

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

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

**PROPOSAL:** SUPPLEMENTARY REPORT  
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.

**RECOMMENDATION:** APPROVAL

**ATTACHMENTS:**

1. SUPPLEMENTARY ASSESSMENT
2. APPLICANT’S PLANNING RESPONSE LETTER
3. AMENDED ARCHITECTURAL PLANS
4. VISUAL IMPACT ASSESSMENT
5. CLAUSE 4.6 SUBMISSION – BUILDING HEIGHT
6. SCHEDULE OF CONDITIONS

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

**AUTHOR:** BEN TESORIERO – CONSULTANT PLANNER

**REPORT DATE:** 16 JULY 2025

**REPORT FOR:** ELECTRONIC DETERMINATION

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## 1. PURPOSE OF REPORT

This supplementary report seeks electronic determination of Development Application DA-2024/106 by the Sydney North Planning Panel (SNPP). This follows the SNPP’s previous deferral, which requested:

1. Analysis of View Impacts, including comparison with a fully compliant design;
2. Resolution of Design Review Panel comments,
3. Clarification of public access to walkway and courtyard, and
4. Resolution of proposed Waste Management arrangements.

Pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the application, as amended, has an estimated development cost of more than \$30,000,000.00. In this case the estimated development cost is \$39,034,138 (excluding GST).

The consent authority is the 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 (APPROVAL)

THAT the SNPP grant consent, subject to the conditions in **Attachment 6**, to 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.

The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s.90 the *Water Management Act 2000*.

at 57-69 Strathallen Avenue, NORTHBRIDGE NSW 2063, for the following reasons:

- A. The the Applicant's Clause 4.6 written request adequately justifies the proposed variation to the height of buildings development standard.
- B. Subject to compliance with the conditions of consent the development satisfies all relevant environmental planning instrument objectives and satisfactorily achieves design excellence.
- C. The impacts to surrounding residences, open space and the surrounding locality emanate primarily from compliance with the *Willoughby Local Environmental Plan 2012*, Willoughby Development Control Plan 2012 and Apartment Design Guide;
- D. The proposal satisfies the Willoughby City Council Local Centres Strategy to 2036.

## 3. BACKGROUND

The Development Application was originally considered at the SNPP public meeting on 4 June 2025. The assessment officer's recommendation was for refusal.

Determination of the application was deferred on the basis that the SNPP was of the belief that further discussion between Council and the Applicant may resolve remaining points of concern. The SNPP requested the Applicant and Council urgently meet in the next week to resolve the outstanding issues as below:

1. Analysis of View Impacts, including comparison with a fully compliant design;
2. Resolution of Design Review Panel comments,
3. Clarification of public access to walkway and courtyard, and
4. Resolution of proposed Waste Management arrangements.

By Friday 20 June 2025, the Applicant was to provide Council with any additional information required to resolve the above points. Council was requested to then provide a Supplementary Assessment Report and Draft Conditions as soon as possible afterwards to allow the SNPP to determine the application by way of electronic determination, tentatively in mid-July.

Following receipt of the SNPP's record of deferral on 5 June 2025, the following actions have taken place:

- On 11 June 2025 the Applicant's project team met with Council's Consultant Planner to resolve the four outstanding issues identified above by the SNPP. The minutes for this

meeting are contained in Appendix A of the Planning Response by Gyde – see Attachment 2 of this Supplementary Report.

- The Applicant's visual impact consultant and town planner attended apartments and the communal rooftop area at No.128 Sailors Bay Road to capture photographs for the updated Visual Impact Assessment requested by the SNPP.
- The Applicant's project team met with Council's Waste Consultant and Traffic Engineer on 16 June 2025. A summary of the meeting is provided at Appendix B of the Planning Response by Gyde – see Attachment 2 of this Supplementary Report.
- On 20 June 2025 the Applicant provided Council with the following additional information:
  - o Amended Architectural Plans
  - o Updated Visual Impact Assessment
  - o Traffic Engineer Letter
  - o Waste Consultant Letter
  - o Operational Waste Management Plan
  - o Revised Clause 4.6 for building height
  - o Planning Letter
  - o BCA Section J Report and Letter
  - o BASIX Certificate, Stamped Plans, Report and NATHERS Certificate
  - o Access Report
- On 25 June 2025 a meeting was held with the Design Review Panel, Council's Urban Design Specialist and Consultant Planner to discuss the Applicant's amended plans and updated Visual Impact Assessment.
- On 25 June 2025 a revised Design Excellence Review report was issued by Council's Design Review Panel.
- On 10 July 2025 an updated referral response was received from Council's Development Control Team Leader providing conditions of consent relating to vehicle access and manoeuvring covering cars, service vehicles and Council's waste vehicles.
- On 14 July 2025 an updated referral response was received from Council's Waste Consultant providing conditions of consent relating to waste storage room arrangements and waste collection.

## **5. CONCLUSION**

This Supplementary Assessment Report presents an overview of the matters which were the subject of the SNPP's consideration of the application at its meeting on 4 June 2025.

The SNPP resolved to defer the determination of the application to allow the Applicant time to resolve the issues raised in their deferral report, and for the application be resubmitted to the SNPP for electronic determination in mid July 2025.

The Applicant's amended application, including architectural plans and reports, was not required to be publicly exhibited under Council's Community Participation Plan, as the amendments result in a lesser or reduced environmental impact compared to the original application.

As detailed in this the Supplementary Assessment contained in **Attachment 1**, the Applicant's amended plans and accompanying reports have satisfactorily responded to the reasons for deferral outlined by the SNPP in their report dated 5 June 2025.

