

24 May 2016

Our Ref: P13-206 (MW)

The General Manager

North Sydney Council
PO Box 12,
NORTH SYDNEY NSW 2059

Attention: Susanna Cheng

Dear Susanna,

**RE: RESPONSE TO ASSESSMENT REPORT FOR DEVELOPMENT APPLICATION (DA)
327/2015 FOR DEVELOPMENT AT 101-111 WILLOUGHBY ROAD, CROWS NEST**

We refer to the Assessment Report for the abovementioned DA that has been forwarded to the Joint Regional Planning Panel (JRPP) for determination on the 26 May 2016. The report currently recommends refusal of the application as a result of various concerns that were identified by Kerry Gordon Planning Services Pty Ltd (KGPS). The issues generating this recommendation of refusal appear to relate exclusively to internal amenity concerns associated with some of the residential units. In all other respects the development appears to have been assessed as satisfactory subject to some conditions. Nettletontribe has prepared amended drawings which we believe satisfactorily addresses all of the issues of concern raised in the report. We respectfully request that Council undertake an assessment of the amended drawings with a view to enable the Panel to determine the DA. The issues raised were summarised in the conclusion of the report, and these are shown below along with our response to each matter:

- *"Apartments 105, 106, 205, 206, 305 and 306 could be redesigned to provide all bedrooms opening towards Willoughby Road and provide private open space compliant with the minimum depth requirement (ie 2m for 2 bedroom and 2.4m for 3+ bedroom apartments). One solution would be to consolidate each pair of apartments into a single 3 bedroom apartment with a deep balcony allowing bedrooms and living room to open directly onto the balcony or Willoughby Street."*
- The main concern related to the amenity (outlook and ventilation) of the bedrooms facing the common lobby of these units (units 105, 106, 205, 206, 305 and 306). Whilst it was considered that the units in their original form were suitable and would have received satisfactory amenity, the plans have been amended (**Annexure 1**) to provide a revised layout to ameliorate the concerns raised. The three (3) bedroom option suggested by KGPS was considered, however, the layout of the unit was not efficient or suitable given the orientation and depth of the unit. Nettletontribe have amended the plans with an alternate arrangement which involves converting them

into studio apartments. The design of the studio apartments satisfies the requirements of the ADG as detailed in the revised plans prepared by Nettletontribe Architects at **Annexure 1**. These changes, along with the other changes discussed below has resulted in an additional three (3) new units.

- *"Apartment 407 is identified as being a studio apartment but is clearly a one bedroom apartment and has an inadequate area of only 45m². The size of this apartment is inadequate and the terrace is disproportionately large. In order to address this concern and improve the dwelling mix Apartment 407 could be consolidated with Apartment 403 to create a substantial 3 bedroom apartment."*
- Apartment 407 has been amended to remove an internal wall so that it is more in keeping with a 'studio' unit (refer to **Annexure 1**). The option suggested by KGPS was considered, however, this did not result in a unit that was efficient. As a result of the overall amendments, the unit mix has altered which has increased the number of studio units and three bed units. Whilst the development is now more consistent with the unit mix as required under Council's DCP, the unit mix is reflective of the current market demand for the area. As such, the mix is considered suitable and additional 3 bed units are not required.
- *Apartments 107, 207 and 307 are considered inappropriately small, particularly given that 4.5m² of the area is compromised space, being a hallway. These apartments also have compromised balconies, which whilst compliant with the size are of inadequate width. These apartments could be converted into a 1 bedroom apartments with a balcony having an area of at least 8m², with a minimum 2m depth.*
- The concern related to the size of units 107, 207, and 307. To address these issues the plans have been amended and the abovementioned units have now been consolidated with units 108, 208 and 308 and converted into three (3) bedroom units. The new units satisfy the requirements of the ADG as demonstrated in the revised Plans and ADG compliance table prepared by Nettletontribe Architects at **Annexures 1 and 2**.
- *Apartments 117-120 could be reconfigured so that compliant internal and external spaces are provided in accordance with the Apartment Design Guide having regard to minimum apartment size, balcony size and balcony depth (ie 2m for 1 and 2 bedroom apartments).*
- The concerns related to the size and dimensions of the balconies to units 117-120. Unit 117 is compliant with the requirements of the ADG, and the suggestion that it is non-compliant is incorrect particularly given it has a large terrace (21m²) that is situated on the podium. Units 118 to 120 have been amended to include balconies that have an area of 8m² and a minimum depth of 2m, which satisfies the requirements of the ADG. Refer to **Annexures 1 and 2** for detail.
- *Apartments 102, 202, 213, 214, 217, 218, 302, 313, 314, 316 and 317 are provided with balconies which are narrower than the minimum 2m requirement and could be redesigned to provide balconies with minimum areas of 10m², with minimum dimensions of 2m and have internal areas of 70m² (where 1 bathroom is proposed) or 75m² where two bathrooms are proposed".*
- The concern related to the balcony areas for units 102, 202, 213, 214, 217, 218, 302, 313, 314, 316 and 317. It is considered that the areas of the balconies for these units were compliant with the requirements of the ADG in terms of balcony areas and depths. In this respect, and as discussed in our response to Council in our letter dated 12 February 2016 all of these balconies satisfied the minimum area, and minimum depth of 2m, noting that the ADG allows the following:

