

<b>Panel Reference</b>	PPSSNH-506
<b>DA Number</b>	DA-2024/106
<b>LGA</b>	Willoughby City Council
<b>Proposed Development</b>	Integrated Development - Demolition of existing structures and excavation works and construction of shop top housing consisting of retail tenancies, residential apartments, basement car parking, landscaping and associated works.
<b>Street Address</b>	57-69 Strathallen Avenue, Northbridge
<b>Applicant/Owner</b>	SJD NB Pty Ltd/ Stuart Oldbury Pty Ltd
<b>Date of DA lodgement</b>	29/05/2024
<b>Number of Submissions</b>	Fifty (50) submissions
<b>Recommendation</b>	Refusal
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	<p>The proposed development has an estimated development cost of \$39,447,493 (excl. contingencies, fees, and GST).</p> <p>Pursuant to Schedule 7, general development over \$30 million is considered regionally significant development. Accordingly, the DA is to be determined by the Sydney North Planning Panel.</p>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Environmental Planning and Assessment Regulation 2021</li><li>• State Environmental Planning Policy (Housing) 2021</li><li>• State Environmental Planning Policy (Planning Systems) 2021</li><li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li><li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li><li>• Willoughby Local Environmental Plan 2012</li><li>• Willoughby Development Control Plan 2023</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"><li>• Assessment Report</li><li>• Site Description and Aerial Photo</li><li>• Development Controls, Development Statistics &amp; Referrals</li><li>• Assessment of State Environmental Planning Policies</li><li>• Submissions Table</li><li>• Notification Plan</li></ul>

	<ul style="list-style-type: none"><li>• Clause 4.6 Statement and Clause 4.6 Assessments to Clause 4.3 Height of Buildings</li><li>• Clause 4.6 Statement and Clause 4.6 Assessments to Clause 4.4 Floor Space Ratio</li><li>• Section 4.15 Assessment</li><li>• Compliance Tables</li><li>• Architectural Plans</li></ul>
<b>Clause 4.6 Requests</b>	<ul style="list-style-type: none"><li>• Clause 4.3 Height of Buildings WLEP 2012</li><li>• Clause 4.4 Floor Space Ratio WLEP 2012</li></ul>
<b>Report prepared by</b>	Ben Tesoriero – Consultant Planner
<b>Report date</b>	20 May 2025

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Applicable****Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**SNPP NO:** PPSSNH-506

**COUNCIL** WILLOUGHBY CITY COUNCIL

**ADDRESS:** 57-69 STRATHALLEN AVENUE, NORTHBRIDGE NSW 2063

**DA NO:** DA-2024/106

**PROPOSAL:** SNPP - INTEGRATED DEVELOPMENT- (REVISED PLANS AND REPORTS) DEMOLITION OF EXISTING STRUCTURES AND EXCAVATION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING CONSISTING OF RETAIL TENANCIES, RESIDENTIAL APARTMENTS, BASEMENT CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. THE APPLICATION IS IDENTIFIED AS NOMINATED INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM WATER NSW PURSUANT TO S90 THE WATER MANAGEMENT ACT 2000.

**RECOMMENDATION:** REFUSAL

**ATTACHMENTS :**

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, DEVELOPMENT STATISTICS, & REFERRALS
3. ASSESSMENT OF STATE ENVIRONMENTAL PLANNING POLICIES
4. ASSESSMENT UNDER WLEP 2012 AND WDCP 2023
5. SECTION 4.15 ASSESSMENT
6. SUBMISSIONS TABLE
7. NOTIFICATION MAP
8. CLAUSE 4.6 ASSESSMENT TO CLAUSE 4.3 HEIGHT OF BUILDINGS
9. APPLICANT'S CLAUSE 4.6 TO CLAUSE 4.3 HEIGHT OF BUILDINGS
10. CLAUSE 4.6 ASSESSMENT TO CLAUSE 4.4 FLOOR SPACE RATIO
11. APPLICANT'S CLAUSE 4.6 TO CLAUSE 4.4 FLOOR SPACE RATIO
12. ARCHITECTURAL PLANS
13. REASONS FOR REFUSAL

**RESPONSIBLE OFFICER:** RITU SHANKAR - TEAM LEADER

**AUTHOR:** BEN TESORERIO - CONSULTANT PLANNER

**DATE:** 20 MAY 2025

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## **1. PURPOSE OF REPORT**

To determine Development Application DA-2024/106 for the demolition of existing structures and excavation works and construction of shop top housing consisting of retail tenancies, residential apartments, basement car parking, landscaping and associated works.

Pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the application has an estimated development cost of more than \$30,000,000.00. In this case the estimated development cost is \$39,447,493.00 (excluding GST).

The consent authority is the Sydney North Planning Panel (SNPP) in accordance with Section 4.5(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 9(b), in schedule 2 of the EP&A Act.

## **2. OFFICER'S RECOMMENDATION**

A. That the Sydney North Planning Panel refuse consent to Development Application DA-2024/106 for the demolition of existing structures and excavation works and construction of shop top housing consisting of retail tenancies, residential apartments, basement car parking, landscaping and associated works on land at 57 – 69 Strathallen Avenue, Northbridge for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of *Willoughby Local Environmental Plan 2012* in that:

a. Clause 4.3 – Building height

- i. The building height contravenes the maximum 17m height shown for the land on the Height of Buildings Map.
- ii. The proposal fails to satisfy objective (b) and objective (d) of the building height standard as the development application has not demonstrated:
  - the new development will minimise the disruption of views to the adjoining properties at No.128 Sailors Bay Road, Northbridge.
  - disruption to existing views is minimised or reasonable view sharing from adjacent developments at No.128 Sailors Bay Road, Northbridge is achieved with the height and bulk of the development

b. Clause 4.4 – Floor space ratio

- i. The floor space ratio at No.57 Strathallen Avenue, Northbridge exceeds the maximum of 2.5:1 indicated on the Floor Space Ratio Map.
- ii. The proposal fails to satisfy objective (a) and objective (c) of the floor space ratio standard as the development application has not demonstrated:

- the intensity of development proposed at 57 Strathallen Avenue, Northbridge will be carried out in accordance with the environmental capacity of the land
- the new development will minimise the disruption of views on adjoining or nearby properties at No.128 Sailors Bay Road, Northbridge.

c. Clause 4.6 – Exceptions to development standards

For the following reasons, the consent authority is not satisfied the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, nor has the applicant demonstrated there are sufficient environmental planning grounds to justify the contravention of the building height and floor space ratio development standards:

- i. To establish compliance with the development standards is unreasonable or unnecessary the applicant's clause 4.6 variation requests rely on demonstrating the objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- ii. The objectives of both the building height and floor space ratio development standards aim to minimise view disruption to adjoining or nearby properties from new developments.
- iii. Neither of the clause 4.6 variation requests for the building height or floor space ratio contraventions consider view impacts from the properties at No.128 Sailors Bay Road, Northbridge.
- iv. Without a view impact assessment from No. 128 Sailors Bay Road, Northbridge, it is not agreed that the clause 4.6 variation requests adequately demonstrate that the objectives of the development standard are met despite the non-compliance.

d. Clause 6.23 – Design excellence

- i. Clause 6.23(3) prescribes that development consent must not be granted to development unless the consent authority considers that the development exhibits design excellence.
- ii. Clause 6.23(4) prescribes the matters a consent authority must have regard to in considering whether a development exhibits design excellence. Subclause (c) includes "whether the development detrimentally impacts on view corridors."
- iii. In the absence of a view impact assessment, the development application includes insufficient information to ascertain whether the development detrimentally impacts on view corridors enjoyed from the properties at No.128 Sailors Bay Road, Northbridge.

- iv. In the absence of a view impact assessment, the consent authority is also unable to have proper regard to the following subclauses under clause 6.23(5):
    - (d) The relationship between the proposed development and the existing development at No. 128 Sailors Bay Road, Northbridge, particularly concerning amenity, urban form from a view sharing perspective.
    - (e) The bulk, massing, and modulation of the proposed buildings and their implications for view sharing.
  - v. Clause 6.23(6) prescribes development consent must not be granted to development unless a design review panel has reviewed the development, and the consent authority has taken into account the design review panel's review.
  - vi. In their revised report dated 14 May 2025, the design review panel concluded that insufficient information is currently available to adequately assess the proposed development under clause 6.23(4)(c) and recommends that a visual impact assessment be conducted for all potentially affected properties.
2. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of the *Willoughby Development Control Plan Part B: Residential Development 2023* in that:
- a. Performance criteria – 2.1.4 – Design
    - i. The development application fails to demonstrate that the proposed development will, ensure the orientation, siting and height provides a reasonable sharing of views from surrounding properties.
  - b. Performance criteria – 2.1.12 – View sharing
    - ii. The development application fails to demonstrate that the proposed development will, as far as reasonably possible, maintain existing views from neighbouring properties, particularly from living areas. It also lacks consideration of alternative designs to preserve significant and iconic views.
3. The lodged BASIX Certificate does not reflect the amended architectural plans submitted on contrary to Clause 37 of the *Environmental Planning and Assessment Regulation 2021*. Consequently, compliance with the State Environmental Planning Policy (Sustainable Buildings) 2022 cannot be determined.
4. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, approval of this development application will have an unacceptable impact on

the built environment. The Northbridge Hotel, identified as a potential Heritage Item of Local Significance and considered by Willoughby City Council for its Heritage Review 2028, is a prominent and intact example of Interwar Free Classical architecture. Its strong presence in the streetscape relates to the early development of Northbridge and contributes significantly to the local character, making it a recognised landmark.

5. Pursuant to Sections 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest due to its non-compliance with building height and floor space ratio controls, the insufficient assessment of negative impacts on existing views, and the proposed demolition of the Northbridge Hotel, a potential local heritage item that contributes significantly to the built environment and local character.

B. That Transport for NSW and WaterNSW be advised of the decision.

C. That those persons making a submission be advised of the decision.

### **3. DESCRIPTION OF PROPOSAL**

#### **3.1 Proposed development**

The application as amended proposes the following works:

##### **3.1.1 Demolition**

- Demolition of all existing buildings and structures on site.

##### **3.1.2 Basement Carparking and Parking**

Excavation works to achieve the basement levels with excavation depths varying from 9m and 14.3m.

##### **Basement Level 02 RL80.1**

- Twenty-four (24) residential parking spaces including three (3) accessible spaces, three (3) visitor parking spaces including one (1) accessible space, two (2) residential motorbike and one (1) residential visitor motorbike and three (3) residential bicycle spaces.
- Provision of two (2) fire stairs and two (2) lift cores.
- Pump holding tank.
- Carpark supply plant room, carpark exhaust plant room.
- Residential storage (24 specified storage spaces).
- EV charging space.

**Basement Level 01 RL83.1**

- Twenty-four (24) retail parking spaces including two (2) accessible spaces and two (2) retail motorcycle spaces.
- Provision of two (2) fire stairs and two (2) lift cores.
- Two (2) fire pump rooms (36m<sup>2</sup> & 31m<sup>2</sup>), residential waste room (38m<sup>2</sup>), charity room.
- OSD tank to the east of the residential waste room.
- Two (2) plant rooms, bulky waste room, carpark supply plant room, residential waste room (35m<sup>2</sup>), carpark exhaust plant room, main switch room, WC, building manager's office and main comms room.
- EV charging space.
- CW pump room and grease arrestor room.

**3.1.3 Ground Floor****Lower Ground Floor RL86.65**

- Retail waste room and CP supply.
- Loading dock, substation, temporary bin storage (presenting to Baringa Road).
- Southern lobby, lift, retail end of trip facilities including two (2) accessible bathrooms. Fire stairs.

**Upper Ground Level RL87.5**

- Three (3) retail visitor bicycle spaces.
- Northern lobby, lift, fire stairs and mailroom.
- Six (6) retail spaces comprising:

Retail space	Area	Details
G.01	158m <sup>2</sup>	Located at northwestern corner of the site presenting to Strathallen Avenue. RL87.8 presenting to Strathallen Avenue. Located at the northwestern corner front setback is the fire booster and sprinkler room. Includes kitchen riser.
G.02	103m <sup>2</sup>	RL87.4 presenting to Strathallen Avenue, located to the south of G0.1.
G.03	129m <sup>2</sup>	Located to the north of the pedestrian entrance to the site from Strathallen Avenue. RL87.2 and presents to the central arcade and Strathallen Avenue. To the west of the pedestrian lobby.
G.04	134m <sup>2</sup>	Located at the south of pedestrian entrance to the site from Strathallen Avenue. RL88.5 and presents to the central arcade and Strathallen Avenue. To the west of the southern fire stairs.
G.05	126m <sup>2</sup>	RL85.8 presenting to Strathallen Avenue, located to the south of G0.4.
G.06	131m <sup>2</sup>	Located at southwestern corner of the site presenting to Strathallen Avenue and Baringa Road. RL85.7, retail access from Strathallen Avenue frontage. Located to the west of the substation.



- Internal pathways including central arcade from Strathallen Avenue. Landscaped courtyard located at the northeastern corner of the site.

### **3.1.4 Summary of Shop Top Housing**

The proposed development comprises a single building with a central ground-floor arcade that visually separates its massing as viewed from Strathallen Avenue. The building has a northern component facing Strathallen Avenue and a southern component facing both Strathallen Avenue and Baringa Road. A central arcade divides these components. Vehicle access is from Baringa Road, adjacent to the eastern side boundary. The table below details the apartment mix per floor and building component.

<b>Level</b>	<b>Northern Building (Strathallen Avenue)</b>	<b>Southern Building (Baringa Avenue)</b>
Level 01	RL91.2 comprising: <ul style="list-style-type: none"><li>• 1 x 2 bedroom,</li><li>• 2 x 3 bedroom</li><li>• 1 x 3 bedroom apartment is affordable.</li></ul>	Level 01a RL89.8 comprising: <ul style="list-style-type: none"><li>• 1 x 3 bedroom</li><li>• 2 x 4 bedroom apartments.</li></ul>
Level 02	RL94.35 comprising: <ul style="list-style-type: none"><li>• 3 x 3 bedroom</li><li>• 2 x 3 bedroom apartments are liveable.</li></ul>	Level 02a RL92.95 comprising: <ul style="list-style-type: none"><li>• 2 x 3 bedroom</li><li>• 2 x 4 bedroom apartments.</li><li>• 1 x 3 bedroom apartments liveable, 1 x 3 bedroom apartment is adaptable and 2 x 4 bedroom apartments are adaptable.</li></ul>
Level 03	RL97.5 comprising: <ul style="list-style-type: none"><li>• 3 x 3 bedroom</li><li>• 2 x 3 bedroom apartments are liveable.</li></ul>	Level 03a RL96.1 comprising: <ul style="list-style-type: none"><li>• 2 x 3 bedroom</li><li>• 2 x 4 bedroom apartments.</li><li>• 1 x 3 bedroom apartments liveable, 1 x 3 bedroom apartment is adaptable and 2 x 4 bedroom apartments are adaptable.</li></ul>
Level 04	RL100.85 comprising: <ul style="list-style-type: none"><li>• 2 x 3 bedroom</li></ul>	Level 04a RL99.45 comprising: <ul style="list-style-type: none"><li>• 2 x 4 bedroom apartments.</li></ul>

### **Residential Dwellings and Unit Mix**

The proposed development seeks approval for twenty-four (24) apartments. The residential development comprises 1 x 2 bedroom dwellings, 15 x 3 bedroom dwellings and 8 x 4 bedroom

dwelling. One (1) dwelling is affordable. Six (6) of the 24 dwellings are proposed as adaptable dwellings (25%). Six (6) dwellings are liveable dwellings (25%).

### **3.1.5 External Works**

- Vehicular access to the basement from Baringa Road.
- The access driveway is to provide two-way vehicular movements, where two vehicles can pass each other at the same time without causing delays or congestion to traffic on the street.
- Ample storage space for residents has also been provided within storage racks and cages contained within the basement to satisfy requirements of the Apartment Design Guide (ADG).
- Pedestrian pathways and ramps throughout the development.
- General landscaping along the eastern and part of the northern boundaries.
- Provision of awnings above the ground level retail units within the public domain along Strathallen Avenue.

### **3.1.6 Landscaping Works**

A landscape concept plan, prepared by a qualified Landscape Architect, includes hard surface landscaping (decking, retaining walls, planter boxes, and pathways) throughout the site. Soft landscaping, including screen planting, is provided along the northern and eastern boundaries. A large communal open space area is located east of the building's northern component.

The development includes provision of street trees along both street frontages.

The proposal necessitates the removal of eight (8) trees. Development consent is sought for the removal of two (2) *Archontophoenix alexandrae* Alexandra Palms (T8 and T9). An additional six (6) *Syagrus romanzoffiana* Queen Palms (T1 – T6 inclusive) are to be removed and are exempt species under Willoughby Council's Tree and Vegetation Preservation Order 2012.

### **3.1.7 Stormwater Works**

The proposal includes stormwater works including provision of OSD (located to the east of northern component of the building) and pump holding tank (Basement Level 02). The works include provision of stormwater pipes, grated drains and pits. The basement levels are tanked, and water disperses to the stormwater kerb inlet at the intersection of Baringa Road and Strathallen Avenue.

## **4. THE SITE**

The site is located on the northeastern corner of Strathallen Avenue and Baringa Road. A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

## **5. DISCUSSION**

The assessment of this development application raises several key, and in some cases interrelated, discussion points:

- i. View Impact
- ii. Building Height and Floor Space Ratio Contraventions
- iii. Design Excellence
- iv. Heritage

Each of these points is discussed in detail below, with the first three being closely linked.

#### View Impact

Residents of the neighbouring shop-top housing development at No.128 Sailors Bay Road currently enjoy views towards the Sydney CBD skyline (including Centrepont Tower, Harbour Bridge, and Barangaroo), as well as the North Sydney and St Leonards/Crows Nest skylines.

Following public notification in July 2024, six objections were received from residents at No.128 Sailors Bay Road citing detrimental view loss due to the proposed development.

The consultant planner conducted a site inspection of these properties in May 2025 and verified the presence of views across the subject development site.

The development application currently lacks a specific view impact assessment from the objecting properties at No.128 Sailors Bay Road. Without this analysis, it's difficult to assess and determine the view disruption for these neighbours.

#### Building Height and Floor Space Ratio Contraventions

The proposed development fails to comply with the building height and floor space ratio (FSR) development standards under the WLEP.

Clause 4.6 variation requests have been submitted by the applicant in response to the contravention of these development standards.

However, the applicant has not demonstrated that compliance with the development standard is unreasonable or unnecessary, nor that sufficient environmental planning grounds justify the building height and FSR contraventions.

The applicant's Clause 4.6 variation requests attempt to show the development standard objectives are met despite non-compliance. However, the objectives of both building height and FSR standards aim to minimise view disruption to neighbouring properties.

Critically, neither variation request considers view impacts from No.128 Sailors Bay Road, Northbridge. Without a view impact assessment from these properties, it cannot be agreed that the Clause 4.6 variations adequately demonstrate achievement of the development standard objectives despite the non-compliances.

#### Design Excellence

The Design Review Panel's updated report (dated 14 May 2025) highlights insufficient information to assess the proposed development's compliance with Clause 6.23(4)(c) of the WLEP, specifically regarding detrimental impacts on view corridors. The absence of a view impact assessment also impedes the evaluation of the development's relationship with existing

properties like No.128 Sailors Bay Road, Northbridge, concerning view sharing and urban form (Clause 6.23(5)(d) and (e)).

As a result, the development application fails to adequately demonstrate design excellence as required by Clause 6.23.

### Heritage

Approval of this development application is considered to have an unacceptable impact on the built environment due to the potential heritage significance of the Northbridge Hotel.

Willoughby City Council's Heritage Officer has identified this prominent and intact Interwar Free Classical building as a potential Heritage Item of Local Significance. Also, the building is being considered by Willoughby City Council for its Heritage Review 2028, noting its strong street presence, connection to Northbridge's early development, and significant contribution to local character as a recognised landmark.

Council's Heritage Officer recommends that an external heritage expert, engaged by Willoughby City Council, conduct a further investigation before any demolition occurs.

Council's Heritage Officer advises that any future development of the site will likely need to incorporate the existing form and fabric of the building that date back to its original 1930s development phase.

Due to the abovementioned reasons, Council's Heritage Officer recommends refusal of DA-2024/106.

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 6**.

## **6. CONCLUSION**

The Development Application DA-2024/106 has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP 2023*, and other relevant codes and policies and is recommended for refusal for the following reasons:

### **Willoughby Local Environmental Plan 2012**

- Building Height: Exceeds the maximum height and fails to demonstrate minimised view disruption or reasonable view sharing for the property at No.128 Sailors Bay Road.
- Floor Space Ratio: Exceeds the maximum FSR and fails to demonstrate that the development intensity is within the land's environmental capacity or that view disruption to No.128 Sailors Bay Road is minimised.
- Clause 4.6 Exceptions: The applicant failed to adequately demonstrate that compliance with the height and FSR standards is unreasonable or unnecessary, or provide sufficient

environmental planning grounds for the contraventions, particularly due to the lack of a view impact assessment from No.128 Sailors Bay Road.

- Design Excellence: The application lacks sufficient information (specifically a view impact assessment) to determine if the development detrimentally impacts view corridors from No.128 Sailors Bay Road. Consequently, proper consideration of view sharing, amenity, urban form, bulk, massing, and modulation is not possible. The Design Review Panel also identified this lack of information.

### **Willoughby Development Control Plan Part B 2023**

- Design: The application does not demonstrate reasonable view sharing from surrounding properties.
- View Sharing: The application fails to demonstrate that existing views from neighbouring properties (especially living areas) are maintained as far as reasonably possible and lacks consideration of alternative designs to preserve significant views.

Furthermore, the development is considered to have an unacceptable impact on the built environment due to the proposed demolition of the Northbridge Hotel, a potential Heritage Item of Local Significance that contributes significantly to the local character.

Finally, the approval is not considered to be in the public interest due to the non-compliance with height and FSR controls, the insufficient assessment of negative view impacts, and the proposed demolition of the potential heritage item.

**ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO****Description of the Subject Site**

The subject site is 57 – 69 Strathallen Avenue, Northbridge. The site comprises six (6) allotments with a combined area of 2,428m<sup>2</sup> including:

Address	Legal Description	Site Area
59 – 69 Strathallen Avenue	Lot 1 DP 726736 Lot 1 DP 172561 Lot 4B DP 305190 Lot 4A DP 305190 Lot 5 Section 3 DP 7122	1,821m <sup>2</sup>
57 Strathallen Avenue (Northbridge Hotel)	Lot 6 Section 3 DP 7122	607m <sup>2</sup>

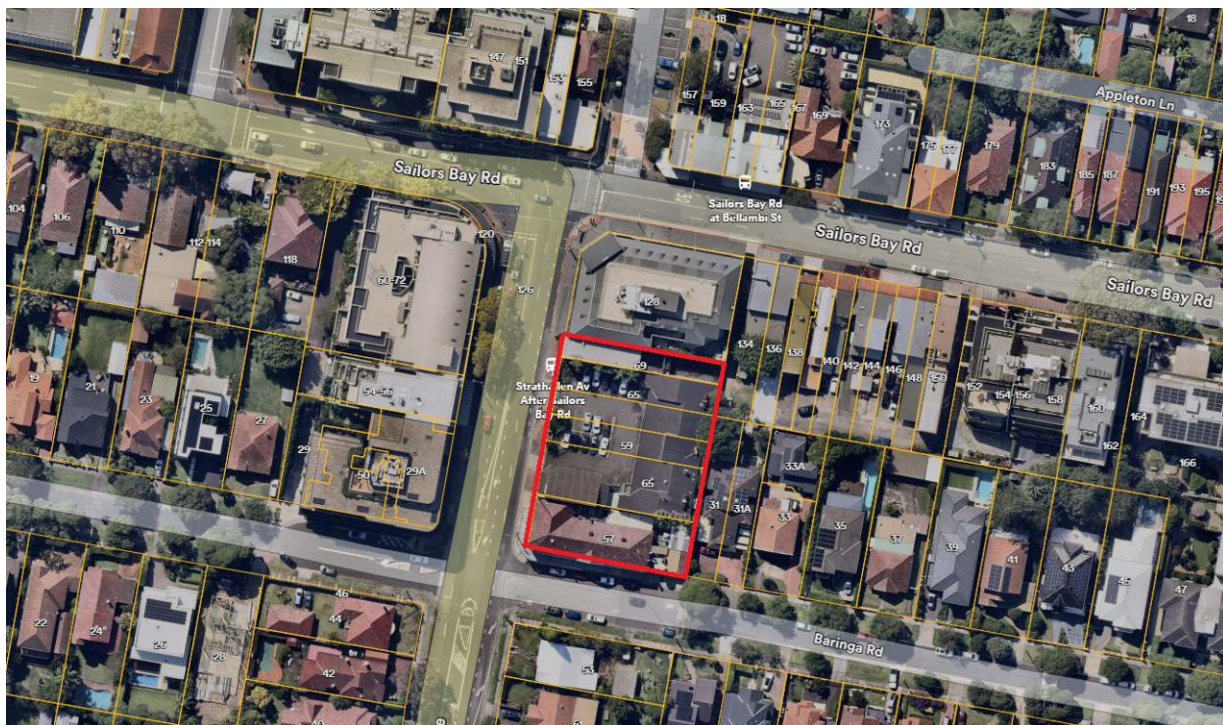
The site is located on the northeastern corner of a rectangular shaped allotment.

The site has frontages to Strathallen Avenue and Baringa Road. The site contains a 42m northern boundary length shared with 128 Sailors Bay Road, 57m eastern boundary shared with 31 Baringa Road, a 43m southern frontage to Baringa Road and 57m western frontage to Strathallen Avenue.





**Figure 1** – Aerial Photograph highlighting the subject site at 57-69 Strathallen Avenue, Northbridge (outlined in red).  
Source: Nearmap – photograph capture date: 3 April 2025



**Figure 2** – Aerial Photograph of the subject site (outlined in red) and surrounding area.  
Source: Nearmap – photograph capture date: 3 April 2025

The site slopes from the northeastern to the southwestern corner of the property. The site does not contain any significant vegetation. Pedestrian and vehicular access to the existing buildings on site is currently provided directly from Baringa Road and Strathallen Avenue.

The site is burdened by a Sydney Water sewer main (tunnel) which traverses the site in a northeastern direction to the southeastern corner of the site. There is no easement.

The site presently accommodates the Northbridge Hotel (57 Strathallen Avenue) which is two storeys in scale with a lower-level cellar and is located on the southern portion of the site presenting to Strathallen Avenue and Baringa Road.

At No.59 – 67 Strathallen Avenue is the Northbridge Village, which contains multiple retail premises which are one and two storeys in scale and associated at grade car parking. This development is setback from Strathallen Avenue.

There is an existing dry cleaners located on the ground floor at 69 Strathallen Avenue. Which includes an at grade car park.

### **Adjoining Development and Locality**

The site is adjoined to the north by 128 Sailors Bay Road which comprises a three storey shop top housing development presenting to both Strathallen Avenue and Sailors Bay Road. To the northeast of the site are two storey shopfronts along Sailors Bay Road.

South of the development is Baringa Road with Strathallen Avenue intersecting Baringa Road to the southwest corner of the site.

To the southeast of the site, there are one and two storey attached dual occupancies presenting to Baringa Road, with 31 Baringa Road immediately adjoining the site. Opposite the site, in a southern direction is a dwelling at 53 Strathallen Avenue and a two-storey dwelling at 32 Baringa Road.

The commercial precinct of Northbridge is along the major arterial roads of Sailors Bay Road, Eastern Valley Way and Strathallen Avenue. Northbridge Plaza is on the north-eastern corner of Eastern Valley Way and Sailors Bay Road. The site is located 140m to the east of the Northbridge Plaza which contains a major supermarket, and several specialty shops and a large Council carpark provided to the rear of the Plaza. The built form consists of two to four storey buildings, with the eastern side characterised by smaller lots and more refined streetscape. The western side contains larger lots and larger scale buildings including shop top housing.

The site is well serviced by public transport. There is an existing bus stop located on the western boundary of the site. The site is located within proximity to bus services along Sailors Bay Road and Strathallen Avenue.



## ATTACHMENT 2: DEVELOPMENT CONTROLS, DEVELOPMENT STATISTICS & REFERRALS

### Neighbour Notification

Owners of adjoining properties were notified in accordance with the Willoughby Community Participation Plan for a period of twenty-eight (28) days from 25 July 2024 to 22 August 2024. A total of fifty (50) submissions were received by Council. The issues detailed within the submissions are addressed in **Attachment 6** of this report.

### Existing Building, Relevant History and Site Context

#### Site History

The site is currently occupied by existing commercial buildings on the eastern portion of the site and associated carparking areas. The buildings are partially operational and used for commercial purposes including a restaurant. The site also contains the Northbridge Hotel on the southern portion of the site.

As identified in Council's heritage referral response, the Northbridge Hotel, identified as a potential Heritage Item of Local Significance and considered by Willoughby City Council for its Heritage Review 2028, is a prominent and intact example of Interwar Free Classical architecture. Its strong presence in the streetscape relates to the early development of Northbridge and contributes significantly to the local character, making it a recognised landmark.

