

4 February 2020

General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Lashta Haidari

Dear Ms Haidari,

**Re: DA2019/1280 – 60-62 Beaconsfield Street and 7-13 Queens Parade,
Newport**

Introduction

This development proposal was prepared following extensive discussions with Council including a formal pre-lodgement meeting on 4 July 2019. Feedback from the pre-lodgement meeting was incorporated into amended plans which were lodged on 15 July 2019. The notes produced by Council summarised the review of the amended plans as follows:

Therefore, amended designs were received on 15 July 2019 that provided increased side setback to the west, additional front setbacks to Beaconsfield Street and re-orientation of Dwellings 11 to 16 to provide a more stepped, saw-tooth design to break the bulk of the built form.

The proposal has reduced the bulk and scale, and ensured compliance with the other built form controls. In this regard, the residential development could satisfy the local character statement under the Pittwater DCP.

Higher density development where permitted should maintain a “good fit” within the context of surrounding land to prevent outcomes that are “jarring” against the existing urban amenity and local residential character that popularises the surrounding streets / precinct.

Based upon the above comments, you are advised that Council is likely to support a development application for a multi-dwelling housing as presented in the amended design, subject to the matters raised by the above notes, referral bodies and reasonable compliance with the planning controls.

The proposal was amended in accordance with the feedback from the pre-lodgement process and the development application was lodged on 14 November 2019.

The proposal was placed on an extended period of public exhibition and notification which concluded on 1 February 2020.

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During this time the project team has been monitoring submissions received by Council and published on the Council's web site and internal referral responses. This letter summarises the issues that have been raised through this process, how the design responds to those issues, and provides additional information to assist Council in its assessment of the proposal.

Note that to respond appropriately to the issues that have been raised minor amendments have been made to the proposal. These amendments are submitted to Council pursuant to clause 55 of the *Environmental Planning and Assessment Regulation 2000*.

Summary of issues

Attached is a summary of the submissions received by Council during the notification period. It is not intended to diminish the detail of the submissions but to provide a convenient way to understand the breadth of the issues and the context of the responses made by the project team. The name and address of each submission as published on Council's web site is included for your assistance.

- Lack of parking
- Traffic impacts
- Tree removal
- Building height
- Construction parking
- Construction traffic
- Privacy
- Construction hours (Saturday afternoon)
- Excavation impacts
- Streetscape / character
- Notification period too short
- Setbacks (58 Beaconsfield St)
- Overshadowing (58 Beaconsfield St)
- Bin storage location (58 Beaconsfield St)
- Density
- Lack of public facilities (eg: footpaths)
- Estimated cost of construction
- Increase in urban heat load

The development proposal has also been referred to technical officers within Council and external bodies for comment. It is noted that some referral officers / bodies have not yet provided final comments, partly as a result of on-going communication between the project team and those officers. The following is a summary of issues raised in the referral responses received to date:

- Waste Officer:
 - Size of bin rooms and collection bays
 - Gradient of ramps to collection points
 - Operation of waste chute

- Development Engineering:
 - Impact of footpath widening on existing trees
- Urban Design:
 - Level of landscaped terraces over car parking areas adjacent to side boundaries

Summary of amendments

The following is a list of the amendments made to the proposal in response to the issues summarised above and design refinements:

- Revised waste collection area on Beaconsfield St and revised bin & bulk storage within the car park.
- Additional waste collection area on Queens Parade and new bin and bulk storage within the car park.
- Additional detail drawing DA060 provided.
- Townhouse 2 & 3 planted area above car park redesigned adjacent to rear boundary to reduce bulk and built form viewed from No. 58 Beaconsfield St. Additional detail drawing DA061 provided.
- Basement car park along Western boundary pulled back in line with 3m building setback.
- Western boundary elevation corrected to show existing building outlines.
- Western boundary walls and landscaping revised, additional detail drawing DA062 provided.
- Footpath on both streets widen to 1.5m wide.
- Additional pop-out showers at Level 1 Townhouse 8 & 9.
- Dumbwaiters shown on Townhouse 11 to 18 roof terrace.
- Revised achieved Landscape area as a result of all the changes.

