

1 June 2021

Gabrielian Holdings Pty Ltd  
60 Gibbes Street  
CHATSWOOD NSW 2067

Dear Sir/Madam,

**Development Application No: DA2020/1759 for Demolition works and construction of a shop top housing development at 51 Arthur Street FORESTVILLE.**

I refer to your Application which is under assessment by Council.

The application was presented to the Design + Sustainability Advisory Panel meeting on 29 April 2021. Below is a list of issues identified by the Panel and Council in respect of your application which prevents Council from supporting the proposal in its current form.

**Height, bulk scale and massing**

The proposal exceeds the 8.5m height limit with a proposed height of 10.1m (1.6m breach).

The proposal in the current form does not meet the objectives of Clause 4.3 Height of Buildings. In particular, (a) to ensure that buildings are compatible with the height and scale of the surrounding and nearby development and (d) to minimise the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The surrounding development consists of single storey and two storey residential dwellings in a low-density residential setting. The proposal is therefore not compatible with the surrounding development.

The mass and excessive bulk is exacerbated at the eastern boundary where nil setback and no stepping back of the built form of the upper floors. The eastern elevation presents significant issues with regard to transitioning to the adjacent single storey residential development. The proposal is inconsistent with the requirements and objectives of Cause B6 Merit Assessment of Side Boundary Setback and D9 Building Bulk.

The proposal is inconsistent with clause F1 (6) Local and Neighbourhood Centres which requires:

Buildings greater than 2 storeys are to be designed so that the massing is substantially reduced on the top floors and stepped back from the street front to reduce bulk and ensure that new development does not dominate existing buildings and public spaces.

The upper levels should be reduced to provide a softer transition to the eastern boundary by removal of the upper storey or the entire unit to the east so the building reads as a single storey transitioning to a perceived two storey development.

The Design Panel note:



*Given the overall concern with the bulk, apparent height and relationship to adjoining properties, the Panel does not understand why the prominent two storey expression has been adopted, why two bedroom apartments need a second bath room, or a 'wintergarden' all of which contribute to the bulk of the building.*

*The Panel agrees with many of the comments provided in the Urban Design referral, however if the overall presentation of the building were modified to present a predominantly 2 storey form as described above, with an expressed parapet/ balustrade at approximately RL8.0 and with the upper level eave and roof set back by 3m the proposal may be supported.*

#### Rear Boundary Setback and overshadowing

The nil setback proposed does not provide sufficient area to allow for a transition to the adjacent residential building to the south. A minimum 2m setback to allow for a significant mature tree planting buffer would assist to break down the bulk and scale of the building presentation to the street and adjoining property. The proposal is inconsistent with the requirements and objectives of Clause B10 Merit assessment of rear boundary setbacks

Due to the height, bulk and scale and rear setbacks the proposal will increase the amount of shadow cast on the property to the south.

#### Common open space and landscaping

The proposal fails to provide any common open space and is therefore inconsistent with SEPP 65 / the ADG which requires 25% of the site to be retained as common open space.

2.5% (14sqm).is retained as deep soil zone which is inconsistent SEPP 65 / ADG which requires a minimum of 7% of the site to be deep soil. There is insufficient deep soil to allow for canopy trees to mitigate the bulk and scale of the development. A minimum of 1m deep soil is required on the landscaped roof to allow for planting and an Arboriculture Impact Assessment is required to assess impacts on existing trees.

#### Amenity / Privacy

The amenity of the apartments is generally good with sizes exceeding the ADG. The proposal, however, has the potential to impact on the visual privacy of the adjoining properties. Windows to the open plan living and dining room on level 1 and a window to the bedroom on level 2 are proposed with a zero set back to the eastern boundary which will overlook No 49 Arthur Street.

Some concern is also raised in respect of the landscaped roof overlooking the dwelling to the immediate south.

The floor to ceiling height to the second floor (bedrooms) is reduced in part to 2.4m further information is required to justify the breach in the 2.7m requirement. Concern is also raised in relation to the 3.4 metre floor to ceiling height for the ground floor commercial units as it does not meet the recommendation of the ADG for ground floor commercial floor to ceiling heights.

#### Facades, articulation and materials



The materials and articulation are generally supported with the exception of the eastern facade. The distribution of the face brick and the vertical screening detail to the eastern elevation has the effect of amplifying the verticality of the elevation, and whilst it provides a modernist articulation to the development it may be considered quite monolithic.

#### Access Ramp to Apartments

The access ramp to the southern elevation is comprised six ramps with landings both at doorways and at the central point of the apartment walls. Council's Urban Designer and the Design Panel have requested further consideration of this issue. Refer to comments in the link and the attached Panel recommendations.

#### Upgrades to streetscape

Council's Roads Asset Officer has suggested that physical barrier (e.g. bollards) be included to

#### Referrals

Issues are raised in the referrals from Councils Urban Designer, Landscape Officer and Road Assets Officer. The referral from Councils Transport Officer is outstanding, however, it is noted that the proposal is inconsistent with the car parking requirements of the WDCP.

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx?id=1910827>

Council is providing you with three options to progress the handling of your application:

- 1 Prepare and submit further supporting information addressing the issues by 14 June 2021; or
- 2 Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
- 3 Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 14 June 2021 at [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au) and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.



Should you wish to discuss any issues raised in this letter, please contact Anne-Marie Young on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Lashta Haidari'.

**Lashta Haidari**

Acting Manager, Development Assessment