#### Previous Application History

Date	Proposal
7 February 2024	Pre - Development Application Meeting
14 February 2024	Initial Design Excellence Review Report

**Current Development Application**

<b>Date</b>	<b>Action</b>
29 May 2024	Application lodged.
17 June 2024 to 15 July 2024	The application was notified to neighbouring property owners for a period of 28 days from 17 June 2024 to 15 July 2024. The notification erroneously referenced provision of a site through link to 134 Sailors Bay Road.
25 July 2025 to 22 August 2024	The application was re-notified to neighbouring property owners for a period of 28 days from 25 July 2025 to 22 August 2024 removing reference to the site-through link. A total of fifty (50) submissions were received objecting to the proposal.
26 September 2024	<p>A request for further information (RFI) was issued to the applicant requesting the following:</p> <ul style="list-style-type: none"> <li>Amended stormwater management plan to demonstrate OSD tank compliance with Council's Technical Standard in terms connections being above 1%AEP, overflow location and provision of 300mm freeboard between overflow path of OSD and adjacent floor levels.</li> <li>Concerns regarding to vehicle access and parking including: <ul style="list-style-type: none"> <li>the single lane width ramp being increased to permit two-way traffic.</li> <li>the retail spaces dimensions to be increased to permit medium term parking,</li> <li>turning areas to enable visitor manoeuvring,</li> <li>internal wall heights preventing sight lines,</li> <li>swept path diagrams to demonstrate 10.5m waste vehicle collection,</li> <li>simultaneous movement of SRV and B99 vehicles between frontage and loading bay and</li> <li>between frontage road and basement ramp.</li> <li>details pertaining to the operation of the roller door and how visitors will access basement 02.</li> </ul> </li> <li>A concept plan to detail the proposed diversion of the Sydney Water main. The plan to be accompanied by advice from Sydney Water accredited designer that it complies with Sydney Water requirements.</li> <li>Clarification of the submitted demolition and construction waste management plan including nominating the facilities for the landfill and material recycling or disposal. Site plan to be amended to show the onsite waste facilities during the demolition and construction phases including truck access. A report or clearance certificate demonstrating zero volume of asbestos. <ul style="list-style-type: none"> <li>The WMP to provide 6m<sup>2</sup> space for charity and other recycling waste.</li> <li>Provision of waste organics recovery.</li> <li>Details on how the waste cupboard for recycling disposal by residents will be serviced.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Further details on the waste chute equipment.</li> <li>- Indication of the size available of temporary bin storage for bulky waste.</li> <li>- Bin and bulky waste carting routes.</li> <li>- Waste storage area amenities including aisle widths of 1.5m doorways 2.5m, floors reinforced concrete 75mm thick.</li> <li>• Clarification of the submitted operational waste management plan to confirm: <ul style="list-style-type: none"> <li>- expected residential generation (in L/week) per bin type. Provision of 3 x 660L general waste bins, 5 x 660L recycling bins and 12 x 240L organic bins.</li> <li>- expected commercial generation (in L/week) per bin type. Provision of 3 x 1,100L general waste bins and 3 x 1,100L recycling bins.</li> </ul> </li> <li>• The further design details of plans to show: <ul style="list-style-type: none"> <li>- All tenancies with potential to be occupied by a food business or beauty salon must be provided with similar connection to mechanical ventilation ducting with vertical external discharge in such a way as to avoid offensive odours to nearby residential and commercial tenants.</li> <li>- the location of components of heating and cooling (Air Conditioning) systems. These are to be located in such a way so as to not give rise to offensive noise or vibrations.</li> <li>- Confirmation if a cooling water system (cooling tower) is proposed.</li> <li>- confirmation that floor waste drains of any Car Washing bay, Grease Arrestor Room and Garbage Rooms are connected to a sewer and not stormwater line</li> </ul> </li> <li>• The proposal does not comply with the ADG and a revised statement addressing the relevant ADG criteria must be provided: <ul style="list-style-type: none"> <li>- The eastern façade of the development, particularly on Levels 1, 2 &amp; 3, does not achieve the criteria for building separation under Part 2F and 3F. A minimum setback of 9m to the boundary adjoining R2 Low Density Residential is required.</li> <li>- There are concerns with acoustic amenity and the appropriateness of the floor layout in the scenario where bedrooms adjoin the principle living areas of neighbouring units. The submitted acoustic report does not provide any design solution to mitigate these issues (Part 4H).</li> <li>- Part 4Q of the apartment design guide has not been addressed</li> <li>- The proposed ground floor retail tenancies do not meet the ADG criteria under Part <b>4C-1</b> for a minimum ceiling height of 3.3m, with some measuring as little as 2.89m</li> <li>- Balconies do to meet the minimum dimensions outlined in the ADG, particularly for 3-bedroom units.</li> <li>- Balconies of Units 4.02 and 4.03 do not meet the criteria for</li> </ul> </li> </ul>
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	<p>visual amenities</p> <ul style="list-style-type: none"> <li>• The proposal is to be amended to show 50% of the dwellings are adaptable housing in accordance with Part B4.3.3 and provide plans dedicated for this purpose.</li> <li>• Provision of end of trip facilities.</li> <li>• Substation exclusion zone and potential conflict with the bedrooms of Unit 1.06 located above the substation, further details to be provided.</li> <li>• Further sections including at least two long section and two cross sections including cross section grids shown clearly on floor plans and site plan.</li> <li>• Revised elevations to include RLs.</li> <li>• Demonstration the enclosed study rooms meet the requirements of habitable rooms and NCC,</li> </ul>
4 October 2024	The applicant requested an extension until 31 October 2024 to respond to the RFI.
5 November 2024	<p>The applicant submits amended plans including:</p> <ul style="list-style-type: none"> <li>- Amended stormwater concept plans and stormwater response prepared by Telford Civil dated 29 and 31 October 2024.</li> <li>- Amended architectural plans revision 4 dated 30 October 2024.</li> <li>- Amended landscape plans revision D dated 31 October 2024.</li> <li>- RFI response letter from Gyde Consulting dated 31 October 2024.</li> <li>- Traffic response prepared by MLA Traffic Planning dated 25 October 2024.</li> <li>- Sydney Water Feasibility Letter and Concept Plan including Hydra System prepared by Qalchek dated 28 October 2024.</li> <li>- Acoustic response prepared by PWNA dated 3 October 2024.</li> <li>- Amended Clause 4.6 to FSR dated 29 October 2024.</li> <li>- Amended demolition and construction waste management plan Revision 2 dated 1 October 2024.</li> <li>- Operational waste management plan Revision 2 dated 9 October 2024.</li> <li>- Revised ADG compliance assessment prepared by Bates Smart.</li> </ul>

### Controls and Classification

WLEP 2012 Zoning:	E1 Local Centres
Conservation area	NO
Aboriginal Heritage	NO
Heritage Item	NO
Vicinity of Heritage Item	NO

Natural Heritage Register	NO
Bushfire Prone Area	NO
Flood related planning control	NO
Adjacent to classified road	YES
Road/lane widening	NO
Affordable Housing Area	NO
Active Street Frontage	YES
Special Provisions Area	NO
SEPP – Sustainable Buildings (BASIX)	YES
SEPP – Biodiversity & Conservation	YES
SEPP – Housing	YES
SEPP – Planning Systems	YES
SEPP – Resilience & Hazards	YES
SEPP – Transport & Infrastructure	YES
Acid Sulphate Soil Category	Class 5
Development near Lane Cove Tunnel	NO
Contaminated Land	YES
Relevant DCPs policies and resolutions	WDCP

### Development Statistics

	Existing	Proposed	Standard	Compliance
Site Area (2,428m <sup>2</sup> )	1,821m <sup>2</sup> + 607m <sup>2</sup>	2,428m <sup>2</sup>	N/A	YES Condition recommending amalgamation
Gross Floor Area (5,160m <sup>2</sup> )		1,564m <sup>2</sup> (2.57:1) 3,552m <sup>2</sup> (1.95:1)	1,518m <sup>2</sup> (2.5:1) 3,642m <sup>2</sup> (2:1)	<b>NO</b> For land at 57 Strathallen Avenue.
Floor Space Ratio		2.57:1	2.5:1	<b>NO</b> For land at 57 Strathallen Avenue
Height		17.91m	17m	<b>NO</b>
Setbacks:				
Front setback		Nil setback to Strathallen Avenue and 600mm to Baringa Road.	Ground – Nil	<b>NO</b>

	Existing	Proposed	Standard	Compliance
		The first floor has a 0m setback from the front boundary to the balconies. The setback to the external walls is 1.1m. The third floor has a 0m setback to the balconies and a minimum 1.1m setback to the external walls. This reflects surrounding developments. The fourth floor (top floor) has a 0m setback to the balconies and 2m setback to the exterior building walls. Top floors with an increased setback are common in the locality.	First floor 2m  Third floor 3m  Fourth floor 3m	NO  NO  NO
Rear setback		Rear setbacks are compliant with the ADG building separation controls.	Ground floor – 3m First floor 6m Second floor – 7.2m Third floor 19.2m Fourth floor 20.4m	Yes
Side setback		Side setbacks are compliant with the ADG building separation controls.	Ground – Nil  First & Second Nil setback for max 50% of length of side boundary located in front half of site.	Yes

	Existing	Proposed	Standard	Compliance
			Third floor 5.4m	
			Fourth floor 5.4m	
Site Coverage (%)		57%	24%	<b>NO</b>
Landscaped Area (%)		33%	35%	<b>NO</b>

### **Compliance with Plans or Policies**

The proposal does not comply numerically with Willoughby Local Environmental Plan 2023 in regard to:

1. Clause 4.3 Height of Buildings
2. Clause 4.4A Floor space ratio

The DA is accompanied by written clause 4.6 variation requests prepared Gyde Consulting and the considerations are provided in ***Attachments 8 to 11***.

The proposal does not comply with the following numerical controls of the Willoughby Development Control Plan:

1. Setbacks
2. Site Coverage
3. Soft landscaping
4. Landscaping at street frontage

The proposal also fails to comply with the following performance criteria under the Willoughby Development Control Plan:

1. Performance criteria – 2.1.4 – Design
2. Performance criteria – 2.1.12 – View sharing

Development Contribution Plans:

Council's Planning Process & Contributions Specialist has assessed the application, and a contribution referral memo outlines the payable contributions if development consent is granted. These s.7.11 contributions have been included in the draft consent.

### **Referrals**

#### **Internal Referrals**

#### **Design Excellence Review**

Toby Wetherill of Gardner Wetherill & Associates, Willoughby Council's Design Excellence Panel Representative, provided initial comments on the proposal before the DA was lodged, and subsequent comments in May 2025, based on the latest plans and lodged documentation.

To distinguish them below, the May 2025 comments are presented in red, while the pre-lodgement comments are in black.

*The proposals have been presented with clarity which is appreciated by The Panel. Generally, the proposals are to meet the parameters of Design Excellence with two particular items of note:*

1. *The first item, in some respects falls outside of the Design Excellence Review. The DCP Part L – Clause 10.3 Master Plan for Northbridge Local Centre requires the applicant to ‘maintain and improve the laneway network for servicing and deliveries.’ The design has been configured and is based on servicing by a 10.5m garage truck as opposed to the proscribed 12m vehicle.*
2. *The proposal has some minor departure above the prescribed height controls of 17 metres.*

### Context and Neighbourhood Character

#### Comments by Panel

*The proposals have been presented with clarity which is appreciated by The Panel. Generally, the proposals are to meet the parameters of Design Excellence with two particular items of note (see previous section) that are key determinants in the overall assessment of the proposal*

Review Guidelines	Review
<p>Contribution to amenity &amp; placemaking through the development of:</p> <ul style="list-style-type: none"> <li>• A proposal that is presented as a cohesive place</li> <li>• Contributing to civic quality</li> <li>• Attention to the public realm, and</li> <li>• Systems and paths of movement and activity</li> </ul>	<ul style="list-style-type: none"> <li>• Conforms with E1 Local Centre zoning</li> <li>• The street front is activated via proposed ground level retail and brick panel ‘scallops’ leading the eye into the landscaped courtyard. These ‘scallops’ visually manage the transition in levels</li> <li>• The design is consistent with Council’s vision for the site comprising shop top development comprising boutique residential dwellings above ground level retail tenancies , a public landscaped courtyard and a through site link for improved connectivity</li> <li>• The proposal has the potential to establish a strong presence on the corner – Refer to “Built Form &amp; Scale”</li> </ul>
<p>Better fit contextual, local and of its place</p>	<ul style="list-style-type: none"> <li>• Setbacks and generous balconies provide for a depth of modelling to the building presentation</li> <li>• The retail component and the Sailors Bay Road Link with the community space to the east of the built form activate the streetscapes and the courtyard.</li> </ul>



Panel Recommendations

- *We believe the proposal does meet standards measured against “Context and Neighbourhood Character.”*
- *The key driver in determining this application, is whether the smaller 10.5 metre garbage truck, that the design is based on, will be accepted by Council. This is fundamental to the presented proposal being viable or not.*

*The Applicant demonstrated that a conforming development proposal (that requires a larger 12.5 metre truck) requires significant changes and resolution to the architecture (to accommodate the servicing).*

*Additionally, the associated landscaped courtyard will need to be redesigned to provide an acceptable design outcome*

Built Form & Scale

Comments by Panel

*The Panel support the development of a shop top residential development above the ground floor retail.*

*The overall scale of the building envelope, when held up against the DCP and surrounding development is appropriate to the Strathallen Avenue frontage although there are some minor incursions above the prescribed height plane. The exceedances are setback from the frontage and include the lift shaft*

**Additional Comments by the Panel added 14 May 2025**

Based on revised/supplementary information provided, the DEP have reconsidered the proposals. This current review is on the basis of the subsequently amended plans and associated support information being submitted by the applicant as well as points raised during advertising.

The Panel's comments are:

Whilst there was recognition that there were contraventions to the FSR at the original DEP review, in the absence of a VIA it was not possible to comment on any detrimental impacts the development may have on neighbours views.

Clause 6.23 ('Design Excellence') of the Willoughby Local Environmental Plan 2012

(WLEP) stipulates that development consent cannot be granted unless the consent authority is satisfied that the development demonstrates design excellence. The matters to be considered are outlined in subclauses (4) and (5). One of the key considerations under subclause (4)(c) is the development's impact on views. Specifically, objecting parties at 128 Sailors Bay Road, cite significant obstructions to their views of the Harbour Bridge, Centrepont Tower, Barangaroo Towers, and the city skyline. It is likely that the residents do indeed benefit from the views they have cited, including views from their private open spaces and internal areas. As stated above, the DEP have not been provided VIAs at the time of the initial assessment or subsequently and as such cannot confirm.

**Additional Comments by the Panel added 14 May 2025: Continued from previous page**

The Applicant's clause 4.6 written requests to vary the FSR and building height standards do not address view impacts from 128 Sailors Bay Road. In fact, the clause 4.6 requests include statements regarding the view impacts, such as:

- *"The development that will experience the most significant view loss is located at 29A Baringa Road and 54-56 Strathallen Avenue, on the western side of Strathallen".*
- *"The current views are not considered significant in the locality".*
- *"Any views lost will be of open sky to the east, which is deemed low value, while key views to the south and south-west (including St Leonards, North Sydney, and Sydney CBD) will remain unaffected".*
- *"The proposed increase in density and the balancing of FSR over the two zones will not unduly impact any significant views or outlooks".*

**Conclusion**

There is currently insufficient information to adequately assess the matter under clause 6.23(4)(c) of the WLEP. It is recommended that the applicant provide detailed Visual Impact Assessments to all potentially affected properties.

Review Guidelines	Review
Communication of lateral responses to current planning controls & guidelines	<ul style="list-style-type: none"> <li>Breaking height plain was the only option presented to the Panel. As noted above these are considered minor and the overall form of the design works well in achieving a reduced mass/bulk at the upper level and maximise amenity through open space. No additional shadows are cast onto adjoining properties as a result of the height incursions.</li> <li>The Panel did check that the Applicant is confident that no further height requirements will become necessary, and the Applicant noted that with 3.350m for the top level they are confident that the heights as presented can be achieved.</li> </ul>
Scale, character, form and siting complement surrounding urban qualities and likely future development	<ul style="list-style-type: none"> <li>The elegant use of linear bricks will benefit the presentation of the elevations to the streetscape.</li> <li>The asymmetric shape of the balcony transition on the corner of Strathallen Avenue (south-west corner) offers a strong and elegant corner presentation. However, The Panel suggest further exploration of the relationship to the Barina Road balcony immediately adjoining. In our opinion, the curve</li> </ul>
Review Guidelines	Review
	<p>meeting curve marginally diminishes the prominence of the corner as a 'marker'.</p> <ul style="list-style-type: none"> <li>Whilst it was noted that there are no windows on the western façade of the property, The Panel raised a question over the potential shadowing of the roof/PV Cells at the dual occupancy residence 31 and 31A Baringa Road</li> <li>The Panel raised a question about the servicing of the six retail spaces which was described. Clearly the three southern retail spaces will be more easily serviced but there are pathways for servicing the northern retail spaces.</li> </ul>

Panel Recommendations

- Review the detail and balcony relationship in the south-west corner*

- Review PV cells to 31 and 31A Baringa Road and if affected consider sustainability measures that could benefit the neighbour.
- We believe the proposal does meet standards measured against “Built Form & Scale.” However;
- The key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted is fundamental to the proposal. The applicant demonstrated that should the larger 12.5 metre truck be required some significant changes to the building envelope (to accommodate the servicing) and associated landscaped courtyard will be required.

#### Additional Comments 14 May 2025

- The Panel understand that changes have been made to the proposals for waste collection and this has been referred to the Council's Engineers for review.
- See additional notes.

#### Density

Review Guidelines	Review
Scale, character, form and siting complement surrounding urban qualities and likely future development	<ul style="list-style-type: none"><li>• The plans are generally well planned and generous in nature with oversized balconies</li><li>• We note that there is the inclusion of 12 x adaptable units</li></ul>
Land uses, activity, building configuration and occupancies that may be adapted in future	

#### Panel Recommendations

- We believe the proposal does meet standards measured against “Density” Guidelines. However;
- The key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted is fundamental to the proposal. The applicant demonstrated that should the larger 12.5 metre truck be required some significant changes to the building envelope (to accommodate the servicing) and associated landscaped courtyard will be required – This in turn will result in changes to the apartment types and planning.

### Sustainability

#### Comments by Panel

*Sustainability measures were not discussed at length at the meeting although it was noted that the light colour palette will minimise solar gain.*

*We believe there are a number of measures that could be considered such as PV panels, water collection and re-use etc.*

Review Guidelines	Review
Appropriate balance between resilient materials, embodied energy and resource consumption and dependence	<ul style="list-style-type: none"><li>• Sustainability measures not discussed in detail, however, the proposed material palette was presented.</li></ul>
Better performance sustainable, adaptable and durable	

#### Panel Recommendations

- As a matter of course, The Panel suggest exploration of as many opportunities for sustainability be explored such as
  - Electrification: Heat pump hot water or electric instantaneous supported by a commitment to PV cells to power and light all common spaces, lifts and car park areas
  - EV Car Charging
  - Rainwater harvesting
  - Additional deep soil planting (noting the landscape proposals incorporate deep soil planting already)
  - On-going strata commitment

### Landscape

#### Comments by Panel

*Generally, the concepts prepared by Sturt Noble Associates provide for an engaging courtyard space connecting Strathallen Avenue to Sailors Bay Road with laying both in the vertical and the horizontal planes.*

*Changes in level have been used to create green buffers to define space.*

*Deep soil planting is proposed to the benefit of sustainability.*

*Overall, the space has the potential to be a charming 'oasis'*

Review Guidelines	Review
Comprehensive appreciation of environmental features, such as natural systems, trees and vegetation and topography	<ul style="list-style-type: none"> <li>Whilst there was limited documentation, we believe the courtyard space and proposed planting will positively impact the development and both residents and public</li> <li>During the meeting, The Panel raised the thought of a 'fulcrum' (landscape feature) to help turn pedestrian through 90 degrees. It was discussed that the curve through the corner and trees will naturally draw the eye and turn the movement.</li> </ul>

#### Panel Recommendations

- As a matter of course, The Panel suggest exploration of as many opportunities for landscape enhancement be explored such as:
  - Additional deep soil planting (if achievable)
- We believe the proposal has the potential to meet standards measured against "Landscape" Guidelines. However;
- The key driver on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted is fundamental to the proposal. The applicant demonstrated that should the larger 12.5 metre truck be required some significant changes to the building envelope (to accommodate the servicing) and associated landscaped courtyard would need to be reduced in size – This in turn will result in changes to the path of travel.

#### Amenity

#### Comments by Panel

The issue of demonstrating that neighbours to the east will not be negatively impacted by overshadowing raised separately.

Review Guidelines	Review
Apartment amenity	<ul style="list-style-type: none"> <li>It is our understanding the applicant has proposed compliant solar and cross ventilation.</li> <li>The apartments look to be efficiently planned with minimal inefficiency – this is supported.</li> <li>The Applicant has proposed an alternative through site link and courtyard to respond the topography and transition between the two Strathallen Avenue frontage elements. We believe this improves the amenity and likely usage by public.</li> </ul>

Panel Recommendations

No further comments

Principle 8 – Safety

Comments by Panel

Safety was not discussed in detail. With public access through the courtyard, safety and security will be considerations

Review Guidelines	Review
Better for people safe, comfortable and liveable	<ul style="list-style-type: none"> <li>Demonstration of safe traffic management will be essential</li> <li>Safety and security for residents and public through the courtyard (particularly after dark) will need due consideration</li> </ul>

Panel Recommendation

- Inclusion of traffic safety measures or setback to ensure safe access & egress on to Baringa Road
- Clarity on safety strategy generally.

Housing Diversity and Social Interaction

Comments by Panel

Due to the site's proximity to public transport, the Panel believes that the proposed apartment types and mix are acceptable



Review Guidelines	Review
Better for community inclusive, connected and diverse	<ul style="list-style-type: none"> <li>We note that there is the inclusion of 12 x adaptable units</li> </ul>
Development and provision of new public spaces and frontages to public and communal areas that generate high levels of activation and encourage social interaction	<ul style="list-style-type: none"> <li>The communal courtyard space (and link) have the opportunity to create diverse spaces for residents and public</li> </ul>

Panel Recommendations

No further comments

Aesthetics

Comments by Panel

*This development has the ability to transform and set a high standard in apartment development for Northbridge.*

*As proposed the built form and presentation demonstrates that the height non compliances do not have a detrimental impact on the public/neighbours.*

*We have raised the corner 'marker' exploration elsewhere.*

Review Guidelines	Review
Better look and feel engaging, inviting and attractive	<ul style="list-style-type: none"> <li>The panel are generally supportive of the materials proposed. The use of linear bricks to emphasise the horizontality and the use of brick 'scallop' for level transition and separation will produce a high quality presentation to the streetscape.</li> <li>The scoops at the upper level and associated planting will create not just strong amenity, but also soften the built forms presentation.</li> </ul>

Panel Recommendations

No further comments

Recommendations Summary/Conclusion

Key Amendments Proposed to Achieve Design Excellence (Updated 14 May 2025)

- Overall, the Panel are supportive of the design in principle.  
  
However further resolution is required to satisfy that the Development proposal may achieve Design Excellence with a conforming design.
- It is therefore recommended that the applicant provide detailed Visual Impact Assessments to all potentially affected properties. See Section 3 "Built Form and Scale"
- One of the key drivers on determining this application is whether the smaller 10.5 metre garbage truck that the design is based on will be accepted by Willoughby Council? This is a fundamental question on whether this proposal can progress in its current form. This is subject to detailed review by the Council Representatives.
- Noting that the use of a 10.5m waste vehicle does not conform to WCC requirements and will require further clarification with WCC. If an acceptable design resolution is agreed with WCC the Panel are supportive of this proposal subject to a few minor matters such as:
  - The relationship of the balconies in the south-west corner as the 'marker'
  - Inclusion of safety measures

If Willoughby Council do require a 12.5 metre garbage truck to be accommodated, it will impact the design and require significant changes. Whilst demonstrating the potential impacts, The Applicant did not present a detailed design to accommodate the larger 12.5 metre truck.

Should the design need to be changed, we remain supportive of the general architectural approach presented. Any future design submission will require review by the Panel to consider and determine its capacity to exhibit Design Excellence and will also need to be supported by visual impact assessments.

## Traffic Engineer

Council's Traffic Engineer simply provided conditions of consent as part of their referral response. These recommended conditions have been included in a draft consent.

## Development Engineering

Council's Development Engineer commented on the proposal as follows:

**Stormwater management**

*The revised plans have generally addressed issues relating to stormwater and the OSD system. The volume is compliant with Technical Standard 1. The HGL analysis provided has demonstrated that the 1%AEP water level at the outlet from the OSD tank*

*is at RL84.82m. The level of the main tank itself is RL 84.79, with the orifice located in a sump with a level of 84.72. To ensure that the outlet is not impact by the downstream water level, we have conditioned that the base of the tank be at RL 84.80m.*

*The proposed overflow from the tank is not satisfactory. While an outlet is proposed through the side of the tank, it is to a chamber / culvert beneath the path with overflow at a grate near Strathallen Avenue. This does not comply with Council's requirements for the overflow to be to ground in a visible location. The proposed overflow channel is susceptible to blockage and it not generally visible, so will not alert occupants that the tank requires maintenance. It is preferable if this detail is resolved prior to approval.*

*However, we have provided a condition that requires this to be resolved, and plans submitted to Council prior to applying for a CC.*

### **Vehicle Access and Parking**

#### **Retail Parking**

*The Traffic Report indicates that the retail area provides no visitor parking, with all spaces designated for employees. Consequently, these spaces, at 2.4m wide, comply with long-term all-day parking requirements.*

*While the WDCP does not differentiate between employee and visitor parking for retail developments, we disagree with the Traffic Report's assertion that visitor parking is unnecessary, given the retail area's intended service to the local community.*

*We recommend requiring a portion of the retail parking to be allocated for visitors. To accommodate this, we have imposed conditions stipulating that all visitor spaces must comply with medium-term parking standards, including a minimum width of 2.5m. This ensures that if visitor parking is required, those spaces will meet the necessary dimensional requirements.*

*Alternatively, to provide greater flexibility and ensure that all retail parking can be used by both employees and visitors, we could impose a condition requiring all retail parking spaces to comply with Class 2 medium-term parking standards.*

*Our review of the Basement Level 01 layout suggests that either of these options could be implemented with only minor modifications, as there is sufficient width between several parking spaces, even considering the presence of columns.*

#### **Basement Access Ramp**

*Access to all basement parking levels is via a single-lane ramp.*

*The Traffic Report states that the ramp will experience a peak of 18 vehicle movements per hour, which is below the 30-vehicle-per-hour threshold specified by AS/NZS 2890.1 for single-lane access.*

*However, while compliant with the standard, this single-lane ramp is not considered a quality outcome. It is likely to cause queuing and congestion at the entry and loading bay area.*

*A signal system will be necessary to manage traffic flow on the ramp, due to its curvature, which restricts visibility between its ends.*

*To mitigate entry congestion, we have conditioned that the signal system default to green for incoming vehicles.*

*A wall at the top of the ramp will limit sightlines for vehicles exiting the basement, including those exiting into the adjacent loading dock.*

*Although the traffic signals will control vehicles entering the ramp, they will not affect vehicles exiting the loading dock, creating a potential for conflict.*

*The development will need to implement management measures to address this risk. A two-lane ramp would significantly reduce this risk by increasing visibility and distancing exiting vehicles from the ramp entrance.*

### **Roller Shutter Access**

*The proposed card reader for the roller shutter controlling access to the basement parking area is located on the eastern side of the access roadway.*

*This placement will require visitor vehicles to drive on the "wrong" side of the road, potentially leading to conflicts.*

*While visitor numbers are expected to be low, we consider this an undesirable outcome. Given the current layout, we have identified no alternative location for the reader that would avoid vehicles crossing to the opposite side of the access way.*

*Future technological advancements, such as alternative access control methods or a booking system with number plate recognition, may offer solutions to this issue.*

### **Sewer**

*Concept plans have been provided to demonstrate that the sewer main will be able to be diverted in accordance with Sydney Water's requirements.*

*The conditions detailed below should be included in the consent.*

## **Heritage**

**Council's Heritage Planner commented on the proposal as follows:**

### **Heritage Context**

*The subject site does not currently include any Heritage Items and is not located within any Heritage Conservation Areas. However, the subject site includes 57 Strathallen Avenue, Northbridge which has been identified by Willoughby City Council as being worthy of consideration for the Heritage Review 2028.*

*The site identified as being of potential heritage interest is located at the southern end of the subject site and fronts onto both Strathallen Avenue and Baringa Road. The site is occupied by a two storey brick hotel building, named the Northbridge Hotel.*

*For the remainder of the site at 59-67 and 69 Strathallen Avenue, Northbridge there is no identified potential for heritage assessment and the remainder of this document principally pertains to the building Northbridge Hotel.*

*The Northbridge Hotel was built by Tooth & Co. Ltd on land bought by the Company in 1928 and was opened by the Mayor of Willoughby in June 1931 as the first and only hotel in Northbridge. The hotel was said to have “elaborate fixtures and fittings.” (Northbridge – Building a New Suburb, pg.73) The building features prominently in the streetscape as a good and intact example of Interwar Free Classical architecture which relates to the early development of Northbridge and is considered by local residents as a local landmark within Northbridge.*



**Figure 3 – The Northbridge Hotel viewed from the intersection of Strathallen Ave and Baringa Rd**

*Willoughby Council records show the building continued to be owned by Tooth & Co until 1982.*

*The hotel building continues to feature the majority of original external design elements including the prominent chamfered corner, Marseille tile hipped roof with ridge capping, multi-paned windows, simplified mouldings, decorative exposed eaves.*

*In the 1999 Willoughby Review of Heritage Conservation Areas, Northbridge was assessed for potential heritage, and it was recommended that a new Conservation Area be created along Sailors Bay Road from Strathallen Avenue and Bellambi Road to Tunks Street and Northbridge Public School. The accompanying map identified the Northbridge Hotel as a contributory item in the area – see extract below:*



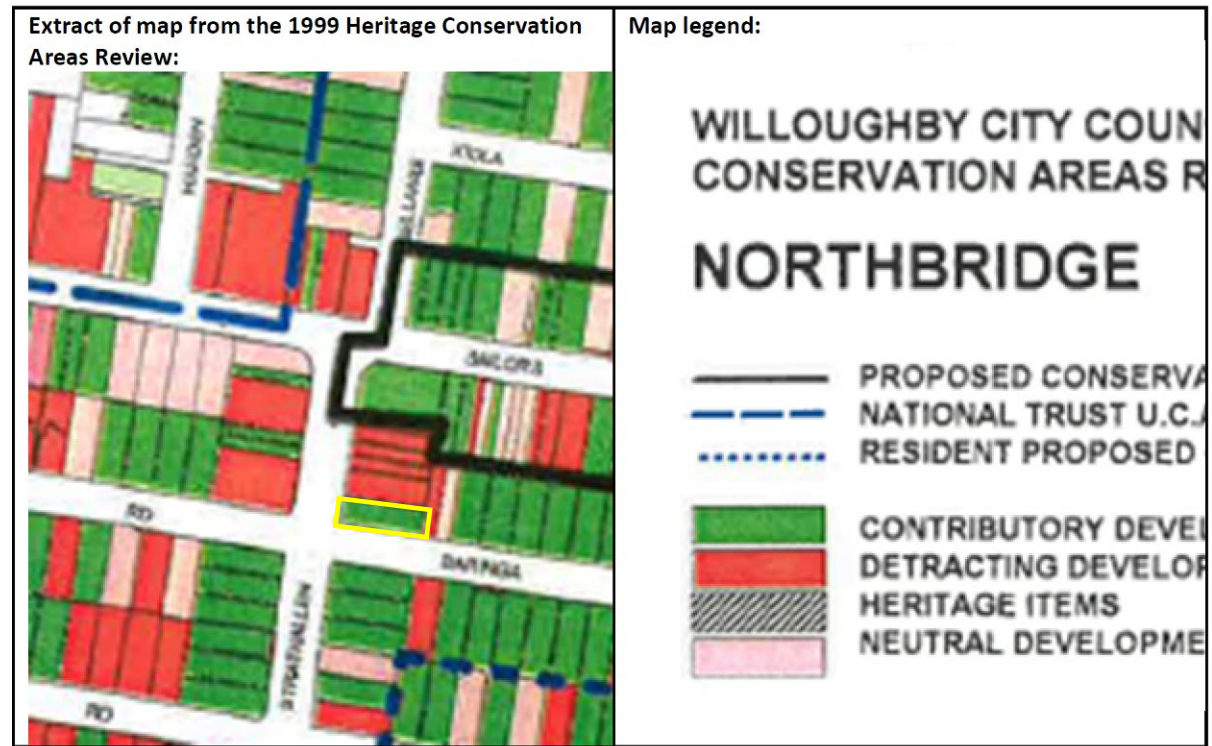


Figure 4 - The Subject Site is outlined in yellow



Figure 5 - Aerial of the Northbridge Hotel 1943 (Historical Imagery NSW)



**Figure 6** - Aerial of the Northbridge Hotel in 2025 (NearMap)



**Figure 7** - Northbridge Hotel, 57 Strathallen Avenue, corner of Baringa Road, Northbridge, 1934. (Picture Willoughby 004776)



