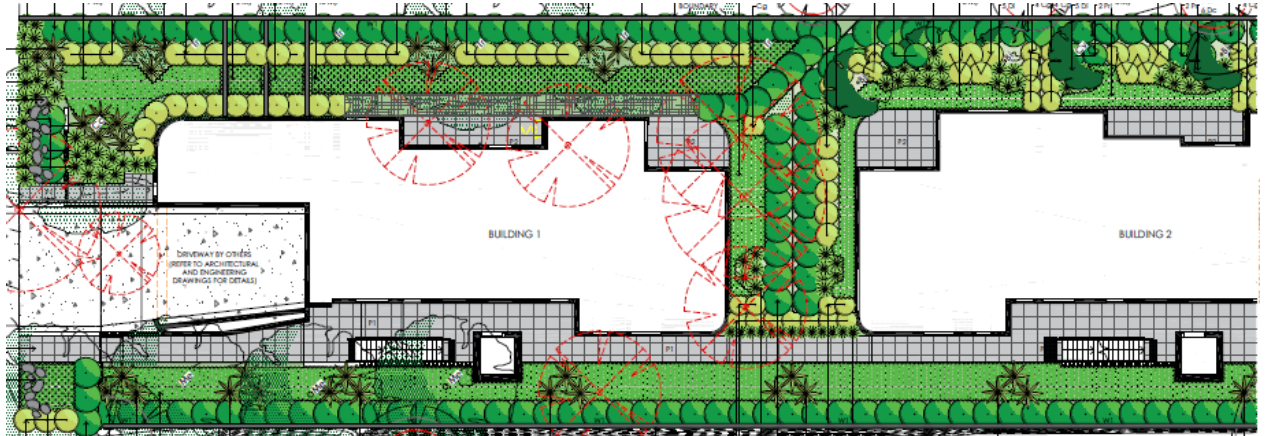


Figure 13 – previous landscape plan – front half



Figure 14 – amended landscape plan – front half

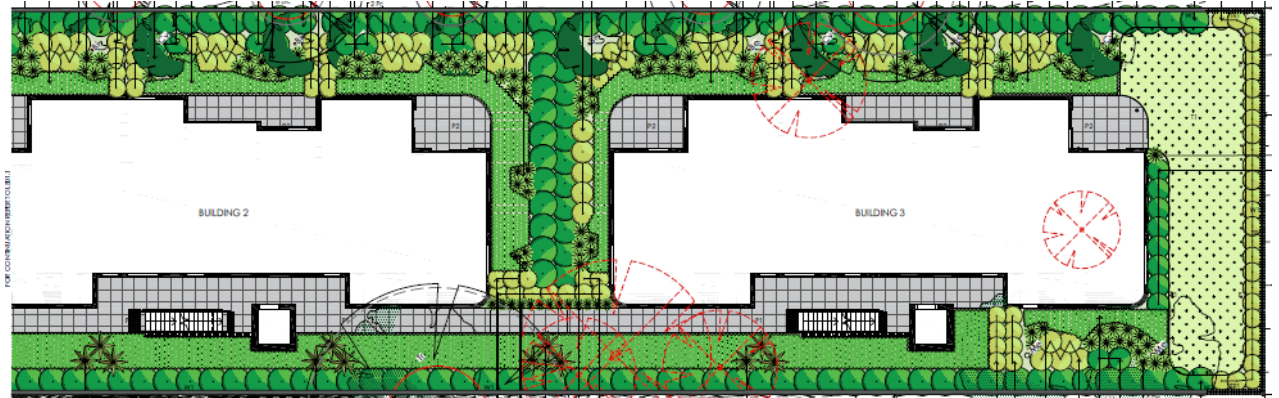


Figure 15 – previous landscape plan – back half

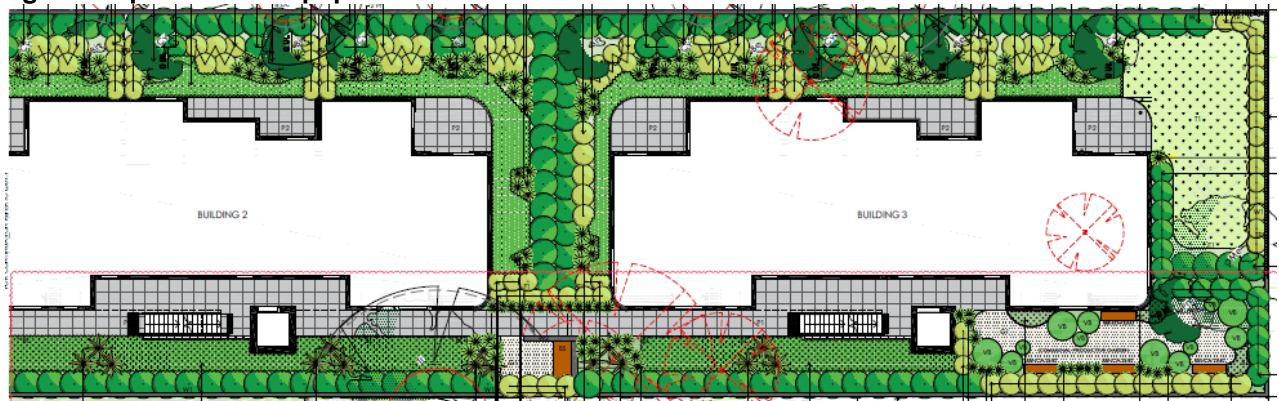


Figure 16 – amended landscape plan – back half