"The minimum balcony depth to be counted as contributing to the balcony area is 1m."

Nettletontribe understand that the above extract can be used as a measurable requirement to achieve the minimum balcony area because of its listing under the 'Design Criteria Objective'. In addition, all of these balconies had sufficient space to accommodate an outdoor table and chairs within the 2m zones of the balconies. Nevertheless, the plans have been amended to increase the size of these balconies that provide additional space for the use of the occupants. This will further increase the amenity of these subject units, and satisfies the requirements of the ADG.

As a result of the changes made to the plans, a summary of some of the various changes to the development statistics is provided below in **Table 1**:

Table 1: Summary of Design Changes

Element	Plans subject to assessment report	Amended Plans	Comments
Total Units	67 apartments over 5 levels comprising: 4 x Studio (6%) 21 x 1 Bed. (31%) 38 x 2 Bed. (57%) 4 x 3 Bed. (6%)	70 apartments over 5 levels comprising: 16 x Studio (23%) 18 x 1 Bed. (26%) 29 x 2 Bed. (41%) 7 x 3 Bed. (10%)	Increase of 3 units
Gross Floor Area	10,454.50m ² comprising: 3,737.49m² Supermarket (including BOH and offices) 719.24m² Retail/Commercial 6,001.97m² Residential	10,416.40m ² comprising: 3,737.49m² Supermarket (including BOH and offices) 719.24m² Retail/Commercial 5,959.67m² Residential	Reduction of 38.1m ² of residential GFA.
Adaptable Units	11 (16%)	20 units (29%)	Increase of 9 adaptable unit. The units that are adaptable have changed as a result of the amended plans.
Cross Ventilation	42/67 (63%)	42/67 (60%)	Reduction of 3%
Solar Access (2hrs)	56/67 (84%)	58/70 (83%)	Reduction of 1%
Bicycle Parking	142 spaces:	177 spaces:	Additional 35 spaces. This includes three

	68 bicycle spaces (retail-includes 40 spaces in the plaza)) 74 spaces (residential)	100 spaces (retail-includes 40 spaces in the plaza) 77 spaces (residential) 63 lockers, shower facilities <i>(Note: These changes are a result of addressing condition C3(m))</i>	residential and 32 retail spaces.
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None of the above changes results in any adverse impacts to the surrounding area or to the development itself, and do not affect the previous conclusions as established in our original Statement of Environmental Effects (SEE). It is to be noted that an amended BASIX Certificate is required to be provided, however, given the timing of the upcoming meeting this has yet to be completed. This will be prepared as soon as possible.

