

3<sup>rd</sup> May 2024

The CEO  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Attention: Gareth David – Principal Planner

Dear Gareth,

**Development Application No. DA2023/1869  
Issues response/ Supplementary Statement of Environmental Effects  
Demolition works and construction of a residential flat building  
54-58 Beaconsfield Street, Newport**

Reference is made to Council's issues letter of 27<sup>th</sup> March 2024 in which a number of issues were raised in relation to the proposed development. This submission details the highly considered response to the issues raised and is to be read in conjunction with the following amended/additional plans and documentation:

- Amended Architectural plans, including Issue B, prepared by PBD Architects.
- Updated SEPP 65/ ADG Architect Design Verification Statement prepared by PBD Architects.
- Amended landscape plans, Revision 02, prepared by Wyer & Co.
- Flora and Fauna Assessment Report prepared by Narla Environmental.
- Traffic issues response prepared by Genesis.
- Amended Operational Waste Management Plan prepared by EP Consulting.
- Updated clause 4.6 variation request – Height of buildings (separately circulated).

A detailed schedule of amendments prepared by the project Architect is at Attachment 1.

In relation to the issues raised in Council's correspondence of 14<sup>th</sup> March 2022 we respond as follows.

### **1. Density controls for certain residential accommodation**

Response: This submission demonstrates that the unresolved built form, amenity and referral issues have been addressed without the need to reduce the number of apartments proposed. Accordingly, we rely on the clause 4.6 variation request submitted in support of the original application relating to dwelling density. The clause 4.6 variation request is well-founded.

### **2. Building Height**

Response: The architectural plans have been amended to accurately nominate building height above ground level (existing) as defined having regard to the existing survey levels of the land. Plan DA521 provides a survey overlay building height analysis to accurately identify the non-compliant portions of the development. These are reflected on the building height plane diagram DA520(B). The accompanying updated clause 4.6 variation request accurately identifies the extent of non-compliance associated with the amended rooftop communal open space. The clause 4.6 variation request is well-founded.

### **3. Clause 4.6 Exemptions to development standards**

Response: For the reasons outlined above we consider the clause 4.6 variation request in support of the building height breaching elements to be well-founded

### **4. Side Setbacks**

- *The proposed 6m eastern side setback is generally acceptable. However, a portion of this façade is pushed toward the boundary approximately 8.75m long. This wall presents as a large unarticulated mass to a low density residential area and should be set back further or reduced in length to provide an appropriate transition to the low density zoning. This is particularly relevant as this is the only area on site which would provide 6m for deep soil planting without any structures (noting the large amount of retaining walls to the front setback required for the lowered POS areas).*

Response: We note that Northern Beaches Council has adopted its own side boundary setback provisions at clause D10.8 of P21DCP as follows:

*Where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:*

$$S = 3 + \frac{H - 2}{4}$$

where

S = the distance in metres

H = the height of the wall at that point measured in metres above existing ground level

The section of eastern wall referred to by DSAP is depicted in Figure 1 overpage. Based on a wall height between 5 metres and 6.2 metres for the portion of wall referred to by DSAP the required side boundary setback is between 3.75 metres and 4.05 metres. Accordingly, this portion of wall is compliant with the applicable side boundary setback control.

Council will be aware that clause 4.15(3A)(a) of the EP&A Act states that in relation to a development control plan if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development.

In relation to the DSAP concern regarding articulation and landscape opportunity we are of the opinion that the variation in the side boundary setbacks, which varied between 4 and 6 metres, provide an appropriate level of built form articulation as it presents to the adjoining R2 Low Density Residential zone with the majority of the façade setback 6 metres, well in excess of the DCP setback provision, in recognition of the sites zone boundary interface.

The basement plan and landscape plan extracts at Figure 2 demonstrate that the amended plans provide for substantial deep soil landscape opportunity along the entire eastern setback area of the development with appropriate dense landscape screening to soften screen this façade of the building.

The eastern side boundary setbacks are compliant and contextually appropriate under the circumstances.



**Figure 1** – Plan extracts showing portion of eastern wall setback 4 metres from eastern boundary.



**Figure 2** – Basement and landscape plan extracts showing deep soil landscape opportunity down the entire eastern setback area of the development.