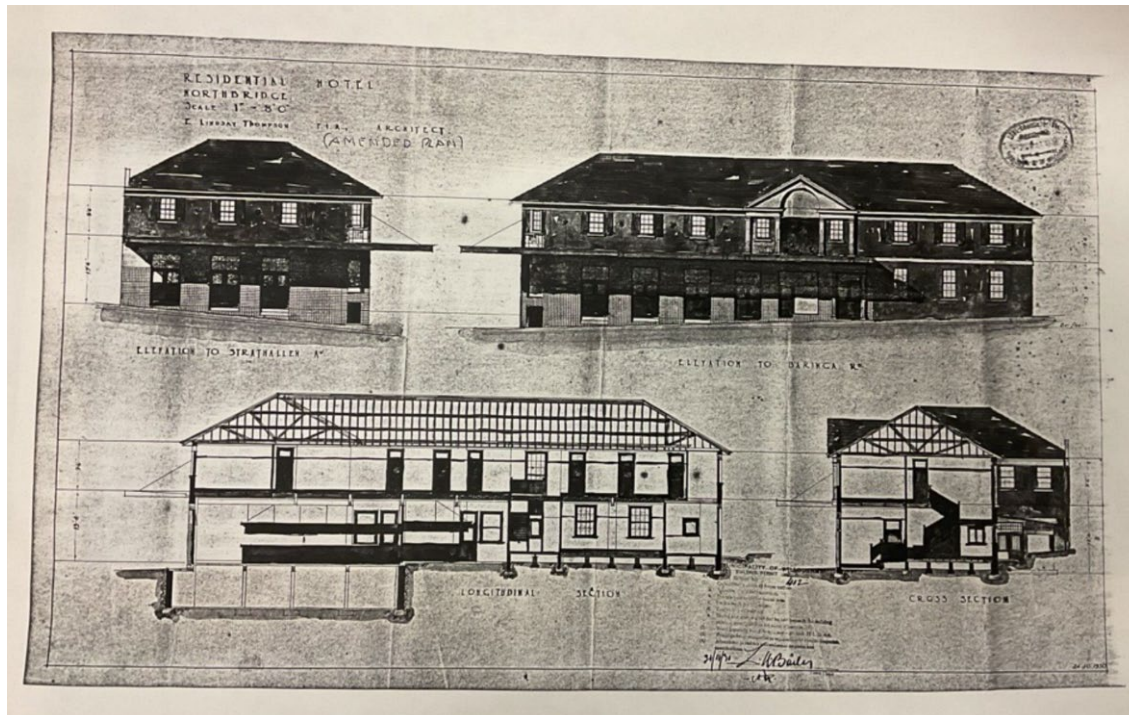


Figure 8 - Design for Residential Hotel, Northbridge E Lindsay Thompson (Chatswood Library)



Figure 9 - Northbridge Hotel in 1932 (Tooth and Co Company yellow cards, ANU Open Research Library)

### ***Heritage assessment***

*The following is noted about the proposal:*

- *There is no objection on to redevelopment of the remainder of the site on heritage grounds and the concern relates solely to the Northbridge Hotel at 57 Strathallen Avenue, Northbridge*



- *The building at 57 Strathallen Avenue, Northbridge is not currently subject to statutory heritage controls*
- *The building has been identified as a potential Heritage Item of Local Heritage Significance for consideration in the upcoming Heritage Review 2028 and has been previously identified as a contributory item within the proposed Northbridge Heritage Conservation Area as part of the 1999 Willoughby Review of Heritage Conservation Areas.*
- *Council disagrees with several aspects of the Demolition Report 57-69 Strathallen Avenue Northbridge (Urbis, December 2024) and the conclusion that the site does not meet Criteria a) (historic) or c) (aesthetic) for assessing heritage significance in NSW. It is agreed that Criterion d) (Social) would require further investigation.*
  - *Council disagrees that there have been significant changes to the primary elevations of the building. This assertion is not supportable given that the original form, mass, proportions, materiality, and detailing of the building constructed in 1931 are readily recognisable. These elements readily demonstrate the enduring historic and aesthetic significance of the site as a good example of an Interwar period suburban hotel. The below photographic comparison of the original state of the building compared to the present day demonstrates that the abovementioned assertion in the Demolition Report is an exaggeration and cannot be relied upon to discount further investigation of the potential historic or aesthetic significance of the building. Alteration is generally limited to the painting of original face brickwork and the closing or widening of original openings. Otherwise, the building is readily understandable as an Interwar Free Classical public hotel on a landmark site at the intersection of Strathallen Avenue and Baringa Road.*



- *The Demolition Report identifies that; community consultation is required to substantiate if the hotel has any social significance, this has not occurred up to now and must form part of a more fulsome analysis commissioned by Willoughby City Council of the potential social significance of the site.*

*Whilst the subject building is currently not a Heritage Item it has the potential to meet the criteria for listing under Schedule 5 Part 1 of the Willoughby Local Environment Plan 2012. An initial assessment which differs from the opinion of Urbis*

<b>APPLICATION OF CRITERIA</b>	
<b>Historical significance</b> SHR criteria (a)	The Northbridge Hotel was established in 1931 by Tooth & Co. Ltd on land bought by the Company in 1928 as the first and only hotel in Northbridge
<b>Historical association significance</b> SHR criteria (b)	It is currently unknown whether the Northbridge Hotel has any historical associations of significance.
<b>Aesthetic significance</b> SHR criteria (c)	The Northbridge Hotel is a good example of Interwar Free Classical architecture. It is a focal point on a corner location and the general external appearance of the building is considered intact.
<b>Social significance</b> SHR criteria (d)	The hotel has been identified as a significant social landmark and meeting place for local residents for many years.
<b>Technical/ Research significance</b> SHR criteria (e)	It is currently unknown whether the Northbridge Hotel has technical or research significance.
<b>Rarity</b> SHR criteria (f)	The Northbridge Hotel is not a rare example of Interwar hotel construction in Sydney; however, it is the only hotel to have been constructed in Northbridge and is considered to be somewhat rare within the context of Willoughby.
<b>Representativeness</b> SHR criteria (g)	The Great Northern Hotel has local representative significance for its demonstration of inter-war hotel design.
<b>STATEMENT OF SIGNIFICANCE</b>	
<b>Summary Statement of significance</b>	The Northbridge Hotel may have aesthetic and social significance as a good and intact example of Interwar Free Classical architecture which has been a significant social landmark and meeting place for local residents for many years.
<b>Level of Significance</b>	Local

*Given the potential of the Northbridge Hotel to be listed on Schedule 5 of the Willoughby Local Environment Plan as a Heritage Item of Local Significance it is recommended for further investigation by an external heritage expert - engaged by Willoughby City Council - be conducted prior to any demolition of any kind been undertaken.*

*Any future development of the site is likely to be required to integrate the existing form and fabric of the building which relate to the original phase of development in the 1930s.*

*Due to the abovementioned reasons DA-2024/106 is recommended for refusal.*

## **Waste**

Council's Waste Officer has provided reviewed comments on the amended proposal. An extract of the comments are provided below:

*The issues are mainly resolved except:*

- *Bulky waste temporary holding room of 10m<sup>2</sup> for collection (note if helps the WMP has provided space for 2 extra 660L bins that are not required which was 1 extra recycling bin and 1 extra waste bin whereby the plan did not allow for twice weekly general waste). I would propose, if possible, use the 240L bin holding room (32m<sup>2</sup>) as a bulky waste holding room with a dividing wall that divides off 10m<sup>2</sup> for bulky waste.*
- *2.5m doors on all waste rooms e.g. particularly refer to the commercial and residential holding rooms.*
- *Ensure swept path that the truck can access the loading bay (assistance from traffic).*

The outstanding matters raised by Council's waste officer are considered relatively minor, and may be resolved by consent conditions given there is sufficient area in the basement to accommodate the changes raised.

## **Landscape**

Council's Landscape Architect provided the following comments on the proposal:

- *No issues with regard to removal of 8 trees:*
  - *6 trees are exempt species - no replacement required.*
  - *2 trees require replacement at 3:1 = total of 6 trees required; Landscape Plans show provision of more than 6 trees.*
  - *Site images and Nearmap imagery appear to show 4 palms in the location of T8 & T9, and a tree (possibly large shrub) located near the NE corner of the site, which are not noted on the plans or in the arborist's report. There would be no objection to their removal, and landscape plans already have sufficient replacement planting.*
- *Existing tree on neighbouring site is shown to be retained and expected that it will tolerate the development as supported by the arborist. This is based on assumption that existing levels are maintained within the TPZ as indicated in the arborist's report.*
- *Street trees as requested are shown on the plans; these can be conditioned for species and size.*
- *SEE notes the public domain paving to be upgraded in line with the neighbouring sites.*
- *Permeable paving to the courtyard is supported, as was requested in pre-lodgement in place of loose gravel.*
- *'Deep soil area' plan is a little misleading, although claims 14.7%. No 'landscape area' calculation provided.*

## **External Referrals**

### **Transport for NSW (TfNSW)**

The application was referred to TfNSW for concurrence under Section 138 of the *Roads Act 1993*. TfNSW in their response dated 18 June 2024, provided the following comments in relation to the proposal:

*As such, having reviewed the application, TfNSW would provide concurrence to the proposed driveway closure works and awning on Strathallen Road subject to Council's approval and the following conditions being included in the consent...*

### **Ausgrid**

The application was referred to Ausgrid's response under section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. In their response conditions of consent were recommended.

### **NSW Police**

The application was referred to NSW Police Force and conditions of consent were recommended.

### **WaterNSW**

The application was referred to Water NSW under the *Water Management Act 2000* as the basement required dewatering including an 80mm submersible pump. By letter dated 9 October 2024, WaterNSW issued General Terms of Approval.

**ATTACHMENT 3: ASSESSMENT OF STATE ENVIRONMENTAL PLANNING POLICIES**  
**State Environmental Planning Policy (Planning Systems) 2021**

Pursuant to Clause 2.19(1) of the SEPP, development that is specified in Schedule 6 (Regionally significant development) is declared to be regionally significant development.

The SEPP identifies the proposed development as being regionally significant development, as the \$39,447,493.00 estimated development cost (EDC) of the proposed development exceeds the \$30 million threshold specified by Clause 2 within Schedule 6 of the SEPP. Reference is made to the Estimated Development Cost report that forms part of this DA package.

Accordingly, the SNPP is the consent authority for this application.

**State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4**  
**Remediation of land**

The object of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land. The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to Clause 4.6(1) considerations, the proposal introduces a residential use which is more sensitively than the current commercial use. The DA has been accompanied by a detailed site investigation prepared by JBS&G (dated 2 July 2024) which identifies potential sources of contamination. The site has formerly contained a dry cleaning operation, service station and motor garage.

There is evidence of both soil and ground water contamination. Having regard to Clause 4.6(1)(b), the land is capable of being made suitable for the purpose for which the development is proposed after remediation.

The DA has been accompanied by a remediation action plan (RAP) prepared by JBS&G (dated 2 July 2024). The RAP adheres to the statutory requirements outlined in the *Contamination Management Act 1997* and associated guidelines in that:

- The RAP clearly outlines the findings of the detailed site investigation. It identifies the known and potential contamination risks. Contamination exists as a result of the dry cleaning machines and associated solvents which has resulted in both soil and ground water contamination. It is also identified potential contamination from the former service station and potential for existing underground tanks on site.
- The remediation objectives are identified in Part 5.3 of the RAP.
- The RAP has outlined under Part 5.2 the extent of remediation required. The RAP identifies the location and contamination types.
- Remediation options are outlined in Table 5.1. This matrix can be relied upon for the purposes of unexpected finds on site or as part of pre remediation activities.
- The remediation works are classified as Category 2 Remediation Works (Section 11.2) as per the meaning provided in SEPP (Resilience and Hazards) 2021.
- The RAP outlines the specific steps and methods to be used to reduce risks associated with the contamination.
- The necessary environmental safeguards are outlined to include the measures to protect the environment during remediation.

- The RAP specifies how contaminated waste will be classified, handled, and tracked, including disposal requirements.
- In Part 5.1 outlines the Guidelines and Legislation in which the RAP has been prepared. The RAP demonstrates how the remediation process will comply with all relevant laws, policies, and guidelines in Part 11.
- The remediation works required to be undertaken are detailed in Part 6.3 of the RAP. The RAP also include the anticipated Validation Plan once the remediation works have been completed.
- The RAP in Part 6.7 details the plan for ongoing management of the site to ensure that the contamination is not re-introduced or exacerbated.

The proposed actions outlined in the RAP conform to the relevant requirements as the remediation works are technically feasible; environmentally justifiable; and consistent with relevant laws policies and guidelines endorsed by NSW EPA.

Subject to the implementation of the measures detailed in the RAP, the risks posed by the identified impacts at the site can be appropriately addressed and the site can be made suitable for the residential use in accordance with Clause 4.6(1)(b) of SEPP (Resilience and Hazards) 2021.

#### **State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 2 Standards for residential development – BASIX**

In accordance with Chapter 2 and both Schedules 1 and 2 of the SEPP, a valid BASIX certificate was submitted with the originally lodged development. However subsequent amendments which have changed the development's gross floor area, ceiling heights, slab thicknesses, and setbacks mean the originally submitted BASIX Certificate is now inconsistent with the current proposal.

Accordingly, the consent authority cannot be satisfied the development meets the requirements of SEPP.

#### **State Environmental Planning Policy (Housing) 2021**

Pursuant to Section 144(3) of the Housing SEPP, the proposal is one to which the provisions of Chapter 4 of the Housing SEPP apply. Section 29(1A) of the Environmental Planning and Assessment Regulation 2021 requires the submission of a Statement from a qualified designer at lodgement of the development application.

A Design Report has been prepared by Guy Lake of Bates Smart Architects (Registered Architect: 7119) in accordance with Schedule 9 of the SEPP.

The development relies upon amended plans Revision 4 dated 30 October 2024. An amended compliance with the Apartment Design Guide prepared by Bates Smart accompanies the further information submitted.

The SEPP also requires consideration of the matters contained in the Apartment Design Guide. As such, the following consideration has been given to the requirements of the SEPP and Apartment Design Guide.

<b>ADG Compliance Table</b>		
<b>Provision</b>	<b>Proposal</b>	<b>Complies</b>
<b>Part 3 – Siting the development</b>		
<b>3A Site Analysis</b>		
<b>Objective 3A-1</b> Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. Each element in the Site Analysis Checklist should be addressed (see Appendix 1)	A detailed site analysis has been provided within the Architectural Design Report.	Yes
<b>3B Orientation</b>		
<b>Objective 3B -1</b> Building types and layouts respond to the streetscape and site while optimising solar access within the development	<p>The proposed development has been well designed regarding the configuration of the streetscape and generally regarding the impact on surrounding buildings, particularly the low-density residential development. However, the proposal lacks consideration of view impacts to development at No.128 Sailors Bay Road (refer to detailed discussion later in this report).</p> <p>The layout of the building clearly defines the alignment of the site's street frontages to Strathallen Avenue (west) and Baringa Road (south).</p> <p>The site has been designed to benefit from northern solar access, with the large communal open space area located within the northeastern portion of the site. This allows for the rear elements of the buildings which face north and east to benefit from this open portion and maximise solar access.</p>	Yes
<b>Objective 3B-2</b> Overshadowing of neighbouring properties is minimised during mid-winter	<p>The location of the site on the corner of two roads allows for majority of overshadowing from the development to occur on the adjoining roads of Strathallen Avenue and Baringa Road.</p> <p>The site to the south on the opposite side of Baringa Road (53 Strathallen Ave, one storey dwelling house)</p>	Yes

	<p>experiences overshadowing to its northern elevation from 9am-1pm. Its POS is mostly unaffected.</p> <p>The site to the east (31 &amp; 31A, two storeys dual occupancy) experiences overshadowing to its western elevation from 2pm-3pm. This site and all other surrounding sites exceed 3 hours of solar access.</p>	
<b>3C Public Domain interface</b>		
<p><b>Objective 3C-1</b></p> <p>Transition between private and public domain is achieved without compromising safety and security</p>	<p>The site is well landscaped and includes clearly defined entrance points. The ground floor of the development does not include any residential units and is only accommodated by commercial/retail space. Each retail unit has its own entry and provides an interaction between the site and the street.</p> <p>Residential units are accessed via the carpark lifts and stairs as well as the two lobby areas at the rear of the retail units adjoining the communal open space courtyard. There are two separate lobbies with separate lifts and stairwells which serve the two separate common circulation cores. The lobbies provide a transitional area between the public and private domain.</p> <p>Walls and elevations are well articulated with windows, architectural features and landscaping.</p> <p>Windows and balconies at upper levels provide direct views to the public domain and communal open space to promote casual surveillance and the development avoids concealed areas.</p> <p>Clear legibility is provided for the residents by well-defined entry lobbies that are accessible from the central arcade thoroughfare and communal open space area within the development.</p>	Yes
<p><b>Objective 3C - 2</b></p> <p>Amenity of the public domain is retained and enhanced</p>	<p>The development improves the interface with the public domain with street tree plantings and balcony plantings.</p> <p>The mail room is located adjacent to</p>	Yes



	<p>the lobby area.</p> <p>Car park vents are not visible from the public domain, being orientated towards the eastern side boundary.</p> <p>Services, including waste and storage facilities, are in the basement levels or out of sight from the public domain.</p> <p>Ramps are used throughout portions of the ground floor but are generally limited to a gradient of 1:20 and are deemed appropriate.</p> <p>The two basement car parking levels are located below ground level and are not visible from the public domain.</p>	
<b>3D Communal and Public Open Space</b>		
<p><b>Objective 3D-1</b></p> <p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p>	<p>The development is provided with a consolidated landscaped communal open space (COS) on the ground floor at the rear of the development. This area includes the required deep soil area.</p> <p>The COS is accessible from the central arcade entrance, the lobbies and the through site link from the northeastern corner of the site.</p>	Yes
<b>Design criteria</b>		
1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	<p>Site area = 2,427m<sup>2</sup>. 25% = 606.75m<sup>2</sup>.</p> <p>Total COS provided = 621m<sup>2</sup> <b>(25.6%)</b></p>	Yes
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	At least 50% of the COS receives direct sunlight for at least 2 hours in the morning (between 9am-12pm).	Yes
<p><b>Objective 3D-2</b></p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>The COS areas will provide for a variety of uses within a landscaped garden setting, including passive seating areas and a large open turf area for passive recreation.</p> <p>Services are not visible within the COS area.</p>	Yes
<p><b>Objective 3D-3</b></p> <p>Communal open space is designed to maximise safety</p>	The central COS will have passive surveillance from the windows and balconies of the units, as well as from the central arcade.	Yes

	<p>The area is required to be well lit, and external lighting is required as a condition of consent.</p> <p>There is a gate between the COS and the driveway to encourage safety.</p>													
<p><b>Objective 3D-4</b></p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>The site includes public open space, being connected to the through site link from Sailors Bay Road and the central arcade from Strathallen Avenue. These paths are shown and provide direct access through the site and to its and the surrounding retail uses.</p>	<p>Yes</p>												
<p><b>3E Deep soil zones</b></p>														
<p><b>Objective 3E-1</b></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p>	<p>Sufficient deep soil areas are provided on the site which will improve residential amenity and can support healthy plant and tree growth.</p>	<p>Yes</p>												
<p><b>Design Criteria</b></p> <p>Deep soil zones are to meet the following minimum requirements</p> <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m<sup>2</sup></td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m<sup>2</sup> - 1,500m<sup>2</sup></td><td>3m</td></tr><tr><td>greater than 1,500m<sup>2</sup></td><td>6m</td></tr><tr><td>greater than 1,500m<sup>2</sup> with significant existing tree cover</td><td>8m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> - 1,500m <sup>2</sup>	3m	greater than 1,500m <sup>2</sup>	6m	greater than 1,500m <sup>2</sup> with significant existing tree cover	8m	<p>Site area = &gt;1500m<sup>2</sup> (2427m<sup>2</sup>)</p> <p>Deep soil required = 7% (169.89m<sup>2</sup>) and minimum dimensions of 6m</p> <p>Deep soil provided (with 6m minimum dimensions) = 218m<sup>2</sup> (<b>9%</b>)</p> <p>Deep soil zone with a minimum dimension of 6m is provided within the northeastern portion of the site.</p> <p>Additional deep soil areas are provided along the northern and eastern side setbacks but do not have two dimensions that meet 6m and are not included in the calculation. Despite this, the development still exceeds the 7% requirement.</p>	<p>Yes</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m <sup>2</sup>	-	7%												
650m <sup>2</sup> - 1,500m <sup>2</sup>	3m													
greater than 1,500m <sup>2</sup>	6m													
greater than 1,500m <sup>2</sup> with significant existing tree cover	8m													
<p><b>3F Visual privacy</b></p>														
<p><b>Objective 3F-1</b></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p>	<p>The development is sufficiently distanced from the adjoining two storey dual occupancy to the east and from the shop top housing development to the north.</p>	<p>Yes</p>												

<b>Design criteria</b>														
<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p><b><u>To boundaries of neighbouring two-storey dual occupancy (east, 31 Baringa Road):</u></b></p> <p><u>Ground to Level 3 (habitable 6m required)</u></p> <ul style="list-style-type: none"> <li>- Level 1 balcony to boundary = 11.1m</li> <li>- Level 2,3 proposed balcony to boundary = 7.5m</li> </ul> <p><u>Level 4 (habitable 9m required)</u></p> <ul style="list-style-type: none"> <li>- Level 4 balcony to boundary = 9.1m</li> </ul>	Yes
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
<p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</p> <p>No separation is required between blank walls</p>	Only one building on site.	N/A												
<p><b>Objective 3F-2</b></p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	Communal open space, common areas and access paths have been separated from private open space and windows of units as all units are above ground level and COS is located at ground level. Balconies also include perimeter landscaping and some screens to provide further privacy.	Yes												
<b>3G Pedestrian access and entries</b>														
<p><b>Objective 3G-1</b></p> <p>Building entries and pedestrian access connects to and addresses the public domain</p>	Both pedestrian entrance lobbies are accessible from the central arcade which is clearly visible from the public domain of Strathallen Ave.	Yes												
<p><b>Objective 3G-2</b></p> <p>Access, entries and pathways are accessible and easy to identify</p>	<p>The lobbies are accessible directly from the central arcade which leads to the COS and links to the pedestrian through-site link to the northeast.</p> <p>The site is located on a slope and incorporates pedestrian ramps with a general slope of 1:20 to navigate the change in levels. Maximum slope of a pedestrian ramp is 1:14 which is located at the northeastern corner of the site.</p>	Yes												

<p><b>Objective 3G-3</b></p> <p>Large sites provide pedestrian links for access to streets and connection to destinations</p>	<p>The proposal provides a through-site link from the central arcade on Strathallen Ave to the northeastern corner of the site, which is proposed to link to a pedestrian thoroughfare through to Sailors Bay Road.</p> <p>The link provides access to both main street frontages, the central open space and the lobbies to the residential units.</p>	<p>Yes</p>
<b>3H Vehicle access</b>		
<p><b>Objective 3H-1</b></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	<p>A single vehicular access point is provided from the secondary Baringa Road frontage which is appropriate given Strathallen Ave is a classified road and near the busy intersection with Sailors Bay Road.</p> <p>The garage door leading to the basement levels is not visible from the Baringa Road frontage, being located behind the street building line and orientated towards the eastern side boundary.</p> <p>Bin storage areas and the loading dock are also not visible from the street. The garbage room is concealed from the street and the loading dock is further recessed behind the eastern elevation building line.</p> <p>Pedestrian access is to be from the central arcade thoroughfare on Strathallen Avenue, with no access from Baringa Road, which is reserved for vehicular access.</p>	<p>Yes</p>
<b>3J Bicycle and car parking</b>		
<p><b>Objective 3J-1</b></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p>WDCP 2023:</p> <ul style="list-style-type: none"> <li>- 1 space per 2-, 3- and 4-bedroom unit</li> <li>- 1 space per 7 units (visitor parking)</li> </ul> <p>Note: Unless otherwise stated, if the total number of car spaces is not a whole number, the number of spaces required must be rounded down.</p> <p>Accessible spaces and bicycle: rounded up.</p>	<p>Residential parking required = 27 spaces total.</p> <ul style="list-style-type: none"> <li>- Resident = 24 spaces (3 accessible)</li> <li>- Visitor = 3 spaces</li> </ul> <p>Parking provided = 27 spaces total (B2)</p> <ul style="list-style-type: none"> <li>- Resident = 24 spaces (3 accessible)</li> <li>- Visitor = 3 spaces (1 accessible)</li> </ul>	<p>Yes</p>

<p><b>Objective 3J-2</b></p> <p>Parking and facilities are provided for other modes of transport</p> <p>Bicycle parking classifications:</p> <p>a. Class A: a space within an individual bicycle locker that provides a high security locking system</p> <p>b. Class B: a space within a secure room or structure that is accessed with devices such as keys, codes or swipe cards for communal areas (chain mesh fencing is not suitable for Class B facilities)</p> <p>c. Class C: a space that allows a bicycle frame and wheels to be locked to a 'bicycle parking device' using the cyclists own 'locking device'</p>	<p><u>Residential development:</u></p> <p>Bicycle required = 4 spaces</p> <ul style="list-style-type: none"> <li>- Resident = 2 spaces (Class A or B)</li> <li>- Visitor = 2 spaces (Class C)</li> <li>- End-of-trip = 1 shower, 1 change room. 2 personal lockers per space (8 lockers).</li> </ul> <p>Bicycle provided = 3 spaces</p> <ul style="list-style-type: none"> <li>- Resident = 3 spaces</li> <li>- Visitor = 0 spaces</li> </ul> <p>Need to nominate 1 space as visitor and provide 1 additional space.</p> <ul style="list-style-type: none"> <li>- End-of-trip = 1 shower/change room. No lockers.</li> </ul> <p>Motorcycle required = 2 spaces total</p> <ul style="list-style-type: none"> <li>- Resident = 1 space</li> <li>- Visitor = 1 space</li> </ul> <p>Motorcycle provided = 3 spaces total</p> <ul style="list-style-type: none"> <li>- Resident = 3 spaces</li> <li>- Visitor = 0 spaces</li> </ul> <p>Need to nominate 1 space as visitor.</p> <p>Car share:</p> <p>Required = 1 space may be substituted per 10 car spaces</p> <p>Provided = 0 spaces total</p> <p>EV spaces required = 5A per phase electrical capacity provided per space - 1 resolute 200A three-phase EV charging switchboard on level.</p> <p>EV spaces provided = 1 charging bay.</p>	<p>Yes</p>
<p><b>Objective 3J-3</b></p> <p>Car park design and access is safe and secure</p>	<p>The parking area is clearly defined and houses supporting facilities such as garbage, plant rooms and storage cages appropriately positioned so as not to conflict with vehicle</p>	<p>Yes</p>

	<p>movements. Access to the carpark is proposed to be monitored with an intercom and roller shutter.</p> <p>Lift and stairwells are surrounded by large waiting areas that are separated from the vehicle zone.</p>	
<p><b>Objective 3J-4</b></p> <p>Visual and environmental impacts of underground car parking are minimised</p>	<p>The development incorporates underground parking which is spread across two (2) basement levels that maximise the dimensions of the parking areas to limit the need for additional basement levels and further excavation.</p> <p>The layout of the parking areas maximise efficiency through the appropriate placement of ramps and a logical layout.</p> <p>Appropriate ventilation measures have been incorporated into the design to avoid unsightly grills.</p>	Yes
<p><b>Objective 3J-5</b></p> <p>Visual and environmental impacts of on-grade car parking are minimised</p>	Car parking is located underground.	N/A
<p><b>Objective 3J-6</b></p> <p>Visual and environmental impacts of above ground enclosed car parking are minimised</p>	Car parking is located underground.	N/A
<b>Part 4 – Designing the building</b>		
<b>4A Solar and daylight access</b>		
<p><b>Objective 4A-1</b></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p>	The development has been designed to maximise northerly sunlight to living rooms and private open space.	Yes
<b>Design Criteria</b>		
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid - winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	The proposed development provides 75% (18/24) of living rooms and private open space of apartments with the minimum 2 hours direct sunlight between 9am and 3pm during mid-winter.	Yes
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter	The proposed development is within the Sydney Metropolitan Area.	N/A
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9	Units receiving no direct sunlight =	Yes

am and 3 pm at mid-winter	8% (2/24).	
<b>Objective 4A-2</b> Daylight access is maximised where sunlight is limited	All units utilise large windows to maximise daylight access.	Yes
<b>Objective 4A-3</b> Design incorporates shading and glare control, particularly for warmer months	Balconies are located above one another to provide natural shading. Suitable windows to be installed in accordance with BASIX requirements to ensure minimal external glare.	Yes
<b>4B Natural ventilation</b>		
<b>Objective 4B-1</b> All habitable rooms are naturally ventilated	All habitable rooms have windows or are part of an open plan area with windows.	Yes
<b>Objective 4B-2</b> The layout and design of single aspect apartments maximises natural ventilation	For single aspect apartments, natural ventilation is maximised through multiple windows and balcony doors.	Yes
<b>Objective 4B-3</b> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	An adequate number of apartments achieve adequate natural cross ventilation to create a comfortable indoor environment for residents.	Yes
<b>Design criteria</b>		
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	Natural cross ventilation is provided to 88% (21/24) of proposed apartments.	Yes
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	All units comply.	Yes
<b>4C Ceiling heights</b>		
<b>Design criteria</b>		
<b>Objective 4C-1</b> Ceiling height achieves sufficient natural ventilation and daylight access.	Ceiling heights are compliant and exceed the minimum requirements to ensure sufficient ventilation and daylight access.	Yes
1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Apartment requirement = 2.7m (habitable) and 2.4m (non-habitable) – no units located on ground level.  Floor to ceiling height = 2.95m and 3.1m  Ground and first floor requirement = 3.3m	No

<table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> <p>These minimums do not preclude higher ceilings if desired</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>Ground floor provided = 3.15m, 3.55m, 3.75m, 3.05m, 3.75m, 3.85m.</p> <p>First floor provided = 2.95m.</p>	
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
<p><b>Objective 4C-2</b></p> <p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</p>	<p>Proposed ceiling heights are proportional to room sizes and are considered to contribute to the provision of well-proportioned rooms that maximise the sense of space.</p> <p>Ceiling heights exceed the minimum to increase sense of space.</p>	Yes												
<p><b>Objective 4C-3</b></p> <p>Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	<p>Apartment ceiling heights exceed the minimum.</p> <p>Retail ground and first floor require higher ceilings.</p>	No												
<b>4D Apartment size and layout</b>														
<p><b>Objective 4D-1</b></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p>	<p>Apartment layouts have been designed to provide functional and useable spaces with high amenity.</p>	Yes												
<b>Design criteria</b>														
<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<p>All apartments exceed the minimum size requirements.</p>	Yes		
Apartment type	Minimum internal area													
Studio	35m <sup>2</sup>													
1 bedroom	50m <sup>2</sup>													
2 bedroom	70m <sup>2</sup>													
3 bedroom	90m <sup>2</sup>													
<p>Every habitable room must have a window in an external wall with a total minimum glass</p>	<p>Each apartment features large panel external windows. All habitable</p>	Yes												



area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	rooms have windows in an external wall with a total glass area not less than 10% of the floor area of the room.	
<b>Objective 4D-2</b> Environmental performance of the apartment is maximised	Minimum habitable room depths have been achieved.	Yes
<b>Design criteria</b>		
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Habitable room depths (bedrooms, studies) do not exceed the maximum of: - 2.5 x 2.95 = 7.375m - 2.5 x 3.1 = 9.145m	Yes
In open plan layouts (where the living, dining and kitchen are combined), the maximum habitable room depth is 8m from a window	Depth from windows in open plan living rooms: Non-compliant (measured to cooktop)  Level 1: <ul style="list-style-type: none"> <li>1.02 = 9m</li> <li>1.04 = 10.3m</li> <li>1.05 = 10.8m</li> <li>1.06 = 8.4m</li> </ul> Level 2: <ul style="list-style-type: none"> <li>2.02 = 8.5m</li> <li>2.04 = 10.3m</li> <li>2.05 = 10.8m</li> </ul> Level 3: <ul style="list-style-type: none"> <li>3.02 = 8.5m</li> <li>3.04 = 10.3m</li> <li>3.05 = 10.8m</li> </ul> Level 4: <ul style="list-style-type: none"> <li>4.01 = 8.4m</li> <li>4.03 = 9.4m</li> </ul>	No
<b>Objective 4D-3</b> Apartment layouts are designed to	Minimum room area and dimensions have been achieved.	Yes

accommodate a variety of household activities and needs																	
<b>Design Criteria</b>																	
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	Non-compliant bedrooms: - 1.02 = 9.5m <sup>2</sup>	No															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms have a minimum dimension of 3m excluding wardrobe space.	Yes															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>3.6m for studio and 1 bedroom apartments</li> <li>4m for 2 and 3 bedroom apartments</li> </ul>	All apartments comply with the minimum width requirements for living rooms.	Yes															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All cross-through apartments comply with the minimum width requirements.	Yes															
<b>4E Private open space and balconies</b>																	
<b>Objective 4E-1</b> Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Minimum POS and balcony sizes and dimensions have been achieved.	Yes															
<b>Design Criteria</b>																	
All apartments are required to have primary balconies as follows: <div data-bbox="227 1188 660 1411"> <table> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> <tr> <td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m<sup>2</sup></td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m<sup>2</sup></td><td>2.4m</td></tr> </table> </div> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	All apartments meet the minimum area and dimension requirements.  Most balconies exceed the minimum requirements.	Yes
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m <sup>2</sup>	-															
1 bedroom apartments	8m <sup>2</sup>	2m															
2 bedroom apartments	10m <sup>2</sup>	2m															
3+ bedroom apartments	12m <sup>2</sup>	2.4m															
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. A minimum area of 15m <sup>2</sup> and depth of 3m is required.	No ground level apartments.	N/A															
<b>Objective 4E-2</b> Primary private open space and balconies are appropriately located to enhance liveability for residents.	Balconies are located adjacent to living areas and bedrooms to enhance useability and liveability.  Most balconies are located with north, east or western aspects.	Yes															