Draft Conditions

We have reviewed the draft conditions of consent that were submitted to the JRPP should the DA be approved by the Panel. There are various conditions that our client has identified that are considered necessary to be addressed to ensure the development may proceed in an appropriate manner. As such, it is respectfully requested that the conditions be reviewed and amended as described in the attached 'track changed' document of the draft conditions at **Annexure 3**.

We trust that the above information addresses the matters raised by Council, and is sufficient to enable a recommendation for approval of the DA.

Yours Sincerely,



David Ryan
EXECUTIVE DIRECTOR

(attachment)

CC: jrppenquiry@jrpp.nsw.gov.au

Angela.Kenna@planning.nsw.gov.au



Annexure 1

Amended Architectural Plans

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Client

coles

GROUP PROPERTY DEVELOPMENTS

Project

PROPOSED MIXED-USE DEVELOPMENT
101-111 Willoughby Road
Crows Nest

Issue

Description

Date

A

ISSUE FOR DEVELOPMENT APPLICATION

01.09.15

B

AMENDED FOR DA APPLICATION

03.02.16

C

AMENDED FOR DA APPLICATION: MARSHALLING AREA ADDED, MOTORBIKE & STORAGE SPACE RELOCATED

15.03.16

D

3 BICYCLE SPACES ADDED, 3 STORAGE CAGES ADDED

23.05.16

Title

BASEMENT LEVEL 4

Scale

1 : 400 @ A3 1 : 200 @ A1

Date

23.05.16

Number

3844_DA010

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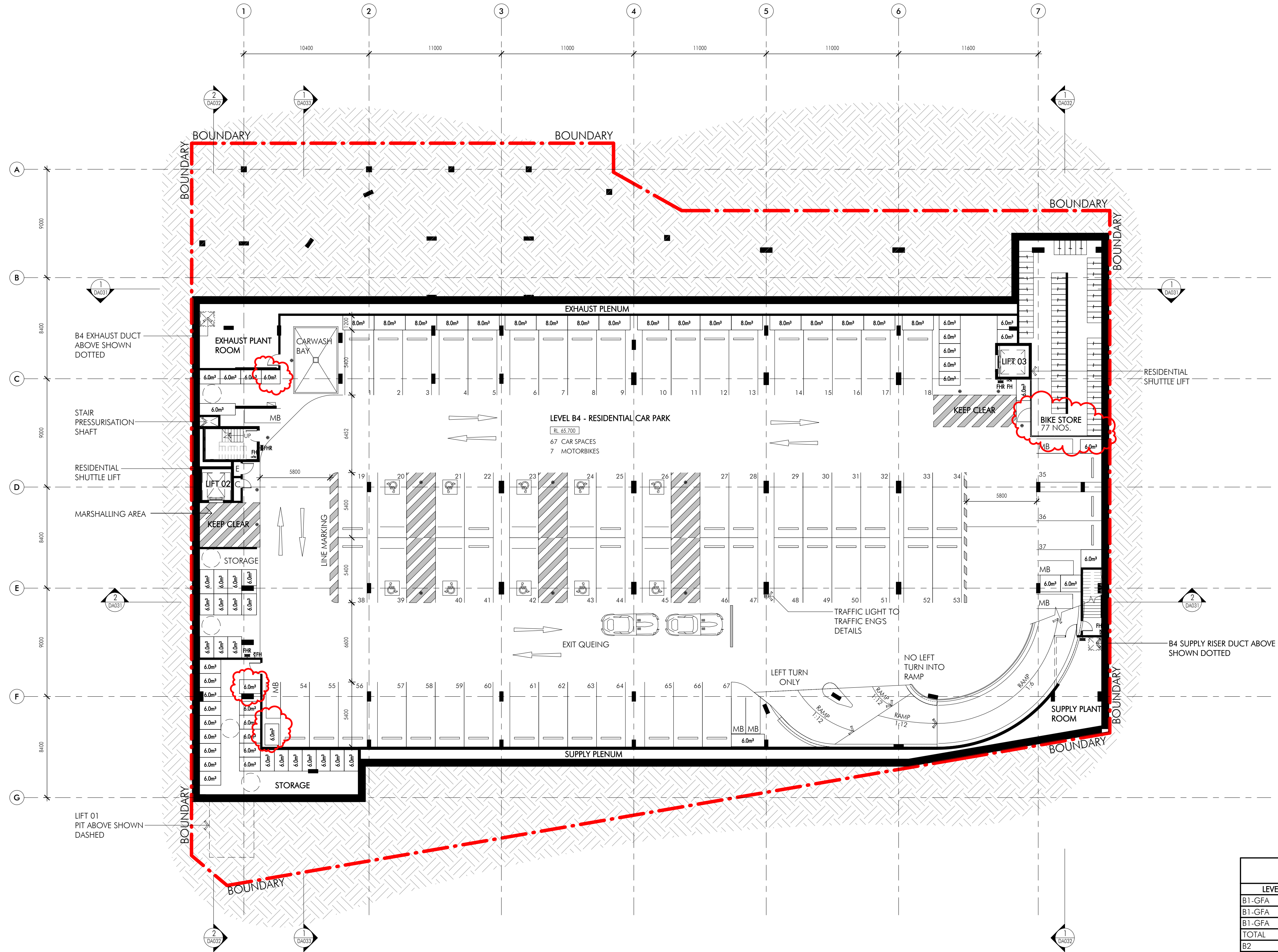
DEVELOPMENT APPLICATION