The revised scheme has reduced the gross floor area (GFA) of the building at 57 Strathallen Avenue, and as such that the application no longer requires a Clause 4.6 variation to the floor space ratio (FSR) development standard.

Despite its continued building height contravention, the amended proposal is justified. The Applicant's updated Clause 4.6 request and accompanying Visual Impact Assessment satisfactorily demonstrate that strict compliance is unreasonable or unnecessary, with sufficient environmental planning grounds to support the contravention.

Based on the SNPP's deferral issues being satisfied, the application is now recommended for approval subject to the draft conditions contained in **Attachment 6**.

The matter is referred to the SNPP for determination of the application.

## ATTACHMENT 1: SUPPLEMENTARY ASSESSMENT

In response to the SNPP's deferral determination dated 5 June 2025, the following supplementary assessment is structured to address each of the four identified issues by the SNPP.

Following the discussion of these four points is an assessment of the Applicant's updated Clause 4.6 written request to vary the building height development standard.

### 1. Analysis of View Impacts, including comparison with a fully compliant design

The Applicant team met with Council's independent consultant planner on 11 June 2025. They were advised to explore alternative designs if the Visual Impact Assessment (VIA) confirms the eastern extent of the building at 57 Strathallen Avenue is the main cause of view loss from No. 128 Sailors Bay Road towards the Sydney and North Sydney skylines. The consultant specifically recommended investigating how reducing or eliminating the FSR contravention on this eastern edge (on the Northbridge Hotel site at 57 Strathallen Avenue) could improve view sharing.

Included with the Applicant's additional information is a VIA, dated 20 June 2025, by Urbaine Design Group (see Attachment 4 of this Supplementary Report). The VIA provides a visual impact analysis of the proposed development in its surrounding context, importantly considering views from No. 128 Sailors Bay Road.

According to the VIA, views from No. 128 Sailors Bay Road, including its residences and communal open spaces, extend in two main directions. To the south, residents observe the more distant North Sydney and CBD skylines, while a south-westerly outlook reveals the nearer Crows Nest and St Leonards skyline. Despite being largely unobstructed, the views towards North Sydney and the CBD are noticeably further away.

The VIA also confirms that the proposed development considered by the SNPP at their meeting on 4 June 2025 generally results in moderate-to-severe loss of medium-to-high value views from the residences and communal open space areas of No.128 Sailors Bay Road.

The Planning Principle in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 guides view sharing. Compliant developments are inherently more reasonable; non-compliant ones, even with moderate view impacts, may be unreasonable. For compliant proposals, the test is whether a better design could achieve similar outcomes with less view impact. If not, the impact is likely acceptable.

The VIA confirms the leading contributor of view loss from No.128 Sailors Bay Road towards the Sydney and North Sydney skylines is the eastern extent of the building on the Northbridge Hotel site at 57 Strathallen Avenue. The building on 57 Strathallen Avenue also contravened the 2.5:1 FSR development standard under clause 4.4 of the *Willoughby Local Environmental Plan 2012* (WLEP).

To provide the comparison requested by the SNPP, the VIA assessed the view impact of an FSR-compliant building, designed by the Applicant's architect. Figures 1 to 4 below show the view gain resulting from an FSR-complying envelope. The FSR complying envelope is depicted in cyan with a red outline, while the view gain relative to the proposal reviewed by the SNPP on 4 June 2025, is shown in yellow.

The figures below also show how the proposal's continued height exceedances from the lift overruns contribute only to the loss of sky views, which are marked with black dashed lines.

Given the Tenacity Planning Principles, the FSR-complying envelope is inherently more reasonable than the proposal reviewed by the SNPP on 4 June 2025. This is because reducing the eastern extent of the building at 57 Strathallen Avenue creates a wider view corridor from No. 128 Sailors Bay Road towards the highly valued North Sydney and CBD skylines which allows for a more equitable sharing of views.



Figure 1 – Extract of viewpoint from the balcony of Unit 214 with the FSR-complying envelope in cyan with red outline. The view gain compared to that of the proposal considered by SNPP at their meeting on 4 June 2025 is shown in yellow.



Figure 2 – Extract of viewpoint from the living room of Unit 214 with the FSR-complying envelope in cyan with red outline. The view gain compared to that of the proposal considered by SNPP at their meeting on 4 June 2025 is shown in yellow.