<b>Objective 4E-3</b> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	The proposed balconies have been integrated into the overall architectural form of the building. The materials proposed will allow for passive surveillance to the site surrounds, whilst providing for a range of uses within balcony areas.	Yes
<b>Objective 4E-4</b> Private open space and balcony design maximises safety	The balconies are designed to avoid opportunities for climbing and falls. Ledges have a height of 1.1m.	Yes
<b>4F Common circulation and spaces</b>		
<b>Objective 4F-1</b> Common circulation spaces achieve good amenity and properly service the number of apartments	The common circulation spaces achieve good amenity and properly service the apartments provided off each circulation space. The common circulation spaces are naturally ventilated and have access to daylight, whilst maximising opportunities for multiple aspect apartments.  Maximum corridor length is 11m and no unit windows open onto the common corridor.	Yes
<b>Design Criteria</b>		
The maximum number of apartments off a circulation core on a single level is eight	Two circulation cores provided which each service between 2 and 4 apartments. Each circulation core is serviced by 1 lift and a stairwell.	Yes
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	The building is only five storeys (four levels of residential).	N/A
<b>Objective 4F-2</b> Common circulation spaces promote safety and provide for social interaction between residents	Direct and legible access between vertical circulation points and apartment entries has been provided with no tight or hidden corners or spaces.	Yes
<b>4G Storage</b>		
<b>Objective 4G-1</b> Adequate, well-designed storage is provided in each apartment	Insufficient storage nominated on plans, but the layouts mean compliance can readily be achieved.	Yes
<b>Design criteria</b>		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Insufficient designated internal storage:  3+ bedroom: - 1.01 (0m <sup>3</sup> internal)	No

<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom apartments</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom apartments</td><td>8m<sup>3</sup></td></tr><tr><td>3+ bedroom apartments</td><td>10m<sup>3</sup></td></tr></table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling type	Storage size volume	Studio apartments	4m <sup>3</sup>	1 bedroom apartments	6m <sup>3</sup>	2 bedroom apartments	8m <sup>3</sup>	3+ bedroom apartments	10m <sup>3</sup>	<ul style="list-style-type: none"><li>- 1.06 (4.3m<sup>3</sup> internal)</li><li>- 2.06 (2.36m<sup>3</sup> internal)</li><li>- 3.06 (2.36m<sup>3</sup> internal)</li><li>- 4.01 (3.41m<sup>3</sup> internal)</li></ul> <p>All units have 12m<sup>3</sup> or 15m<sup>3</sup> storage space in Basement 2.</p> <p>Despite this non-compliance, it is noted that the shortfall of internal storage can readily be provided in these units due to large floor areas and blank internal walls in open plan living areas. These spaces can easily be modified to accommodate additional storage cabinets and shelving.</p>	
Dwelling type	Storage size volume											
Studio apartments	4m <sup>3</sup>											
1 bedroom apartments	6m <sup>3</sup>											
2 bedroom apartments	8m <sup>3</sup>											
3+ bedroom apartments	10m <sup>3</sup>											
<p><b>Objective 4G-2</b></p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments</p>	<p>Allocated storage not located within the apartments is provided in Basement 2 in individual storage cages for each unit.</p> <p>Storage does not impede upon the parking spaces and are not visible from the public domain.</p>	Yes										
<b>4H Acoustic privacy</b>												
<p><b>Objective 4H-1</b></p> <p>Noise transfer is minimised through the siting of buildings and building layout</p>	<p>Buildings comply with the separation controls.</p> <p>Number of party walls per apartment varies from ones (1) to two (2).</p> <p>Noise sources, such as plant rooms, garage doors and building services are in the basement levels.</p> <p>Bedrooms are primarily located away from communal areas where possible.</p>	Yes										
<p><b>Objective 4H-2</b></p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	<p>The proposed internal apartment layout separates noisy spaces from quiet spaces, by grouping rooms with similar noise requirements and utilisation of doors to separate spaces. Bedrooms are generally grouped together.</p>	Yes										

<b>4J Noise and pollution</b>		
<b>Objective 4J-1</b> In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	The site adjoins a classified road and is located near the intersection with another classified road. The development includes a ground floor containing retail/ commercial units which will be subject to increased noise exposure. There are no residential units located on the ground floor.	Yes
<b>Objective 4J-2</b> Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Awnings, glazing and landscaping is proposed to improve acoustic amenity and privacy.	Yes
<b>4K Apartment mix</b>		
<b>Objective 4K-1</b> A range of apartment types and sizes is provided to cater for different household types now and into the future.	<p>The proposed development includes a mixture of 2-bedroom, 3-bedroom and 4-bedroom units, to cater for the demographics and market demand. Total of 24 apartments, split as follows:</p> <ul style="list-style-type: none"> <li>- 2-bedroom = 1 unit (4.2%)</li> <li>- 3-bedroom = 15 units (62.5%)</li> <li>- 4-bedroom = 8 units (33.3%)</li> </ul> <p>Within this spread, the following are designated for affordable and adaptable housing:</p> <p>Affordable:</p> <ul style="list-style-type: none"> <li>- 3-bedroom = 1 unit (4.2%)</li> </ul> <p>Adaptable:</p> <ul style="list-style-type: none"> <li>- 3-bedroom = 8 units (33.3%)</li> <li>- 4-bedroom = 4 units (16.7%)</li> </ul>	Yes
<b>Objective 4K-2</b> The apartment mix is distributed to suitable locations within the building	The apartment mix is distributed across the floors, with larger apartments located on corners to benefit from multiple aspects.	Yes
<b>4L Ground floor apartments</b>		
<b>Objective 4L-1</b> Street frontage activity is maximised where	There are no ground floor apartments.	N/A

ground floor apartments are located		
<b>Objective 4L-2</b> Design of ground floor apartments delivers amenity and safety for residents	There are no ground floor apartments.	N/A
<b>4M Facades</b>		
<b>Objective 4M-1</b> Building facades provide visual interest along the street while respecting the character of the local area	<p>The proposal provides well-articulated building facades, provided with a variety of colours and materials to attract visual interest. The buildings use varied setbacks and curves for articulated areas to vary their appearance.</p> <p>The upper level of the building is further setback and use darker colours to provide further character and contribute to lessening the bulk of the development.</p> <p>The building has a contemporary architectural style and incorporates a range of building materials that are compatible with the locality and character of approved neighbouring shop-top housing developments.</p> <p>Apartment layouts are expressed externally through facade features, angled balconies with separating party walls and at the building facades.</p>	Yes
<b>Objective 4M-2</b> Building functions are expressed by the facade	<p>The central arcade entry point is clearly defined with direct access from the public domain. The lobbies are directly accessible from the public and communal spaces.</p> <p>Party walls separating apartments are visible across balconies.</p>	Yes
<b>4N Roof design</b>		
<b>Objective 4N-1</b> Roof treatments are integrated into the building design and positively respond to the street	<p>The proposed roof design respects and reflects the streetscape of surrounding buildings and shop-top housing developments which feature primarily flat roofs which are integrated with the building.</p> <p>The roof design is proportionate to the overall building size, scale and form, in that they do not extend further than the built form. The upper level is recessed with a greater setback, which is similar to surrounding similar developments.</p>	Yes

<b>Objective 4N-2</b> Opportunities to use roof space for residential accommodation and open space are maximised	The larger setbacks on the upper level allow for larger outdoor areas/balconies for these units, maximising the use of this roof space.	Yes
<b>Objective 4N-3</b> Roof design incorporates sustainability features	The roof does not include any large awning overhangs, ensuring solar access to the apartments is maximised.	Yes
<b>4O Landscape design</b>		
<b>Objective 4O-1</b> Landscape design is viable and sustainable	The proposed landscape design will be environmentally sustainable and is appropriate for the proposed use. Numerous units have plantings along the balcony edges (perimeter planting) to provide increased separation and privacy between units.  Unclear how landscaping in some areas of the perimeter planting will be maintained.	Yes
<b>Objective 4O-2</b> Landscape design contributes to the streetscape and amenity	Landscaping relates to the use and zoning of the site and improves amenity at the pedestrian scale and around site boundaries, which currently do not have many or significant plantings.	Yes
<b>4P Planting on structures</b>		
<b>Objective 4P-1</b> Appropriate soil profiles are provided	Soil depth of plantings on the balcony levels is unclear. However, the edging planting includes <i>Casuarina 'Cousin It'</i> & <i>Myoporum parvifolium</i> which can grow in 300mm soil depths.	Yes
<b>Objective 4P-2</b> Plant growth is optimised with appropriate selection and maintenance	The proposed landscape design includes a variety of low-lying plant species that are suited to the site conditions and balcony locations.  No landscape maintenance plan has been prepared.	Yes
<b>Objective 4P-3</b> Planting on structures contributes to the quality and amenity of communal and public open spaces	In addition to ground floor planting, planting is proposed on various balconies for screening and articulation which contributes to quality, amenity and visual appearance of the area.	Yes
<b>4Q Universal design</b>		
<b>Objective 4Q-1</b> Universal design features are included in	The proposed RFBs provide 12 adaptable apartments within the	Yes

apartment design to promote flexible housing for all community members	development. All levels and communal areas of each building (including basements) have lift access. Outdoor areas utilise ramps to maintain accessibility.  Accessible parking spaces are provided in the basement carpark.	
Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	Silver units required = 20% (5 units)  Liveable units provided = 25% (6 units)  Adaptable units provided = 50% (12 units) - 3 beds = 8 (6 are liveable) - 4 beds = 4	Yes
<b>Objective 4Q-2</b> A variety of apartments with adaptable designs are provided	Development provides various adaptable units with different layouts for both three- and four-bedroom units.	Yes
Adaptable housing should be provided in accordance with the relevant council policy	Adaptable units required = 50% (12 units)  Adaptable units provided = 50% (12 units)	Yes
<b>Objective 4Q-3</b> Apartment layouts are flexible and accommodate a range of lifestyle needs	Apartment layouts incorporate flexible design solutions and include large living areas.	Yes
<b>4R Adaptive reuse</b>		
<b>Objective 4R-1</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of Place	The proposal is for a new development.	N/A
<b>Objective 4R-2</b> Adapted buildings provide residential amenity while not precluding future adaptive reuse	The proposal is for a new development.	N/A
<b>4S Mixed use</b>		
<b>Objective 4S-1</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The site is located within the Northbridge Local Centre. The ground level is accommodated by retail/commercial uses while residential development is limited to the upper four levels. The retail uses provide an active street frontage.	Yes
<b>Objective 4S-2</b> Residential levels of the building are integrated within the development, and safety	The lobbies which provide access to the residential uses are separated from the commercial entry points and	Yes



and amenity is maximised for residents	located at the rear of the central arcade walkway. An intercom system is proposed.  The landscaped communal open space is not provided at podium or roof levels and is instead provided on the ground level at the rear of the development away from the street frontage.	
<b>4T Awnings and signage</b>		
<b>Objective 4T-1</b> Awnings are well located and complement and integrate with the building design	Awnings are proposed along both street frontages as they are active street frontages, and the development will offer retail uses at the street frontage.	Yes
<b>Objective 4T-2</b> Signage responds to the context and desired streetscape character	No signage proposed.	N/A
<b>4U Energy efficiency</b>		
<b>Objective 4U-1</b> Development incorporates passive environmental design	The building is designed and orientated to maximise solar access and achieve adequate natural light to habitable rooms. Each unit has a balcony which can be used for clothes drying.	Yes
<b>Objective 4U-2</b> Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Design includes passive solar design where possible to assist in natural heating and cooling of the built form.  The proposal is accompanied by a BASIX Certificate.	Yes
<b>Objective 4U-3</b> Adequate natural ventilation minimises the need for mechanical ventilation	Natural ventilation has been maximised where possible throughout the design.	Yes
<b>4V Water management and conservation</b>		
<b>Objective 4V-1</b> Potable water use is minimised	Water efficient fittings and appliances are to be installed in accordance with the BASIX Certificate. Rainwater will be collected, stored and reused on site. Low water use plants are proposed within landscaped areas where appropriate.	Yes
<b>Objective 4V-2</b> Urban stormwater is treated on site before being discharged to receiving waters	Onsite stormwater detention tank is proposed to collect and store stormwater runoff.	Yes

<b>Objective 4V-3</b> Flood management systems are integrated into site design	The subject site is not identified as being flood prone land.	N/A
<b>4W Waste management</b>		
<b>Objective 4W-1</b> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are located within the basements and near the ground floor loading bay of the building that are not visible from the public domain. Waste rooms are concealed and are not exposed.	Yes
<b>Objective 4W-2</b> Domestic waste is minimised by providing safe and convenient source separation and recycling	All dwellings are provided with sufficient storage space within the kitchen to enable for convenient waste and recycling storage.  Retail and residential waste storage areas are separated.	Yes
<b>4X Building maintenance</b>		
<b>Objective 4X-1</b> Building design detail provides protection from weathering	Roof overhangs protect walls and openings from weathering. Planter boxes are to be designed separately from the structure to reduce planter box leaching.	Yes
<b>Objective 4X-2</b> Systems and access enable ease of maintenance	Window design enables cleaning from the inside.	Yes
<b>Objective 4X-3</b> Material selection reduces ongoing maintenance costs	Robust materials including brickwork and concrete proposed which do not require extensive maintenance.	Yes

### 3J Bicycle and car parking

The proposal generally aligns with Objective 3J-2 for parking and alternative transport facilities, as per Part F of WDCP 2023.

#### Bicycle Parking

There is a minor non-compliance with bicycle parking requirements. The development requires four spaces (two residential, two visitor), but provides only three residential spaces. This results in a deficit of one overall space and the complete absence of dedicated visitor parking. While a shortfall exists, the practical usage of dedicated visitor bicycle parking in residential developments of this scale is often low, with visitors frequently using informal arrangements. The existing residential spaces could potentially service ad-hoc visitor needs.

#### Motorcycle Parking

The proposal provides three residential motorcycle spaces, exceeding the total requirement of two (one residential, one visitor). Although there is no dedicated visitor space, the overall

provision is sufficient. This can be addressed by a condition of consent to designate one of the provided spaces for visitor use.

#### **4C Ceiling heights**

While the design criteria for ground and first-floor mixed-use spaces specifies a 3.3m ceiling height for future flexibility, two commercial spaces (G0.1 and G.04) will have ceiling heights of 3.05m and 3.15m, respectively. This non-compliance is attributed to existing site topography and the 17m building height limit.

Despite not meeting the specific design criteria, the proposal is considered acceptable because:

- Slab thickness was reduced to 250mm to maximise available height.
- Both G0.1 (dual east/west aspect) and G.04 (dual west/north aspect) benefit from multi-directional exposure, ensuring sufficient natural ventilation and daylight access.

Therefore, despite being inconsistent with the prescriptive design criteria, the proposal achieves the overarching objective (4C-1) of providing sufficient natural ventilation and daylight access.

#### **4D Apartment size and layout**

The design criterion for open-plan layouts, limiting habitable room depth to 8m from a window, serves as a benchmark for natural light and ventilation. However, multiple units (1.02, 1.04, 1.05, 1.06, 2.02, 2.04, 2.05, 3.02, 3.04, 3.05, 4.01, 4.03) exhibit depths ranging from 8.4m to 10.8m, exceeding this criterion.

These increased depths are a result of design choices aimed at enhancing spatial quality, flexibility, and efficient internal planning within the building's massing and site constraints. The proposal compensates for the increased depth through features such as larger windows, higher ceilings, and thoughtful internal planning. This ensures that despite exceeding the prescriptive 8m rule, these spaces remain well-lit, highly functional, and achieve the objective of providing a high standard of amenity and well-organised layouts. The design prioritises the achievement of Objective 4D-1, demonstrating that the underlying intent is met through alternative design solutions.

Objective 4D-3 requires master bedrooms to be a minimum of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup>. In Unit 1.02, both proposed bedrooms are 9.5m<sup>2</sup>, meaning a primary bedroom is not nominated and falls short of the 10m<sup>2</sup> master requirement.

This is a minor departure that can be readily resolved. A minor adjustment to an internal wall would enable both the primary and secondary bedrooms in Unit 1.02 to achieve compliance with the respective area requirements.

### **State Environmental Planning Policy Transport and Infrastructure**

#### **Chapter 2 Infrastructure**

The development is subject to the provisions of Clause 2.119 'Development with frontage to classified road.' The objectives for Clause 2.119(1) are as follows:

- (a) to ensure that new development does not comprise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

Strathallen Avenue is a state road (No. 599).

The consent authority is required to be satisfied of the following matters pursuant to Clause 2.119(2):

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal satisfies Clause 2.119(2) for the following reasons:

- The proposal includes vehicular access from Baringa Road and does not rely upon Strathallen Avenue for access.
- As the vehicular access is primarily from Baringa Road and not Strathallen Avenue, the design of access points from the development onto the classified road is not a primary concern or direct impact. This avoids potential conflicts or disruptions that might arise from new or intensified access directly onto Strathallen Avenue
- While general emissions from construction or operation may occur, the fact that direct vehicular access to the land is via Baringa Road minimises the specific impact of vehicle-related smoke or dust emissions directly attributable to site access points on Strathallen Avenue.
- Since the development does not rely on Strathallen Avenue for vehicular access, there will be no significant increase in the nature, volume, or frequency of vehicles using the classified road to gain direct access to the land. This ensures that the ongoing operation, safety, and efficiency of Strathallen Avenue are maintained without additional burden from the development's access requirements.
- The internal design of the residential units adjacent to Strathallen Avenue including all party walls, floors, risers and services will include elements which comply with part F7 of the 2022 BCA. The DA has been accompanied by an acoustic assessment prepared by PWNA. The acoustic separation between dwellings will be acceptable from a noise

perspective including locations where the wet areas (kitchens) adjacent to the habitable areas.

- Whilst the specific location of mechanical plant and equipment is not identified, it is considered the development is capable of being conditioned to incorporate specific acoustic treatments to mitigate noise and emissions.

The proposal has been considered in accordance with the provisions of Clause 2.120 Impact of road noise and vibration on non-road development. The development includes residential accommodation and consideration of whether the development is likely to be adversely affected by road noise or vibration.

If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

*(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*

*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The southern and western elevations do not comply with this requirement when the external openings are open (to allow natural ventilation). These apartments will be required to include the provision for an alternative outside air source to these apartments an alternative source of outside air.

The submitted noise impact assessment details the required acoustic constructions to ensure that the internal noise levels comply with the relevant noise levels of the NSW Department of Planning Development Near Rail Corridor and Busy Roads – Interim Guideline. Subject to the recommended construction methods being included in the construction of the development, the required internal noise levels will be achieved.

The proposed development is not identified as a traffic generating development in accordance with Schedule 3 and Clause 2.122 (1)(b) of the SEPP.

### **State Environmental Planning Policy – Biodiversity and Conservation 2021**

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

#### **Chapter 2 Vegetation in non-rural area**

The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application has been supported by an Arboricultural Impact Assessment prepared by Birds Tree Consultancy, Revision B dated 23 February 2021.

Chapter 6

The development complies with Clause 6.6(1) by ensuring a neutral or beneficial effect on water quality and minimal impact on water flow. A Water Sensitive Urban Design (WSUD) strategy, including permeable paving and rainwater harvesting, will suitably reduce stormwater runoff volume and improve its quality, maintaining post-development pollutant loads at or below pre-development levels. Peak flows are effectively managed to minimise impacts on natural waterbody flow and prevent increased site runoff. A hydrogeological assessment confirms no detrimental effect on groundwater level or quality, with construction methodologies and materials selected to protect groundwater. The cumulative impact on the regulated catchment is satisfactory, demonstrating a positive contribution to overall catchment health, in accordance with Clause 6.6(2).

ATTACHMENT 4: ASSESSMENT OF WLEP 2012 AND DCP 2023

WLEP 2012		
Provision	Assessment	Complies
Clause 2.3 Zone objectives and Land Use Table	Shop top housing is a permitted land use within the E1 Local Centre zone.	Yes
Clause 2.7 Demolition requires development consent	Development consent is sought for the demolition of existing building and site works.	Yes
4.3 Height of Buildings - 17m	Maximum height 17.91m at northern wing lift overrun	No
4.4 Floor Space Ratio - 2:1 for 59-69 Strathallen Avenue and 2.5:1 for 57 Strathallen Avenue	57 Strathallen Avenue exceeds the 2.5:1 FSR by 41m <sup>2</sup> (2.57:1)	No
4.6 Exceptions to development standards.	<p>The proposal results in a contravention of both Clause 4.3 and Clause 4.4 of WLEP.</p> <p>The height contravention is 5.2%.</p> <p>The FSR contravention is 2.7%.</p> <p>Clause 4.6 variation requests prepared by Gyde Consulting accompany the DA (<b>Attachment 9 and 11</b>).</p> <p>An assessment of the contraventions is addressed in <b>Attachment 8 and 10</b>.</p>	No
Clause 6.1 Acid sulfate soils – Class 5 land	<p>The land is not below 5m AHD. The proposal does not lower the water table by 1m on the adjacent Class 2 land at Salt Pan Creek located approximately 1km to the east of the site.</p> <p>The basement requires temporary construction dewatering. GTAs have been issued by WaterNSW in this regard.</p>	Yes
Clause 6.2 Earthworks	<p>The proposal includes excavation to a depth of approximately 14m. The proposal is accompanied by civil engineering plans which detail a pumped basement design that necessitates dewatering during construction. A subsequent approval is necessary under the Water Management Act 2000.</p> <p>The land has been identified as being contaminated and a remediation action plan and detailed site investigation have been undertaken relating to the excavation material on site.</p> <p>The accompanying expert reports (geotechnical, stormwater, operational waste management plan) include appropriate measures proposed to minimise or mitigate the impacts of the development which includes the</p>	Yes

	remediation, appropriate disposal of material and design measures such as sediment and filtration controls.	
Clause 6.3 Urban Heat	<p>The proposed development effectively meets Clause 6.3 objectives for reducing urban heating and protecting community health, as supported by the Green Star Assessment, Section J report, BASIX Certificate, and NatHERS assessment.</p> <p>Specifically, compliance with Clause 6.3(2) is demonstrated through:</p> <ul style="list-style-type: none"> <li>- Brickwork facades with solar shading and light-coloured roofing to reduce heat gain. An elongated footprint with a central arcade promotes ventilation, and permeable/light-coloured paving mitigates the urban heat island effect.</li> <li>- A significant northern awning on Strathallen Avenue and facade/window shading for public comfort.</li> <li>- Energy-efficient HVAC systems (variable speed drives, heat pumps) minimizing waste heat, with discharge directed away from sensitive areas, as confirmed by the Section J report.</li> <li>- Maximized green infrastructure with compliant deep soil zones for substantial tree canopy cover. Strategic landscaping enhances biodiversity, stormwater management, and urban cooling.</li> <li>- Sufficient tree canopy within compliant deep soil zones and generous open spaces for substantial urban cooling.</li> <li>- High passive thermal performance via optimal window-to-wall ratios, effective shading, high insulation, double glazing, and operable windows for natural ventilation, as confirmed by the BASIX Certificate and NatHERS assessment.</li> </ul>	Yes
6.7 Active street frontages	<p>The subject site is designated for 'Active Street Frontages'. The entire ground floor frontage on Strathallen Avenue features retail uses, designed for maximum transparency and permeability to create a lively and engaging streetscape that enhances pedestrian flow and the vitality of the E1 Local Centre.</p> <p>The building is designed with a continuous active street frontage, as required by subclause (3), with ground floor premises exclusively for uses that activate the public domain.</p>	Yes



	<p>The western elevation includes a pedestrian arcade, allowing residential lobbies to be located internally without affecting street activation.</p> <p>Fire service access points are discreetly integrated into the building's facade to maintain the continuous active frontage.</p> <p>Vehicular access is from Baringa Road, which is not subject to street activation requirements.</p> <p>All retail spaces have direct access from the footpath, ensuring continuous physical and visual engagement and a vibrant, pedestrian-friendly streetscape.</p>	
Clause 6.23 Design Excellence	Refer to discussion below.	<b>No</b>

### **Clause 6.23 Design Excellence**

The development application fails to adequately demonstrate design excellence, as required by Clause 6.23 of the WLEP. This clause establishes several requirements:

- Clause 6.23(3) prohibits the granting of development consent unless the consent authority is satisfied that the development exhibits design excellence.
- Clause 6.23(4) outlines the matters the consent authority must consider in determining design excellence, including, under subclause (c), "whether the development detrimentally impacts on view corridors."

However, the development application, in its current form, presents a deficiency. Specifically, the absence of a view impact assessment means there is insufficient information to ascertain whether the development would detrimentally impact view corridors enjoyed from properties at No.128 Sailors Bay Road, Northbridge.

This lack of information also impedes the proper consideration of further matters under Clause 6.23(5), which requires the consent authority to have regard to:

- (d) the relationship between the proposed development and existing development (such as at No. 128 Sailors Bay Road, Northbridge), especially concerning amenity and urban form from a view-sharing perspective; and
- (e) the bulk, massing, and modulation of the proposed buildings and their implications for view sharing.

Finally, Clause 6.23(6) stipulates that development consent cannot be granted unless a design review panel has reviewed the development, and the consent authority has taken their review into account.

In this case, the design review panel, in their revised report dated 14 May 2025, concluded that insufficient information exists to adequately assess the proposed development under Clause 6.23(4)(c) and recommended that a visual impact assessment be conducted for all potentially affected properties.

Having regard to the above, the proposal fails to satisfy clause 6.23, and this consequently forms a reason why refusal of the DA is recommended.

<b>WDCP 2023 Compliance Assessment</b>		
<b>Provision</b>	<b>Assessment</b>	<b>Complies</b>
<b>PART B – RESIDENTIAL DEVELOPMENT</b>		
<b>2 – Performance criteria</b>		
<b>2.1 General performance criteria</b>		
<p>A proposed development will generally be seen as meeting the performance criteria for design and amenity issues if it complies with:</p> <ul style="list-style-type: none"> <li>• this part and other parts of this control plan</li> <li>• the relevant provisions of the state planning policies, guidelines</li> <li>• Willoughby Local Environmental Plan (Willoughby LEP).</li> </ul> <p>Any variation of the controls must be justified. It must consider the general performance criteria below and the provisions in other relevant plans, policies and guidelines.</p>	<p>The proposal complies with many of the controls in the ADG, LEP and DCP, with most non-compliances justifiable or resolved by conditions of consent.</p> <p>Despite this, the proposal remains non-compliant with critical aspects of the LEP (i.e. building height, FSR, design excellence) particularly concerning view impacts, which has not been considered by the applicant. These issues form the reasons for refusal.</p>	No
<b>2.1.2 Site area and lot dimensions</b>		
<p>The objective is to ensure allotments have sufficient area to allow the effective siting of developments with a good relationship to adjoining development.</p> <p>The site area and lot dimensions should:</p> <ul style="list-style-type: none"> <li>(a) ensure adequate provision is made for usable open space and sufficient area for landscaping, including deep soil zones that can support tree planting</li> <li>(b) allow convenient vehicle access and parking</li> <li>(c) enable erection of buildings that do not unduly overshadow adjoining properties</li> <li>(d) have regard to topographical constraints and retention of trees</li> <li>(e) enable effective onsite control of stormwater</li> <li>(f) reduce the instances of isolated</li> </ul>	<ul style="list-style-type: none"> <li>(a) The development is compliant with the ADG deep soil, open space and landscaping requirements.</li> <li>(b) Vehicle access and parking has been provided in accordance with the ADG and DCP requirements and has been supported by Council's traffic engineer.</li> <li>(c) The development is compliant with the ADG requirements that relate to solar access and siting of buildings, having regard to the overshadowing of neighbouring properties.</li> <li>(d) The development has been designed sympathetically to the existing topography. The proposal seeks to remove eight (8) trees, of which six (6) are exempt under the DCP. The removal is considered acceptable and ample replacement</li> </ul>	Yes

properties being left with reduced development potential on land that permits medium and high-density residential development.	<p>plantings have been proposed.</p> <p>(e) The site proposes an OSD tank that has been supported by Council's infrastructure engineer.</p> <p>(f) The development does not result in any instances of isolated properties.</p>	
<b>2.1.3 Setbacks</b>		
<p>The objective is to ensure the siting of buildings provide adequate separation for the amenity of residents, provide adequate space for landscaping (including deep soil zones) and solar access, and minimise overshadowing.</p> <p>Setbacks should:</p> <p>(a) progressively increase as the height of the external wall increases to reduce bulk and overshadowing</p> <p>(b) reinforce the streetscape character of the locality</p> <p>(c) ensure new buildings and alterations and additions on corner lots provide transition along the secondary street frontage between the proposed development and existing adjoining development</p> <p>(d) ensure that garages and carports, or access to underground parking, do not dominate the streetscape</p>	<p>(a) The development is compliant with the ADG building separation requirements.</p> <p>Front setbacks are generally compliant with the Part 10.4 Northbridge precinct controls and the non-compliances are justifiable. The non-compliant elements are the protruding balconies which are deemed acceptable given they are semi-open structures, contribute less to bulk, enhance façade articulation and improve resident amenity. The external walls to each level remain compliant.</p> <p>(b) The development is compatible with surrounding shop top housing and the streetscape character of the locality.</p> <p>(c) The development responds well to its corner siting through the use of curves and architectural features.</p> <p>(d) Vehicular access is provided from the secondary street frontage and the loading bay and basement carpark access point is orientated towards the eastern side boundary so as to not be visible or dominate the streetscape.</p>	Yes
<b>2.1.4 Design</b>		
<p>The objective is to encourage good environmental outcomes and a high standard of architectural design.</p> <p>The design of buildings should:</p> <p>(a) provide durability, resilience and environmental sustainability over the long term</p> <p>(b) minimise overshadowing, overlooking</p>	<p>(a) The design includes durable materials and is accompanied by a BASIX Certificate which ensures sustainability.</p> <p>(b) The proposal complies with the ADG requirements for building separation and privacy.</p> <p>(c) Materials to comply with the BASIX</p>	No (i)