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PARKING PUBLIC SCHEDULE			
LEVEL	NO.	DESCRIPTION	REQUIRED
B1-GFA	4	Accessible Spaces	
B1-GFA	5	Small Car Spaces	
B1-GFA	53	Standard Carpark Spaces	
TOTAL	62		
B2	5	Small Car Spaces	
B2	66	Standard Carpark Spaces	
TOTAL	71		
B3	5	Small Car Spaces	
B3	68	Standard Carpark Spaces	
TOTAL	73		
Grand total	206	PUBLIC CARPARK BAYS	

PARKING RESIDENTIAL SCHEDULE			
LEVEL	NO.	DESCRIPTION	REQUIRED
B4	10	Accessible Spaces	10
B4	57	Standard Carpark Spaces	
TOTAL	67	RESIDENTIAL CARPARK BAYS	54

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GROUP
PROPERTY
DEVELOPMENTS

Project
PROPOSED MIXED-USE DEVELOPMENT
101-111 Willoughby Road
Crows Nest

Issue	Description	Date
A	ISSUE FOR DEVELOPMENT APPLICATION	01.09.15
B	AMENDED FOR DA APPLICATION	03.02.16
C	ADDITIONAL BIKE RACKS & END OF TRIP FACILITIES ADDED.	23.05.16

Title
BASEMENT LEVEL 3
Scale
1 : 400 @ A3 1 : 200 @ A1
Date
23/05/16
Number
3844_DA011

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Client



GROUP
PROPERTY
DEVELOPMENTS

Project

PROPOSED MIXED-USE DEVELOPMENT
101-111 Willoughby Road
Crows Nest

Issue	Description	Date
A	ISSUE FOR DEVELOPMENT APPLICATION	01.09.15
B	AMENDED FOR DA APPLICATION	03.02.16
C	AMENDED FOR DA APPLICATION: BUILDING 1 GARBAGE ROOM SIZE INCREASED	15.03.16
D	UNIT TYPES AMENDED	23.05.16

Title

Scale

Date

Number

LEVEL 1 PLAN

1 : 400 @ A3 1 : 200 @ A1

23.05.16

3844_DA016

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LEGEND

- * 2hr SOLAR ACCESS
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DEVELOPMENT APPLICATION