- *Additionally, the western wall is only 4.5m from the boundary with large operable windows to the southern apartment's living spaces. The ADG requires 6m, and it is the Panel's view that an incursion on this setback would affect the privacy of the neighbouring property. This is particularly of concern as the neighbouring building is only 4.1m from the boundary, providing only 8.6m between habitable rooms rather than the required 12m.*

Response: Again, we note that the DCP side boundary setback provisions prevail over the 6 metre ADG setback provision. That said, integrated fixed privacy screen treatments have been incorporated to the Western façade of the building to ensure the maintenance of appropriate visual privacy between adjoining development in accordance with Part 3F of the ADG. In this regard, Objective 3F-1 is achieved in that adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy.

## **5. Privacy**

Response: We note that the north facing apartments are compliant with the rear boundary setback prescribed by clause D10.8 of P21DCP. We are of the opinion that the spatial relationship between the upper level apartments in the apartments to the rear of the site coupled with the spatial separation nominated on section plans DA301 and DA302 achieve objective 3F-1 of the ADG in that adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy. For the reasons previously outlined, appropriate visual privacy is maintained to the eastern and western boundaries of the property.

## **6. Rooftop communal open space**

Response: As requested, the size of the rooftop communal open space areas have been significantly reduced such that they will not be discernible in a streetscape context. Accordingly, the consent authority can be satisfied that the rooftop communal open space will not contribute unreasonably to the bulk and scale of development as viewed from the street and adjoining neighbours noting that the overall height of the development as viewed from the north is substantially below the 8.5 metre building height standard.

## **7. Internal amenity**

Response: The plans have been amended to ensure that all north facing secondary living areas have a minimum 4 metre width with the view from the sun solar diagrams amended to incorporate neighbouring buildings and to demonstrate that 76.9% of apartments receive compliant solar access on 21 June. The ground floor apartments have been amended to address the concerns raised and to ensure appropriate levels of amenity.

We are of the opinion that the apartment mix is appropriate given the diversity of apartment arrangements and sizes with the ground floor apartments providing a greater level of affordability (in terms of purchase price) relative to the apartments at the levels above.

## **8. Tree removal and landscape outcome**

Response: The landscape plans have been amended in consultation with Council's Landscape Officer to ensure that landscape outcome proposed addresses the concerns raised. The ability to retain trees T-28 and T-29 was reviewed but ultimately it was determined that there was no ability to retain one or both of these trees whilst realising the orderly and economic use and development of land.

## **9. View sharing**

Response: Having inspected the site and identified available public and private view lines over and across the site, we are satisfied that the building height breaching elements will not give rise to any unacceptable view loss with a view sharing outcome maintained in accordance with the planning principle established in the matter of *Tenacity vs Warringah Council (2004) NSWLEC 140*.

In forming this opinion, we rely on the Sections DA301 and DA302 which demonstrate that it is the compliant building height elements of the development that will be viewed from the residential apartments to the north at 15 – 17 Queens Parade and from the rear pavilion at 60 Beaconsfield in the context of existing available views. Under such circumstances, the view affectation is appropriately described as minor with the reasonable sharing of views maintained.

## **10. SEPP 65/Apartment Design Guide (ADG)**

Response: These matters have been addressed previously in this submission.

## **11. Internal referrals**

### **Landscape Officer**

Response: as previously indicated, the accompanying amended landscape plans have been prepared in consultation with Council's Landscape Officer to ensure that the concerns raised have been appropriately addressed and that the development will sit within a landscape setting. Tree removal has been appropriately compensated for through the compensatory tree plantings proposed.

### **Bushland and Biodiversity**

- Response: This submission is accompanied by a Flora and Fauna Assessment Report prepared by Narla Environmental.

The report contains the following conclusion:

*In conclusion, this Flora and Fauna Assessment for the proposed development at 54-58 Beaconsfield Street, Newport NSW 2106 has provided a comprehensive evaluation of the ecological characteristics of the site. The assessment reveals that approximately 0.05 hectares of vegetation will be impacted by the development, including 0.03 hectares of native vegetation classified as Central Coast Escarpment Moist Forest and approximately 0.02 hectares classified as Exotic-Dominated Garden. Given that neither vegetation community is listed as threatened under the BC Act or the EPBC Act, and the area of removal is minimal, it is unlikely that the proposed works would result in a significant impact. Thus, no further assessment is deemed necessary.*

## **Waste Officer**

Response: The plans have been amended to comply with the Waste Officer referral comments. This submission is accompanied by an updated Operational Waste Management Plan prepared by EP Consulting.