The following is a list of amended drawings attached to this letter:

- 10708_DA003-G
- 10708_DA004-J
- 10708_DA005-J
- 10708_DA006-H
- 10708_DA007-F
- 10708_DA020-E
- 10708_DA021-D
- 10708_DA030-F
- 10708_DA060-C
- 10708_DA061-C
- 10708_DA062-A
- 10708_DA075-C
- 10708_DA091-C
- Appendix – Example of Bin Tug

Summary of additional information

Attached to this letter is additional information that has been prepared in response to the issues summarised above:

- Traffic and Transport Planning Associates, letter dated 4.2.2020:

Addresses concerns raised in public submissions related to car parking and traffic movements. Includes a focus on issues common to many submissions regarding the width of carriageways, the proximity to Newport Public School, and the location of traffic lights on Barrenjoey Road.

Of particular relevance is that the proposal, when constructed, will reduce traffic movements and the demand for on-site parking compared to the current situation due to the removal of the existing kindergarten (a relatively high traffic-generating activity), the reduction in the number of driveway crossings and the provision of on-site car parking in accordance with Council's planning controls.

- Auswide Consulting, updated Construction Management Plan dated February 2020:

Addresses concerns relating to truck movements and provides a site management process to prevent trucks queueing on local streets. Reduces the proposed hours of construction work on Saturdays to 7.00am – 1.00pm.

- Footprint Green, letter dated 30.1.2020:

Provides details of measures to be taken to ensure that the widening of footpaths as required by the Development Engineering referral comments does not have a negative impact on existing trees.

- Scape Design, letter dated 4.2.2020:

Provides details of landscape treatment of planter boxes and landscape area adjacent to townhouses 2 and 3.

Detailed response to issues

The following discussion relates to issues that are not addressed by the amended plans and additional information attached to this letter.

- Tree removal

The development has been designed to provide a lush landscaped connection through the site and to retain significant trees. The design was carried out in consultation with the project arborist and was a feature of the pre-lodgement discussions with Council officers. Removal of trees from the site is inevitable but the proposal now before Council minimises the loss of trees. Tree replacement is proposed as part of the detailed landscape design prepared by Scape Design.

- Building height

The proposed development generally complies with the 8.5m building height control that applies to the site under clause 4.3 of *Pittwater Local Environmental Plan 2014* ("PLEP2014"). However, minor variations are proposed for some of the proposed sun control structures (open unroofed pergolas) over the accessible rooftop terraces, edible gardens and solar arrays. The extent of the non-compliance is minor, up to a maximum of 1.1 metres.

The proposal seeks to apply the flexibility inherent in the planning controls to permit this variation. A written request under clause 4.6 of PLEP2014 is attached to the Statement of Environmental Effects which demonstrates in detail that the proposal satisfies the aims and objectives of the building height control, the objectives of the R3 Medium Density zone, and that there are sufficient environmental planning grounds to justify the variation.

The issue of the sun control structures (open unroofed pergolas) and their building height was specifically discussed as part of the pre-lodgement process and endorsed in the minutes of those meetings provided by Council. They are located centrally to the site to minimise their visual impact on the public domain and have no impact on residential amenity with regards to privacy, overshadowing and views.

- Privacy

Concern has been raised that the proposed rooftop terraces could result in overlooking. However, the proposal has been designed to ensure that potential privacy impacts from the rooftop terraces are mitigated by:

- (a) Orienting the terraces towards the street (Queens Parade) or the central common open space and away from neighbouring properties.
- (b) Providing planter boxes around the rooftop terraces. The planter boxes are 1.5m – 1.7m wide (to the external face of the structure) and 1.2m in height (from the terrace floor level to the top of the structure). The planter box structures restrict lines of sight into neighbouring properties. The use of planter boxes in this way is a commonly accepted method of successfully mitigating potential privacy impacts. The landscaping in the planter boxes will also soften the appearance of the buildings, enhance the amenity of the private open spaces, and improve the environmental sustainability credentials of the development, but the landscaping is not relied upon to prevent overlooking as this is achieved by the structures themselves.