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Client



GROUP
PROPERTY
DEVELOPMENTS

Project

PROPOSED MIXED-USE DEVELOPMENT
101-111 Willoughby Road
Crows Nest

Issue	Description	Date
A	ISSUE FOR DEVELOPMENT APPLICATION	01.09.15
B	AMENDED FOR DA APPLICATION	03.02.16
C	AMENDED FOR DA APPLICATION: BUILDING 1 GARBAGE ROOM SIZE INCREASED	15.03.16
D	UNIT TYPES AMENDED	23.05.16

Title

Scale

Date

Number

LEVEL 2 PLAN

1 : 400 @ A3 1 : 200 @ A1

23.05.16

3844_DA017

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LEGEND

- 2hr SOLAR ACCESS
- CROSS VENTILATION

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Client



GROUP
PROPERTY
DEVELOPMENTS

Project

PROPOSED MIXED-USE DEVELOPMENT
101-111 Willoughby Road
Crows Nest

Issue	Description	Date
A	ISSUE FOR DEVELOPMENT APPLICATION	01.09.15
B	AMENDED FOR DA APPLICATION	03.02.16
C	AMENDED FOR DA APPLICATION: BUILDING 1 GARBAGE ROOM SIZE INCREASED	15.03.16
D	UNIT TYPES AMENDED	23.05.16

Title

Scale

Date

Number

LEVEL 3 PLAN

1 : 400 @ A3 1 : 200 @ A1

23.05.16

3844_DA018

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DEVELOPMENT APPLICATION



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GROUP
PROPERTY
DEVELOPMENTS

Project
PROPOSED MIXED-USE DEVELOPMENT
101-111 Willoughby Road
Crows Nest

Issue	Description	Date
A	ISSUE FOR DEVELOPMENT APPLICATION	01.09.15
B	AMENDED FOR DA APPLICATION	03.02.16
C	AMENDED FOR DA APPLICATION: BUILDING 1 GARBAGE ROOM SIZE INCREASED	15.03.16
D	UNIT TYPES AMENDED	23.05.16

Title
Scale
Date
Number

LEVEL 4 PLAN
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23.05.16
3844_DA019