## **12. Design and Sustainability Advisory Panel**

Recommendations:

*Surrounding landscape context to be considered with a view to providing a more appropriate level of tree retention and canopy cover.*

Response: The extent of tree removal and compensatory canopy plantings have been discussed previously in this submission.

*Provide short sections north-south through ground floor units and basement and update all sections to show neighbouring property interfaces to demonstrate privacy impacts. Alternatively, increase setbacks to minimum 6m.*

Response: This recommendation has been incorporated on the plans with this submission demonstrating appropriate residential amenity outcomes in relation to privacy.

*Provide 1:20 detail through wall to ensure 3100mm floor to floor is sufficient to meet NCC requirements.*

Response: We confirm that 3100mm floor to floor heights are compliant with the ADG and are able to meet NCC requirements.

*Provide fire isolated stairs from the rooftop to ground floor to meet NCC requirements.*



Response: The proposal is able to meet NCC requirements in relation to egress. This will be detailed at CC stage.

*Provide equitable access to all areas of the communal open space.*

Response: This has been achieved and nominated on the plans.

*Consider retention of the AA1 rated trees (T28 and T29) through a redesign of the built form and basement.*

Response: This has been addressed previously in this submission.

*Ensure minimum 4.5m planting to the western boundary, rather than the 4m setback shown on basement plans.*

Response: A 4m deep soil landscape setback in accordance with the DCP has been provided. Such setback provides appropriately for landscape opportunity to soften the screen the development as viewed from the western boundary.

*The roof top communal open space should have*

- a. 1 x unisex DDA compliant toilet.*
- b. Retractable shade awning*
- c. Utility sink and power point*
- d. Shade from natural planting in raised garden beds*
- e. Planter boxes need to be 3.5m x 3.5m with a soil depth of not less than 800mm.*

Response: These recommendations have been considered however not adopted to minimise the extent of structures at roof level whilst providing appropriate amenity and shade opportunity through the landscaping proposed.

*A variety of small, medium, and large trees should be considered to help revegetate the site.*

Response: The landscape plans have been updated in consultation with Council's Landscape Officer.

*Ensure secondary living spaces meet ADG minimum dimensions for living areas.*

Response: This has been achieved.

*Include neighbouring properties in sun-eye diagrams to demonstrate solar access compliance.*

Response: This has been provided.

*Remove the third subterranean bedroom to the east in unit G03.*

Response: Unit G03 has been reconfigured to provide appropriate amenity to the apartment and associated bedrooms.

*Ensure open plan living spaces are no deeper than 8m to the back of kitchens.*

Response: The depth of all living rooms is appropriate having regard to the orientation of the rooms and associated widths. Apartment layouts satisfy Objective 4D-1 of the ADG in that the layout of rooms within all apartments are functional, well-organised and provide a high standard of amenity.

*Increase the amenity of lobby spaces to ensure clear site line to lifts.*

Response: The lobby spaces have been redesigned to significantly enhance their amenity.

*Provide shade for communal open space having regard to building height and view impacts.*

Response: This has been addressed previously in this submission.

*Remove planter boxes along the southern elevation in consultation with landscape architect.*

Response: This has been considered and appropriately resolved through consultation with Council's Landscape Officer.

*Reconsider the cladding details around the balconies to ensure buildability and longevity of the façade.*

Response: This has been considered and where appropriately adopted.

*Replace gas cooktops with induction.*

Response: The application is accompanied by compliant BASIX Certificate.

*Introduce clerestory windows to increase northern light to south facing top floor apartments.*

Response: There are no single aspect south facing top floor apartment. All top floor apartments receive appropriate levels of light and natural cross ventilation.

*Include EV charging bays within basement parking.*

Response: The application is accompanied by compliant BASIX Certificate.

*Provide 1 space bicycle parking per unit.*

Response: A DCP compliant quantum of bicycle parking has been provided in the basement.

### **13. Outstanding referrals – Traffic Engineering and Development Engineering**

Response: The issues raised in the traffic engineering referral response have been addressed in detail in the accompanying response submission, dated 23 April 2024, prepared by Genesis Traffic. The plans have been amended accordingly.