- Excavation impacts

The impacts arising from the proposed site excavation to accommodate the basement car parking areas is addressed in detail in the Geotechnical Assessment Report by JK Geotechnics dated 29.10.2019 and submitted with the development application. It provides recommendations "*to maintain and reduce the present risk of instability and to control future risk*" (page 8). It is anticipated that this report will be reviewed by Council's technical officers in accordance with

usual practice and the recommendations enforced by appropriate conditions of development consent.

- Streetscape / character

The siting and design of the building and its impact on the streetscape was a matter that was an important part of the pre-lodgement process undertaken with Council. It was recognised that the design philosophy to provide a central landscaped corridor and to design the buildings around significant trees would achieve a better planning outcome than one that sought to simply comply with numerical criteria. The proposal was redesigned significantly in response to those comments to achieve an outcome around which a consensus was built between Council and the applicant and that enabled the preparation of all documentation accompanying the development application to proceed.

The adopted solution to providing a good streetscape outcome is particularly relevant to the Beaconsfield Street frontage as the site rises above carriageway level and, unlike the Queens Parade frontage, does not benefit from a wide nature strip. The solution was to align the buildings so that they are not perpendicular to the street frontage but provide a staggered setback to break up the bulk and scale and ensure that there are no unarticulated elevations. At the eastern end of the street frontage two units are separated from the others and provided with a setback of 6.5m – 9.7m to provide a transition to the adjacent single dwelling house.

Particular care has been taken in the landscape proposal by Scape Designs to provide for dense planting of the streetscape to Beaconsfield Street, with a series of landscape tiers rising to give an appearance of landscaping on landscaping. The landscape proposal includes landscaping between the public footpath and the site on Beaconsfield Street to further enhance the streetscape and the public domain.

Council officers assessed the revised proposed as part of the pre-lodgement process and the minutes of the meetings provide the following commentary:

- *The building presentation to the Beaconsfield Street frontage provides a built form that is more in keeping with and reflective of the residential character of the streetscape.*
- *The proposed front setback of 3.0m softens the proposed built form to provide a less visually dominate bulk and scale.*
- *The reorientation of the residential dwellings to a stepped (saw-tooth) design, breaks the long linear built form design that has overbearing visual bulk and scale*
- *The 3.0m western side setback, and increased front setback provides greater opportunity for sufficient landscaping to significantly enhance and integrate the development with a natural environment.*

The proposed development presented in the plans dated 15 July 2019 achieves the desired future character of the Newport Locality as stated in Part A of Pittwater 21 DCP.

- Notification period too short

The development application was lodged on 14.11.2019 but notification was not commenced until 30.11.2019. Whilst the proposal would normally require a 21-day notification period, this was extended to account for the Christmas period over 20.12.2019 to 10.1.2020 in accordance with Council's policies (Pittwater 21 DCP and, from 1.12.2019, the Northern Beaches Community Participation Plan). The notification period was then further extended to 1.2.2020 notwithstanding that such an extension was not permitted by the Northern Beaches Community Participation Plan.