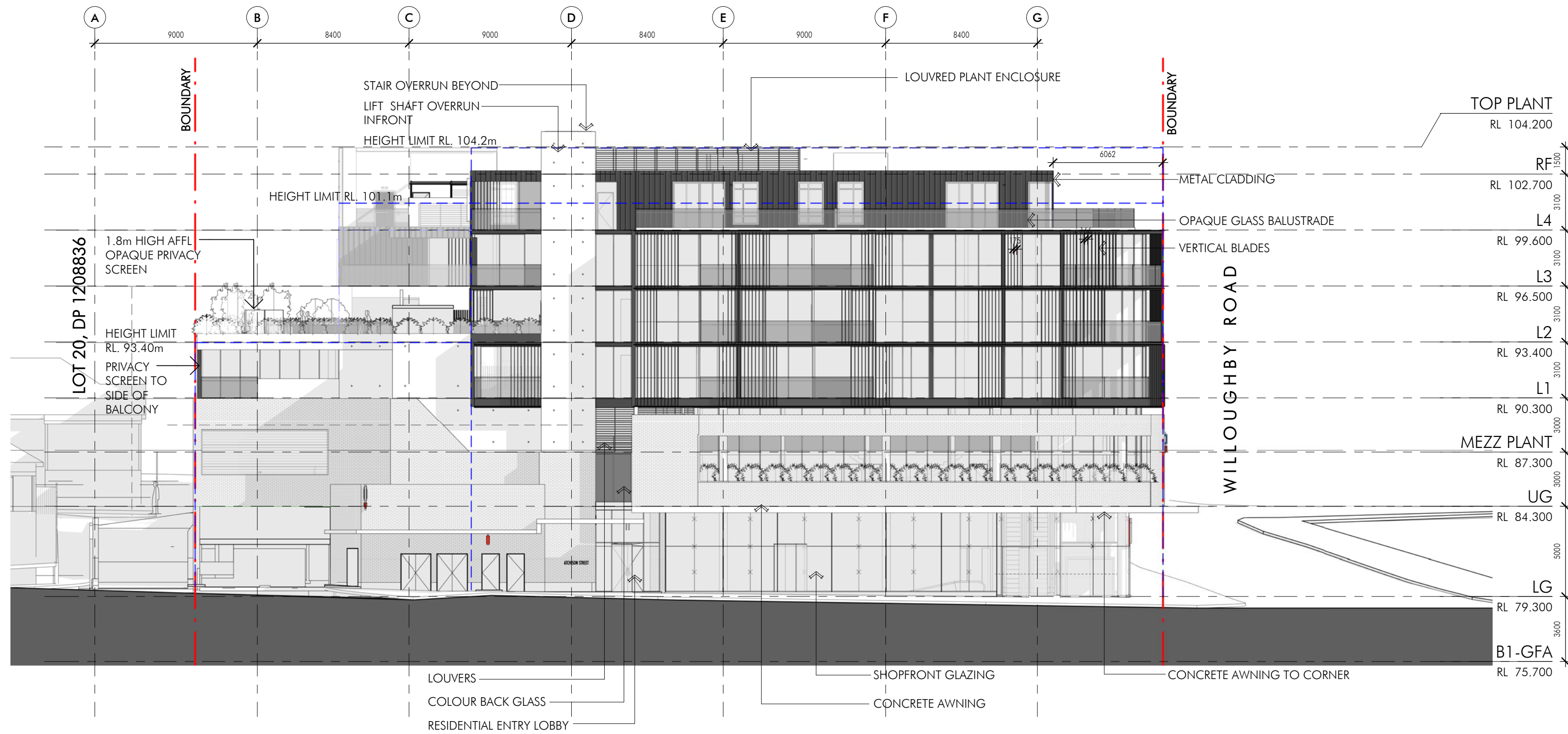
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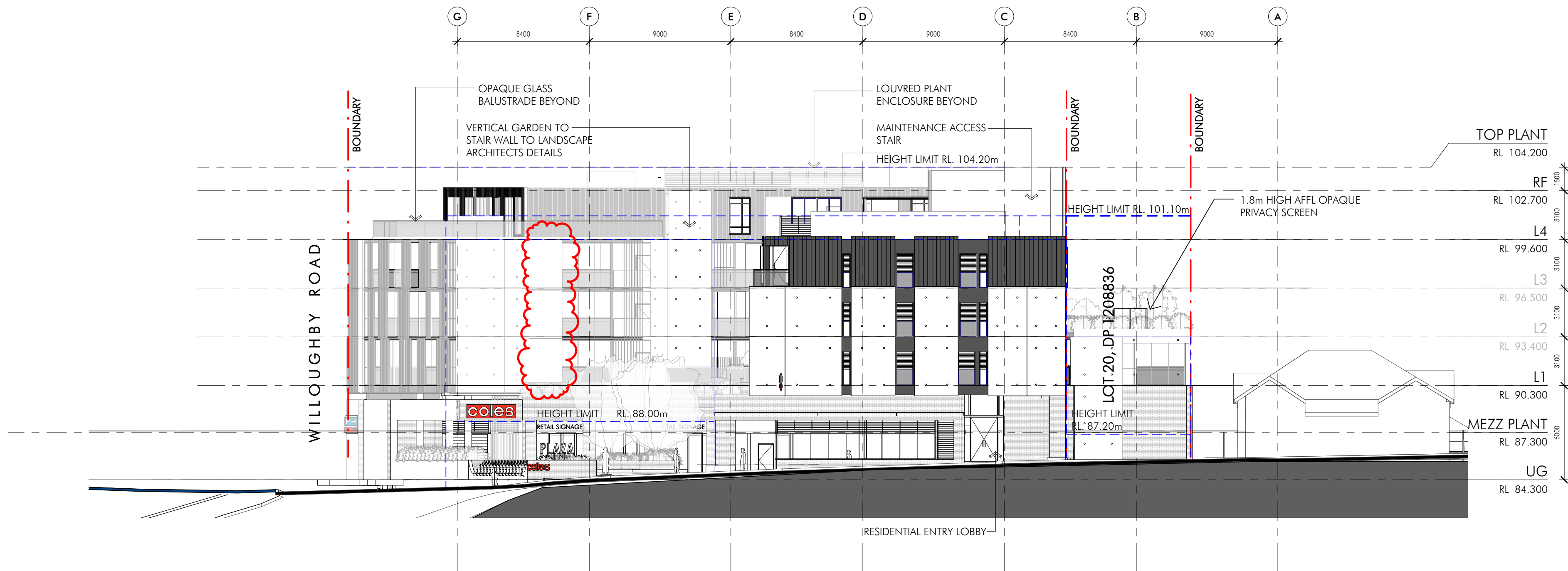
DEVELOPMENT APPLICATION



