

7th September 2021

The General Manager
Northern Beaches Council
Po Box 882
MONA VALE NSW 1660

Attention: Rebecca Englund – Acting Manager

Dear Ms Englund,

Development Application No. DA2021/0744
Issues response/ addendum Statement of Environmental Effects and
updated Heritage Impact Statement
Demolition and construction of shop top housing
50 Lawrence Street, Freshwater

Reference is made to Council's issues letter of 12th August 2021 in which a number of issues were raised in relation to the current proposal. This submission represents a considered response to the issues raised and is to be read in conjunction with the following amended/ supplementary documentation:

- Architectural plans DA-0001(D) to DA-0003(D), DA-0101(D), DA-1001(D), DA-1002(D), DA-1102(E), DA-1103(E), DA-1104(D), DA-1106(D), DA-2001(D), DA2002(D), DA-3001(D), DA-3002(D), DA3003(A), DA-4001(D), DA-4002(E), DA-4003(E), DA-4004(A), DA-4005(D), DA-4006(A), DA-4007(A), DA-4008(A), DA-7001(D), DA-7101(D), DA-7102(D), SK-0003(B), SK-0004(A), SK-0006(A) and DA-4013(B) prepared by CKDS Architecture,
- View analysis plan DA-8001 prepared by CKDS Architecture,
- Landscape plans LPDA 20-190/1 to LPDA 20-190/2 prepared by Conzept Landscape Architects, and
- Driveway profile plan SY190124-01-101(B) prepared by Barker Ryan Stewart.

We also note that since receipt of this issues letter Council has requested an updated Heritage Impact Statement addressing the issues raised in Council's heritage referral response and a view analysis based on photographs provided to Council by the owners of Unit 7/ 52 Lawrence Street and Unit 14/ 33 Cavill Street, Freshwater.

We respond to the issues raised as follows.

1. Vehicular access

Response: The Architectural plans have been amended to reflect the accompanying driveway profile plan prepared by Barker Ryan Stewart. The driveways have been designed to comply with the Council standard profile A4/3330/1 Normal and AS/NZS2890.1:2004. Both driveways now have a minimum width of 5.5 metres to facilitate concurrent entry and exit from the development.

2. Works in the public domain

Response: As requested, the plans have been amended as follows:

- No doors swing or encroach within the public road reserve.
- The extension of the 2.4m wide footpath on Oliver Street up to meet the proposed Oliver Street driveway crossing and the removal of any existing/proposed gravel.
- The demolition of southern end/half of the Oliver Street retaining wall and removal of associated outdoor seating area to provide additional landscaping within the road reserve. The seating area terminates adjacent to gridline F.
- Relocation of the bus stop, waiting platform and bench to the south of the Dowling Street driveway.
- The deletion of the bin collection bay on Dowling Street.

3. Solar access

Response: The amended Architectural plan bundle includes additional shadow/solar gain diagrams (DA-4001(D), DA-4002(E), DA-4003(E), DA-4004(A), DA-4005(D), DA-4006(A), DA-4007(A), DA-4008(A)) demonstrating the shadowing impact of the development on the adjoining residential property to the south, property No. 30 Dowling Street, and the quantum of sunlight received to living rooms and the private open space areas of each of the proposed apartments between 9am and 3pm on 21st June.

In relation to shadowing impacts on the southern adjoining property, the shadow diagrams clearly demonstrate that the development will not shadow the north facing first floor living room windows or the formalised private open space areas, accessed directly from internal living areas, located on the eastern and western sides of the property. Photographs of the adjoining property are at Figures 1 and 2 over page.



Figure 1 - Street view of the adjoining property to the south No. 30 Dowling Street showing the north facing first floor living area with garage below



Figure 2 - Aerial photograph of the adjoining property showing the formalised private open space areas, accessed directly from internal living areas, located on the eastern and western sides of the property

A minimum of 3 hours solar access will be maintained to the living areas and adjacent private open space areas of the immediately adjoining residential property between 9am and 3pm on 21st June in strict accordance with Clause D6 (Access to sunlight) of Warringah Development Control Plan 2011 (WDCP).