<p>and visual impacts on the streetscape and adjoining and adjacent properties</p> <p>(c) minimise carbon emissions with the sustainable choice of materials</p> <p>(d) use materials with a low Solar Reflectance Index (SRI) and incorporate shade structures to reduce urban heat island effects</p> <p>(e) ensure that residential buildings address the street and incorporate a visible and readily identifiable entry point</p> <p>(f) address both streets on corner lots using windows, landscaping, awnings, and other architectural elements to create visual interest</p> <p>(g) avoid open under-croft spaces, particularly when viewed from the street and other public places</p> <p>(h) ensure the orientation promotes, as far as possible, passive heating and cooling for thermal comfort and reduced carbon emissions due to mechanical heating and cooling</p> <p>(i) ensure the orientation, siting and height provides for reasonable sharing of views from surrounding properties and the public domain</p> <p>(j) provide articulation to break up the length of walls to reduce the bulk and visual impacts</p> <p>(k) respect the visual and aural privacy of adjoining properties by effective siting, layout and location of windows and balconies to avoid direct overlooking</p> <p>(l) maintain a reasonable level of solar access to adjoining properties by careful siting, height, and orientation of buildings</p> <p>(m) locate noise sensitive rooms and private open spaces away from noise sources such as busy roads and railway lines</p>	<p>requirements.</p> <p>(d) Shade structures such as awnings and balcony overhangs have been used throughout the development.</p> <p>(e) Access to the residential units is provided at lobbies at the end of the central arcade which is readily identifiable.</p> <p>(f) The awnings and windows use curves that extend over the corner to create visual interest. Landscaping is used on balconies.</p> <p>(g) No open undercroft spaces other than the central arcade which is acceptable.</p> <p>(h) The orientation promotes passive heating and cooling.</p> <p>(i) The design of the development does not provide sufficient information to confirm the reasonable sharing of views from the neighbouring northern property at 128 Sailors Bay Road towards the city skylines. This has been elaborated upon in other sections of this report and forms part of the reasons for refusal.</p> <p>(j) The building is well articulated to break up bulk.</p> <p>(k) The development is compliant with the ADG building separation and privacy controls.</p> <p>(l) The development is compliant with the ADG controls in relation to siting and neighbouring solar access.</p> <p>(m) Bedrooms have been located away from the road frontages where possible.</p>	
2.1.5 Landscaping		

<p>The objective is to achieve good environmental outcomes and enhance the visual quality of the locality.</p> <p>Landscaped areas should:</p> <ul style="list-style-type: none"> <li>(a) retain significant trees and be sensitive to site attributes such as land capability (soil type and slope), microclimate (especially access to sunlight), views and natural features</li> <li>(b) include deep soil zones located primarily along the street frontage, and side and rear boundaries of individual lots – these are areas of soil unimpeded by buildings or structures above or below ground</li> <li>(c) retain and plant trees with wide canopies within the deep soil zones to reduce the impacts of urban heat island effects and support local ecology</li> <li>(d) provide greening and enhancement to the street frontage to encourage the benefits of local walkability</li> <li>(e) consider the location and scale of buildings in the selection of species</li> <li>(f) be designed to minimise the impact of overlooking, maintain privacy between dwellings and minimise the dominance of buildings from adjoining properties</li> <li>(g) predominantly use species which are native/endemic to the locality, and ensure the vegetation types decrease surface runoff, reduce maintenance, and minimise water use</li> <li>(h) provide irrigation using a non-potable water supply and maximise absorption for onsite infiltration of stormwater</li> <li>(i) relate well to the indoor living areas and contribute to useable outdoor recreation space</li> <li>(j) contribute to the solar</li> </ul>	<ul style="list-style-type: none"> <li>(a) No significant trees on the site. Proposed replacement plantings are more appropriate for the locality.</li> <li>(b) Large deep soil zone in the rear and along rear side boundaries with new plantings. Frontage is an active street frontage and does not require deep soil in this area. Trees are provided in the road reserve.</li> <li>(c) Numerous trees proposed, species are acceptable, subject to conditions.</li> <li>(d) Five (5) new street trees are proposed.</li> <li>(e) Species are deemed appropriate, subject to conditions.</li> <li>(f) Trees are to be planted along the entire eastern side setback and the rear portion of the northern side setback to provide separation and privacy.</li> <li>(g) The species have been deemed appropriate by Council's Landscape officer, subject to conditions for minor changes. Balcony plantings are low maintenance and water use.</li> <li>(h) Stormwater to be directed to pits and OSD tank under the landscaped/communal open space (COS) area.</li> <li>(i) Landscaping contributes to the COS area and POS balconies.</li> <li>(j) Trees provide additional shading in the COS area.</li> <li>(k) The landscaping does not impact significant views.</li> <li>(l) Site is not bushfire affected.</li> <li>(m) Landscaping does not impede upon any roof mounted energy systems.</li> <li>(n) Plantings provided on all balconies.</li> </ul>	<p>Yes</p>
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<p>efficiency of buildings by selecting and positioning trees for shade in summer and solar access in winter</p> <p>(k) consider maintaining significant views from adjoining properties and the public domain</p> <p>(l) consider potential bushfire hazard in the selection of species and reduce any potential for soil erosion or weed establishment</p> <p>(m) be located to protect solar access to roof mounted solar energy systems on adjoining buildings</p> <p>(n) be provided on walls and roofs of larger developments at various levels of the building</p>		
<b>2.1.6 Private open space</b>		
<p>The objective is to provide usable and accessible private open space.</p> <p>Private open space for dwellings, including secondary dwellings, should...</p>	<p>N/A – the proposal is not for dwellings or secondary dwellings.</p> <p>Notwithstanding, the POS for each unit is compliant with the ADG requirements.</p>	Yes
<b>2.1.8 Privacy</b>		
<p>The objective is to protect the visual and acoustic privacy of residents.</p> <p>Developments should maintain a reasonable level of aural and visual privacy for both residents of the development and neighbours by:</p> <p>(a) providing effective siting, layout and location of windows, balconies, and private open space</p> <p>(b) avoiding elevated terraces or decks that result in direct overlooking</p> <p>(c) constructing privacy screens, high windowsills or translucent glazing</p> <p>(d) increasing building setbacks</p> <p>Note: Greater emphasis should be placed on maintaining privacy to the living areas and private open spaces of dwellings.</p>	<p>(a) The development complies with the ADG controls for building separation and privacy.</p> <p>(b) Landscaping, orientation and separation distances assist in minimising overlooking from balconies and upper levels.</p> <p>(c) Screens/walls are used between apartment balconies to ensure privacy. Building separation is compliant.</p> <p>(d) The development complies with the ADG controls for building separation.</p>	Yes
<b>2.1.9 Solar access</b>		
<p>The objective is to protect residential amenity and maximise energy efficiency of buildings.</p>	<p>(a) The development complies with the ADG requirements in relation to</p>	Yes

<p>Developments should maintain and provide a reasonable level of solar access to both residents of the development and adjoining properties by:</p> <ul style="list-style-type: none"> <li>(a) avoiding overshadowing to living areas and private open spaces</li> <li>(b) planting deciduous trees in appropriate locations to maximise winter sun</li> <li>(c) exploring alternative design options</li> </ul> <p>Note: Shadow diagrams may need to be submitted to show that an acceptable level of solar access can be achieved for both residents of the development and adjoining properties.</p>	<p>overshadowing.</p> <ul style="list-style-type: none"> <li>(b) Deciduous trees are conditioned to be planted along the street frontage to maximise winter sun. The COS provides sufficient open space that will not be overshadowed by non-deciduous trees.</li> <li>(c) Shadow diagrams have been submitted demonstrating compliance with the ADG controls.</li> </ul>	
<b>2.1.10 Service facilities and structures</b>		
<p>The objective is to protect the residential amenity and integrate the provision of services and facilities with the design of the development.</p> <p>Service facilities should be located and designed to:</p> <ul style="list-style-type: none"> <li>(a) ensure safe and convenient access to garbage and clothes drying areas by residents</li> <li>(b) ensure garbage areas do not have an adverse effect on the amenity of adjoining neighbours</li> <li>(c) contain garbage bins in an enclosed area and in the basement area for larger developments where possible</li> <li>(d) ensure clothes drying areas do not have an adverse visual impact on the amenity of adjoining properties.</li> <li>(e) visually integrate within the development and not impact on the streetscape</li> <li>(f) ensure satellite dishes and similar structures are out of sight from the public domain and not visually intrusive on adjoining neighbours</li> <li>(g) ensure air conditioning units and any other noise generating plant and equipment are designed to minimise noise impacts and meet relevant</li> </ul>	<ul style="list-style-type: none"> <li>(a) Garbage chutes are conveniently located in the common circulation spaces of each level. The bulky waste room is accessible in the basement when required. Clothes drying can be done on the POS balconies.</li> <li>(b) Garbage rooms are primarily located within the basement levels of the development. Retail waste rooms and temporary bin storage rooms are located on the ground floor but are concealed within rooms. No effect on neighbouring amenity.</li> <li>(c) Bins are primarily stored in the basement. Retail and temporary bin storage is located adjacent to the loading dock on the ground floor which is acceptable.</li> <li>(d) Clothes drying can be done on POS balconies which are screened with landscaping.</li> <li>(e) Waste areas are integrated in the development and the streetscape is not impacted.</li> <li>(f) Servicing equipment is primarily located within the basement levels.</li> <li>(g) Servicing equipment is primarily located within the basement levels</li> </ul>	<p>Yes</p>

environmental standards	to minimise noise impacts. Noise is to be in accordance with the acoustic report and the conditions.	
<b>2.1.11 Urban heat</b>		
<p>The objective is to reduce temperatures and create a resilient framework to mitigate the extreme impacts of urban heat by including appropriate measures to improve the health, comfort and wellbeing of residents.</p> <p>To reduce the impacts of urban heat island effects the development should:</p> <ul style="list-style-type: none"> <li>(a) use external materials, façade elements and glazing to limit solar reflectivity (this may include retractable shade structures, 'green' walls, and roofs, and/or rooftop solar panels)</li> <li>(b) apply best practice water sensitive urban design (WSUD) principles</li> <li>(c) reduce the extent of hard surfaces</li> <li>(d) irrigate landscaped areas using non-potable water</li> <li>(e) ensure landscaped areas include large trees with wide canopies</li> </ul>	<ul style="list-style-type: none"> <li>(a) Building elements are to comply with all submitted energy and sustainability certificates and reports.</li> <li>(b) WSUD principles have been implemented, including the OSD tank and low water use plants.</li> <li>(c) Hard surfaces are minimised where possible but are required for the driveway and site through-link pathway. The proposal includes a large deep soil provision which exceeds the ADG requirements and an appropriately sized landscaped area.</li> <li>(d) Landscaping utilises low water use species and is conditioned to be maintained with non-potable water.</li> <li>(e) Large tree species with wide canopies have been selected (mature heights up to 15m and widths up to 6m).</li> </ul>	Yes
<b>2.1.12 View sharing</b>		
<p>The objective is to limit the extent and impact on existing views.</p> <p>Developments should, as far as reasonably possible:</p> <ul style="list-style-type: none"> <li>(a) maintain existing views from adjoining and neighbouring properties</li> <li>(b) have particular regard to water views which are more highly regarded than land views</li> <li>(c) prioritise consideration of potential view loss from living areas</li> <li>(d) consider alternative design options to maintain significant and iconic views</li> </ul>	<p>The development does not comply. Refer to separate discussion below for full assessment.</p>	No
<b>2.1.14 Storage areas and plant rooms</b>		
<p>The objective is to reduce excessive areas nominated as storage area and/or plant rooms, which could be subsequently used</p>	<p>Additional storage for each unit in accordance with the ADG has been provided in the Basement 2 level. Plant</p>	Yes



for habitable purposes. The additional floor area often contributes to excessive excavation and additional bulk.  To address these issues, the combined below ground floor storage areas and plant/mechanical service rooms are to have a maximum gross floor area of 5% of the total allowable floor area for a dwelling house	rooms and other servicing rooms are located in the basement levels to ensure residential amenity is retained. This floor area is all within the basement and cannot be used for habitable purposes. These areas are all necessary to the development.  The 5% control is not applicable to the development as it applies to dwelling houses.	
<b>4 – Major Developments</b>		
<b>4.1 Strategies and plans</b>		
4.1.1 Willoughby Local Centres Strategy 2036		
f. Northbridge	The site is located within the Northbridge commercial precinct. The development is considered to contribute positively to the Northbridge commercial precinct, providing shop top housing development.	Yes
<b>4.2 Controls for medium and high density residential development</b>		
4.2.3 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development		
The Apartment Design SEPP applies to residential apartments if the building is 3 or more storeys and contains 4 or more dwellings.	The development has been assessed against Chapter 4 Design of residential apartment development in the Housing SEPP.	Yes
4.2.4 Apartment Design Guide, NSW Department of Planning and Environment, July 2015		
The Apartment Design Guide provides design criteria and general guidance on how development proposals can achieve the design quality principles in the Apartment Design SEPP. If there is any inconsistency between this plan and the Apartment Design Guide, the requirements, standards and controls in the guide prevail.	The development has been assessed against the ADG.	Yes
<b>4.4 Further controls for residential flat buildings, and the residential components of shop top housing and mixed use developments</b>		
4.4.1 Site coverage		
To ensure adequate open space and reasonable privacy levels, the site coverage for residential flat buildings should progressively decrease as the height of the building increases.	The proposal is considered to maintain an acceptable level of privacy for neighbouring developments and for the proposed units. The proposal includes a large open space area that is considered an appropriate size for the site and development.	Yes
The site coverage for residential flat buildings should not exceed:	Site coverage = 1387m <sup>2</sup> / 57%  The proposal is compliant with the	No, merit assessment

c. 26% of the site area for five storey building	ADG controls regarding building separation, deep soil area, landscaped area and communal open space.	
4.4.2 Building height		
Clause 4.3 and 4.3A of Willoughby LEP provide the maximum height of buildings and exceptions to this.	Refer to building height discussion in this report.	No
4.4.3 Floor space ratio		
Clause 4.4 and 4.4A of Willoughby LEP provide the maximum floor space ratio and exceptions to this.	Refer to FSR discussion in this report.	No
4.4.4 Setbacks		
<p>a. Front setbacks: 7.5m for residential flat buildings in the R3 zone and 9m in the R4 zone.</p> <p>b. Side and rear setbacks: 3m plus 1.2m per storey above the ground floor level.</p> <p>c. Corner lots: 3.5m for residential flat buildings in the R3 zone, and 3m plus 1.2m per storey above the ground floor storey in the R4 zone.</p>	N/A – the site is not located in the R3 or R4 zone and the development is compliant with the ADG building separation controls.	N/A
4.4.5 Open space		
Soft landscaped area/ deep soil zones and tree planting		
<p>Residential accommodation of three or more storeys:</p> <p>1. comprise at least 35% of soft landscaped areas and deep soil zones at ground level (excluding planter boxes)</p>	<p>Soft landscaping = approx. 445m<sup>2</sup> (18.3%)</p> <p>Deep soil zone = 357m<sup>2</sup> (14.7%)</p> <p>The proposal does not provide the required 35% soft landscaped area. This non-compliance is deemed acceptable due to the large deep soil zone and ground floor COS area that exceeds the ADG requirement.</p> <p>The development incorporates paved pathways to provide links through the site, which is also used by the public, and for future linkages to other sites. This contributes to additional outdoor space (not included in the soft landscaping calculation).</p> <p>The development also includes landscaping on balconies to provide further plantings across the site.</p>	No, merit assessment
2. provide deep soil zones primarily in the front setback areas and around the perimeter of the site	The deep soil zone is located in the rear setback and along the side boundaries.	No, merit assessment

	The site is for shop top housing, which does not require a large front setback. As such, the provision of the deep soil zone in the rear of the site is appropriate given the context of the site within Northbridge.	
3. include species with a wide tree canopy which can cover hard stand areas to reduce the impacts of heat island effects	Variety of tree species with widths between 4m – 7m.	Yes
4. include new trees within deep soil zones that are semi mature when planted to be compatible with any existing predominant street trees	Trees are required to be semi mature when planted – condition of consent.	Yes, subject to conditions
Private open space		
The minimum area and depth of balconies and ground level private open spaces apply as detailed in Section 4E of the Apartment Design Guide.	Balconies comply with the ADG requirements.	Yes
For developments with 15 or more apartments, communal open space should:		
1. provide 25m <sup>2</sup> communal open space per each dwelling where balconies are the only form of open space.	Communal open space complies with the ADG requirements.	Yes
2. have a minimum dimension of 5m and minimum area of 50m <sup>2</sup>	Communal open space complies with the ADG requirements.	Yes
3. have a children's play area that has a minimum area of 30m <sup>2</sup> , a minimum dimension of 5m and be no steeper than 1 in 20	A designated children's play area has not been provided.	No- condition recommended
<b>PART D – COMMERCIAL DEVELOPMENT</b>		
<b>3 – Major Developments</b>		
<b>4 – Performance Criteria and Controls</b>		
<b>4.1 Building design</b>		
<b>4.1.2 Controls</b>		
a. use of roller shutters in lieu of glazed facades is not permissible unless a minimum 70% of the roller shutter is transparent	No roller shutters are proposed. Glazed windows are proposed along the Strathallen Avenue frontage and a portion of the Baringa Road frontage which are transparent.	Yes
b. any kind of internal security shutter, mesh gate or similar must be located a minimum of 1m behind the facade of the premises facing a public space or at the rear of any display window	No security shutters proposed.	N/A
c. any plant, equipment or machinery should be suitably screened from the general public	All plant equipment is located within the basement levels and screened within rooms.	Yes

d. the above awning facades of 2-storey shop frontages should have a solid to void ratio of around 60:40	The development includes a one-storey shop frontage.	N/A
e. developments should use materials with a low solar reflectance index (SRI) and incorporate shade structures to reduce urban heat island effects	The awnings act as shade structures for the pedestrian walkway and reduce heat island effects.	Yes
f. the entire ground floor level of a shop top housing development must be used for retail/commercial purposes; this may include loading/unloading facilities but does not include car parking	<p>The entire ground floor of the building is used for retail purposes and loading facilities. Parking and utilities are located within the basement levels.</p> <p>The rear of the ground floor includes lobbies which provide access to the residential levels. This is not visible from the street and is necessary to provide safe and secure access to the above levels.</p>	Yes
<b>4.3 Awnings</b>		
<b>4.3.2 Controls</b>		
a. if the existing awning is a traditional suspended steel box section type, it should be retained; if a new awning is needed it should match adjoining awnings and maintain the same alignment	The awning will be similar to the alignment of the adjoining awnings at 128 Sailors Bay Road to the north. The slope of the land and irregular awning design makes it difficult to seamlessly match.	Yes
<p>b. new awnings should:</p> <ul style="list-style-type: none"> <li>- be of opaque materials with glass inserts to allow light penetration to the footpath</li> <li>- be continuous for the entire site frontage, including any vehicle entrance</li> <li>- be set back 600mm from the footpath edge</li> <li>- have a recess or opening to accommodate the growth of street trees</li> <li>- have a height clearance above the footpath between 3m and 4.2m</li> <li>- maintain the horizontal alignment, stepping down at regular intervals to follow the topography of the site where the footpath is sloping</li> </ul>	<p>The awnings are solid which reflects the predominant surrounding awning design and considered acceptable.</p> <p>The awnings are continuous for the entire Strathallen Avenue frontage, besides a small section between where the two different level awnings would meet. The awning also extends around the corner halfway down the Baringa Road frontage to where the retail portion ends. The awning does not extend over the vehicular entrance as this portion of the site is open with no building above it.</p> <p>The awning has a minimum setback of 600mm from the footpath edge.</p> <p>A condition of consent is included to ensure that awnings are to be designed with recesses or openings to accommodate the growth of street trees.</p> <p>The awnings have clearance heights between 3m and 3.9m and maintain the horizontal alignment, being broken into two sections to respond to the</p>	Yes

	topography.	
c. entrances to large frontage developments can incorporate raised or arched canopy elements to highlight the entrance; these should be in scale with the building and compatible with the prevailing street awning character	The entrance into the central arcade is clearly visible, being the only open section within the front façade and centrally located near the step of the two awnings.	N/A
No part of a building, including an awning, can project beyond the alignment of a road to which the building has a frontage. However, the Roads Act 1993 enables Willoughby City Council as the road authority and owner of the road to grant approval to allow an awning to extend over a public road.	The awning extends beyond the site boundary into the public footpath but does not extend into the road. This reflects the surrounding awnings within the area.	Yes
<b>4.4 Frontages</b>		
4.4.2 Controls		
a. a minimum width of 27m is required for developments that exceed 11m in height or where vehicular access is only available from the primary street frontage	The development proposes vehicular access from the secondary street frontage.	N/A
b. no more than 30% of the street frontage is to be used for vehicle and pedestrian access to lower and upper levels	The central arcade (pedestrian access) is 3.5m wide. This is approximately 6% of the Strathallen Ave frontage.  The vehicular access driveway opening is 7.3m wide. This is approximately 17% of the Baringa Road frontage.	Yes
c. the bulk of new facades should be divided into equal units of around 6m each to reflect traditional small retail shopping frontages	The retail unit frontages are divided relatively evenly between 6.4m and 9.2m wide and reflect the surrounding retail shopping frontages.	Yes
d. allotments should be consolidated to reflect the general pattern of street frontages in the commercial precinct	The units reflect the general pattern of street frontages in the precinct.	Yes
<b>4.5 Streetscape</b>		
4.5.2 Controls		
a. new developments or significant alterations and additions may be required to provide improvements to the quality of the public pedestrian domain, such as adding suitable paving, street trees and landscaping	The development will include the pedestrian domain through the provision of street trees and paving. The central arcade will also improve pedestrian links.	Yes
b. if shop frontages are predominantly built along the street alignment, new developments or significant alterations and additions may be required to improve the pedestrian amenity at street level with transparent interactive frontages, including	Shop frontages are built to the street alignment. The provision of awnings and street tree planting improve the frontage. The development does not seek consent for the uses of the retail units, and as such, outdoor dining	Yes

outdoor seating and/or dining areas	cannot be considered.	
<b>4.6 Car parking and vehicular access</b>		
<b>4.6.2 Controls</b>		
a. the width of the entry portal for a driveway providing access to a car parking area should not exceed 5m and the head clearance should not be more than 2.4m. If the access is also the entry to a loading dock, a head clearance of 3.6m may be allowed	Carpark driveway opening is 5m wide with a door height of approximately 2.6m is considered acceptable.  Loading dock is separate with a clearance height of 4.5m which is required for garbage trucks.	Yes
b. the layout of car parking spaces must comply with AS/NZS 2890.1 and AS/NZS 2890.6 and details are to be shown on the architectural plans	The Traffic and Parking Assessment states that the layout of car parking spaces complies with the standards. All standard car spaces are 2.4m x 5.4m.	Yes
c. the location, siting and grades of driveways, and driveway width must be in line with Australian Standard AS/NZS 2890.1	The Traffic and Parking Assessment states that driveways comply with the standards.	Yes
d. all new developments and significant alterations and additions must provide accessible car parking spaces for people with disability in line with Section D3.5 of the Building Code of Australia under the National Construction Code	The development provides the required number of accessible spaces which have the required shared spaces, dimensions and headroom.	Yes
e. details of swept paths may be required to demonstrate all vehicles can enter and leave the site in a forward direction	Swept paths have been demonstrated in the Traffic and Parking Assessment.	Yes
f. compliance with the provisions in Part F (Transport and Parking Management) of this plan	Part F has been assessed and is compliant, subject to conditions.	Yes, subject to conditions
<b>4.7 Loading/unloading facilities</b>		
<b>4.7.2 Controls</b>		
a. each commercial premises must have a separate loading facility provided off a secondary road or laneway	Vehicular access is provided from the secondary road of Baringa Road. The loading bay is shared between the six retail units and is separate to the carpark. Given the size of the loading bay and that all units are located within the one site, it is appropriate for all units to share the loading facility and is impractical for each unit to have a separate loading facility.	Yes
b. if onsite loading facilities are not available, details are to be provided of the nearest on-street loading areas and the method of conveying goods in a safe and efficient manner to and from the premises	On-site loading facilities have been provided.	N/A
c. all new commercial developments, and	Refer to Part F assessment. The	Yes

developments that involve significant demolition, alterations or additions with a floor area in excess of 1,000m <sup>2</sup> must make adequate provision for off-street loading and unloading facilities in line with Part F of this plan	development provides a sufficient loading area.	
<b>4.8 Waste and recycling</b>		
4.8.2 Controls		
a. all waste management facilities must comply with the Building Code of Australia and relevant Australian Standards	The waste management facilities and plans have been amended to comply with the Waste Officer's referral and the BCA.	Yes
b. any compactors or mechanical devices must comply with occupational health and safety requirements	No compactors or mechanical devices are proposed.	N/A
c. bin storages areas must: <ul style="list-style-type: none"> <li>- be suitably screened from public areas and adjoining properties</li> <li>- located in areas to reduce the impacts of visual amenity, noise, and odour</li> </ul>	Bin storage areas are located in the basement levels and adjacent to the rear loading bay area on the ground floor. All waste areas are concealed within rooms to ensure they are appropriately screened, and amenity impacts are minimised.	Yes
d. refrigerated garbage rooms are required in either of these cases: <ul style="list-style-type: none"> <li>- the waste generated contains 20% or more by weight or volume of seafood, poultry or meat</li> <li>- 50 litres or more of seafood, poultry or meat is generated in total per day, unless the waste is collected daily</li> </ul>	No refrigerated garbage rooms are required.	N/A
e. the onsite collection point must provide adequate space for garbage vehicles to enter and leave the site in a forward direction	The loading facility is to be used for garbage collection. Service vehicles up to 10.5m long rigid vehicle can use the bay which has a 4.5m headroom. The swept paths in the Traffic and Parking Assessment demonstrate that garbage vehicles and enter and exit the site in a forward direction.	Yes
f. basement waste and recycling storage areas and access to these areas must have a minimum clearance height of 4.5m to accommodate waste and recycling collection vehicles	The loading bay has a clearance height of 4.5m to accommodate waste and recycling collection vehicles. Bins from the basement waste storage rooms are to be relocated to the ground floor and stored in the temporary bin storage room when they are due for collection.	Yes
g. a resource recovery and waste management plan must be submitted with the development application (see	An Operational Waste Management Plan has been prepared in accordance with the Waste Avoidance and	Yes

Attachment 1 in this part)	Resource Recovery Act 2001.	
<b>4.9 Pollution control</b>		
4.9.2 Controls		
a. depending on the type, scale, and location of development, the development application may need to include an acoustic report and/or other reports to address pollution control measures	The application includes a Noise Impact Assessment that states that the development can achieve compliance with the operational acoustic criteria.	Yes
b. depending on the type, scale, and location of construction works, the application may need to include a site management plan to address sediment and erosion control measures	The application includes a Sediment and Erosion Control Plan within the Stormwater Concept Plan set.	Yes
c. the discharge of any solid, liquid, or gaseous materials must comply with the Protection of the Environment Operations Act 1997	Condition of consent.	Yes, subject to conditions.
d. if there is likely to be a need for the disposal of liquid waste to the sewer, Sydney Water should be contacted for its requirements on installing grease arrestors	Condition of consent.	Yes, subject to conditions.
e. new commercial buildings which include retail premises that allow cafés, restaurants or similar, must make adequate provision for the vertical discharge of exhaust from the lower floor levels	The provision for a kitchen exhaust riser has been included in retail unit G01 to provide for a future use of a restaurant or café. Details will be subject to a separate approval.	Yes
f. the hours of operation may be restricted if a particular use is likely to interfere with the residential amenity of adjoining and nearby dwellings	No uses have been designated to the retail units. This will be considered within future applications.	Yes
<b>4.10 Stormwater disposal and flooding</b>		
4.10.2 Controls		
a. depending on the type, scale, and location of development, the development application may need to include a stormwater management plan	The application includes a Stormwater Management Plan.	Yes
b. if the development is on flood prone land, the development application may need to include a flood risk assessment report and/or a flood study	The site is not mapped as flood prone land.	N/A
c. new commercial developments on land exceeding 2,000m <sup>2</sup> must implement appropriate water sensitive urban design measures	The Stormwater Management Plan incorporates WSUD.	Yes
d. the application must show the proposal satisfies the objectives and controls in Part	The application has provided the relevant documents to satisfy Part I.	Yes



I (Stormwater Management) in this plan		
<b>4.11 Sustainable development</b>		
4.11.2 Controls		
a. depending on the type, scale and cost of development, the development application must include a Sustainable Performance Statement, a Green Star rating report, and/or a National Australian Built Environment Rating Scheme (NABERS)	<p>The application includes a Green Star Assessment Report, a BASIX Certificate, a NatHERS Certificate and a Section J Report which outline how the development will achieve the required sustainability outcomes.</p> <p>However, this needs to be updated to reflect the current design.</p>	No
b. the application must show the proposal satisfies the objectives and controls under Part J (Building Sustainability) in this plan	The application has provided the relevant documents to satisfy Part J.	Yes
c. applications for large developments exceeding 2,000m <sup>2</sup> must include a travel demand management plan (green travel plan); this should detail how the operation intends to modify travel decisions to and from the building so that more desirable modes of transport are used, such as bicycles, car-pooling, mini-bus pick-up/drop off, and provision of car share spaces (see Part F in this plan for details)	The application includes a Green Travel Plan.	Yes
<b>4.13 Safety by design</b>		
4.13.2 Controls		
a. the design should include high visibility to front entries, lighting of pathways or hidden spaces and where applicable, careful siting of shrubs and landscape elements	<p>The development is acceptable in this regard, providing high visibility areas and careful landscaping. Lighting is to be installed to ensure visibility at night.</p> <p>The application was reviewed by the NSW Police who were satisfied with the development.</p>	Yes
<b>4.14 Utility facilities</b>		
4.14.2 Controls		
a. the application must include written advice from the energy provider and Sydney Water that states if these utility facilities must be provided for the development	The proposal has been accompanied by a letter from a Sydney Water accredited Water Service Coordinator that confirms the works of the development and how the proposed sewer can be deviated and achieved.	Yes
b. all facilities that are visible from the street or public domain must be suitably screened by landscaping	No utility facilities are readily visible as they are located within the development and are appropriately screened.	Yes

c. substations should preferably be located below ground level or at the rear of the property if rear lane access is available	The substation is located on ground level but is on the secondary frontage of Baringa Road near the bin storage and driveway access point. It is not visible from the elevation due to the screening and that it is built into the development.	Yes
<b>4.15 Undergrounding of services</b>		
4.15.2 Undergrounding of services		
a. all services, including overhead electricity wires, for major developments exceeding 2,000m <sup>2</sup> are to be located underground (this includes publicly owned land immediately outside the development site)	Stand conditions of consent can be recommended.	Yes
<b>4.16 Access and mobility</b>		
4.16.2 Controls		
a. Details are to be submitted with the development application to demonstrate the development will comply with the Disability (Access to Premises – Building) Standards 2010 under Disability Discrimination Act 1992	The application includes an Access Report which states that the development will comply with all access requirements.	Yes
<b>6 – Shop top housing and mixed-use developments</b>		
<b>6.1 Setbacks</b>		
6.1.1 Front setback		
a. the front (street) setback of the ground floor level may be set at the property boundary defining the street corridor with a continuous edge	The ground floor has a 600mm and 0m setback from the front boundary.	Yes
b. the first-floor level is required to be setback a minimum 2m from the street frontage	The first floor has a 0m setback from the front boundary to the balconies. The setback to the external walls is 1.1m.	No
c. balconies are not to encroach into the required setback of the level below	Balconies have a 0m setback from the front boundary. This is less than the ground floor setback of 0.6m.	No
d. the first-floor level may have a zero setback if it comprises commercial uses and/or it is in keeping with established adjoining developments	The first floor has a 0m setback to the balconies and a minimum 1.1m setback to the external walls. This floor comprises residential uses which reflects surrounding shop top housing developments which have residential uses on the first floor and above.	Yes
e. the third floor level and above is required to be setback 5m plus 1.2m for each level above the third level	The third floor has a 0m setback to the balconies and a minimum 1.1m setback to the external walls. This	No

	reflects surrounding developments.	
f. the total required setback applies to all floors above the third floor.	The fourth floor (top floor) has a 0m setback to the balconies and 2m setback to the exterior building walls.  Top floors with an increased setback are common in the locality.	No
<b>6.1.2 Side setbacks</b>		
<p>a. the ground floor level may have a zero setback</p> <p>b. the first and second floor level are required to have zero setback for a maximum of 50% of the length of the side boundary located within the front half of the site</p> <p>c. the side boundary setbacks for the first and second floors for the remainder of the building are to comply with the building envelop determined by a line projected horizontally at 30° from the side boundary from halfway along the boundary towards the rear of the site</p> <p>d. the third floor and above is required to have a setback of 3m plus 1.2m for each level above the third level</p> <p>e. the total required setback applies to all floors above the third floor</p>	Side setbacks are compliant with the ADG building separation controls.	N/A
<b>6.1.4 Rear setbacks adjoining low and medium density zone land</b>		
<p>The rear setbacks below apply to developments adjoining low density (R2 zone) or medium density (R3 zone with a height limit of 9m). These setbacks apply whether or not the land is separated by a laneway:</p> <p>a. 3m from the ground floor level</p> <p>b. plus 6m for the first floor level</p> <p>c. plus 1.2m for the second floor level</p> <p>d. plus 3m for the third floor level</p> <p>e. plus 1.2m for the fourth floor level</p> <p>f. plus 3m for the fifth and each additional floor level</p>	Rear setbacks are compliant with the ADG building separation controls.	N/A
<b>6.2 Landscaping</b>		
a. a 3m wide deep soil zone must be provided along the rear boundary adjoining residential zoned land	A 3m wide deep soil zone is provided along the eastern side boundary adjoining R2 zoned land.	Yes
b. the deep soil zones must be landscaped with trees that when mature, reach a	Mix of trees that have the following	Yes

minimum height of 15m and a minimum 3m wide tree canopy	<p>mature sizes:</p> <p>8m height x 6m wide</p> <p>15m height x 6m wide</p> <p>12m height x 5m wide</p> <p>The mix of sizes is deemed acceptable, due to the quantity of tree plantings, the width of canopy that exceeds the requirements and the additional separation between these plantings and the proposed development due to the driveway that provides additional space.</p>	
c. a planter box with a minimum internal width of 1m must be provided along the edge of a balcony or terrace on the first floor level that faces low or medium density zoned land	Planter boxes with internal widths of 1.2m are provided on the edges of balconies on the first floor level facing the eastern R2 development.	Yes
d. a planter box with a minimum internal width of 400mm must be provided along the edge of a balcony or terrace on all other floors facing low or medium density zoned land (other than the street frontage)	<p>Planter boxes with internal widths of 500mm are provided on the edges of balconies on the second and third floor levels facing the eastern R2 development.</p> <p>Planter boxes with internal widths of 2m are provided on the edges of balconies on the fourth floor level facing the eastern R2 development.</p>	Yes
e. all planter boxes must not exceed 1m in height, have a minimum soil depth of 600mm, and be landscaped with dense screen planting	<p>Planter boxes are approximately 800mm in height, allowing for a minimum soil depth of 600mm.</p> <p>Requirement for plantings to be dense screenings – looks like they may be low-lying plants.</p>	Yes
f. a minimum of 20% of any podium and a minimum 20% of any rooftop open space must be landscaped	No podium or rooftop open spaces.	N/A
g. details of the type and height of shrubs and trees within the deep soil zones, planter boxes, podium and/or rooftop open space must be shown on the landscaped plans	Details shown on the landscape plans.	Yes
<b>6.3 Car parking and access</b>		
a. access to the residential car parking area must be separated from the commercial car parking and loading areas	Residential and commercial car parking is provided in the same basement carpark through the same access point. These two uses are split across the two levels (i.e. residential carparking on B2 and retail carparking on B1).	No