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1 NORTH ELEVATION
1 : 200



2 SOUTH ELEVATION
1 : 200

DEVELOPMENT APPLICATION



GROUP
PROPERTY
DEVELOPMENTS

Project
PROPOSED MIXED-USE DEVELOPMENT
101-111 Willoughby Road
Crows Nest

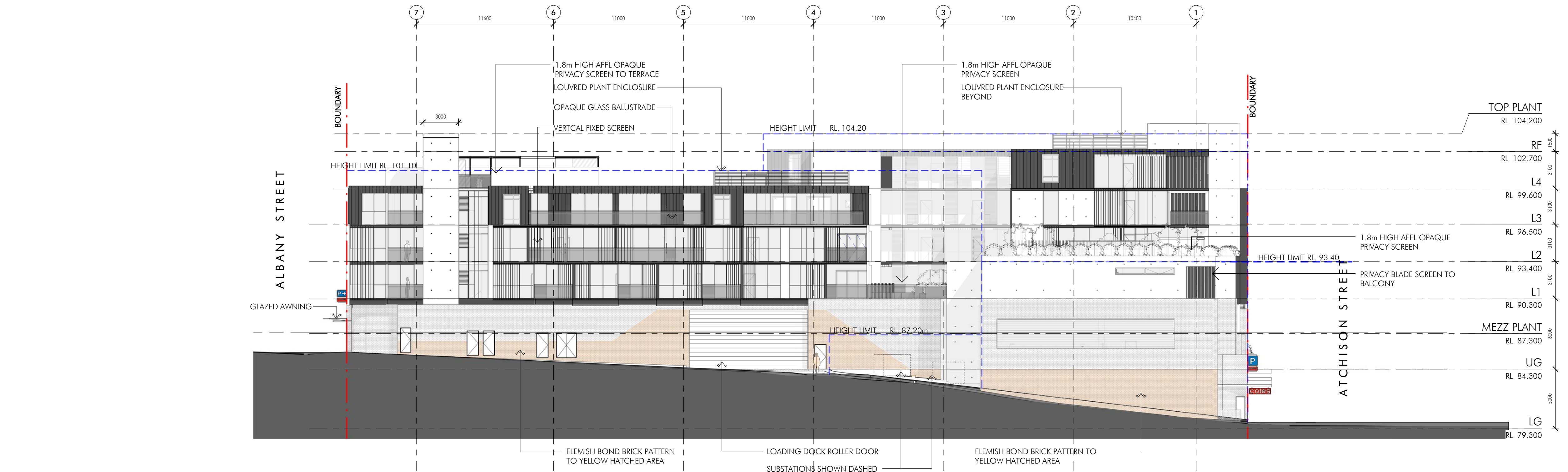
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A	ISSUE FOR DEVELOPMENT APPLICATION	01.09.15
B	AMENDED FOR DA APPLICATION	03.02.16
C	ELEVATIONS AMENDED SLIGHTLY	23.05.16

