

20 October 2022

The Chief Executive Officer
Northern Beaches Council
Attention: Mr Kye Miles

STATEMENT OF ENVIRONMENTAL EFFECTS - ADDENDUM
27 Gulliver Street, Brookvale
DA2022/1176

Dear Sir,

BBF Town Planners are instructed by the applicant to submit this additional information in support of the subject Development Application. The information responds to matters raised in the correspondence dated 16 September 2022. The submission is accompanied and supported by:

- Amended architectural plans dated 19 October 2022
- Updated civil engineering plans

1 Schedule of architectural amendments

- The roofs of Townhouses 2 & 3 are changed from to 'A frame' for consistency.
- The ground and first levels of Townhouse 1 are lowered by 400mm to reduce the boundary wall height to 21-25 Gulliver St. The basement level is also lowered accordingly.
- The driveway gradient has been altered - the first 3m is at 1:20 and the public footpath is moved further towards the kerb.
- Townhouse 2 - the entry door location and the ramp in front are updated accordingly.
- All Level 1 windows are changed to be frosted glazing below 1,500mm floor height.

Design Sustainability Advisory Panel (DSAP)

2 Strategic context, urban context: surrounding area character

Recommendations

- 1. The design needs to respond to the specific characteristics of each part of the site and the interface with each neighbour;*
- 2. The development yield of this site is to be generated by the design approach to the various site characteristics and may be substantially less than other sites with similar zoning and site dimensions.*

Response -

In response to item 1, relating to design, the front of the building has been lowered by 400mm. This follows expert review by traffic experts and has the following benefits:

- Reduced overall building height at the front of the site and for dwelling 1
- Reduced floor levels for the front dwelling with some improvement to solar access, although appropriate solar access is already achieved.
- Reduced floor levels for dwelling courtyards – reduced difference in level to eastern neighbour with commensurate reduction in the height above their courtyard level.

Response to item 2 -

We respectfully submit that the proposal appropriately responds to the pattern of local development that comprises the medium density housing on the adjacent properties. The following key aspects are noted:

- The sites are rectangular. Like the adjacent properties, the proposed development is essentially in three segments comprised of the front setback, middle (the building), and rear setbacks, within a landscaped setting.
- The basement volume is stepped (see cross sections) to correlate with the crossfall of the land and minimise its height at the eastern boundary interface. This is a site-specific characteristic of the design.
- The proposed yield of 3 dwellings is appropriate. It is one dwelling less than that approved on the same size site at 29 Gulliver Street. The R3 medium density zone also permits apartment buildings and boarding houses, each of which can achieve a higher density within the same building footprint and envelope. For example, based on the 420m² (approx.) of GFA proposed, the site may potentially accommodate:
 - A boarding house with approx. 13-14 boarding rooms (16-25m²) with ample space for car, motorcycle, and bicycle parking spaces within the basement, noting the lower rate of parking under SEPP Housing 2021 (0.2 spaces per room within an accessible area).
 - 6-7, 1-bedroom apartments (minimum 50m²) with 6 resident car parking spaces and 2 visitor spaces.
- The proposed development achieves compliant car parking and access.
- There is no applicable floor space ratio; the proposal complies with the building height standard.
- The landscaped area is compatible with the approval at 29 Gulliver St which is of similar area and dimensions (except that it is a corner lot).
- The front and rear setbacks are DCP compliant.
- The architectural plans demonstrate (sheet DA020) that strict application of the DCP's numerical side setback controls would render the site undevelopable.
- There are no objections from any neighbouring dwellings to the proposed development with regards to boundary interface, privacy, solar access, or visual impact issues. The objectives of the side setback control are satisfied as documented within the Statement of Environmental Effects.
- The proposed development follows the housing form and side setback pattern approved at 29 Gulliver Street. There are enough similarities in the site's and the approved / proposed developments to draw comparisons.

In the circumstances, in our considered opinion the proposal satisfies the objectives of the DCP's built form controls which prevail as the key practical determinant of density and amenity. Furthermore, that the proposed development does not represent an overdevelopment of the site.