	The loading area is separated from the basement carpark and is provided at ground level.	
b. shared car spaces may be provided for residential visitors and customers if unimpeded access is available at all times	Sufficient car parking provided.	N/A
c. vehicle movements for loading and unloading must be separated from all car parking areas	The loading area is separated from the basement carpark and is provided at ground level.	Yes
<b>6.4 Building mass and bulk</b>		
a. buildings over 11m should have a defined podium level	The top level (level 4) has a greater setback than the lower levels.	Yes
<b>6.5 Signage</b>		
a. signs are restricted to shop fronts, awnings and under awning signs	No signage proposed.	N/A
b. any signs must consider the visual impact on residential occupants, particularly in terms of illumination and light spill	No signage proposed.	N/A
<b>PART F – TRANSPORT AND PARKING MANAGEMENT</b>		
<b>3.1 Parking provisions outside of the railway precincts of Chatswood, St Leonards and Artarmon</b>		
<u>Residential:</u> f. dwellings in shop top housing and mixed-use developments (further car parking for the commercial component is to be provided in line with the requirements for commercial and retail premises) <ul style="list-style-type: none"> <li>- 1 space per 2- and 3- or more-bedroom units (1 accessible space per 4 adaptable units)</li> <li>- 1 visitor space per 7 dwellings</li> </ul> Residential parking required = 27 spaces total. <ul style="list-style-type: none"> <li>- Resident = 24 spaces (3 accessible as there are 12 adaptable units)</li> <li>- Visitor = 3 spaces (1 accessible space)</li> </ul> (rounded down, accessible rounded up)	Car spaces provided = 27 spaces total <ul style="list-style-type: none"> <li>- Resident = 24 spaces (3 accessible)</li> <li>- Visitor = 3 spaces (1 accessible)</li> </ul> Residential parking is provided on level B2.	Yes
<u>Retail/Commercial:</u> j. retail premises (excluding supermarkets) - 1 space per 33m <sup>2</sup>	Car spaces provided = 24 spaces total (2 accessible)  Retail parking is provided on level B1.	Yes

<p>Retail parking required = 23 spaces total as retail area is 781m<sup>2</sup> (2 accessible – 1 employee, 1 visitor) (rounded down, accessible rounded up)</p>	<p>Condition for 1 space to be nominated for visitor parking.</p>	
<b>3.2 Motorcycle parking</b>		
<p><u>Residential:</u> Motorcycle required = 2 spaces total</p> <ul style="list-style-type: none"> <li>- Resident = 1 space</li> <li>- Visitor = 1 space</li> </ul> <p>(rounded down)</p>	<p>Motorcycle provided = 3 spaces total</p> <ul style="list-style-type: none"> <li>- Resident = 3 spaces</li> <li>- Visitor = 0 spaces</li> </ul> <p>Condition for 1 space to be nominated for visitor parking.</p>	<p>Yes, subject to conditions</p>
<p><u>Retail/Commercial:</u> Motorcycle required = 2 spaces total</p> <ul style="list-style-type: none"> <li>- Employee = 1 space</li> <li>- Visitor = 1 space</li> </ul> <p>As a minimum, one space for employees and one visitor space is required for commercial, retail, industrial and other non-residential buildings exceeding 500m<sup>2</sup> (rounded down)</p>	<p>Motorcycle provided = 2 spaces total</p> <p>Condition for 1 space to be nominated for visitor parking.</p>	<p>Yes, subject to conditions</p>
<b>3.3 Bicycle parking and end-of-trip facilities</b>		
<p><u>Residential:</u> Bicycle required = 4 spaces</p> <ul style="list-style-type: none"> <li>- Resident = 2 spaces (Class A or B)</li> <li>- Visitor = 2 spaces (Class C)</li> </ul> <p>(rounded up)</p>	<p>Bicycle provided = 3 spaces (Class C)</p> <ul style="list-style-type: none"> <li>- Resident = 3 spaces</li> <li>- Visitor = 0 spaces</li> </ul> <p>Need to nominate 1 space as visitor and provide 1 additional space.</p> <p>The two resident spaces also need to be Class A or B spaces. This can be achieved through conditions.</p>	<p>Yes, subject to conditions</p>
<p><u>Retail/Commercial:</u> Bicycle required = 3 spaces (2 Class A/B, 1 Class C) (rounded up)</p>	<p>Bicycle provided = 3 spaces (Class C)</p> <p>Two of the spaces need to be Class A or B spaces. This can be achieved through conditions.</p>	<p>Yes, subject to conditions</p>
<p>Bicycle End-of-trip facilities for non-residential developments:</p> <ul style="list-style-type: none"> <li>- 1 shower</li> <li>- 1 change room</li> <li>- 2 personal lockers per space (6 lockers required).</li> </ul> <p>(rounded up)</p>	<p>End-of-trip = 1 shower/change room provided.</p> <p>No lockers are provided. This can be achieved through conditions.</p>	<p>Yes, subject to conditions</p>

	<u>Residential development:</u> Car share: Required = 1 space may be substituted per 10 car spaces Provided = 0 spaces total EV spaces required = 5A per phase electrical capacity provided per space - 1 resolute 200A three-phase EV charging switchboard on level. EV spaces provided = 1 charging bay. <u>Retail/Commercial development:</u> Loading bay = 1 HRV bay provided.	Yes – subject to condition
<b>4 – Car Parking and Driveway Design</b>		
<b>4.1 Car parking</b>		
a. the layout of car parking spaces must comply with AS/NZS 2890.1 and AS/NZS 2890.6	Car parking spaces meet the minimum dimensions. Accessible spaces have the required shared spaces.	Yes
b. column locations must comply with AS/NZS 2890.1 (columns shall not be located within circulation aisles)	Columns are not located within circulation aisles.	Yes
c. the headroom for an accessible (disabled) car space must comply with the requirements of AS 2890.6	Car park headroom is between 2.8m and 3.15m and complies.	Yes
g. ventilation must be provided under the relevant standards for basement car parking areas	Each basement level has an exhaust plant room for ventilation.	Yes
<b>4.2 Vehicle crossing/driveway</b>		
A new driveway crossing must comply with these controls: h. the location, siting and grades of driveways, and driveway width must be in line with Australian Standard AS/NZS 2890.1	Driveway width is 6.2m which is appropriate for the double width/two-way driveway. The location and gradient are appropriate.	Yes
i. crossings must be separated from each other at the kerb and must be a minimum of 600mm from the side boundary for residential properties and 1.2m for other developments	The crossing is located 3m from the eastern side boundary.	Yes
j. the distance between adjacent crossings must be less than 1.5m or greater than 6m to deter vehicles from attempting to park between driveways	The crossing is located 3m from the eastern side boundary. The adjacent driveway is located 10m from the boundary. No parking can occur between the driveways due to the road narrower/calming device located between the sites.	Yes

<p>k. driveways must not be located closer than:</p> <ul style="list-style-type: none"> <li>- 2m from a street tree or 1.5m from any other tree or as otherwise directed by Willoughby City Council</li> <li>- 1m from a power pole</li> <li>- 1m from a council stormwater pit</li> </ul>	<p>The crossing is approximately 6.7m from the nearest street tree.</p> <p>No power poles within the immediate vicinity.</p> <p>No stormwater pit within the immediate vicinity.</p>	Yes
<p>l. if there is parking onsite for more than 6 vehicles, the driveway width must be sufficient to allow two vehicles to pass within the site</p>	Complies.	Yes
<p>m. sight distance requirements at the property boundary must be provided in line with AS/NZS 2890.1</p>	<p>The traffic report states that sight distances are compliant.</p>	Yes
<p>p. to maximise pedestrian safety, vehicles are to be at 90° to the boundary when leaving the site (where parking spaces are not in-line with the vehicle crossing, swept path diagrams are to show this requirement)</p>	Complies.	Yes
<b>4.5 Electric vehicles</b>		
<p>Provision for EV charging must be made for all new major residential and non-residential developments (see section 5.6 in this Part for guidelines on EV charging).</p>	EV charging facilities provided.	Yes
<b>5 – Major Development</b>		
<b>5.1 Parking and traffic studies</b>		
<p>All new major developments and developments that involve substantial alterations and additions must include a parking and traffic impact assessment report with the development application.</p>	Traffic Report has been provided.	Yes
<b>5.2 Off-street loading/unloading facilities</b>		
<p>All new major commercial, retail and industrial developments, and developments that involve substantial redevelopment with a floor area in excess of 500m<sup>2</sup> for commercial/retail developments and 1,000m<sup>2</sup> for industrial developments, must make adequate provision for off-street loading and unloading facilities.</p>	Loading bay provided.	Yes
<p>a. loading bay dimensions must conform with AS 2890.2</p> <p>b. onsite turning areas must be provided to ensure service and delivery vehicles can enter and leave the site in a forward</p>	<p>The traffic report states that the loading area complies with the Australian Standards.</p> <p>The loading area can accommodate</p>	Yes



<p>direction (the swept path design templates shown in AS 2890.2 must be used to determine the layout of service areas)</p> <p>c. the minimum headroom must be in line with AS 2890.2</p> <p>d. adequate provision must be made for garbage compactor units</p> <p>e. internal waste collection areas must have a headroom clearance of at least 6.6m</p> <p>f. splays must be provided to the loading bay areas and at the driveway to ensure adequate sight distances for pedestrians</p>	<p>vehicles up to 10.5m long.</p> <p>Entrance headroom is 4.5m and the internal headroom is 6.1m. Council's Traffic Engineer has not raised an issue with this headroom and is considered to be acceptable.</p> <p>Splays have been provided.</p>	
<b>5.3 Visitor car parking</b>		
<p>All visitor car parking spaces must be grouped together, sign posted and provided in a convenient and readily accessible location.</p>	<p>The proposal provides the correct number of visitor parking spaces. Refer to above breakdown of rates.</p>	<p>Yes</p>
<b>5.4 Accessible car parking for people with disability</b>		
<p>For Class 2 buildings that contain two or more sole occupancy units, the required number of accessible spaces is calculated on the number of adaptable units required for that development.</p>	<p>The proposal provides the correct number of accessible parking spaces. Refer to above breakdown of rates.</p>	<p>Yes</p>
<p>Accessible spaces must be clearly marked and provided in a communal car parking area. These spaces are not to be allocated to any individual unit or tenant.</p>	<p>Spaces are clearly marked and provided within the basement carpark. Spaces are not allocated to individuals.</p>	<p>Yes</p>
<p>There must be a continuous accessible path of travel from all accessible parking spaces to the entrance of the premises. In basement car parking areas, lifts must provide access to all levels.</p>	<p>Accessible spaces are provided within proximity to the lifts, which provide access to all levels.</p>	<p>Yes</p>
<b>5.6 Electric vehicle charging</b>		
<p>1. The following controls apply to new residential flat buildings, multi dwelling housing, shop top housing and mixed-use developments:</p> <p>a. All garages and car spaces allocated to an individual residential apartment must make provision for:</p> <ul style="list-style-type: none"> <li>- Level 2: single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW, which provides</li> </ul>	<p>One EV car charging space/switchboard is provided on each level in addition to the required car parking spaces.</p> <p>Stated that all parking spaces will be fitted with cabling to allow for future EV spaces to be fitted into the development.</p>	<p>Yes</p>

<p>faster, more secure charging.</p> <p>b. All communal car parking areas within a new major residential development and new commercial, industrial and all other major developments must make provision for:</p> <ul style="list-style-type: none"> <li>- If there are 20-39 spaces per level, provide one resolute 200A three-phase EV charging switchboard per level.</li> </ul>		
<b>5.7 Car share spaces</b>		
<p>A reduction in car parking may be justified if car share spaces are provided and a legally binding car share scheme is put in place in lieu of the nominated car parking rates.</p> <p>The Provision of car share spaces must satisfy the following controls:</p> <p>a. one car share space may be substituted for 10 car parking spaces, whether they are maximum or 'target' rates in accordance with Table 1 (Parking Requirements)</p>	<p>The development does not provide any car share spaces or substitute any spaces for a car share space.</p>	N/A
<b>5.8 Autonomous vehicles</b>		
<p>All car parking areas must provide clear line marking around the base of columns, kerbs and driveway paths. There must be clearly defined (white or yellow) definition to columns and poles to improve visibility to autonomous vehicles.</p>	<p>Clear line marking is to be provided.</p>	Yes
<b>5.9 Further controls for medium and high-density residential accommodation</b>		
<p>a. visitor parking must be suitably grouped, clearly marked and conveniently located</p>	<p>Residential visitor parking is ground and located near the lifts.</p>	Yes
<p>b. visitor parking is to be designed to comply with Class 2 Medium Term parking in line with AS/NZS2890.1</p>	<p>Visitor parking is noted to be compliant.</p>	Yes
<p>c. any security for residents' vehicles must be installed to ensure that it does not impede access to visitor spaces</p>	<p>No security measures impede upon visitor spaces.</p>	Yes
<p>f. resident visitor car parking spaces must be available at all times for shop top housing and mixed-use developments</p>	<p>Entrance is via an intercom system where residents can control visitor access.</p>	Yes
<p>g. the provision of car wash bays is not encouraged; if a car wash bay is proposed, the space must be connected to the sewer and serviced by recycled or tank stored water, and the development</p>	<p>No car wash bays are proposed.</p>	Yes

application must include the hydraulic details		
h. provision must be made for removalist vans to park, load and unload onsite for all developments of more than 12 units or where no kerbside parking is available in front of the site on a classified road	Removalist vans can use the loading bay on the ground floor.	Yes
i. pedestrian access to dwellings should be separate from vehicular access to the site	Pedestrian access via Strathallen Avenue. Vehicular access via Baringa Road.	Yes
k. for residential accommodation of 4 or more storeys or 18 or more units with basement car parking, bulk waste storage bins must be provided in the basement with adequate height and provision for garbage vehicles to enter and leave the site in a forward direction	Bulky waste storage room is provided on B1. Waste is to be collected from the loading bay on ground floor in the adjacent temporary bin storage room.	Yes
<b>6 Alternative and sustainable transport strategies</b>		
Alternative transport strategies can be achieved by including a 'travel demand management plan' (also known as a 'green travel plan') in the business operation.	A Green Travel Plan has been provided.	Yes
<b>PART G – VEGETATION MANAGEMENT</b>		
<b>5 – Development that requires consent and development sites</b>		
<b>5.2 Controls for development sites</b>		
a. unless the clearing of vegetation or the pruning and removal of trees is exempt under this part, vegetation or trees must not be cleared, pruned or removed until consent is obtained for the proposed development	Consent is sought for the removal of eight (8) low retention value trees. Six (6) of these trees are considered exempt by Council. The removal of the trees is acceptable.	Yes
b. the proposed development is to be sited and designed to retain and minimise the impact on any trees or any other significant vegetation	Surrounding trees outside of the site area are to be retained and protected.	Yes
c. suitable replacement planting may be required if an application shows the removal of trees and vegetation is required and there is no other reasonable alternative design	The proposal includes numerous tree plantings, including five (5) street trees and fifteen (15) trees within the site area.	Yes
d. the landscape and/or architectural plans must identify the type and species of trees and vegetation to be retained or proposed to be removed, including those on adjoining sites within 5m of the boundary	The application includes an Arboricultural Impact Appraisal and Method Statement which provides a full assessment on all affected trees.	Yes
e. an arborist report prepared by a suitably qualified arborist may be required to justify		Yes

clearing vegetation, pruning or removal of trees; the report must include the condition of all trees and vegetation on the site		
f. where trees and vegetation proposed to be retained may be affected by construction works, including any trees or vegetation on public land, a tree protection plan must be submitted with the development application	Tree protection details are included in the Arboricultural Impact Appraisal and Method Statement.	Yes
<b>6 Replacement trees</b>		
If Willoughby City Council consents to the removal of an existing tree it will require the replanting of trees at a rate of 3:1.	Council's Landscaping referral officer has stated that the replacement plantings proposed are sufficient.	Yes
<b>PART I – STORMWATER MANAGEMENT</b>		
<b>3 – Major Developments</b>		
<b>3.1 Onsite detention (OSD) for major developments</b>		
All major developments must provide OSD systems designed to capture and detain stormwater runoff for all storm events up to and including the 1% AEP storm event. The OSD system must be in line with Willoughby City Council's technical standard 1 – stormwater management and AS/NZS3500.3.	An OSD tank with a volume of 97.24m <sup>3</sup> is provided below the communal open space area.  The application includes a detailed stormwater management plan.	Yes
<b>PART J – BUILDING SUSTAINABILITY</b>		
<b>3 – Major Developments</b>		
c. for developments with an estimated cost over \$30 million, projects should seek to achieve a minimum 4-star rating and aspire to achieve a 5-star rating using the most recent and relevant Green Star rating tool (or equivalent)	The application includes a Green Star Assessment Report, a BASIX Certificate, a NatHERS Certificate and a Section J Report which outline how the development will achieve the required sustainability outcomes.  This needs to be updated to reflect the current plans.	No
<b>PART L – PLACE BASED PLANS</b>		
<b>10 – Northbridge Local Centre</b>		
<b>10.2 Performance criteria</b>		
b. maintain and increase opportunities for active street frontages	Retail uses proposed on the ground level to provide an active street frontage.	Yes
d. create high quality design elements for buildings on prominent corner sites to identify the gateways entrances to the town centre	Building is designed to address the corner, with curves and balconies used to articulate the corner presentation of the building. The building is of a high-quality design that presents well as a corner site.	Yes

f. encourage green roofs, and roof top gardens in appropriate locations	No green roofs or rooftop gardens proposed, however the building uses landscape planting on all balconies to improve the visual appearance of the building and soften the built form.	Yes
g. provide deep soil zones in appropriate locations to support existing and additional mature trees with wide tree canopies to improve the streetscape and reduce urban heat impacts	Large deep soil zone and landscaped area provided at the rear of the site, with numerous trees proposed to reduce urban heat impacts. Five street trees are proposed to improve the streetscape.	Yes
<b>10.3 Master plan for Northbridge local centre</b>		
2. Provide new public open space above basement public car parking area.	The rear landscaped open space provides open space for the public and residents of the development, located above the basement car park.	Yes
3. Create a pedestrian laneway link	The development includes a pathway which leads to the northeastern corner of the site, which is proposed to link to a future site through-link to Sailors Bay Road.	Yes
4. Provide a range and mix of dwelling typologies, including opportunities for affordable housing and build-to-rent housing.	The development provides a mix of 2-, 3- and 4-bedroom units, while also offering 1 affordable unit and 12 adaptable units.	Yes
5. New residential development to provide basement car parking areas with vehicular access from Baringa Road only.	Basement car parking is accessible only from Baringa Road.	Yes
6. Provide streetscape improvements to Sailors Bay Road and Strathallen Avenue	The proposal includes street trees and an improved retail frontage which improves the Strathallen Ave streetscape.	Yes
8. Roof top gardens and communal open space to be provided for shop top housing.	Communal open space is landscaped and provided on the ground floor at the rear of the development and is also available as public open space.	Yes
10. Investigate opportunities for additional pedestrian crossing at existing intersections.	No additional pedestrian crossings are proposed. Pedestrian safety is improved through the relocation of the vehicular access to the site from Strathallen Avenue to Baringa Road.	Yes
<b>10.4 Controls for Northbridge local centre</b>		
These controls are shown in Figure 13 and apply to any proposed new development in Northbridge local centre.	The site is marked as control 5. Assessment provided below.	Yes
5. Ensure a maximum of 5 storeys for amalgamated lots in the E1 zone with a 1m setback on east and western side of Strathallen Avenue and a 3m setback on	The development is 5 storeys, comprising a commercial ground level and four residential levels.	No

Baringa Road above the third level.	Strathallen Ave setback:  Ground floor setback = 0.6m  First floor setback = 0m to balcony, 1.1m to external walls.  Baringa Road setback:  Level 3 & 4 setback = 0m to balcony, 2.7m and 3.3m to external walls.	
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**View Sharing**

Performance Criteria 2.1.12 of the Willoughby Development Control Plan Part B: Residential Development 2023 provides the following:

*The objective is to limit the extent and impact on existing views. Developments should, as far as reasonably possible:*

- a. Maintain existing views from adjoining and neighbouring properties*
- b. Have particular regard to water views which are more highly regarded than land views*
- c. Prioritise consideration of potential view loss from living areas*
- d. Consider alternative design options to maintain significant and iconic views*

The shop-top housing development at No.128 Sailors Bay Road currently benefits from views across the subject site towards Sydney CBD skyline, including the Centrepont Tower, Harbour Bridge, and Barangaroo towers. Views to the North Sydney skyline and St Leonards/Crows Nest skyline are also available.

Following advertisement of the development application in July 2024, six (6) objections were received from the neighbouring residents at No.128 Sailors Bay Road citing detrimental view loss because of the proposed development.

In May 2025 the consultant planner visited properties of the objecting residents at No.128 Sailors Bay Road to observe the views claimed to be impacted upon by the proposed development. Examples of the views are depicted in the photographs below:



**Figure 10** – Standing view from the private open space balcony of Unit 213 at No.128 Sailors Bay Road looking south across the subject site toward Sydney and North Sydney skylines.





**Figure 11** – Standing view from the private open space balcony of Unit 214 at No.128 Sailors Bay Road looking south across the subject site toward Sydney, North Sydney, and St Leonards/Crows Nest skylines.



**Figure 12** – Seated view from the living room of Unit 214 at No.128 Sailors Bay Road looking south across the subject site toward Sydney and North Sydney skylines.





**Figure 13** – Standing view from the communal open space rooftop terrace at No.128 Sailors Bay Road looking south across the subject site toward Sydney, North Sydney, and St Leonards/Crows Nest skylines.

The Applicant's development application lacks any assessment or consideration of the proposed building's impact on views from the neighbouring residences at No.128 Sailors Bay Road. In fact, the Statement of Environmental Effects and clause 4.6 variation requests include comments that:

- *“There are not considered to be any significant views in the locality from the public and private domain.”*
- *“The development that will experience the most significant view loss is located at 29A Baringa Road and 54-56 Strathallen Avenue, on the western side of Strathallen”.*
- *“The current views are not considered significant in the locality”.*
- *“Any views lost will be of open sky to the east, which is deemed low value, while key views to the south and south-west (including St Leonards, North Sydney, and Sydney CBD) will remain unaffected”.*
- *“The proposed increase in density and the balancing of FSR over the two zones will not unduly impact any significant views or outlooks”.*

The development application does not demonstrate that the proposed development will, as far as reasonably possible, maintain existing views from neighbouring properties, especially living areas. It also lacks consideration of alternative designs to preserve significant and iconic views.

To accurately assess these impacts, a view impact assessment prepared by a suitably qualified expert following best practice guidelines is recommended. During site visits, the objectors indicated their willingness to grant the applicant or their consultants access to their properties for the purposes of this assessment.

Based on initial observations and a review of the plans, the proposed building appears to be approximately 7-8 meters higher than the roof ridge of the Northbridge Hotel and situated roughly 10 meters closer to its eastern boundary. This potential impact on views accordingly necessitates a view impact assessment.

### **Site Coverage, Open Space and Landscaping**

The proposal demonstrates the following regarding site coverage, open space, and landscaping:

- **Site Coverage:** Non-compliant with Part 4.4.1, which stipulates a maximum of 28% for four-storey residential flat buildings. The proposal results in 57% (1,387m<sup>2</sup>).
- **Soft Landscaping & Deep Soil:** While compliant with ADG controls for building separation, deep soil area, landscaped area, and communal open space, there is minor non-compliance with Part 4.4.5. This requires at least 35% soft landscaped area and deep soil zones at ground level. The proposal provides 33% (18.3% soft landscaping, 14.7% deep soil zone).

The proposal is acceptable as it includes a large deep soil zone and communal open space area at ground floor, exceeding ADG requirements for these specific elements. Additional outdoor space is provided through the pedestrian arcade and paved pathways, creating opportunities for future site linkages. Landscaping on balconies contributes additional soft landscaping, though not included in ground-level calculations.

The deep soil zone is appropriately located at the rear and side boundaries, not the front, due to active street frontage requirements along Strathallen Avenue which prioritises retail glazing over front setback deep soil.

A designated children's play area is not provided. However, the communal open space is sufficient to accommodate the required 30m<sup>2</sup> (minimum 5m dimension), and a condition of consent could ensure this provision.

The identified species within 800mm planter boxes are insufficient for dense screening, warranting a condition for replacement species.

### **Setbacks**

The proposed development, while not strictly complying with all setback controls in Part 6.1.1, is justified by the precedence of Part 10.4, notably for the fourth floor on Baringa Road which achieves a 3.3m setback to external walls, meeting Part 10.4's 3m requirement despite Part 6.1.1's higher demand.

Balconies have a nil setback, but as semi-open structures, they contribute less to bulk, enhance facade articulation, and improve resident amenity with street views. The ground floor on Strathallen Avenue maintains a 0.6m setback, providing pedestrian separation.

For other areas, such as the third floor is 1.1m external wall setback (non-compliant with Part 6.1.1(e)), and the first floor is 1.1m external wall setback on Strathallen Avenue, the design prioritises a contextual approach. These setbacks, coupled with the overall articulation, aim to

minimize adverse impacts and contribute positively to the streetscape, despite technical deviations from specific control measurements.

### **Car parking and access**

Control (a) of Part 6.3 requires the access to the residential parking area to be separated from the commercial car parking and loading areas.

Crucially, the residential parking (B2) and retail parking (B1) are located on *separate levels* within the same basement. While the initial access point is shared, the physical separation of the parking areas once inside the basement helps to segregate the different user groups, reducing intermingling and potential conflicts within the parking levels themselves.

In this proposal, the loading area is completely separated and provided at ground level, distinct from the basement car park. This removes the largest and most disruptive commercial vehicle movements (e.g., large trucks for deliveries) from the shared basement access, significantly addressing a core safety and amenity concern of the control.

## ATTACHMENT 5: SECTION 4.15 ASSESSMENT

## Matters for Consideration Under S.4.15 EP&amp;A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>State Environmental Planning Policies (SEPP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Local Environmental Plans (LEP)</li> </ul>	✗
	<p><u>Comment:</u> The DA does not adequately consider the impact on views currently enjoyed by residents at No.128 Sailors Bay Road. This omission prevents a proper evaluation of design excellence under Clause 6.23. The development contravenes the development standards of Clause 4.3 Building height and 4.4 Floor space ratio. The potential for significant view disruption from No. 128 Sailors Bay Road raises questions about the appropriateness of the requested variations under Clause 4.6. The argument that strict compliance with these standards is unreasonable or unnecessary requires a thorough evaluation of the potential view loss and its impact on neighbouring amenity to identify whether the objectives of the standards are satisfied.</p>	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>Draft State Environmental Planning Policies (SEPP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Local Environmental Plans (LEP)</li> </ul>	N/A
	<u>Comment:</u> N/A	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✗
	<p><u>Comment:</u> The proposal does not comply with Performance Criteria 2.1.4 and 2.1.12 of the WDCP. The lack of a view impact assessment means the proposal has not adequately addressed these controls and objectives, nor has it demonstrated consideration of alternative designs to minimise view loss.</p>	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Clause 61 EP&amp;A Regulation-Demolition</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Clause 62EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Clause 64 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	✓
	<u>Comment:</u>	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓

## Matters for Consideration Under S.4.15 EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✖ Not Relevant N/A

	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	✖
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✖
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✖
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Site design and internal design</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Construction</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Cumulative impacts</li> </ul>	✓
	<u>Comment:</u> The DA has not been accompanied by a comprehensive view impact assessment.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> <li>Does the proposal fit in the locality?</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Are the site attributes conducive to this development?</li> </ul>	✖
	<u>Comment:</u>	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> <li>Public submissions</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Submissions from public authorities</li> </ul>	✓
	<u>Comment:</u> The application was notified and the submissions received have been considered.	
(e)	The public interest	
	<ul style="list-style-type: none"> <li>Federal, State and Local Government interests and Community interests</li> </ul>	✖

## Matters for Consideration Under S.4.15 EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant N/A

	<u>Comment:</u> Approval is not in the public interest due to its non-compliance with building height and floor space ratio controls, the insufficient assessment of negative impacts on existing views, and the proposed demolition of the Northbridge Hotel, a potential local heritage item that contributes significantly to the built environment and local character.	
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## Assessment

### Environmental Planning and Assessment Act 1979

#### Section 1.3 Objects of the Act

The objects of this Act are as follows—

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

#### The proposal is contrary to the Objects of the Act for the following reasons:

- The lack of a view impact assessment directly impedes the ability to properly assess the potential negative impacts on the social welfare of neighbouring residents (loss of amenity, enjoyment of property) and the better environment (in terms of the quality of the built environment and residential amenity).
- Amenity is significantly affected by view loss. A development that contravenes height and FSR standards and doesn't assess its impact on the views of surrounding properties

fails to demonstrate how it promotes or even considers the amenity of the built environment for existing residents.

- When submissions raising concerns about view loss cannot be accurately evaluated due to the absence of a view impact assessment, it directly undermines the opportunity for meaningful community participation. Residents' input lacks the necessary context and data for proper consideration in the decision-making process.