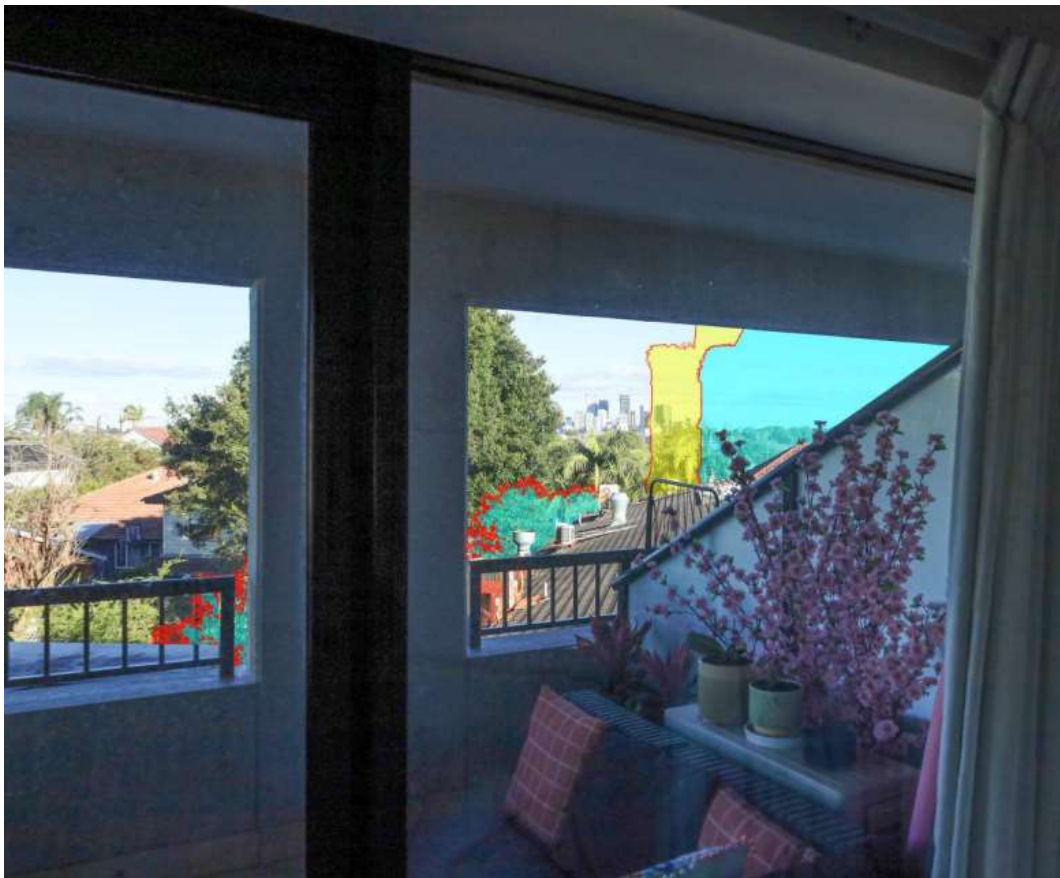


Figure 3 – Extract of viewpoint from the living room of Unit 213 with the FSR-complying envelope in cyan with red outline. The view gain compared to that of the proposal considered by SNPP at their meeting on 4 June 2025 is shown in yellow.



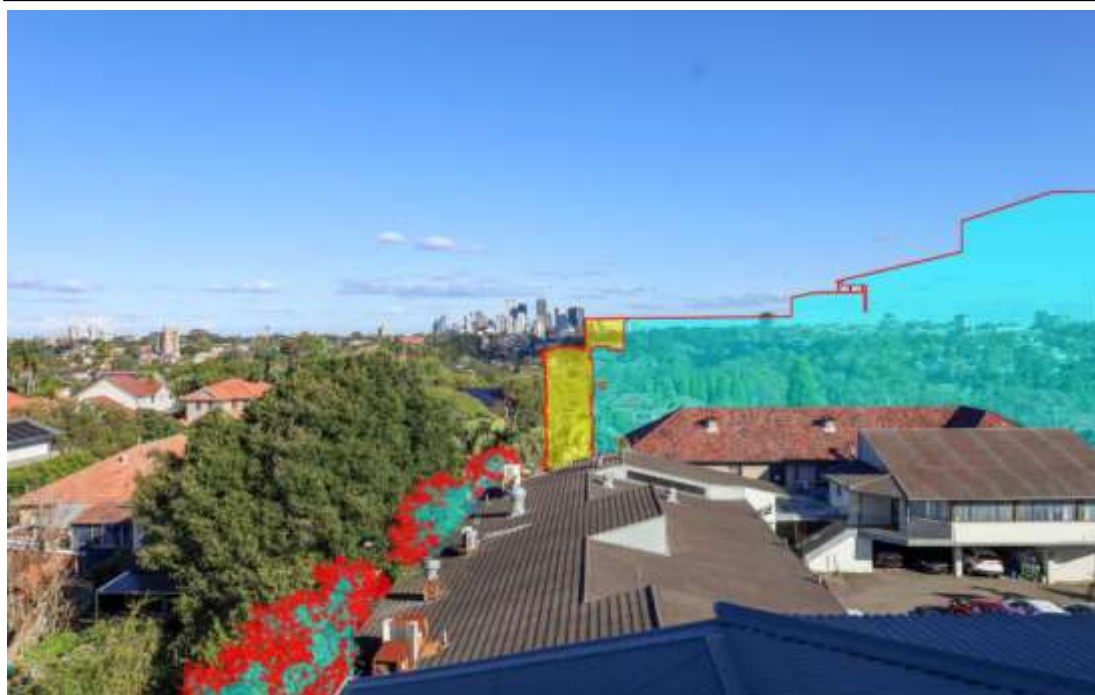


Figure 4 – Extract of viewpoint from the communal open space area with the FSR-complying envelope in cyan with red outline. The view gain compared to that of the proposal considered by SNPP at their meeting on 4 June 2025 is shown in yellow.

The Applicant is now proposing to proceed with amended plans that feature the FSR-complying envelope for the building at 57 Strathallen Avenue. Key changes in these plans include:

- A 49m<sup>2</sup> GFA reduction at 57 Strathallen Avenue, resulting in an FSR of 2.49:1. This now complies with the 2.5:1 development standard set out in Clause 4.4 of the *WLEP*.
- Reduced eastern extent of the building at 57 Strathallen Avenue to achieve FSR compliance. This has increased the eastern setback of the apartment wall from 7.5m to 10m at Levels 2 and 3, and from 9m to 11.5m at Level 4.
- Minor GFA gains in select areas of the building to offset some of the GFA reduction, however the FSR is compliant with the development standards applying to both 59-69 Strathallen Avenue and 57 Strathallen Avenue.