In relation to the development engineering referral response, we confirm that negotiations are ongoing with the property owners to the rear of the site and that an “in principle” agreement has been reached in relation to the diversion of the stormwater infrastructure and associated easements. No objection is raised to a suitably worded deferred commencement condition requiring the provision of owner’s consent from the beneficiaries of the existing easements for their part extinguishment and relocation.

Similarly, once the exact location of the rediverted drainage easement has been determined the engineering plans will be updated accordingly to satisfy the issues raised in the development engineering referral response. Again, this is appropriately dealt with by way of a suitably worded deferred commencement condition.

### **14. Issues relating to supporting documentation**

#### **Geotechnical report**

Response: The geotechnical report is being updated to reference the amended plans and address the concerns raised. This will be forwarded under separate cover.

#### **Location of the new building relative to existing RL’s**

Response: This submission is accompanied by a survey plan overlays clearly depicting ground level (existing).

#### **Site Plan**

Response: The site plan has been updated as requested.

## **Section Plans**

Response: The sections have been updated accordingly.

## **RL's on all plans**

Response: The plans have been updated accordingly.

## **Drainage Easement**

Response: This has been addressed previously in this submission.

We are of the opinion that the amended documentation, the subject of this submission, comprehensively responds to the issues raised and provides for an overall refinement in the detailing and design quality of the development. Having given due consideration to the matters pursuant to Section 4.15(1) of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to the development sought in this instance.

Please not hesitate to contact me to discuss any aspect of this submission.

**Yours faithfully**

Boston Blyth Fleming Town Planners



Greg Boston

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

**Director**

**Attachment 1**      Schedule of amendments

**Schedule of amendment to DA203/1869**

**Re: Letter from Northern Beaches Council dated 27 Mar 2024**

**DA100 – Ground Floor Plan**

1. Internal amenity of G01-G03 amended as follow,
  - a. Reduced apartment depth of open living/ dining and kitchen space by repositioning the kitchen.
  - b. In G03, relocation of the third eastern bedroom to the south to eliminate subterranean condition.
  - c. Fixing of graphical error for window on Bed 3 of G01
2. Redesign of lobby spaces to improve arrival experience for residence, increased lobby size to improve circulation and reduced size of plant room.
3. Waste comments:
  - a. Increased size of street level holding bay to contain the requirement no. of bins and maintain sufficient circulation space of min. 1.2m
4. Traffic comments:
  - a. Increased length of first ramp of 1:20 transition
5. Refer to landscape architect's drawing on tree removal and replacement.

**DA101 – DA102 – Level 1 and Level 2 Floor Plan**

1. Improved circulation clearance in common areas/ lobby A and B
2. Slight increase in size for northern communal open spaces
3. Increase dimension for secondary living spaces in 103, 104, 105 and 203, 204, 205 to meet ADG min. dimension of 4m in width for living spaces to maximum solar access.

**DA103 – Roof Plan**

1. Reduce bulk and area of rooftop communal open space.
2. Minimise lift-overflow and height of stair access.
3. Refer to updated landscape plan for landscaped design.
4. Refer to DA540 on updated communal open space diagrams.

**DA104 – Basement**

1. Car wash bay with bunding included.
2. Garbage waste and bulky waste room rearranged.
3. Bicycle parking rearranged.
4. Bollard added to shared zone of accessible parking bay with note stating min. 2.5 clearance above.
5. Refer to updated traffic report from engineer for further response to traffic referral.
6. Refer to updated waste report from waste consultant for further response to waste referral.

**DA200 – DA201 & DA 300 – DA301 – Elevations and Sections**

1. Privacy screen to windows alongside boundaries as appropriate
2. Additional sections to demonstrate building height, building separation, setback and privacy/ view impact based on surveyed levels on neighbouring properties.
3. Existing ground level reviewed to match surveyed information with variation in building height updated consistent with CI 4.6

DA520 - Height Limit Diagram

1. Existing ground level and height plane reviewed to match surveyed information with variation in building height updated consistent with CI 4.6

DA521 - Building Height Analysis

1. Additional drawing/ diagram to show location of the new buildings relative to existing RLs.

DA540 - Communal Open Space

1. Updated calculations to reflect changes.

DA600 - DA601 - Solar Access Diagrams

1. Detailed neighbouring building context modelled to demonstrate no additional impact on solar access to proposed development. Solar access complies with ADG requirement.