### **Roads Act 1993 – Section 138**

The proposed development seeks to remove a redundant driveway crossing, planting of street trees and awnings above the ground floor retail units. The proposal includes provision of a new driveway located on Baringa Road.

The application was referred to Transport for NSW (TfNSW). In correspondence dated 18 June 2024, TfNSW advised that it provides concurrence to the proposed driveway closure works and awning on Strathallen Road subject to conditions of consent.

### **Water Management Act 2000**

In accordance with Section 91 of the EP&A Act, the development is integrated development. The DA has been referred to WaterNSW.

WaterNSW pursuant to Section 91A, has issued general terms of approval. These conditions are designed to ensure that the development is carried out in a manner that is consistent with the objectives of the *Water Management Act 2000* and minimises any adverse impacts on water resources.

### **Land Management Act 1997**

The submission of a Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) with the DA demonstrates compliance with the Land Management Act 1997 regarding contaminated land. The DSI identifies contamination risks, and the RAP outlines remediation measures, ensuring the land will be safe and suitable for its intended use, thus meeting the Act's objectives.

## **CONCLUSION**

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, it is recommended that the application be refused for the following reasons:

### **Willoughby Local Environmental Plan 2012**

- Building Height: Exceeds the maximum height and fails to demonstrate minimised view disruption or reasonable view sharing for the property at No.128 Sailors Bay Road.
- Floor Space Ratio: Exceeds the maximum FSR and fails to demonstrate that the development intensity is within the land's environmental capacity or that view disruption to No.128 Sailors Bay Road is minimised.

- Clause 4.6 Exceptions: The applicant failed to adequately demonstrate that compliance with the height and FSR standards is unreasonable or unnecessary, or provide sufficient environmental planning grounds for the contraventions, particularly due to the lack of a view impact assessment from No.128 Sailors Bay Road.
- Design Excellence: The application lacks sufficient information (specifically a view impact assessment) to determine if the development detrimentally impacts view corridors from No.128 Sailors Bay Road. Consequently, proper consideration of view sharing, amenity, urban form, bulk, massing, and modulation is not possible. The Design Review Panel also identified this lack of information.

### **Willoughby Development Control Plan Part B 2023**

- Design: The application does not demonstrate reasonable view sharing from surrounding properties.
- View Sharing: The application fails to demonstrate that existing views from neighbouring properties (especially living areas) are maintained as far as reasonably possible and lacks consideration of alternative designs to preserve significant views.

Furthermore, the development is considered to have an unacceptable impact on the built environment due to the proposed demolition of the Northbridge Hotel, a potential Heritage Item of Local Significance that contributes significantly to the local character.

Finally, the approval is not considered to be in the public interest due to the non-compliance with height and FSR controls, the insufficient assessment of negative view impacts, and the proposed demolition of the potential heritage item.



**ATTACHMENT 6: SUBMISSIONS TABLE**

Property	Issues raised	Response
<b>View Loss</b>		
<p>128 Sailors Bay Road (1 Bindea Street) Owner of 104/128 Sailors Bay Road 53 Strathallen Avenue Level 2, 128 Sailors Bay Road</p>	<p>Detrimental loss of views from residences at No.128 Sailors Bay Road towards the Sydney, North Sydney and St Leonards skylines.</p>	<p>The proposal impacts on views currently afforded from No.128 Sailors Bay Road to the city skylines. However, the extent of impact cannot be quantified given the absence of a view impact assessment prepared by the applicant.</p>
<b>Privacy impacts</b>		
<p>Level 2, 128 Sailors Bay Road Adjacent to Northbridge Hotel – address not provided 31 Baringa Road 35 Baringa Road 107/128 Sailors Bay Road 53 Strathallen Avenue</p> <p>51 Strathallen Avenue</p>	<p>Backyard of properties Loss of privacy to their main and second bedrooms</p>	<p>The development's design complies with the ADG separation distances. This includes maintaining appropriate setbacks from the adjoining two-storey dual occupancy to the east and the shop top housing development to the north. Compliance with these separation requirements is fundamental in urban design for ensuring sufficient distance between buildings, which inherently contributes to preserving a reasonable level of privacy for the habitable rooms (including bedrooms) and backyards of neighbouring properties by increasing the distance and reducing direct viewing angles.</p> <p>A key aspect of the design's approach to privacy is the primary north/south orientation of the apartments. This orientation strategy significantly reduces direct views into windows from neighbouring properties located to the east and west, thereby limiting potential overlooking into private residential spaces such as bedrooms.</p> <p>Specific screening has been included on the eastern-facing windows of the development, directly addressing views towards the adjoining property at 31 &amp; 31A Baringa Road. Unit</p>

		<p>1.06 does not contain openings in western elevation. To further enhance privacy along the eastern boundary, a 3m landscaped buffer is proposed, which serves to reduce direct sightlines between the development and the adjoining property.</p> <p>Privacy for outdoor spaces, such as neighbouring backyards, has also been a design consideration, particularly regarding potential overlooking from balconies. The proposed balconies incorporate privacy features including metal louvres, along with perimeter landscaping. These elements are designed to limit views both to and from the balconies, thereby reducing overlooking into the private open spaces and lower levels of adjoining properties.</p> <p>Through the combination of strategic orientation, screening, landscaping, balcony controls, and adherence to separation distances, the development has been designed to mitigate potential privacy impacts on adjoining properties.</p>
<b>Overshadowing and loss of light</b>		
53 Strathallen Avenue 51 Strathallen Avenue 44 Strathallen Ave Level 2, 128 Sailors Bay Road Adjacent to Northbridge Hotel – address not provided 31 Baringa Road 11 Baringa Road	Proposed height will be imposing causing shadows on Strathallen Ave	<p>The proposal does not result in any adverse overshadowing of surrounding properties consistent with the relevant planning controls.</p> <p>The controls do not require considered of shadow impact to Strathallen Avenue.</p>
<b>Amenity impacts</b>		
15A Baringa Road 128 Sailors Bay Road 11 Kiola Road Level 2, 128 Sailors Bay Road 28 Calbina Road	Noise during construction, traffic disruption and safety at peak hour during construction  asbestos findings, sewer vents to reduce smell impacts  pedestrian safety, resident	Noise During Construction, Traffic Disruption, and Safety at Peak Hour During Construction are common and generally acceptable concerns that are typically addressed through conditions of development

<p>Adjacent to Northbridge Hotel – address not provided</p> <p>35 Baringa Road</p> <p>31 Baringa Road</p> <p>4 Barooka Road</p> <p>4 Kiola Road</p> <p>21 Baringa Road</p> <p>1 Rockley Street</p> <p>29 The Parapet Street</p> <p>35 Barooka Road</p> <p>2 Narooma Road</p> <p>6 Eastern Valley Way</p> <p>13 Kameruka Road (2 submissions)</p> <p>Neeworra Road</p> <p>39 Strathallen Avenue</p> <p>337 Sailors Bay Road</p> <p>3 Plunkett Street</p>	<p>liaison during construction, removal of additional working hour and state in noise impact assessment</p> <p>loss of live music venue</p> <p>loss of amenity, overdevelopment of area resulting in increased traffic</p>	<p>consent.</p> <p>Construction noise can be addressed through limiting construction hours, implementing noise mitigation strategies (e.g., barriers, quieter machinery), and monitoring noise levels.</p> <p>Traffic management plans are standard requirements for developments that impact roads. These plans aim to minimize disruption through measures like temporary lane closures during off-peak hours, detours, and clear signage.</p> <p>Safety during peak hour is addressed in traffic management plans and safety protocols.</p> <p>If asbestos is discovered, strict protocols for safe removal and disposal are mandatory under health and safety regulations. This is non-negotiable and must be handled by licensed professionals. This is also outlined in the submitted RAP accompanying the DA.</p> <p>The DA has been accompanied by detailed stormwater design plans which show appropriate vent placement and filtration systems, to minimise impacts on residents.</p> <p>Pedestrian safety can be addressed through measures like designated walkways, barriers, and clear signage.</p> <p>The demolition of the hotel will result in a loss of live music venue.</p>
<b>Loss of heritage and local character</b>		
<p>9 Kiola Road, Northbridge</p> <p>128 Sailors Bay Road</p> <p>28 Calbina Road</p> <p>Adjacent to Northbridge Hotel – address not provided</p> <p>4 Barooka Road</p> <p>4 Kiola Road</p>	<p>Loss of culture, local character and local heritage,</p> <p>Loss of local heritage,</p>	<p>Several submissions express concerns regarding the potential loss of local culture, character, and local heritage associated with the existing building.</p> <p>Council's Heritage Officer has also referred to these potential impacts, specifically highlighting the risk of losing elements that</p>

3 Plunkett Street		<p>contribute to the area's cultural identity, local character, and unlisted local heritage.</p> <p>It is important to reiterate that during the pre-development application consultation; the applicant was advised to submit a comprehensive Heritage Impact Assessment (HIA) to evaluate these very aspects. Regrettably, this document has not been included with the DA.</p> <p>The lack of a submitted Heritage Impact Assessment prevents a thorough and informed evaluation of the potential loss of culture, local character, and local heritage</p>
<b>Traffic impacts</b>		
<p>51 Strathallen Avenue</p> <p>44 Strathallen Ave</p> <p>128 Sailors Bay Road</p> <p>Level 2, 128 Sailors Bay Road</p> <p>Adjacent to Northbridge Hotel – address not provided</p> <p>4 Barooka Road</p> <p>Marana Road</p> <p>11 Baringa Road</p> <p>Bligh Street</p> <p>33a Baringa Road</p> <p>54 Baringa Road</p> <p>11 Baringa Road</p> <p>23 Baringa Road</p> <p>337 Sailors Bay Road</p>	<p>The proposed Baringa driveway.</p> <p>Increase in peak hour traffic.</p> <p>Increase in traffic congestion, no traffic safety measures to local schools, increase in construction traffic in school traffic zone times.</p> <p>Heavy vehicle access Baringa Road,</p> <p>increased traffic from construction vehicles</p>	<p>The Traffic and Parking Assessment estimates that the proposed development will generate an additional 18 vehicles per hour (vph) during the morning peak and 14 vph during the evening peak.</p> <p>The Traffic and Parking Assessment indicates that this level of development traffic (18 vph morning peak, 14 vph evening peak) is considered low and unlikely to create noticeable traffic impacts. Furthermore, the estimated traffic represents approximately 2% of the peak hour traffic on Sailors Bay Road. This increase is considered to be less than the daily variance in background traffic.</p> <p>Specific traffic safety measures around local schools are generally addressed through broader Council planning and traffic management strategies, which are separate from the assessment of individual development applications. However, concerns regarding construction traffic, particularly during school zone times, will be addressed through specific conditions within the Development Consent, should</p>

		<p>the application be approved. These conditions may include restrictions on construction vehicle movements during school peak hours.</p> <p>Heavy vehicle access to Baringa Road during the construction phase will be managed through conditions of consent if the application is approved. These conditions may specify permissible hours for heavy vehicle movements to minimise disruption.</p> <p>The potential for increased traffic from construction vehicles will be addressed through conditions of consent, aiming to mitigate impacts on the local road network and community.</p> <p>The Traffic and Parking Assessment, utilising applicable traffic generation rates, concludes that the proposed development will result in a low level of additional traffic. This increase is not considered significant and is unlikely to have a noticeable impact on existing traffic flow or create significant safety implications on Sailors Bay Road or Strathallen Avenue. The assessment notes that the percentage increase on Strathallen Avenue is anticipated to be even lower due to the higher existing traffic volumes on that road.</p> <p>Council's Traffic Engineer has assessed the proposed development including the Baringa driveway and found it to be acceptable from a traffic engineering perspective.</p>
<b>Loss of parking, insufficient parking</b>		
<p>51 Strathallen Avenue</p> <p>15A Baringa Road</p> <p>44 Strathallen Avenue</p> <p>4 Barooka Road</p> <p>Marana Road</p>	<p>No proposed retail parking, insufficient residential parking proposed leading to reduction in street parking, inadequate electric charging stations</p> <p>Inadequate public and guest parking making it harder for</p>	<p>The proposal includes 24 dedicated residential parking spaces, with 3 specifically allocated for visitors within basement 2, meeting the minimum requirements. Additionally, 24 retail parking spaces are provided in basement</p>

<p>35 Baringa Road</p> <p>11 Baringa Road</p> <p>33a Baringa Road</p> <p>21 Baringa Road</p> <p>40 Baringa Road</p> <p>54 Baringa Road</p> <p>Baringa Road</p> <p>11 Baringa Road</p> <p>23 Baringa Road</p> <p>337 Sailors Bay Road</p>	<p>residents to park</p> <p>Insufficient car parking leading to reduce on street parking for residents incl. their visitors and tradesmen,</p> <p>Reduced street parking, lack of proposed parking spaces</p> <p>Inadequate parking spaces proposed, inadequate electric charging spaces, no provision for car share eg. GoGet, reduction in street parking</p> <p>Negative impact on Baringa Road parking</p>	<p>1, and a condition is recommended to designate one of these as an extra visitor space. Electric vehicle charging stations are incorporated within the basement levels to support sustainable transportation.</p> <p>The proposal provides 3 dedicated visitor parking spaces for residents within basement 2, aligning with the required standards for a development of this scale. While we acknowledge concerns about parking availability, the project's compliance with the minimum visitor parking requirements is a significant factor in its assessment. Residents are encouraged to utilise their allocated parking spaces.</p> <p>The development provides the minimum required off-street parking, including resolute residential and visitor spaces, thereby reducing the potential for complete reliance on street parking. Therefore, mitigating a complete reliance on existing street parking.</p> <p>Electric vehicle charging stations are included in the basement. While car-sharing facilities are not a mandatory requirement at this time, such considerations may be part of future planning initiatives.</p> <p>The parking provisions for this development meet the stipulated minimum requirements, which aims to minimise significant adverse impacts on surrounding street parking in areas like Baringa Road.</p> <p>Parking during the construction phase will be managed in accordance with a comprehensive Construction Traffic Management Plan (CTMP), which will be developed and approved prior to the commencement of works. The CTMP will detail any necessary</p>
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		temporary parking restrictions around the site, as well as measures to minimise disruption to existing street parking. Residents and businesses will be notified in advance of any significant changes.
<b>Loss of property values</b>		
53 Strathallen Avenue 128 Sailors Bay Road Level 2, 128 Sailors Bay Road	Loss of property values	Loss of property values is not a matter for consideration under s.4.15 of the EP&A Act in the assessment of development applications.
<b>Height of building, scale and overdevelopment</b>		
15A Baringa Road Marana Road 35 Baringa Road 11 Baringa Road 4 Kiola Road 40 Baringa Road 337 Sailors Bay Road	Not in keeping with residential scale  proposed height will be imposing causing shadows on Strathallen Avenue  overdevelopment of area resulting in increased traffic  Scale is massive and bulky, will visually dominate skyline, more 2 bedroom units should be included,	The reasonableness of the building height contravention in the context of view impacts to adjoining property at No.128 Sailors Bay Road has not been properly considered by the applicant, and this forms a reason for refusal of the DA.  The proposal provides compliant parking.
<b>Tree Impacts</b>		
Level 2, 128 Sailors Bay Road 31 Baringa Road	Health/protection of tree 7	The development does not seek to remove this tree. The DA has been accompanied by an AIA which indicated Tree 7 is an important tree with a high potential to contribute to amenity so adverse impacts should be minimised. The proposed works are largely outside of the tree protection zone (TPZ) and no direct impacts are expected.
<b>Pollution impacts</b>		
Adjacent to Northbridge Hotel – address not provided	Increase of noise and vehicle pollution,	Regarding noise, a comprehensive Noise Impact Assessment (NIA) has been submitted. This assessment evaluated potential noise impacts from the construction phase and, importantly, from the operational phase, including noise generated

		<p>by future residents and associated vehicle movements. The NIA identifies potential noise sources and assesses their likely impact on surrounding sensitive receivers in accordance with relevant noise policies and criteria. The findings of the NIA indicate that potential noise impacts can be appropriately managed through the design and, if necessary, the implementation of recommended mitigation measures. Therefore, based on the detailed assessment undertaken, the development is considered to meet relevant noise standards and minimise adverse impacts.</p> <p>Concerning vehicle pollution, the development does not result in increased vehicle movements compared to the existing situation. While a specific standalone 'vehicle pollution' assessment is not required, particularly given the absence of air quality issues.</p> <p>The expected level of traffic increase and associated emissions are assessed as being acceptable within the environmental planning framework for a development of this nature.</p>
<b>Loss of affordable housing for locals and hotel residents</b>		
Not identified		Submissions expressed concerns regarding the loss of existing local amenity, the site's function as a community hub with affordable options, perceived loss of affordable housing, and loss of income for staff from the previous use.
4 Baroona Road	Loss of local amenity and community hub providing affordable options for locals, loss of affordable housing to hotel residents, loss of source of income for staff	In May 2025 the Applicant submitted a Social Impact Assessment which concludes there are other opportunities for social connection within the suburb of Northbridge and in the broader area. As such, there are no reasons, from a social planning perspective, to refuse



		<p>the application.</p> <p>Nonetheless, Council's heritage officer has recommended retention of the Northbridge Hotel based on environmental heritage grounds. The proposed demolition of the Northbridge Hotel is included as one of the reasons refusal of the DA is recommended.</p>
<b>Security</b>		
31 Baringa Road	<p>Security concerns relating to thoroughfare/ outdoor pathway, public visibility to side and rear of his property, consideration of CPTED principles in relation to development and neighbouring properties security.</p> <p>Security concerns relating to public egress, future use of outdoor atrium is not clearly defined, carpark exhaust and noise impacts, compliance of height restrictions, ramp and driveway proximity concerns, fencing between their property and development not sufficient, disingenuous renders in the submission.</p>	<p>Security concerns, including those related to pathways, visibility into neighbouring properties, and public egress, have been considered with reference to CPTED principles.</p> <p>The design incorporates features promoting natural surveillance, appropriate lighting, and clear sightlines to enhance safety within the development and mitigate security impacts on adjacent sites.</p> <p>Regarding specific design elements and compliance: the pedestrian arcade design was assessed for safety and function despite flexible future use.</p> <p>Carpark exhaust is managed via compliant ventilation systems, and noise impacts were assessed previously.</p> <p>Ramp and driveway design and proximity were assessed against safety standards and boundary impacts. Boundary fencing sufficiency was considered as part of boundary treatment assessment.</p> <p>The assessment is based on the detailed technical plans, not solely on illustrative renders.</p> <p>All security and design-related concerns raised in submissions have been considered during the comprehensive assessment of the development application.</p>

Lack of Infrastructure		
11 Baringa Road	Lack of existing infrastructure to accommodate new dwellings and shops,	<p>The capacity of existing infrastructure to accommodate the proposed new dwellings and shops has been considered. The capacity of public infrastructure, including utilities such as water, sewer, and electricity, as well as transport infrastructure like roads and public transport services has been considered.</p> <p>The demands of the new residential and commercial uses will place on existing infrastructure networks have been considered. This involved liaison with relevant service authorities. Standard conditions of consent have been recommended by WaterNSW, Ausgrid and TfNSW.</p> <p>Further, mechanisms are in place to ensure that development contributes appropriately towards the cost of providing or augmenting public infrastructure necessitated by growth. Developer contributions under Section 7.11 are levied to fund essential infrastructure upgrades required due to cumulative development. Conditions of any development consent are recommended.</p>

Property	Supports development to address housing density
11 Garland Road Northbridge Progress Association 23 Baringa Road	<p>(8-page letter) Acknowledge the common community concerns but in principle cannot find reason to object.</p> <p>Support appearance of new development and use of site,</p>

ATTACHMENT 7: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2024/106

At: 57-69 Strathallen Avenue, NORTHBRIDGE NSW 2063



	Site		Submission
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**ATTACHMENT 8: CLAUSE 4.6 ASSESSMENT OF CLAUSE 4.3 HEIGHT OF BUILDINGS**

The applicant prepared a Clause 4.6 variation request (17 May 2024 and revised on 5 July 2024) for building height. The submission has been prepared to address the provisions within Section 35B of the Environmental Planning and Assessment Regulation 2021.

Clause 4.3(2) is not excluded from the operation of clause 4.6 by clause 4.6(8) or any other clause of the WLEP 2012.

The building height standard imposed by the WLEP 2012 at the subject site is 17m.



**Figure 14** – Extract of the Height of Buildings Map for clause 4.3 of the WLEP 2012 indicating a 17m building height development standard applies to the subject site.

Source: <https://www.planningportal.nsw.gov.au/spatialviewer/>

The proposed development contravenes the 17m building height standard at several locations, these include:

- Northern wing lift overrun – 0.91m (5.2%)
- Northern wing - Level 04 roof edge – 0.03m (0.18%)
- Northern wing - Level 04 roof edge – 0.21m (1.23%)
- Southern wing lift overrun – 0.76m (4.37%)
- Southern wing - Level 04 roof edge – 0.26m (1.52%)
- Southern wing - Level 04 roof edge – 0.31m (1.81%)

Unreasonable and unnecessary

In their clause 4.6 variation request, the Applicant contends that the objectives of the development standard for building height are satisfied despite the proposed variation. This report will now detail each objective of clause 4.3 of the WLEP 2012, followed by a summary of the Applicant's position as presented in their variation request and the Assessment Planner's corresponding assessment.

***(a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,***

Summary of Applicant's Position:

The Applicant argues that despite minor exceedances of the 17m height limit (limited to lift overruns and a small portion of Level 4, with lift overruns not contributing to GFA), the proposed development achieves harmony with the bulk and scale of surrounding buildings and the streetscape for the following reasons:

- Existing Context: The immediate area is characterised by a mix of one to two-storey buildings, two to three-storey shop-top housing and older commercial buildings, as well as contemporary four to five-storey developments in close proximity.
- Positive Response to Locality: The proposed shop-top housing is designed with a built form and massing that aligns with the existing development and positively responds to the evolving character of the Northbridge local centre.
- Resemblance to Nearby Developments: The scale and design treatment of the proposal are like nearby contemporary developments, such as the relatively new four to five-storey building at 29A Baringa Road, noting similarities in balustrades, curved edges, and awnings.
- Consistency with Adjacent Scale: The proposed bulk and scale are consistent with other nearby developments including those at 29A Baringa Road (4-5 storeys), 130 Sailors Bay Road (3-4 storeys), and 133-149A Sailors Bay Road (4-5 storeys).
- Compliance with Controls & Quality Elements: Full compliance with ADG and WDCP setbacks, along with high-quality streetscape elements (landscaping, paving, awnings, street trees, quality shopfront materials) ensure a smooth transition with neighbouring buildings.
- Negligible Visual Impact: The minor height variation will have a negligible impact on the local character and will not detract from the development's ability to harmonise with the existing scale and streetscape.
- Visually Recessive Upper Level: The proposed development will typically present as a four-storey building, with the uppermost Level 4 intentionally recessed to create a lighter visual top and provide a transition between larger and smaller-scale developments.
- Contemporary Design & Materiality: The contemporary design with articulated elevations and sympathetic brick finishes helps to break up the massing and relate to the surrounding residential context.
- Recessive Lift Overruns: The bulk of the lift overruns has been minimised and designed to be aesthetically recessive, with the largest portions centrally located and not visible

from street level. Minor visible exceedances are not considered to result in negative visual impacts.

- Consistent Density: The proposed density aligns with the desired future character of the locality as outlined in updated WLEP and WDCP provisions.

Assessment Planner's Response:

The existing and emerging character of Northbridge, with its varied building heights and types, supports the Applicant's position.

The proposed development's minor height variations appear to be satisfactorily designed to integrate with this context, and its scale/massing, including the recessed upper level, provides a visual transition. However, concern remains as to the reasonableness of the height variations in the context of potential view impacts to neighbouring development at No.128 Sailors Bay Road – see further discussion in response to objective (b) below.

The significant eastern setback also ensures a sympathetic transition to the R2 zone.

Streetscape elements and materials contribute to a cohesive relationship with neighbours.

***(b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion***

Summary of Applicant's Position:

The Applicant argues the following in relation to overshadowing, views, privacy, and visual intrusion:

- Overshadowing: The Applicant's shadow studies indicate that the additional overshadowing caused by the minor height exceedances (lift overruns and a small portion of Level 4) will be minimal and manageable. While minor shadows may fall on adjacent properties, no property will experience more than 1-2 hours of additional overshadowing. Importantly, shadow analysis demonstrates that all neighbouring properties will still receive at least 2 hours of solar access during mid-winter.

Overall, given the orientation of the site, the primary shadows from the development are cast onto the adjacent roads. Minor overshadowing onto the western facade of 31A Baringa Road occurs in the late afternoon, but this property has no windows on that facade. Similarly, minor overshadowing affects 53 Baringa Road in the morning but moves eastwards by midday, allowing acceptable solar access. The negligible additional overshadowing is further minimised by setbacks and design elements like curved cutouts.

- Views: The Applicant argues they have assessed potential view loss in accordance with the principles established in *Tenacity Consulting v Warringah Council*. They argue that the proposed height variation will result in negligible additional view loss compared to a compliant development.

The Applicant says the most impacted properties are shop-top housing to the west (29A Baringa Road and 54-56 Strathallen Avenue). However, the views affected are considered low value, primarily consisting of open sky to the east. Key, more valuable



views to St. Leonards, North Sydney, and the Sydney CBD to the south will be maintained.

The Applicant contends that the proposed built form, despite the minor height variation, is appropriate for the locality, consistent with other existing and permissible building heights, and improves the streetscape. The non-compliant element will have little to no impact on views from adjoining residential properties to the east, particularly given the lack of western-facing windows at 31 Baringa Road.

- Privacy and Visual Intrusion: The Applicant states that the areas causing the height exceedance (lift overruns and the minor portion of Level 4) do not include windows, apartments, or additional balcony areas. Therefore, the proposed height variation will not result in any additional privacy or visual intrusion impacts on neighbouring or adjoining properties.

Assessment Planner's Response:

The Assessment Planner concurs with the Applicant's assessment regarding overshadowing and privacy. The submitted shadow studies adequately demonstrate that the minor height exceedances will result in negligible additional overshadowing, ensuring reasonable solar access to neighbouring properties. Furthermore, the nature of the height variation does not introduce any additional privacy impacts.

However, the Assessment Planner does not agree with the Applicant's assessment regarding view loss, particularly concerning the potential impact on properties at No.128 Sailors Bay Road.

While the Applicant cites the principles outlined in *Tenacity Consulting v Warringah Council*, there is a lack of specific assessment within the submitted documentation that considers the view impact from the sitting and standing positions within these objecting properties. The concerns raised by the objectors at No. 128 Sailors Bay Road specifically mention the potential for the proposed development to entirely block iconic views of the Harbour Bridge, Centre Point Tower, Barangaroo Towers, and the Sydney city, North Sydney, and St Leonards skylines.

The Applicant's variation request identifies properties at 29A Baringa Road and 54-56 Strathallen Avenue as being most impacted by view loss. However, the objections received highlight significant view loss concerns from residents at No. 128 Sailors Bay Road, a shop-top housing development not explicitly addressed in the Applicant's assessment.

Therefore, further assessment is required to adequately address the potential view impacts on the objecting properties at No. 128 Sailors Bay Road, consistent with the principles established in *Tenacity*. This assessment should include a specific consideration of the views currently enjoyed from these properties, the extent to which those views will be impacted from typical viewing points within the dwellings (both sitting and standing), and a qualitative assessment of the severity of that impact. Without this specific analysis, it is difficult to conclusively determine whether the proposed variation appropriately minimises view disruption to these neighbouring properties.

***(c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,***

Summary of Applicant's Position:

The Applicant says the proposed development ensures high visual quality when viewed from adjoining properties and the street through several design features:

- Material Palette: The materials selected are intended to be consistent with the residential character of the surrounding area.
- Street Presentation: From the street, the development will primarily appear as a four-storey building, with the fourth level being setback and featuring a lighter facade treatment to reduce the perceived bulk and scale.
- Compliant Setbacks and Landscaped Roof Terraces: The development incorporates compliant setbacks, and the roof terraces will include landscaping. This benefits residents and visually softens the upper level when viewed from both the street and neighbouring properties.
- Recessive Lift Overrun Design: The lift overruns will be coloured to be recessive and complementary to the overall material palette. Critically, the Applicant notes that these height-exceeding lift overruns will not be visible from the street level.
- Contextual Visibility: Due to the site's topography, separation distances, and the existing development in the area, the proposed building is not visible from waterways, foreshores, or key public reserves/parks.

Assessment Planner's Response:

The proposed development demonstrates good visual quality through its material choices, the stepped-back fourth level, and landscaped roof terraces, which soften its appearance. The recessive design of the lift overruns, concealed from street view, is also a positive aspect. The limited visibility from wider public areas is acknowledged.

***(d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,***

Summary of Applicant's Position:

The Applicant contends that the minor height variation has been carefully designed to minimise disruption to existing views and maintain reasonable view sharing. Key strategies include setting back the primary height-exceeding elements (lift overruns) from street frontages and incorporating setbacks and shaping to the south-west corners of Level 4 to reduce visual bulk. The Applicant states that the minimal height exceedance in this area (0.26m and 0.31m) will not be noticeable from the street. This design approach aims to ensure the development remains largely consistent with the anticipated built form and minimises adverse view impacts.

Assessment Planner's Response:

I refer to my earlier comments on view impact – namely that further assessment is required to adequately address the potential view impacts on the objecting properties at No. 128 Sailors Bay Road, consistent with the principles established in *Tenacity*.



***(e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,***

Summary of Applicant's Position:

The Applicant says that while the proposal includes minor exceedances of the 17m height limit under Clause 4.3 of the WLEP, these have been minimised. The primary reason for the variation is the site's sloping topography, which has influenced the building's design with a split north and south wing of differing heights, each with its own core. Internal floor-to-floor heights are generally compliant with ADG guidelines.

Despite the variation, the Applicant argues the overall height is consistent with other four to five-storey buildings along Baringa Road and Sailors Bay Road in the vicinity. Importantly, the development complies with the permissible FSR and exceeds landscaping requirements, indicating the height variation does not result in increased density.

The Applicant asserts the height variation is not due to overdevelopment and that the proposal substantially complies with relevant built form and landscaping controls. They also highlight that Part L of the WDCP recommends five-storey developments on key corner sites like this. Furthermore, the proposal aligns with the Willoughby City Council Local Centres Strategy to 2036, which encourages increased shop-top housing and high-quality "marker buildings" at gateway locations, consistent with the objectives of the E1 Local Centre zone.

Assessment Planner's Response:

The Assessment Planner concurs with the Applicant's assessment that the minor height variations are acceptable in the context of the site's constraints and broader planning objectives. The design response to the sloping topography, resulting in the split wings, is a reasonable architectural solution. Furthermore, the consistency in height with other nearby four to five-storey buildings along key corridors and the alignment with the strategic vision for the local centre, which encourages marker buildings and shop-top housing on prominent sites, provides further justification for the minor variation.

***(f) to use maximum height limits to assist in responding to the current and desired future character of the locality,***

Summary of Applicant's Position:

The Applicant argues that despite minor height breaches, the proposal aligns with the current and desired future character of the Northbridge Local Centre as outlined in Part L, Chapter 10 of the WDCP.

Regarding the current character, described as a 2-4 storey street frontage with a mix of smaller lots to the east and bulkier buildings to the west, including some existing shop-top housing of similar height and materials, the Applicant contends the proposal is consistent.

Regarding the desired future character, the Applicant highlights several points of compliance with WDCP controls (Clauses 10.3 and 10.4) and the Willoughby City Council Local Centres Strategy to 2036 (WLCS):

- The development includes affordable housing and a mix of apartment sizes.
- Basement parking access is from Baringa Road.
- Streetscape improvements are proposed for Strathallen Avenue.
- A significant ground-level communal open space is provided.
- Provisions for a future through-site servicing and delivery access are included.
- The relocation of vehicular access supports safer pedestrian movement.
- The proposal provides a five-storey built form, consistent with WDCP controls for amalgamated lots in the E1 zone, and the fourth level is designed to appear visually lighter.
- The increased height is comparable to other existing and new developments (2-5 storeys) within a 100m radius.
- Sufficient setbacks and high-quality streetscape ensure an appropriate transition.
- It provides shop-top housing of similar height, bulk, and scale to existing examples.
- The development acts as an identifying marker at a key entry point to the Northbridge Local Centre and Willoughby LGA.