Reference is made to Figure 5 and 6 below which show the GFA reductions that have occurred at the residential levels of the building to bring about a larger eastern side setback for the building at 57 Strathallen Avenue.





Figure 5 – Extract of Applicant's amended plans for Levels 2 and 3 showing the areas of GFA reduction in red, and areas of GFA gain in blue. The reduced GFA results in FSR compliance and an increased building setback to the eastern boundary at 57 Strathallen Avenue which widens the view corridor towards the North Sydney and CBD skylines for No.128 Sailors Bay Road.



Figure 6 – Extract of Applicant's amended plans for Level 4 showing the areas of GFA reduction in red, and areas of GFA gain in blue. The reduced GFA results in FSR compliance and an increased building setback to the eastern boundary at 57 Strathallen Avenue which widens the view corridor towards the North Sydney and CBD skylines for No.128 Sailors Bay Road.

Having regard to the Tenacity Planning Principal the impacts of the amended proposal are considered reasonable.

It is noted the amended proposal continues to feature 24 apartments, even with the GFA reduction. The dwelling breakdown remains consistent: one 2-bedroom, fifteen 3-bedroom, and eight 4-bedroom units. Of these, one (1) dwelling is still allocated for affordable housing, and 25% (six dwellings) are proposed as adaptable, with another 25% (six dwellings) as liveable.

The amended plans have been assessed against the ADG, WLEP, and Council's development control plan, and the proposal remains satisfactorily compliant with their objectives and controls. This is largely because the amendments involve only minor building changes that do not alter the apartment mix, layouts, or orientations. For instance, there's no change to car parking, solar access, natural ventilation, or the minimum private open space provided.

Furthermore, overshadowing from the proposed development is improved due to the reduced scale at 57 Strathallen Avenue. The increased building separation from the eastern boundary also helps transition the development's form to the neighbouring R2 Low Density Residential Zone.

## 2. Resolution of Design Review Panel comments

For reference, Willoughby Council's Design Excellence Panel comments from 14 May 2025 are provided below:

*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.*

*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.*

Following receipt of the Applicant's amended plans and VIA, a meeting was held with the Design Review Panel, Council's Urban Design Specialist and Consultant Planner on 25 June 2025. A revised Design Excellence Review report was then issued by Council's Design Review Panel. The additional comments from the DRP are provided below:

*The Panel are appreciative of the Applicant providing extensive visual impact assessments (VIA's) to enable comment on any impacts.*

*We note the following:*

1. *As demonstrated in the VIA images, the revised building envelope has (on the eastern side) been reduced by 2.5 metres to minimise the visual impact of existing views to the City from 128 Sailor's Bay Road, Northbridge. The reduction ensures that views to the city are generally maintained. (Reference Clause 6.23 – Impact on Views)*
2. *Whilst views to St. Leonards business district are affected, the Panel consider that this is less of an impact on the neighbours' visual amenity and is essentially a consequence of permitted development.*
3. *The increased setbacks to neighbouring properties to the east (approximately 10m) is another benefit of the reduced envelope.*
4. *The reduced building is no longer in contravention of the FSR. The Panel note some building deviations to the prescribed height planes.*

*We conclude the current proposal has positively addressed the previous concerns in relation to visual impacts and overall provides for a more equitable view share. The proposals respond to the relevant building codes and guidelines and are capable of achieving design excellence.*

In their review dated 25 June 2025, Willoughby Council's Design Excellence Panel also provided comments on the third deferral issue raised by the SNPP: clarification of public access to the walkway and courtyard area. Their comments are detailed below:

*The Panel note that the current proposals incorporate 25% of shared space (ADG). Once the public 'through-fare' is connected to Sailors Bay Road, the percentage of shared open space will notably reduce.*

*Noting that the link is required by Council and that generally the apartments include balconies considerably larger the ADG minimums, the Panel believe this is a reasonable provision of open space for the size of the development.*

Clause 6.23(6) stipulates that development consent cannot be granted unless a design review panel has reviewed the proposal and the consent authority has considered that review. Based on the Willoughby Council Design Excellence Panel's review dated 25 June 2025, clause 6.23(6) of the *WLEP* can be satisfied.

Clause 6.23 of the *WLEP* also stipulates that development consent cannot be granted unless the consent authority determines the development exhibits design excellence. In making this determination, the consent authority must consider, among other factors, whether the development detrimentally impacts view corridors.

Based on the response to the SNPP's first deferral issue, the Panel can be satisfied that the amended proposal will not detrimentally impact view corridors.

While views from No. 128 Sailors Bay Road to the St Leonards and Crows Nest skyline will be lost due to the proposed development, the more highly valued views to the North Sydney and CBD skylines will be largely preserved by the Applicant's amended proposal. The loss of views towards the St Leonards and Crows Nest skyline is not a result of the amended proposal's compliance with relevant development controls. Instead, as demonstrated in the VIA, it's primarily due to the direct orientation of the view corridor from No. 128 Sailors Bay Road across the development site, meaning even a much smaller building would obstruct these particular views.

With Willoughby Council's Design Excellence Panel concluding that the amended development achieves design excellence, the SNPP can be satisfied the second deferral issue is now resolved.