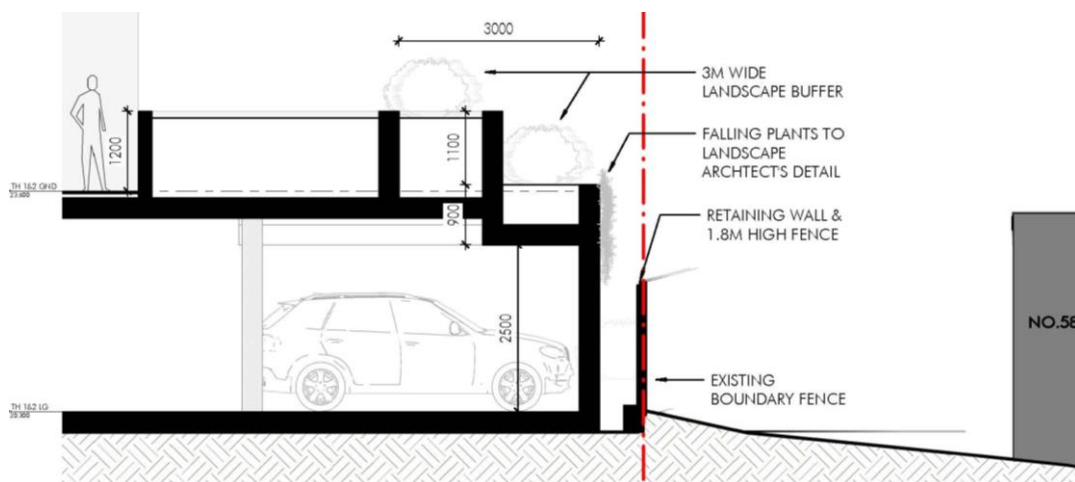
Altogether, the development application has been on notification for a period of just over 2 months. It is incorrect to assert that the notification period has been too short.

- Setbacks (58 Beaconsfield St)

To address this concern the proposal has been amended in consultation with Council's Urban Design Officer to lower the structures near the boundary to 58 Beaconsfield Street.

The proposal provides for car parking to be located adjacent to the rear boundary of 58 Beaconsfield Street. The car parking is set below the level of the subject site at RL20.3 such that it is at approximately the same level as the rear yard of 58 Beaconsfield Street (note the spot level of RL20.28 adjacent to the rear boundary of 58 Beaconsfield Street).

The proposal as submitted to Council proposed that a garden terrace extend over the car parking at a level or RL24.6, ie: 4.3m above the level of the rear yard of 58 Beaconsfield Street. The proposal as amended steps the landscaped area down as it nears the boundary with 58 Beaconsfield Street. Immediately adjacent to the boundary the proposal is at ground level, then there is a planter box with falling plants creating a green wall up to RL23.7, as shown in the following drawing:



- Overshadowing (58 Beaconsfield St)

Pittwater 21 DCP includes detailed controls to ensure that sufficient solar access is maintained to properties to provide reasonable levels of amenity.

The controls require the retention of 3 hours of sunlight to the principal living areas and main private open space of adjoining dwellings in mid-winter.

The control also provides the following variations which are relevant to the proposal:

Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis:

- *where there is adverse slope or topography,*
- *where there is existing vegetation, obstruction, development or fences that overshadow*

These factors, together with the siting of the existing dwelling house at 58 Beaconsfield Street, are such that 3 hours of sunlight are not currently available to that property and the proposal will not result in the loss of sunlight.