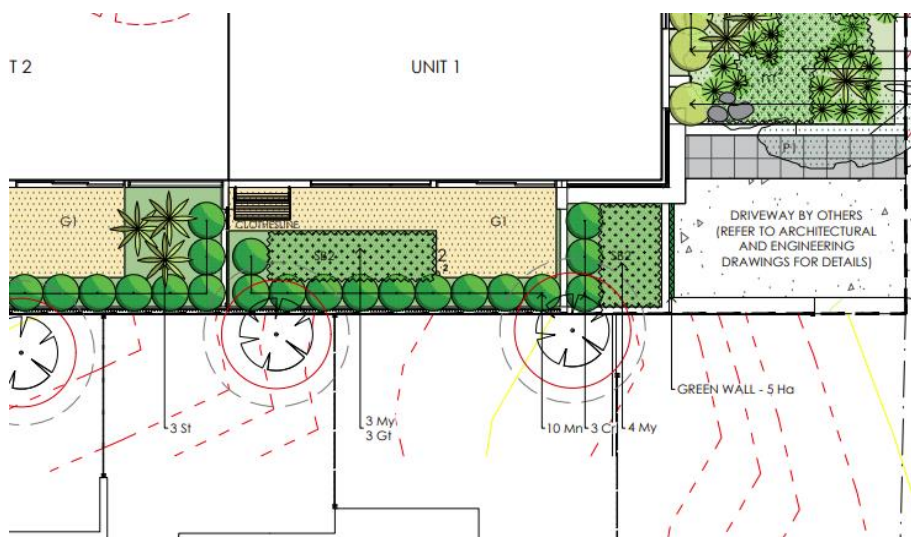
3 Scale, built form and articulation

Recommendations

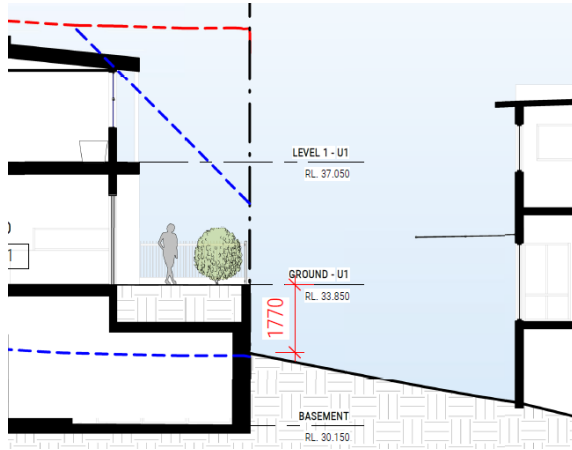
3. Consider different apartment types and orientation to resolve conflicts with neighbouring properties;
4. Reduce the scale of the building and the private open spaces and fences in relation to the eastern neighbour;
5. Create more built form articulation along the eastern elevation;
6. Create more consistent roof forms, with possibly greater articulation.

Response –

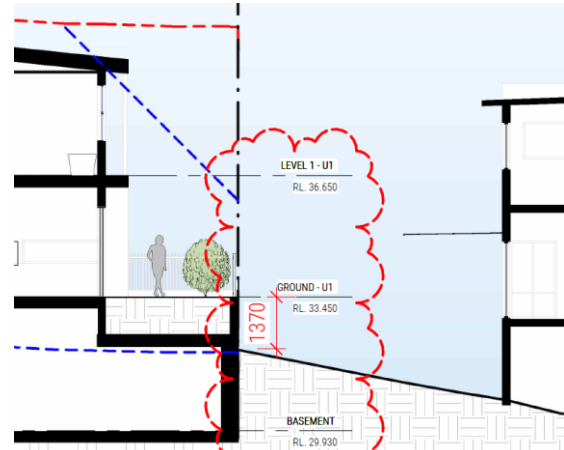
- In response to item 3, no apartments are proposed; townhouse style dwellings are. These are an appropriate housing form for the site because the first-floor level contains bedrooms and bathrooms (not living areas) avoiding the impacts of noise and visual privacy associated with living areas and balconies. Conversely separate apartments on ground and first floor level (as typical) would contain balconies and living areas at the upper level. Such would deliver a higher yield but with increased potential for adverse amenity impacts. There is significant demand for townhouse style dwellings, but undersupply of this housing form which the proposal responds to.
- In response to item 4, the scale of the building and the private open spaces and fences in relation to the eastern neighbour have been reduced by lowering the building 400mm, (previously addressed at point 1). The ground floor level of proposed dwelling 1 is lowered from RL to 33.850 to RL 33.450.
- The natural fall of the land is to the north-east, in the direction of the eastern adjoining property that is adjacent to proposed dwelling 1. The proposal does not represent an inappropriate level difference but rather an appropriate interface in terms of privacy landscaping, and visual presentation with no objection from this property.



Excerpt from the landscape plan of the proposed eastern interface



Excerpt from section 4 - the current DA plan



Excerpt from section 4 - the amended plan

- In response to item 5, we respectfully submit that appropriate built form articulation along the eastern elevation is achieved, noting that:
 - Modest lengths (11.6m) of walls to the sides of each dwelling are proposed; in this way large areas of continuous wall planes are avoided with appropriate techniques to provide visual relief.
 - The form of the building steps, responsive to the slope of the land.
 - A combination of vertical screening, eave and wall projections and different materials assist in visually 'framing' the eastern elevation, breaking down the area of the façade, providing an appropriate 2 storey form and adding visual interest.
- In response to item 6, the roofs of Townhouses 2 & 3 are changed from to 'A frame' for consistency.



Excerpt of the eastern elevation

4 Access, vehicular movement, and car parking

Recommendation

7. Prepare detailed design of the car entry, ground floor levels and private open space to optimise the design and reduce impacts on the neighbour to the east.

Response to item 7 –

- Additional information is provided within the updated civil engineering plans.

- The amendments achieve a lowering of the ground and first levels of Townhouse 1 by 400mm. In part the changes utilise a section of the street verge to achieve a lowering of the building levels at the front of the site.
- A 1 in 20 driveway gradient commences 1.5m outside the site and extends 3m within the site.
- The footpath is proposed to be relocated 1.5m from the site boundary which accords with the approved development for 29 Gulliver Street.