### **3. Clarification of public access to walkway and courtyard**

The requirement for a north/south through-site link connecting Baringa Road to Sailors Bay Road is established in Section 2.6 (Northbridge) of the Willoughby Local Centres Strategy 2036 and Section 10 (Northbridge Local Centre) of the Willoughby Development Control Plan Part L: Place Based Plans 2023 – see Figure 7 below.



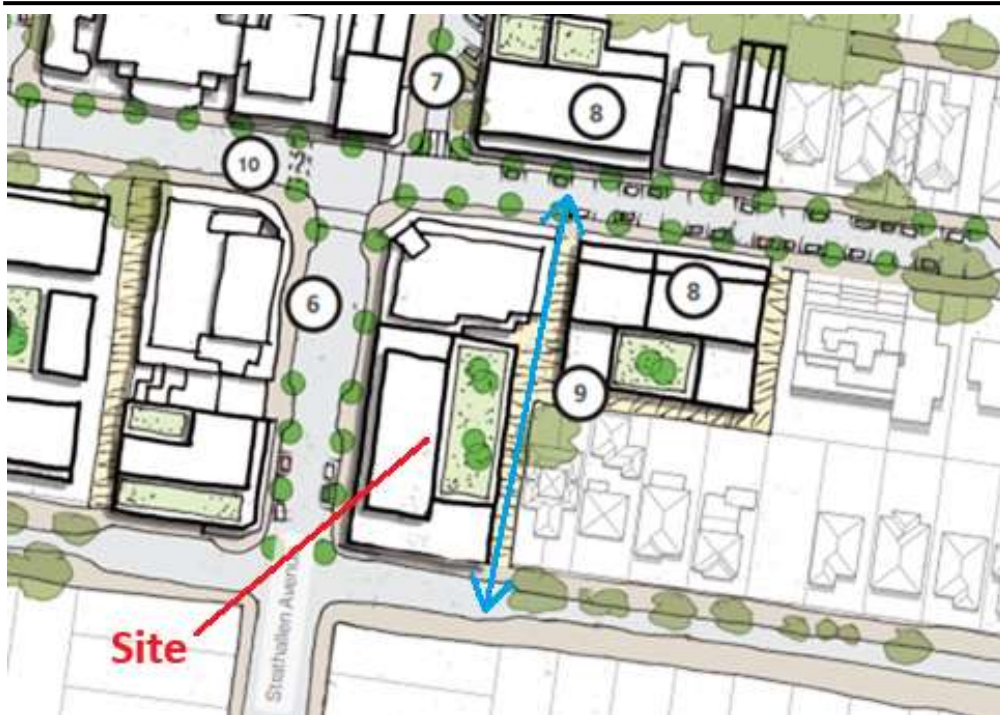


Figure 7 – Extract of the master plan for Northbridge from the Willoughby Local Centres Strategy 2036, Indicated in red is the subject site, and in blue is the north/south through-site link connecting Baringa Road with Sailors Bay Road.

The development site does not currently provide a continuous connection from Baringa Road to Sailors Bay Road. Instead, it must make future provision for this through-site link, which will be completed when properties to the north are developed.

However, the Applicant's plans propose an L-shaped through-site link connecting Strathallen Avenue with Sailors Bay Road, as shown in Figure 8 below. This differs from the masterplan's alignment, which aims for a future north/south connection between Baringa Road and Sailors Bay Road.

The alternative L-shaped alignment was presented to Council at a pre-DA meeting on 7 February 2024 and to the Design Excellence Panel on 14 February 2024.

Willoughby Council's Design Excellence Panel comments from 25 June 2025 maintain the following comments in relation to the Applicant's alternative L-shaped link:

*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.*

The SNPP previously expressed concerns that the communal open space area would serve a dual purpose with the public through-site link.

The Applicant has since revised the proposal. While the communal open space layout remains as originally planned, the area initially designated for the through-site link will serve as a turfed space for residents' passive recreation until its eventual dedication as a public link.

Until this dedication occurs, the communal open space will be for residents' use only, measuring 632m<sup>2</sup> (26% of the site area), which complies with the ADG's 25% requirement.

However, once a portion is dedicated for the L-shaped through-site link, the communal open space will reduce to 357m<sup>2</sup> (14.7% of the site area), falling below the ADG's 25% requirement.