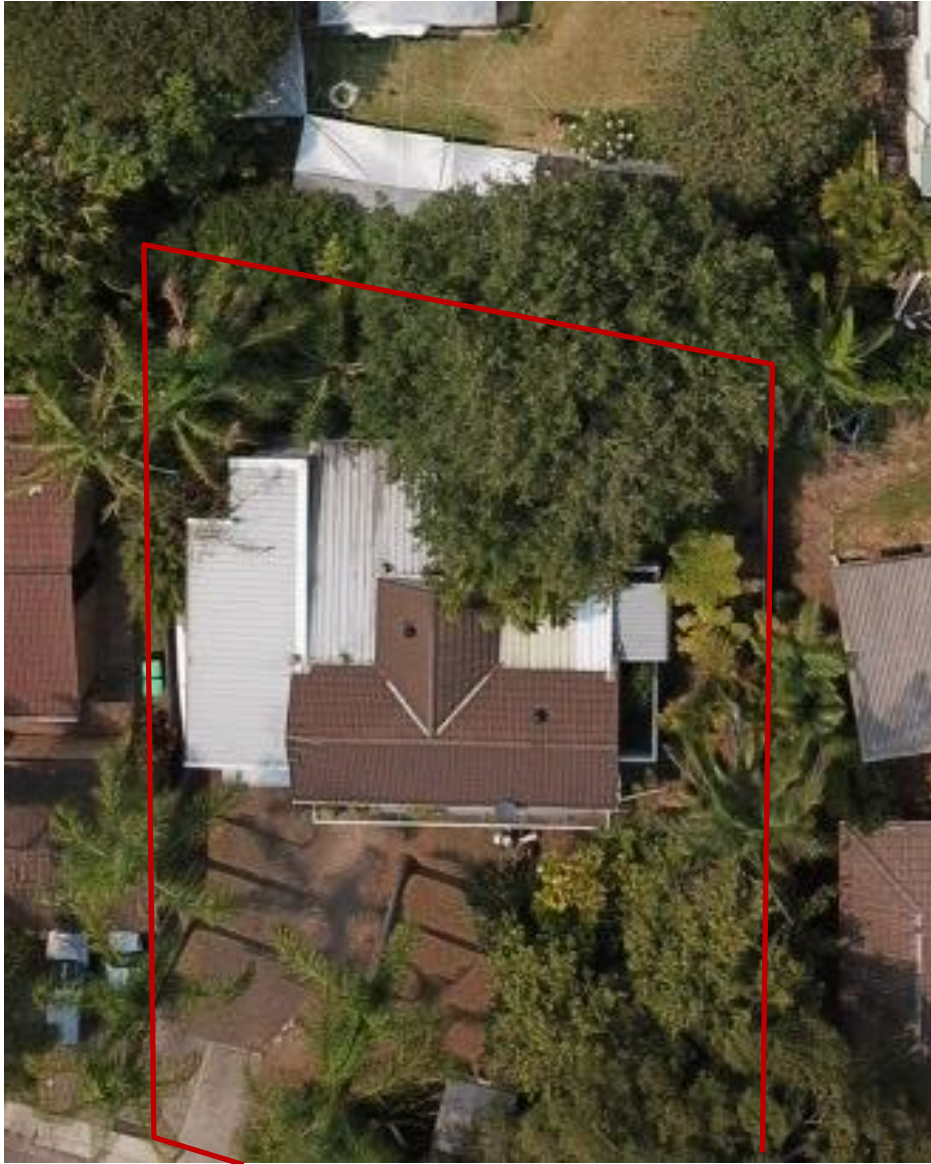
Firstly, in terms of the siting of the dwelling house, the building is located towards the rear of the site. The site has a depth of 31.07m, yet the building is located with a rear setback of 5m-6m is provided. In contrast, the front setback is 14m-16m. Consequently, the opportunity to obtain greater solar access by siting the dwelling house further from the rear boundary was not taken when the house was built. However, it could be argued that such a consideration was less important at the time the house was constructed, which was prior to contemporary planning controls which seek to maximise solar access.

Secondly, the topography is such that 58 Beaconsfield Street is sited well below the site of the proposed development. The level of the land at the rear of 13 Queens Parade (ie: adjoining the rear boundary of 58 Beaconsfield Street) is RL21.3-RL21.58, as shown on the survey plan. The ground level in the rear yard of 58 Beaconsfield Street is RL20.29, as shown on the survey plan, although interpolation of levels would infer the rear yard ranges from RL19.5-RL20.5. There is a difference in level of over a metre at the common boundary, and the land at 13 Queens Parade then continues to rise steeply as shown on the survey, at a gradient of approximately 1 in 5. This circumstance is clearly contemplated in the DCP controls which refer to “*adverse slope or topography*”.