In relation to sunlight received to living rooms and private open space areas of the proposed apartments, the accompanying plans demonstrate that 8 of 11 or 72.7% of apartments will receive a minimum of 2 hours direct solar access to principal living areas and adjacent private open space between 9am and 3pm on 21st of June in strict accordance with objective 4A of the Apartment Design Guide (ADG).

4. Waste management

Response: As requested, the Architectural plans incorporate the following amendments to the waste storage area and associated access:

- The external door to the residential bin storeroom has been designed to open outwards with a latch to hold it in the open position.
- The internal door between the ramp and the bin room has been removed.
- The waste room has been designed to accommodate 10 x 240L bins with a 1 metre minimum clearance between bin rows.

5. DSAP Recommendations

- a. *Provide confirmation of terrace drainage and constructional tolerances demonstrating adequacy of stated building heights or else, amend building heights to accommodate adequate tolerances. Further refinement is also required in relation to the ceiling height in the bedroom of Unit 3.*

Response: We confirm that the floor to floor heights nominated are adequate to accommodate required terrace drainage and constructional tolerances with plan DA-30003(A) demonstrating that a minimum ceiling height of 2.4 metres is achieved in the bedroom area of Apartment 3.

- b. *Ensure planter volumes are adequate to contain growing medium, tolerances and drainage infrastructure required to support extent of climbing plants illustrated*

Response: The amended landscape and architectural plans incorporate planter details which demonstrates that planter volumes are adequate to establish required drainage infrastructure and the proposed plantings.

- c. *Provide greater detail of planters on the Dowling Street frontage*

Response: The amended landscape and architectural plans provide additional detailing in relation to the proposed planters on the Dowling Street frontage.

- d. *In consultation with Council investigate the possibility of small planting beds at ground level in the public domain to 'soften/green' the building /footpath interface.*

Response: The amended landscape and architectural plans nominate possible planting zones and associated landscaping within the adjacent public domain which will soften/green the building/footpath interface.

- e. *Investigate enhanced privacy to south-west apartment on Level 02*

Response: a bifold privacy screen has been introduced to the southern balcony edge of Apartment 8 on Level 2 of the development. Appropriate levels of privacy will be maintained between adjoining development through a combination of spatial separation, adjustable privacy screens and intervening landscape treatments.

- f. *Concrete slab edge profile, integrated facade planting, screens and sandstone base to be retained and refined.*

Response: The requested detailing has been incorporated into the amended Architectural and landscape bundles.

- g. *Consider full electrification of apartments in lieu of gas.*

Response: The proposal exceeds the minimum BASIX requirements and complies with the relevant DCP provisions.

- h. *Consider design aspects of the car parking spaces that may enhance and allow for post-vehicle adaptation of the garage spaces.*

Response: The car parking spaces satisfy the applicable DCP design provisions with these spaces able to be used for an alternate use should car parking demand and Council's applicable car parking rate reduce in the future.

6. Heritage Impact statement

Pursuant to clause 5.10 WLEP 2011 development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*

- (iii) a building, work, relic or tree within a heritage conservation area,

The stated objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Manly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The subject property is not heritage listed or located within a heritage conservation area however is located within the vicinity of a number of heritage items as depicted on the WLEP 2011 Heritage Map extract at Figure 3 below.



Figure 3 - WLEP Heritage map extract

The identified heritage items within vicinity of the site are as follows:

I71	Building known as "Harbord Literary Institute"	Corner Lawrence Street and Oliver Street Lot 374, DP 752038
I72	Building known as "Early Childhood Health Centre"	29 Lawrence Street Lot 2, DP 864459

The statements of significance of these buildings are as follows:

Building known as "Harbord Literary Institute"

Hardboard Literary Institute has great social and historical significance for the community, having been part of community life since early 1900s. Historically the buildings indicate the growing need for facilities for the increasing permanent community.

Building known as "Early Childhood Health Centre"

A representative example of inter-war fire station architecture displaying high integrity of fabric. Strong social significance as the 1st permanent fire station building in Freshwater & in its continual use for the provision of community services.