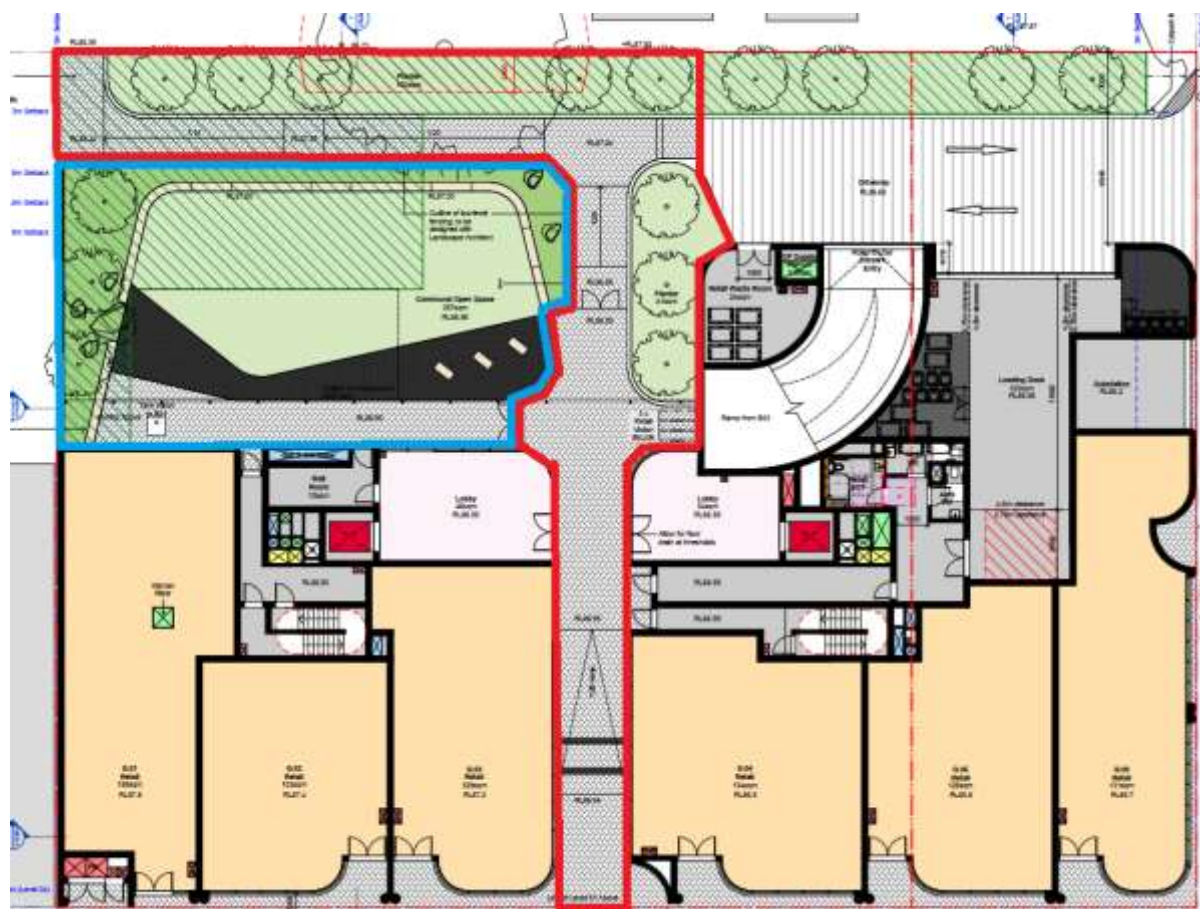


Figure 8 – Extract of the Applicant's General Arrangement Plan showing in red the proposed L-shaped through-site link connecting from Strathallen Avenue (bottom of the image) to the norther boundary of the site (top left corner of the image). The area highlighted in blue is the remaining communal open space area following establishment of the link.

As previously outlined, Willoughby Council's Design Excellence Panel provided comments on the Applicant's through-site link and communal open space arrangements in their review dated 25 June 2025. These comments are noted again below:

*The Panel note that the current proposals incorporate 25% of shared space (ADG). Once the public 'through-fare' is connected to Sailors Bay Road, the percentage of shared open space will notably reduce.*

*Noting that the link is required by Council and that generally the apartments include balconies considerably larger the ADG minimums, the Panel believe this is a reasonable provision of open space for the size of the development.*

It is also noted the ADG design guidance for communal open space areas provides the following:

*Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:*

- *provide communal spaces elsewhere such as a landscaped roof top terrace or a common room*

- *provide larger balconies or increased private open space for apartments*
- *demonstrate good proximity to public open space and facilities and/or provide contributions to public open space*

The subject site, located within the Northbridge town centre, falls under the E1 Local Centre business zone of the *WLEP*. While the proposal does not include additional communal spaces, it significantly exceeds minimum requirements for private open space.

Each of the 24 apartments feature larger balconies and private open spaces, ranging from 14m<sup>2</sup> to 96m<sup>2</sup>. This substantially surpasses the ADG minimums (10m<sup>2</sup> for 2-bedroom, 12m<sup>2</sup> for 3- and 4-bedroom apartments). Collectively, the development provides 418m<sup>2</sup> of excess private open space, which helps to offset the 275m<sup>2</sup> communal open space shortfall should the through-site link proceed.

The Applicant has also identified the following public open spaces and facilities within good proximity to the site:

- Northbridge Tennis Club – 750 metres – 11-minute walking distance.
- Access from Calbina Road to; an array of walking tracks, cycle tracks along Flatrock Creek, and a dog park (Flatrock Reserve), all of which extend further east to Tunks Park Sports Field, Tunks Park Boat Ramp, and Mortlock Reserve – 600 metres – 8-minute walking distance.
- Northbridge Oval and Football Club – 900 metres – 12-minute walking distance.
- John Roche Playground – 800 metres – 11-minute walking distance.

The Willoughby Leisure Centre, Hallstrom Playground and Park, and the Northbridge Golf Club are all located 1.2km from the site, which provides additional facilities near the site.

Given the above, the proposed L-shaped through-site link and communal open space arrangements are considered satisfactory, notwithstanding their deviation from some relevant planning controls.

Should the through-site link eventuate in the future, the Applicant proposes the following condition of consent that would require the Applicant (or future owner) to deliver the link at that time.

*An easement is to be registered on title over the area identified as a potential through-site link within the communal open space. This easement shall be dormant until such time that a connection to 134 Sailors Bay Road is facilitated through future redevelopment.*

*In the event the through-site link is required in the future, the applicant (or future owner) must be responsible for retrofitting the communal open space area to provide a publicly accessible, functional, and compliant through-site link in accordance with Council's requirements. The design and delivery of the link is to be at no cost to Council and must ensure continued amenity for adjoining residents where practical. Details of the proposed fencing, gate and any landscaping changes are to be submitted as part of the easement documentation.*

*Upon activation of the through-site link, the remaining communal open space is to be appropriately sectioned off to maintain security and amenity for residents. This is to be achieved through the installation of a 1.8-metre high mesh pool-style fence in dark*



*colour, appropriate landscaping, and a gate to clearly define the private resident-only areas.*

*Signage is to be installed to clearly identify which areas are for resident use only and which areas are publicly accessible.*

This condition is included within the draft conditions of consent – see Attachment 6 of this Supplementary Report.