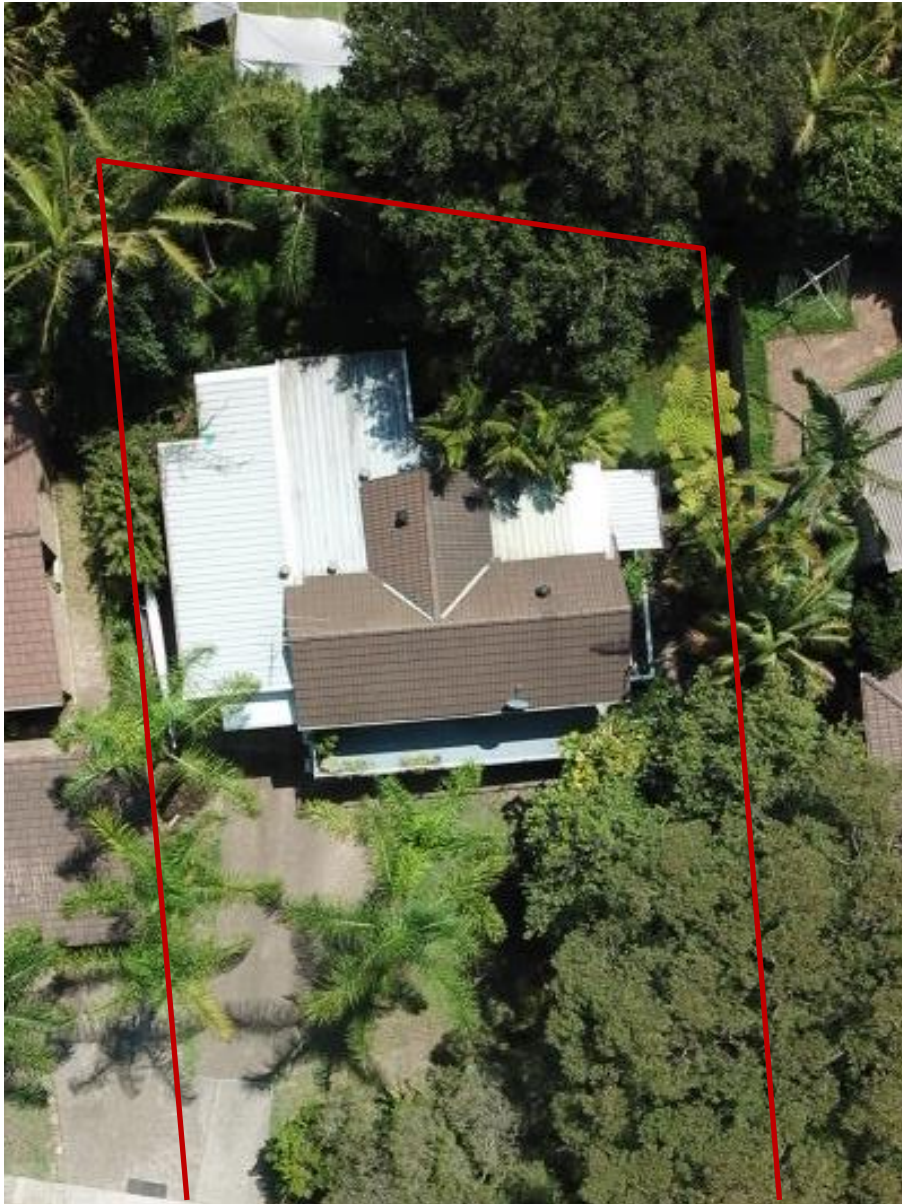
Thirdly, located on the common boundary is a timber paling fence, which is assumed to be a 1.8m high fence typical of boundary fences in the locality, such that it would have an apparent height of 2.8m when viewed from 58 Beaconsfield Street. This circumstance is clearly contemplated in the DCP controls which refer to “*existing... fences that overshadow*”.

Fourthly, the rear yard of 60 Beaconsfield Street is overshadowed by existing vegetation whilst the front yard retains generous solar access. This circumstance

is clearly contemplated in the DCP controls which refer to “*existing vegetation... that overshadow*”. The overshadowing from existing vegetation and the retention of solar access to the front yard of 58 Beaconsfield Street, is shown in the following aerial photographs:



Photograph 1: 58 Beaconsfield Street – 3pm, 14.1.2020



Photograph 2: 58 Beaconsfield Street – 12pm, 31.1.2020

The existing situation is that the residents of 58 Beaconsfield Street have the benefit of two areas of private open space: the larger area in the front yard which has generous solar access and the smaller area in the rear yard which is overshadowed by their existing vegetation and structures.