Ultimately, the Applicant believes the proposal, even with the minor height variation, supports the desired future character by providing a contemporary shop-top housing development that integrates with the existing built form, enhances the public domain, and aligns with strategic planning objectives for the local centre.

Assessment Planner's Response:

The Assessment Planner concurs with the Applicant's analysis regarding the proposal's alignment with both the current and desired future character of the Northbridge Local Centre.

The existing context, featuring a mix of building heights and typologies, provides a reasonable basis for the proposed scale. More importantly, the proposal addresses several key objectives outlined in the WDCP and the Willoughby City Council Local Centres Strategy. The facilitation of a future pedestrian link, the provision of communal open space, the inclusion of affordable housing, and the proposed streetscape improvements all contribute positively to the desired future character. Furthermore, the five-storey built form, with its articulated upper level, is consistent with planning controls and the emerging built environment of the local centre. The proposal's role as a potential marker building at a key entry point also aligns with strategic objectives.

Therefore, it is considered that the minor height variation does not undermine, and in many ways supports, the desired future character of the Northbridge Local Centre.

***(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,***

Summary of Applicant's Position:

The subject site is not located within the Chatswood City Centre and accordingly this objective is not relevant.

Assessment Planner's Response:

Agreed. The objective is not relevant for the proposed development in Northbridge.

***(h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.***

Summary of Applicant's Position:

The Applicant argues that the proposed minor height exceedance does not hinder the development's ability to provide appropriate transitions in building scale from the higher intensity local centre to the surrounding residential areas. They emphasise the following design features that facilitate this transition:

- Well-articulated Facades and Street Wall Heights: The proposal reinforces street wall heights along Strathallen Avenue and Baringa Road as envisioned in the WDCP.
- Gradual Transition in Scale and Density: The development is designed to provide a gradual transition from the commercial core towards the lower-density residential zones to the east and south, incorporating built form setbacks consistent with the ADG to ensure a respectful interface.
- Consistency with Local Character: The proposal aligns with the Northbridge local centre character statement and the WDCP, which anticipates shop-top housing and up to five-storey buildings in the E1 zone. The minor height variation will not impede these transitions.
- Buffer Zones: The design includes side landscaped setbacks and a significant central courtyard, along with a deeper 3m setback and stepping of the built form with planters along the eastern boundary. These elements create visual and functional buffer zones, easing the transition between commercial and residential uses and providing screening and privacy.
- Design Sensitivity: The Applicant states the design is sensitive to the existing built environment, complementing the scale and character of both commercial and residential areas.
- Mix of Uses (Shop-top Housing): The integration of retail at ground level with residential above and a communal landscaped courtyard creates a sympathetic mix of uses that aid in the transition of built forms and fosters community.
- Public Spaces and Amenities: The spacious landscaped courtyard provides a setback and contributes to a more sympathetic transition to the adjoining lower-density residential uses.

Assessment Planner's Response:

The Assessment Planner concurs with the Applicant's assessment that the proposed development effectively achieves transitions in building scale between the higher intensity local centre and the surrounding residential areas, notwithstanding the minor height variation.

The design incorporates several key features that facilitate this sensitive interface, including the well-articulated facades respecting street wall heights, the gradual stepping down in built form towards the lower-density residential zones to the east and south, and the provision of substantial landscaped buffer zones.

The inclusion of a central courtyard and the deeper setbacks along the eastern boundary are effective in creating a visual and spatial transition. Furthermore, the mix of uses inherent in the shop-top housing typology contributes to a more sympathetic interface between commercial and residential precincts. The design demonstrates a considered approach to respecting the existing context and facilitating a harmonious transition in building scale, consistent with the objectives of the height standard.

Sufficient Environmental Planning Grounds

Summary of Applicant's Position:

Despite not numerically complying with the height development standard, the proposal is argued to be acceptable because:

- Compatibility and Strategic Alignment: The development's scale and form are compatible with surrounding developments and align with the envisioned higher-density character and specific development typology (5 storeys) outlined in the Northbridge Local Centre WDCP provisions.
- Public Interest and Objectives: The proposal aligns with the objectives of the height standard and the E1 Local Centre zone by redeveloping the site in a manner consistent with the preferred typology.
- Site Revitalisation and Public Domain Improvements: The development will revitalise the site, enhance public vibrancy and activity through a landscaped central courtyard, six new retail spaces, and street tree planting. It also provides for a future through-site link and addresses a noted lack of communal open space in the Northbridge Local Centre.
- Minor Exceedance and Minimal Visual Impact: The maximum height variation of 0.91m is minor, and the exceeding elements (lift overruns and parts of Level 4) are setback from the street and public domain, minimising any noticeable difference in height.
- Appropriate Built Form and Streetscape Enhancement: The proposed design features appropriate building alignment, modulation, and articulation, improving the streetscape and landscape quality with high-quality materials, awnings, and street trees.
- Limited Amenity Impacts: The height exceedance will not cause significant material loss or amenity impacts regarding overshadowing, privacy, and view loss, nor will it result in adverse overlooking of neighbouring properties.
- Orderly and Economic Use of Land: The proposal promotes the orderly and economic use of underutilised land through an appropriate shop-top housing development with a

mix of housing (including affordable housing), aligning with the desired future character of the Northbridge Local Centre.

- Unreasonable and Unnecessary Compliance: Strict compliance with the height standard is considered unreasonable and unnecessary as the development is consistent with the objectives of the standard.

Assessment Planner's Response:

While the Applicant presents several compelling arguments to justify the proposed height variation, two key aspects require further consideration: potential view loss and the assertion that strict compliance is unreasonable and unnecessary.

View Loss Impacts:

The Applicant contends that the proposed development will not create any significant amenity impacts concerning view loss. However, a critical omission in the Applicant's Clause 4.6 Variation Request and the broader DA submission is the absence of any assessment regarding potential view impacts from No. 128 Sailors Bay Road. Without a specific analysis of existing views from this adjacent property and how they might be affected by the proposed development's increased height and FSR, it is difficult to definitively conclude that no significant view loss will occur. This lack of assessment undermines the Applicant's claims within their submitted Clause 4.6 Variation Request.

"Unreasonable and Unnecessary" Compliance:

The Applicant argues that compliance with the height development standard would be unreasonable and unnecessary because the development is consistent with the objectives of the standard. While the proposal may align with certain objectives, it conflicts with other key objective of the building height standard, which is "to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development."

Given the absence of a view impact assessment from No. 128 Sailors Bay Road, it cannot be definitively stated that this objective will be met. The potential for view disruption suggests that strict compliance with the height standard might not be entirely unreasonable or unnecessary in this instance, particularly if design modifications could mitigate potential view impacts while still achieving other desired outcomes for the site.

Conclusion on Clause 4.6 Variation Request for Building Height

The potential for view disruption indicates that the argument for unreasonable and unnecessary compliance requires further assessment, particularly in relation to the objective of minimising view impacts on adjacent properties.

A comprehensive assessment of potential view loss from No. 128 Sailors Bay Road is required to fully evaluate the appropriateness of the proposed height variation and its ability to comply with the objectives of the development standard.

On this basis, the clause 4.6 variation request is not supported, and forms a reason for recommending refusal of the DA.

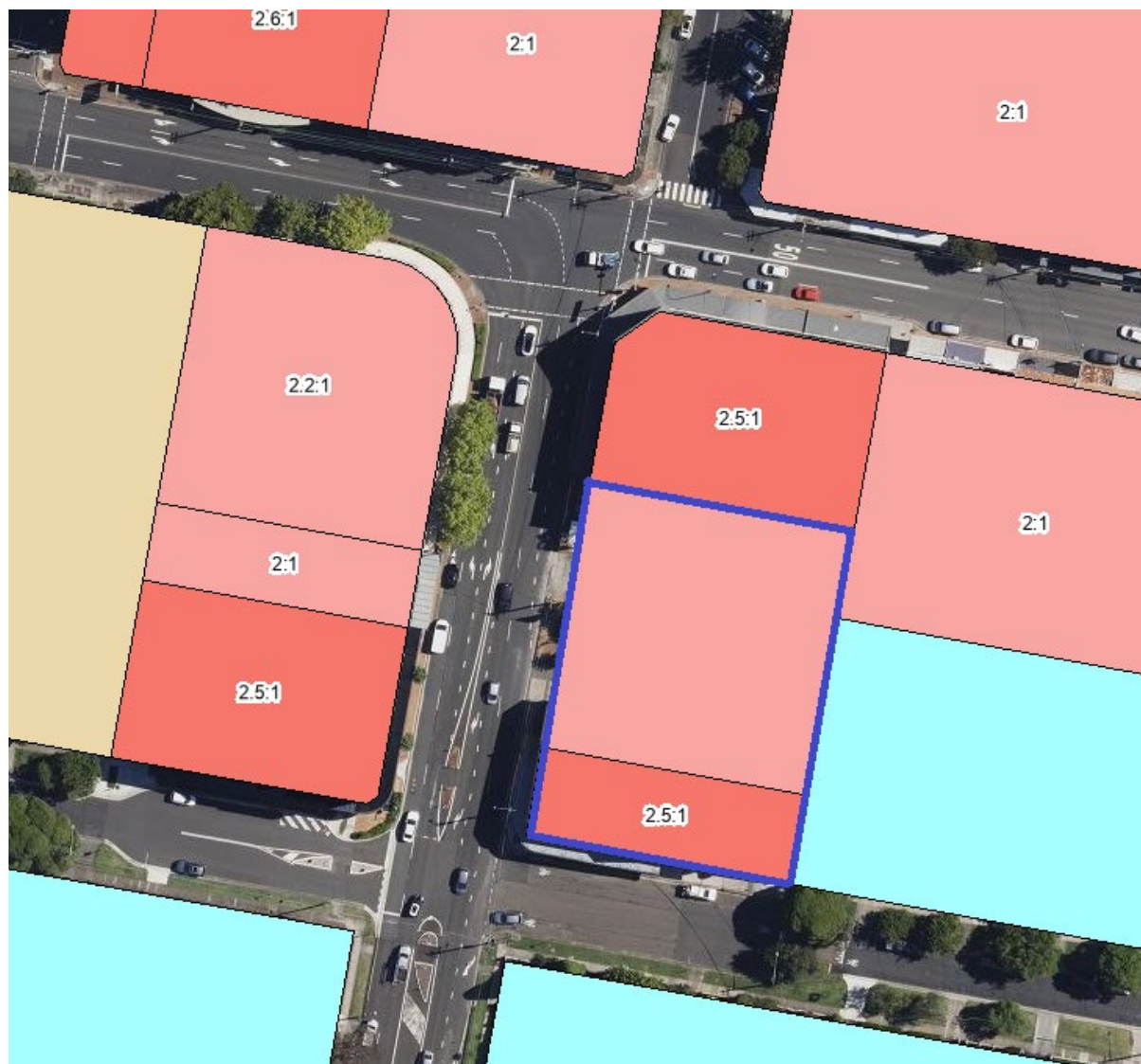
**ATTACHMENT 9: APPLICANT'S CLAUSE 4.3 HEIGHT OF BUILDINGS**

**ATTACHMENT 10: CLAUSE 4.6 ASSESSMENT OF CLAUSE 4.4 – FLOOR SPACE RATIO**

The applicant prepared a Clause 4.6 variation request (29 October 2024) for floor space ratio. The submission has been prepared to address the provisions within Section 35B of the Environmental Planning and Assessment Regulation 2021.

The DA pertains to a site formed by six (6) individual lots. The proposal involves consolidating these lots, which are currently subject to two separate FSR controls under Clause 4.4 of the WLEP 2012: a maximum of 2:1 for 59-69 Strathallen Avenue and a maximum of 2.5:1 for 57 Strathallen Avenue – see Figure 15 below.

Clause 4.4(2) is not excluded from the operation of clause 4.6 by clause 4.6(8) or any other clause of the WLEP 2012.



**Figure 15** – Extract of the FSR Map for clause 4.4 of the WLEP 2012 indicating a maximum of 2:1 for 59-69 Strathallen Avenue and a maximum of 2.5:1 for 57 Strathallen Avenue.

Source: <https://www.planningportal.nsw.gov.au/spatialviewer/>



Due to the calculation methodology outlined in Clause 4.5 of the WLEP 2012, the proposed floor space must be assessed separately for each area designated with a specific FSR. This results in the larger portion of the site at 59-69 Strathallen Avenue having a proposed FSR that is below the maximum allowed by 0.05:1 (a deficit of 90m<sup>2</sup> of GFA), while the smaller area at 57 Strathallen Avenue marginally exceeds the permissible FSR by 0.08:1 (an excess of 46m<sup>2</sup> of GFA).

Expressed as a percentage, the smaller area at 57 Strathallen Avenue exceeds the 2.5:1 FSR development standard by 2.7%, while the land at 59-69 Strathallen Avenue is 2.5% less than the permitted 2:1 FSR standard.

### Unreasonable or Unnecessary

In their clause 4.6 variation request, the Applicant contends that the objectives of the development standard for building height are satisfied despite the proposed variation. This report will now detail each objective of clause 4.3 of the WLEP 2012, followed by a summary of the Applicant's position as presented in their variation request and the Assessment Planner's corresponding assessment.

***(a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,***

### Summary of Applicant's Position:

The Applicant argues that despite a minor FSR exceedance (+46m<sup>2</sup>) on the smaller portion of the amalgamated site (57 Strathallen Avenue), the overall development satisfies the objective of limiting intensity in accordance with the land's environmental capacity and zone objectives for the following reasons:

- Overall GFA Compliance: When considering the entire amalgamated site (all six lots), the proposed GFA (5,104m<sup>2</sup>) is less than the total permissible GFA (5,160m<sup>2</sup>), resulting in an overall FSR of 2.10:1, which is below the potential maximum. The larger portion of the site (59-69 Strathallen Avenue) has a GFA/FSR significantly below its maximum allowance.
- Balanced Density: The minor exceedance on one part of the site is offset by the under-utilisation on the other, resulting in a balanced distribution of density across the entire site that is appropriate for the scale of the Northbridge Local Centre.
- Consistent Scale and Built Form: The proposed 5-storey scale is consistent with the building envelopes envisioned for the site under the Northbridge Local Centre provisions of the WDCP and is complementary to neighbouring 4-5 storey developments. The design responds to the sloping topography and street conditions.
- Alignment with Zone Objectives: The development aligns with the E1 Local Centre zone objectives by:
  - Providing a range of retail, business, and community uses at ground level, activating the street and enhancing the social fabric.

- Encouraging investment and generating employment opportunities through the mix of residential and commercial spaces.
- Enabling residential development that contributes to a vibrant and active local centre, consistent with Council's strategic planning (WDCP and Local Strategic Planning Statement). This includes providing diverse housing options, affordable housing, and addressing the lack of public open space with a landscaped courtyard.
- Encouraging non-residential uses on the ground floor.
- Providing services and employment within walking distance of residences.
- Conserving and enhancing the unique sense of place through high-quality architectural and urban design that integrates with the desired character of the Northbridge Local Centre, referencing surrounding built form and materials, and acting as a "prominent marker" for the area.

In essence, the Applicant contends that the minor FSR exceedance on a small portion of the site is a consequence of the calculation method and site constraints, but the overall development's GFA is within permissible limits, and the proposed intensity is appropriate for the site and the local centre's context, aligning with the relevant environmental planning objectives.

Assessment Planner's Response:

The minor FSR exceedance at 57 Strathallen Avenue contributes to view loss experienced by No.128 Sailors Bay Road, a lack of assessment for which is included in the DA.

Despite the Applicant's arguments that the overall intensity is not being increased, this localised over-intensity at 57 Strathallen Avenue, resulting in amenity impacts, suggests the Applicant's argument of fully satisfying the FSR objective is not entirely convincing.

The potential for view loss indicates that the intensity of development on this specific portion of the site may be unreasonable in the circumstances, warranting a comprehensive view impact assessment from No. 128 Sailors Bay Road.

***(b) to limit traffic generation as a result of that development,***

Summary of Applicant's Position:

The Applicant's response, supported by a Traffic Impact Assessment (TIA), argues that despite not complying with the building height development standard, the proposed development limits traffic generation for the following reasons:

- Small-scale local retail: The ground-level retail is intended to serve the immediate local area, primarily attracting walk-in customers.
- Off-peak retail traffic: Traffic associated with the retail component would mainly involve staff and owners arriving and departing outside of peak traffic hours.
- Low overall traffic generation: The development is estimated to generate only 18 vehicles per hour in the morning peak and 14 vehicles per hour in the evening peak.
- Negligible impact on existing traffic: This level of traffic is considered low and unlikely to cause noticeable impacts, especially as it will be dispersed across the road network.

- Minimal percentage of existing traffic: The estimated development traffic represents approximately 2% of the peak hour traffic on Sailors Bay Road.
- Within background traffic variance: The anticipated traffic increase is less than the daily fluctuations in existing traffic.
- Satisfactory road network operation: The local road network is expected to continue functioning well after the development's completion.
- Compliant residential parking: The parking provided for the residential component meets the required standards.

Assessment Planner's Response:

The Applicant's TIA concludes that the proposed development will generate minimal traffic (18 vehicles/hour AM peak, 14 vehicles/hour PM peak) due to its small-scale, local-serving retail and compliant residential parking. This low traffic volume is projected to have a negligible impact on the road network, representing a small fraction of existing traffic and falling within daily fluctuations. Importantly, both the Council's traffic engineer and TfNSW have reviewed the proposal and raise no objections, subject to conditions, supporting the Applicant's assessment that the development will not create unacceptable traffic impacts.

***(c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,***

Summary of Applicant's Position:

The Applicant argues that the proposed development, despite exceeding the FSR, minimises impacts on adjoining properties regarding views, privacy, overshadowing, and visual intrusion through careful design consistent with relevant planning guidelines (Housing SEPP, ADG, and Council's DCP).

View Loss: The assessment follows the four-step process outlined in *Tenacity Consulting v Warringah Council*. While acknowledging potential view impacts on properties at 29A Baringa Road and 54-56 Strathallen Avenue (primarily of open sky to the east, considered low value, with key southern views retained), the Applicant contends these impacts are reasonable. The proposed built form is considered appropriate for the area, consistent with existing 4-5 storey developments, and largely compliant with height controls. The minor FSR increase is not expected to cause significantly greater view obstruction than a compliant building.

Privacy and Visual Intrusion: The design incorporates measures to protect privacy, including primarily north/south facing apartments, screened eastern-facing windows to the adjoining property at 31 & 31A Baringa Road (which has no western windows), and a 3m landscaped buffer along the eastern boundary.

Overshadowing: Solar studies indicate that mid-winter shadows primarily fall on Baringa Road and Strathallen Avenue. While minor afternoon overshadowing occurs on the western adjoining property (31 & 31A Baringa Road), acceptable solar access is maintained from 9 am to 2 pm, and this property has no windows on its western facade, minimizing impact on living amenity.

In conclusion, the Applicant asserts that the minor FSR variation will not result in unreasonable loss of privacy or views and is consistent with the anticipated built form under local planning

controls, demonstrating a considered approach to minimising impacts on neighbouring properties.

Assessment Planner's Response:

The Assessment Planner concurs with the Applicant's assessment regarding overshadowing and privacy. The submitted shadow studies adequately demonstrate that the minor FSR exceedance will result in negligible additional overshadowing, ensuring reasonable solar access to neighbouring properties. Furthermore, the nature of the height variation does not introduce any additional privacy impacts.

However, the Assessment Planner does not agree with the Applicant's assessment regarding view loss, particularly concerning the potential impact on properties at No. 128 Sailors Bay Road.

Although the Applicant refers to *Tenacity*, the submitted assessment does not specifically evaluate view impacts from sitting and standing positions at objecting properties, notably 128 Sailors Bay Road. Objectors there raise concerns about losing iconic Harbour Bridge, Centre Point Tower, Barangaroo Towers, and city skyline views. As the Applicant's assessment prioritises other properties, a further analysis consistent with *Tenacity* is necessary for No.128 Sailors Bay Road.

Without this assessment, it is not agreed that the clause 4.6 variation request adequately demonstrates consistency with objective (c) despite the FSR non-compliance.

***(d) to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,***

Summary of Applicant's Position:

In justifying the FSR variation, the applicant states that the proposed bulk and scale are appropriate for the E1 Local Centre zone and its objectives because:

- The 'shop-top housing' use is permissible.
- The design responds to the site's context (level changes, neighbours, corner location).
- It aligns with WDCP controls by providing housing diversity (including affordable), specific parking access, significant landscaping/open space (including a future on-site through-site link), and a 5-storey form with lot amalgamation.
- The design aims to ensure amenity and mitigate neighbourhood impacts.

Essentially, the applicant argues the design's specific features and contextual response justify the FSR exceedance as the resulting bulk and scale are suitable for the intended use and align with local planning objectives and controls.

Assessment Planner's Response:

While I generally agree that the proposed bulk and scale are appropriate for the E1 Local Centre zone objectives, I do not concur that the design adequately ensures amenity. This is primarily due to the Applicant's insufficient consideration of the view impacts on residences at 128 Sailors Bay Road.

***(e) to permit higher density development at transport nodal points,***

Summary of Applicant's Position:

The applicant justifies the FSR variation by linking the site's location on a potential transport route and within a designated local centre (identified for increased density in strategic planning documents (i.e. LSPS) to the objective of permitting higher density at transport nodal points

Assessment Planner's Response:

Northbridge is a strategic transport location along the key arterial roads of Strathallen Avenue and Sailors Bay Road that is frequently serviced by buses. It is acknowledged that the LSPS identified Northbridge as being located on a *potential* Eastern Public Transport route which also aligns with this objective's intent.

***(f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,***

Summary of Applicant's Position:

The subject site is not located within the Chatswood City Centre and accordingly this objective is not relevant.

Assessment Planner's Response:

Agreed. The objective is not relevant for the proposed development in Northbridge.

***(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,***

Summary of Applicant's Position:

The subject site is not located within the Chatswood City Centre and accordingly this objective is not relevant.

Assessment Planner's Response:

Agreed. The objective is not relevant for the proposed development in Northbridge.

***(h) to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,***

Summary of Applicant's Position:

The subject site is not located within the Chatswood City Centre and accordingly this objective is not relevant.

Assessment Planner's Response:

Agreed. The objective is not relevant for the proposed development in Northbridge.

***(i) to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas, building scale and density from the higher intensity business and retail centres to surrounding residential areas,***

Summary of Applicant's Position:

The applicant argues that the proposed development achieves appropriate transitions through several design elements:

- Contextual Response: The building form acknowledges the site's level changes, low-density residential neighbours, and Council's desire for a corner 'marker' as outlined in the WDCP. It also aligns with the WDCP's 5-storey building envelope for amalgamated lots.
- Gradual Built Form Transition: The 5-storey form is designed with the top level (Level 4) set back and using lighter materials, visually reducing its perceived height to 4 storeys from ground level. The facades are articulated to respect established street wall heights. Compliant setbacks, consistent with the Housing SEPP, and landscaped buffers are implemented on the eastern boundary to transition to lower residential forms.
- Buffer Zones: A 3m wide deep soil landscaped setback and central courtyard provide visual and functional buffers between the development and adjoining lower-density residential uses to the east. Planters on all levels offer additional screening and privacy.
- Design Sensitivity: The material palette (two-tone brick) references both neighbouring residential and commercial styles, aiming for visual coherence. The top level's recessive design further softens the building's visual impact. Landscaped roof terraces and recessive lift overruns also contribute to a less imposing upper level.
- Future Through-Site Link: While currently not providing legal access, the inclusion of a future through-site link at ground level aims to improve connectivity and provides a transition in the public domain.
- Upper Level Setbacks: Setbacks on upper levels reduce the perceived bulk from the street, and landscaped balconies/planting address lower-density neighbours to the east. Metal louvres provide balcony privacy.
- Mix of Uses: The integration of ground-level retail with residential above and a communal courtyard is intended to create a sympathetic mix of uses that aids in the transition between built forms and fosters community.
- Public Spaces and Amenities: The landscaped courtyard acts as a setback and transition to lower-density uses, offering flexible open space with passive surveillance. Continuous awnings provide pedestrian amenity.

In essence, the applicant contends that the design's articulation, setbacks, landscaping, material choices, and mix of uses collectively create a gradual and sensitive transition in building scale and density from the commercial context to the surrounding lower-density residential areas, despite the minor FSR exceedance.

Assessment Planner's Response:

Agreed. The design incorporates several considered elements – including setbacks, landscaping, a visually recessive upper level, and a complementary material palette – that collectively facilitate a gradual and appropriate transition from the higher-density commercial context to the adjacent lower-density residential areas. The integration of a mix of uses and the provision of good setbacks further support this objective.

***(j) to encourage the consolidation of certain land for redevelopment,***

Summary of Applicant's Position:

The proposed development comprises 1 shop-top housing development which covers 6 lots over 57-69 Strathallen Avenue. The development proposes the consolidation of the lots.

Assessment Planner's Response:

Agreed. The development proposes the consolidation of six (6) lots.

***(k) to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.  
additional gross floor area for these land uses.***

Summary of Applicant's Position:

- Community Facilities: The applicant states that the proposed landscaped courtyard is designed as a communal public space to benefit visitors, residents of the development, and the wider local community. This pedestrian-friendly area aims to encourage interaction and enhance the vitality of the local centre.
- Affordable Housing: The applicant highlights that the development is located within Affordable Housing Area 1 and proposes to provide 4% affordable housing, consistent with Clause 6.8 of the WLEP. Additionally, they note that the mix of apartment sizes (2, 3, and 4 bedrooms) caters to a diverse range of household types.
- Conservation of Heritage Items: The applicant clarifies that no heritage-listed buildings exist on the subject site or neighbouring properties. A submitted Demolition Report concludes that the existing structures, including the Northbridge Hotel, do not meet the criteria for heritage listing and do not warrant retention on heritage grounds.

In essence, the applicant argues that the provision of a publicly accessible landscaped courtyard serves as a community facility, and the inclusion of 4% affordable housing aligns with local planning requirements. Regarding heritage, they state that no items of heritage significance exist on the site.

### Assessment Planner's Response:

The Applicant's position regarding the FSR objective for community facilities and affordable housing is agreed with. The provision of a communal landscaped courtyard serves as a community benefit, and the inclusion of 4% affordable housing aligns with relevant planning controls.

### Sufficient Environmental Planning Grounds

#### Summary of Applicant's Position:

- Contextual Compatibility: The proposal's scale and form are compatible with existing 4-5 storey buildings and align with the WDCP and Local Centres Strategy's vision for higher density in Northbridge.
- GFA Redistribution: The proposed total GFA for the amalgamated site does not exceed the combined permissible GFA if the land were developed as separate lots under the FSR.
- Superior Planning Outcome: The proposed massing is considered a better planning outcome than what a strictly complying, fragmented development would achieve, promoting orderly and economic land use.
- Topographical Response and Neighbouring Density: GFA has been strategically redistributed away from lower FSR zones to respond to the site's slope and lower-density neighbours, ensuring a better built form relationship and minimizing height exceedance while maintaining amenity.
- Positive Contribution to Locality: The design provides a thoughtful height transition, complements adjoining buildings, and aligns with the desired future character of Northbridge as outlined in Council's strategic documents.
- Setbacks and Massing: Compliant setbacks step the building form and distribute mass away from boundaries, improving solar access, views, amenity, and separation. The upper level substantially complies with height controls.
- Buffer to Residential: Increased separation and buffers are provided to the eastern low-density residential properties to mitigate bulk, overshadowing, privacy, and acoustic impacts.
- Public Interest and Zone Objectives: The proposal aligns with the objectives of the height standard and E1 Local Centre zone by redeveloping the site with the preferred 5-storey typology.
- Revitalisation and Public Domain: The development will revitalise the site, enhance the public domain with a landscaped courtyard, new retail spaces, and street trees, and includes provisions for a future on-site through-site link.
- Visual Sympathy: The articulated design, materials, colours, and landscaping ensure visual compatibility with neighbouring buildings, with a carefully massed and set-back upper storey.
- Improved Streetscape: High-quality streetscape improvements are proposed, including landscaping, permeable paving, awnings, and street trees.
- No Material Adverse Impacts: The FSR breach is not anticipated to cause significant negative environmental impacts on adjoining properties.



- Good Design and Amenity: The proposal promotes good design and enhances urban design and amenity for the community and future occupants.
- Orderly and Economic Use: The redevelopment of underutilised land for appropriate shop-top housing with a mix of dwellings (including affordable) aligns with the desired future character of Northbridge.
- Unreasonable and Unnecessary Compliance: Strict compliance with the FSR is argued to be unreasonable and unnecessary as the proposal achieves the objectives of the standard and the E1 zone despite the non-compliance.

Assessment Planner's Response:

While the Applicant provides several environmental planning grounds to justify the FSR variation, the potential for view loss remains a key concern due to a critical gap in the submitted information.

The Applicant claims no significant amenity impacts regarding views, but the Clause 4.6 Variation Request and broader DA lack any assessment of potential view impacts from No.128 Sailors Bay Road. Without a specific analysis of current views from this neighbouring property and how the proposed development's increased height and FSR might affect them, the assertion of no significant view loss is unsubstantiated and undermines the Applicant's arguments within their variation request.

Conclusion on Clause 4.6 Variation Request for Floor Space Ratio

The potential for view disruption necessitates further assessment to determine if strict FSR compliance is indeed unreasonable or unnecessary, especially concerning the objective of minimising view impacts on neighbouring properties.

A thorough evaluation of potential view loss from 128 Sailors Bay Road is required to assess the appropriateness of the proposed FSR variation and its alignment with development standard objectives. Consequently, the clause 4.6 variation request is not supported and constitutes a reason for recommending refusal of the DA.

**ATTACHMENT 11: APPLICANT'S CLAUSE 4.4 FLOOR SPACE RATIO**

**ATTACHMENT 12: ARCHITECTURAL PLANS**

**ATTACHMENT 13: REASONS FOR REFUSAL**

Development Application DA-2024/106 for demolition of existing structures and excavation works and construction of shop top housing consisting of retail tenancies, residential apartments, basement car parking, landscaping and associated works at 57-69 Strathallen Avenue, Northbridge be refused for the following reasons:

- I. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls of Clause 4.3 'Height of buildings' of the *Willoughby Local Environmental Plan 2012*.
- II. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls of Clause 4.4 'Floor space ratio' of the *Willoughby Local Environmental Plan 2012*.
- III. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the objectives and provisions of Clause 4.6(3) 'Exceptions to development standards' of the *Willoughby Local Environmental Plan 2012*.
- IV. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and provisions of Clause 6.23 'Design excellence' of the *Willoughby Local Environmental Plan 2012*.
- V. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls of Part B 'Residential Development' of the Willoughby Development Control Plan 2023.
- VI. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Part B 'Residential Development', Performance criteria – 2.1.4 – Design of the Willoughby Development Control Plan 2023.
- VII. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Part B 'Residential Development', Performance criteria – 2.1.12 – View sharing of the Willoughby Development Control Plan 2023.
- VIII. Pursuant to Clause 37 of the *Environmental Planning and Assessment Regulation 2021*, the lodged BASIX Certificate does not reflect the amended architectural plans submitted, and consequently compliance with the State Environmental Planning Policy (Sustainable Buildings) 2022 cannot be determined.
- IX. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, approval of this development application will have an unacceptable impact on the built environment.
- X. Pursuant to Section 4.15 (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, the approval of the application is not considered to be in the interest of the public due to its non-compliance with building height and floor space ratio controls, the

insufficient assessment of negative impacts on existing views, and the proposed demolition of the Northbridge Hotel, a potential local heritage item that contributes significantly to the built environment and local character.