Having regard to the above, the SNPP can be satisfied the third deferral issue is now resolved.

#### **4. Resolution of proposed Waste Management arrangements.**

On 16 June 2025 the Applicant met with Council Waste Consultant and Traffic Engineer to discuss outstanding matters in relation to the development's waste management arrangements. A copy of the meeting minutes is included in Appendix B and additional advice from Council's Waste Consultant are included in the Applicant's Planning Response Letter contained in Attachment 2 of this Supplementary Report.

Below are the key issues identified at the meeting that required resolution, along with commentary on how the Applicant has responded to each:

- ***Confirm the truck swept path (10.5m HRV waste truck) and diagram to state compliance with AS2890.2.***

**Response:** The Applicant's traffic consultant submitted a letter dated June 20, 2025, which includes a swept path analysis for a 10.5m HRV waste truck under AS2890.2.

However, Council's Waste Consultant has reviewed this response and raised a concern.

Firstly, the truck body overhang still appears to encroach the landscaped area on the swept path. The Applicant's traffic response does not unequivocally state that the proposal complies with the AS2890.2:2018 despite it being made clear by Council that it must.

Accordingly, Council's Waste Consultant has recommended the following condition of consent be imposed to ensure the truck swept path (10.5m HRV waste truck) complies with AS2890.2.

##### ***Vehicle Access and Manoeuvring for Waste Collection Vehicles – Engineer's Certification***

*Prior to the issue of the Construction Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the HRV waste collection trucks at the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:*

- a) *That finished driveway gradients and transitions comply in full with AS 2890.2:2018 for an HRV and will not result in scraping to the underside of trucks.*
- b) *That the proposed HRV vehicular path and parking arrangements comply in full with AS 2890.2:2018.*

- c) That the headroom clearance required in AS 2890.2:2018 for an HRV of 4.5m has been provided for the whole swept path including the loading area and the path to and from the loading area.

(Reason: Ensure compliance / Work Health and Safety)

- **Council's Waste Consultant recommended that a temporary holding area for bulky waste is provided as well as bins. A suggestion was made that the organics holding room could be divided into two rooms.**

**Response:** A 12m<sup>2</sup> bulky waste room is to be provided at Basement Level 01, and a temporary loading area has also been provided at ground level for bulky goods. A 14m<sup>2</sup> holding room has been provided that accommodates bulky waste and organic bin storage.

Temporary waste and recycling waste storage is provided within a separate room, of 19 sqm, offering a total of 33 sqm holding waste space at ground level.

An extract of the Ground Level General Arrangement Plan is provided below showing the locations of the amended waste storage areas.

In their referral response dated 14 July 2025, Council's Waste Consultant has confirmed the bulky waste room has been provided and is satisfactory, subject to consent conditions.