Title NORTH & SOUTH ELEVATIONS
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Date 23/05/16
Number 3844_DA021

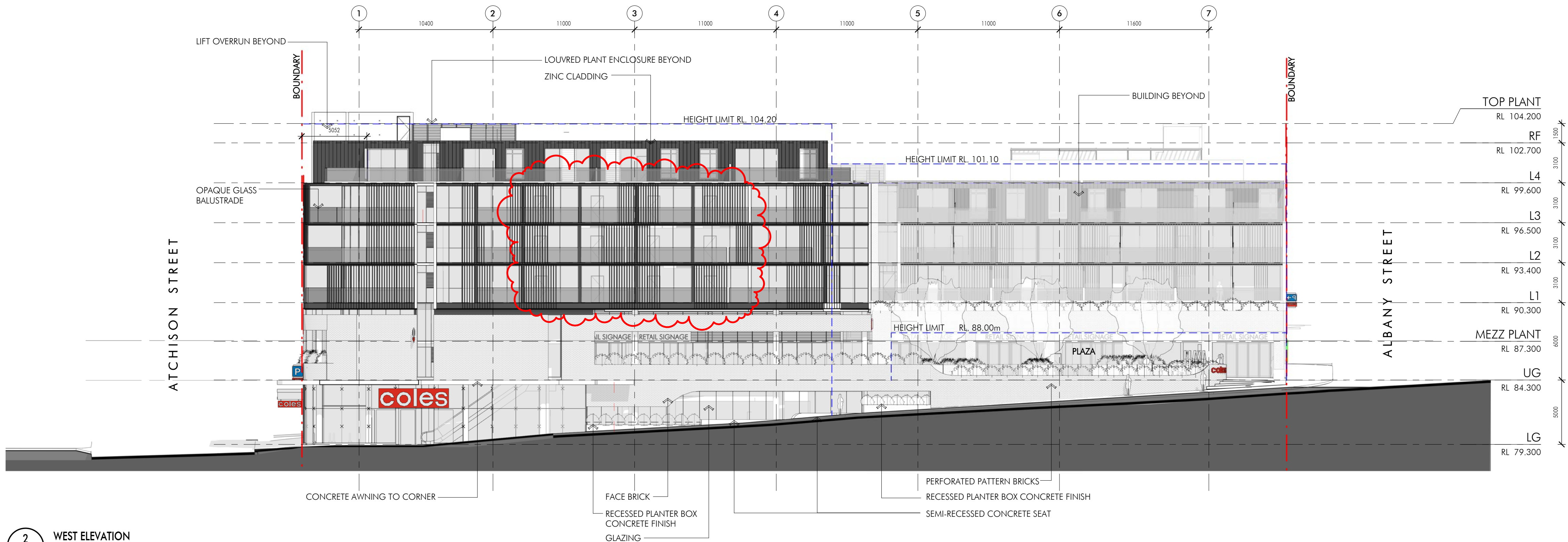
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1 EAST ELEVATION
1 : 200



2 WEST ELEVATION
1 : 200

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Client

GROUP PROPERTY DEVELOPMENTS

Project

PROPOSED MIXED-USE DEVELOPMENT

101-111 Willoughby Road

Crows Nest

Project

PROPOSED MIXED-USE DEVELOPMENT

101-111 Willoughby Road

Crows Nest

Issue	Description	Date
A	ISSUE FOR DEVELOPMENT APPLICATION	01.09.15
B	AMENDED FOR DA APPLICATION	03.02.16
C	ELEVATIONS AMENDED SLIGHTLY	23.05.16

Title EAST & WEST ELEVATIONS

Scale 1 : 400 @ A3 1 : 200 @ A1

Date 23/05/16

Number 3844_DA022

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