Clause 18 of WDCP contains provisions relating to development in the G5 Freshwater Village precinct and within the vicinity of heritage items. In particular, the controls require the following considerations:

- R1. Development must be designed to take into account the significance of the heritage listed item(s) and should outline the impact the proposed works will have on that significance in a statement of heritage impact.*
- R2. The statement of heritage impact must take into account the provisions of any conservation plan of management or plan of management for the heritage listed properties.*
- R3. The measures proposed to mitigate any negative impacts on the heritage significance are to be detailed in the statement of heritage impact.*

The stated objective associated with these controls is as follows:

- O1. To ensure that any proposed development within the vicinity of a heritage listed item does not have an adverse impact on and complements the heritage significance of the item(s)*

We note that the significance of both heritage items is social and historical in terms of their community use with the Early Childhood Health Centre also having architectural significance as a representative example of interwar fire station architecture.

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Office.

Heritage Considerations

In accordance with R1 of clause 18 in G5 WDCP, we have considered the relationship of the proposed building to the heritage items and formed the opinion that the proposed development will have no adverse impact on the significance of the item or its setting noting that the development is not located within immediate proximity of the items, where impacts associated with privacy and shadowing may arise, and will not impact on views to or from the heritage items.

Further, in relation to R2 of clause 18 in G5 WDCP there is no conservation plan or management plan or plan of management for the heritage listed properties.

Finally, in relation to R3 of clause 18 in G5 WDCP we do not believe that any further measures, other than the stepped and recessive nature of the building as proposed relative to the item, is needed to be adopted to mitigate any negative impacts on the heritage significance of the items or their setting.

The following aspects of the proposal respect or enhance the heritage significance of the adjacent buildings for the following reasons:

- The stepped and recessive nature of the building, which steps away from the heritage items, respects the heritage significance of the adjacent heritage items and will ensure no physical impacts in terms of privacy and overshadowing and will not impact on views to and from the items.
- The proposed building will contribute positively to the streetscape character and design quality of development located within the sites visual catchment and to that extent will not compromise the integrity of the visual setting in which the heritage items are located.
- The proposed building appropriately addresses all streets with an active street frontage maintained. This respects the social significance of the items enabling the public to view the heritage items from the proposed ground floor retail spaces and outdoor seating area.

The following aspects of the proposal could detrimentally impact on heritage significance.

- Nil

The following sympathetic solutions have been considered and discounted for the following reasons:

- Nil

Having given consideration to the impact of the proposed works on the significance of the adjacent heritage items I have formed the considered opinion that:

- The stepped and recessive nature of the building, which steps away from the heritage items, respects the heritage significance of the adjacent heritage items and will ensure no physical impacts in terms of privacy and overshadowing and will not impact on views to and from the items.
- The proposed building will contribute positively to the streetscape character and design quality of development located within the sites visual catchment and to that extent will not compromise the integrity of the visual setting in which the heritage items are located.
- The proposed building appropriately addresses all streets with an active street frontage maintained. This respects the social significance of the items enabling the public to view the heritage items from the proposed ground floor retail spaces and outdoor seating area.
- Accordingly, the proposed development will have a neutral impact on the significance of the heritage items and their setting.

Accordingly, there is no statutory impediment to the granting of consent to the proposed works in this instance.

7. View Loss Analysis

Response: As requested, please find attached view analysis plan DA-8001 prepared by CKDS Architecture which identifies potential view impact associated with the development as viewed from Unit 7/ 52 Lawrence Street and Unit 14/ 33 Cavill Street, Freshwater.

These diagrams indicate that the ocean and horizon views available in an easterly direction across the subject property from both of these properties will be maintained with no view impact arising from the minor building height breaching roof element at the upper level of the development. We have formed the opinion that a view sharing outcome is maintained.

We trust that this submission comprehensively addresses the issues raised by Council, the DSAP and the adjoining property owners and will enable the favourable assessment and determination of the application. Please do not hesitate to contact me to discuss any aspect of this correspondence.

Yours sincerely

BOSTON BLYTH FLEMING PTY LIMITED

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

Director