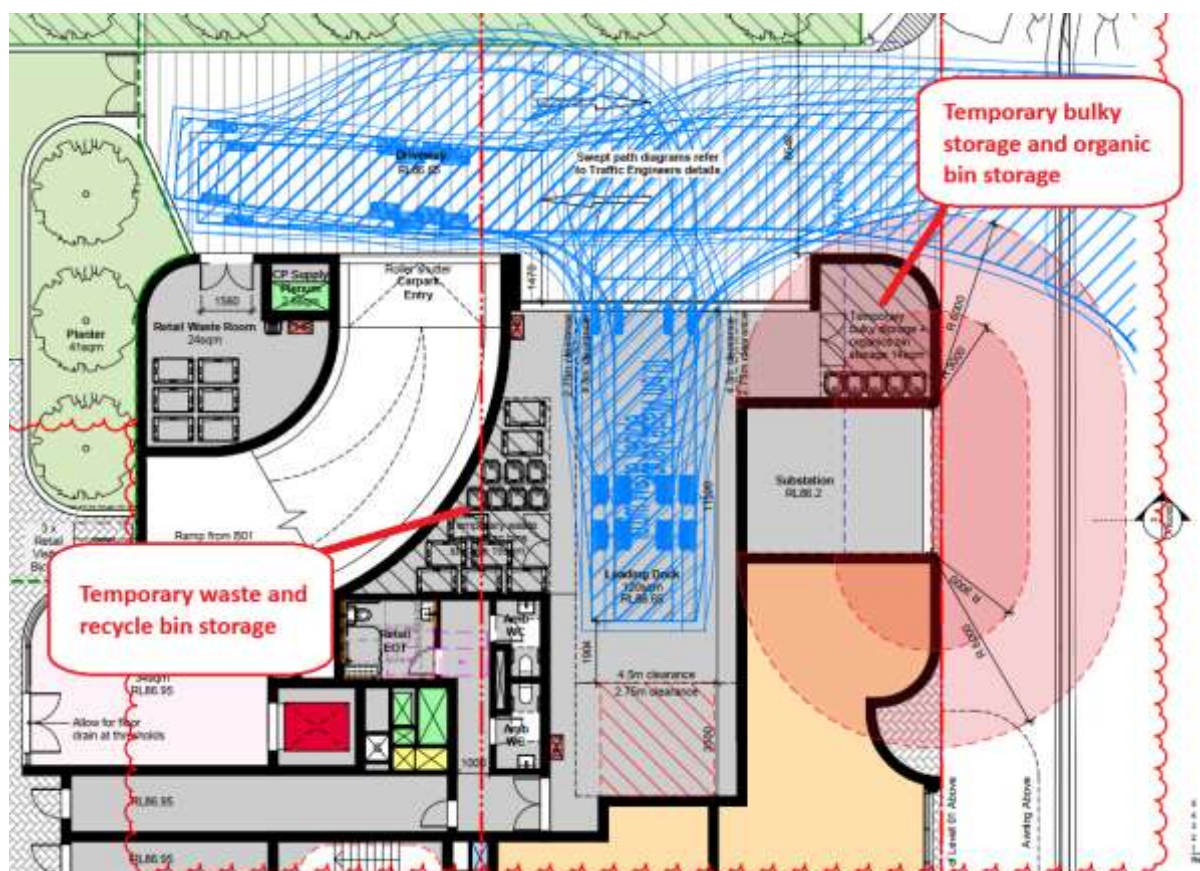


Figure 9 – Extract of the Ground Floor General Arrangement Plan depicting the amended waste storage areas.

- ***Council's Waste Consultant noted that proximity of temporary holding areas to the loading area where the truck rear is at the back of the parking space (12.5m long parking space to allow the extra 2m rear clearance space for loading). The DCP requires holding areas to be 2m (possibly 10m) from the loading area. Can you state the distances and keep them as close as possible, noting the current design and limitations of being able to substantially amend that now.***

**Response:** The Applicant has provided plans to showing the temporary waste holding areas are located between 3m and 11m from the loading area (where the truck rear aligns with the back of the parking space). While this slightly exceeds the 2m to 10m range previously noted by Council's Waste Consultant, it is considered satisfactory given current design limitations. Notably, Council's Waste Consultant raised no concerns regarding these nominated distances in their referral response.

- ***Council's Waste Consultant questioned whether there is suitable aisle width around the truck to wheel bins and carry bulky waste when the truck is parked.***

**Response:** The Applicant claims a 2m aisle can be maintained on either side of the waste truck, depending on the collection activity. Specifically, if recycling and general waste are being collected, the vehicle would position closer to the southern wall of the waste area. Conversely, for bulky waste and organics collection, it would position closer to the northern wall. Again, Council's Waste Consultant raised no concerns regarding these nominated distances in their referral response.

## 5. Clause 4.6 Written Request – Building Height

The assessment report presented to the SNPP on 4 June 2025, included a comprehensive evaluation of the Applicant's Clause 4.6 written request regarding building height. The sole criticism was the Clause 4.6 request's failure to demonstrate how objectives (b) and (d) of the *WLEP* building height standard, related to view sharing, could be satisfied. Specifically, it did not show that the new development would:

- Minimise the disruption of views to the adjoining properties at No. 128 Sailors Bay Road, Northbridge.
- Minimise disruption to existing views or achieve reasonable view sharing from adjacent developments at No. 128 Sailors Bay Road, Northbridge, considering the development's height and bulk.

With the benefit of a VIA specifically prepared to consider impacts on views from No. 128 Sailors Bay Road, the Applicant's town planner has submitted an updated Clause 4.6 request regarding the development's contravening building height – see Attachment 5 of this Supplementary Report.

Aided by the VIA, the updated Clause 4.6 request now satisfactorily demonstrates how the amended development, despite its height contravention, satisfies objectives (b) and (d) of the *WLEP* building height standard, for the following reasons:

- The contravening building height, specifically the services and lift overrun, results in the loss of only a small portion of sky view, and not the more valuable views to the CBD, North Sydney, Crows Nest or St Leonards skylines.

- The loss of views to the St Leonards and Crows Nest skyline is not due to the proposal's inability to comply with the *WLEP*, *WDCP*, or the Willoughby City Council Local Centres Strategy to 2036. Instead, as the VIA demonstrates, this loss is primarily a consequence of the view corridor's direct orientation from No. 128 Sailors Bay Road across the development site; even a much smaller building would obstruct these particular views.
- The Applicant's amended proposal largely preserves the more highly valued North Sydney and CBD skylines, which are not impacted by the noncompliant height of the building's services or lift overrun. Increasing the eastern setback of the apartment wall at 57 Strathallen Avenue from 7.5m to 10m at Levels 2 and 3, and from 9m to 11.5m at Level 4 has meant the southern view corridor from No.128 Sailors Bay Road to the North Sydney and CBD skylines is largely preserved.

Given the Clause 4.6 request's satisfactory demonstration of compliance with objectives (b) and (d) of the *WLEP* building height standard, and considering the Clause 4.6 assessment in the original report to the SNPP, it's evident the Applicant has demonstrated why strict compliance with the building height development standard is unreasonable or unnecessary in these circumstances. Sufficient environmental planning grounds to justify this contravention have also been demonstrated. On this basis, the granting of development consent to the proposed development is recommended, despite the contravention of Clause 4.3 of the *WLEP*.

**ATTACHMENT 2: APPLICANT'S PLANNING RESPONSE LETTER**

**ATTACHMENT 3: AMENDED ARCHITECTURAL PLANS**

**ATTACHMENT 4: VISUAL IMPACT ASSESSMENT**



**ATTACHMENT 5: CLAUSE 4.6 SUBMISSION – BUILDING HEIGHT**

**ATTACHMENT 6: SCHEDULE OF CONDITIONS**