The proposal will maintain this situation.

To minimise direct overshadowing from structures the proposal has been amended to lower the structures adjacent to the rear boundary.

- Bin storage location (58 Beaconsfield St)

The proposal has been amended in a number of ways to minimise the impact of waste collection on 58 Beaconsfield Street.

Firstly, waste collection for the Queens Parade dwellings will now be stored below the Queens Parade building and collected from Queens Parade, reducing the number of bins that are collected from Beaconsfield Street.

Secondly, bins for the Beaconsfield Street dwellings will be stored within the basement of the building in a dedicated bin storage room (this was part of the proposal as originally submitted to Council). Consequently, bins will only be visible on collection days.

Thirdly, the setback of the bin collection area from 58 Beaconsfield Street has been increased from 1.8m to 3.0m and a landscaped strip has been planted along the boundary.

Fourthly, the bin collection area is screened with 1.8m high walls to minimise impacts on 58 Beaconsfield Street (this was part of the proposal as originally submitted to Council).

Fifthly, the bin collection area has been located away from the dwelling at 58 Beaconsfield Street and adjacent to the vehicular driveway on that property, to provide additional separation and minimise potential odour impacts.

It is considered that these measures taken together ensure that waste storage and collection activities associated with the proposal do not result in a loss of amenity for the residents of 58 Beaconsfield Street.

- Density

The proposal provides for a housing density that is less than that which is permitted by the relevant planning controls.

In particular, clause 4.5A(4) of PLEP2014 permits a housing density of 1/200m² of site area, or 19 dwellings. The proposal has a housing density of 1/218.2m², or 18 dwellings.

- Lack of public facilities (eg: footpaths)

A close reading of the relevant submission reveals that this concern is related to the lack of a footpath on the northern side of Queens Parade, a concern which is not relevant to the proposal.

Approval of the proposal would be subject to conditions requiring the payment of contributions under the *Northern Beaches Section 7.12 Development Contributions Plan 2019*. Contributions paid under this plan are spent by Council on a variety of local facilities and services including social infrastructure, open space facilities, traffic/active transport facilities and public domain facilities.

- Estimated cost of construction

The Registered Quantity Surveyor's Cost Estimate Report by Napier & Blakely dated 11.11.2019, which was submitted with the development application, fully costs the proposal and provides an accurate estimate cost in accordance with Council's policies. GST is included in the calculation of the development cost.

- Increase in urban heat load

The proposal has been designed in a way that will minimise the increase in urban heat load for a development on this type. The landscaped area complies with the requirements of the planning controls for this development. The development has been designed to retain existing trees and to provide a landscaped corridor through the middle of the site to provide for shading and a reduction in heat load.. The use of energy efficient appliances and equipment, as demonstrated by the BASIX and NATHers Certifications, further reduces heat load.

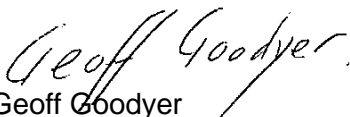
Conclusion

The development proposal has been amended and additional information provided to address matters raised as part of the notification process of the development application and in response to issues identified by Council's technical officers through the referral process. This has improved the development in terms of its environmental performance and its relationship to neighbouring development and the public domain.

The applicant is prepared to respond quickly to any concerns that may be raised but is also cognisant of the time that has passed since the application was lodged largely as a result of the notification period being extended well beyond that which is permitted by Council's policies.

I trust that the information provided in this submission will assist Council in concluding its assessment of the proposal. If you have any questions please feel free to contact me.

Yours sincerely,



Geoff Goodyer
Symons Goodyer Pty Ltd