5 Landscape

Recommendations

- 8. Engage an arborist to assess the impact of the basement on existing trees;*
- 9. Provide landscape plans that demonstrate the extent, drainage and depth of soil over structure associated with the basement below;*
- 10. Consider a green roof and additional sustainability initiatives to off set non-compliances with landscaped open space.*

Response –

- In response to item 8, additional information by the project arborist was provided to Council. The arboricultural matters have been successfully resolved as confirmed by Council's updated landscaping referral response dated 17 August 2022.
- In response to item 9, we respectfully submit that the DA documentation provides appropriate detail in relation to soil depth (there are 6 sections through the site within the architectural plans, landscaping plans and stormwater management plans).
- In response to item 10, the additional load and waterproofing of a green roof is not feasible on the site. We respectfully submit that the proposal provides appropriate sustainability provisions and provides compliant stormwater management. Sustainability is further addressed below.

6 Amenity

Recommendations

- 11. Resolve amenity issues of cross viewing, overlooking, over shadowing and visual overbearing by revised apartment types, layouts and forms;*
- 12. Consider lowering the ground floor and private open space levels to minimise impacts on the eastern neighbour.*

Response –

- In response to items 11 and 12, the ground and first levels of Townhouse 1 are lowered by 400mm to reduce the boundary wall height to 21-25 Gulliver St.
- We respectfully submit that the proposed design achieves appropriate outcomes in relation to 'cross viewing, overlooking, over shadowing' and visual presentation. Furthermore, that the form of housing proposed is likely to have a lesser impact than other permissible forms of development, like apartments or a boarding house, as previously outlined in Section 2.
- The scale of the building, the private open spaces, and fences in relation to the eastern neighbour have been reduced by lowering the building, (previously addressed at point 1).
- We respectfully submit that the amended plans are satisfactory in addressing these items.

7 Façade treatment/Aesthetics

- 13. Façade treatments should be in materials that age gracefully, with detailing that avoids staining and requires low maintenance;
- 14. Simplify roof forms and reduce the number of different materials.

Response –

- In response to item 13, we respectfully submit that the proposed façade treatments are appropriate and the documentation accompanying the DA satisfies the DA requirements.
- In response to item 14, the roofs of Townhouses 2 & 3 are changed from to 'A frame' to achieve consistency.

8 Sustainability

Recommendations

- 15. Consider a redesign of the dwellings to achieve northern aspect;
 - 16. Decarbonise energy supply by providing all electric services – gas for cooking, hot water and heating should be avoided;
 - 17. Consider heat pump systems for apartments or other ways of providing electric hot water. This is typically more efficient than having solar hot water systems;
 - 18. Provide EV charging points for each unit;
 - 19. Allow for bi-directional (2-way) charging of EV battery for powering the building;
 - 20. Provide an appropriate size of photo-voltaic electricity system;
 - 21. Increase size of the PV system. Consider 3 separate systems connected direct to the units.
- Its noted that BASIX does not account for separate provision of PV to each dwelling, this can be entered as a central system but in practice, connected directly to each dwelling's switch board.*

Response –

In response to items 16 to 21, should the design amendments contained herein be assessed as satisfactory, the applicant is willing to incorporate the following which are above statutory requirements via conditions of consent:

- Induction cooktops to replace the use of gas.
- Utilising the roof space for Solar PV panels and provision of a 1.5kw photo-voltaic electricity system per dwelling.
- Infrastructure (wiring) for EV charging points for each unit to be incorporated within the basement level.

The suggested design amendments are submitted on a without prejudice basis for Councils' consideration. If Councils' is of the view that the amendments are inadequate, the applicant will revert to the original plan set, and seek determination.

Reorientation of the dwellings has been considered but cannot be achieved without increasing the side setback non-compliance. We respectfully submit that reorientation is not needed given that each proposed dwelling achieves compliant solar access, excellent cross ventilation, and compliant amenity to the proposed habitable spaces.

9 Application context and statutory planning framework

The following submissions are made in relation to context of the application and statutory planning framework.

9.1 Pre-DA engagement

A Pre-DA lodgement meeting was held with Council officers in relation to proposed development of the site on 24 February 2022. There were also a series of follow up submissions to Council providing further information following the meeting. The DA was prepared in response to the issues raised by Council with the following key design changes and information responses are noted:

- The driveway was lowered to satisfy 1:20 requirement for the first 6 metres.
- The townhouse style dwellings were lowered to optimise the privacy of the neighbouring properties.
- translucent windows were incorporated with 1550mm sill heights to all bathrooms, the majority of the 'service' spaces are located on the western side.
- Landscaped areas optimised within the side setbacks.
- The impacts upon trees along the eastern boundary addressed.

9.2 Compatibility, precedent, and site isolation

DA2017/1285 approved a similar redevelopment of the adjoining property at 29 Gulliver Street.

As part of the DA, assessment of DCP control D19 'Site Consolidation in the R3 and IN1 Zone' was undertaken. The DA contained conceptual plans demonstrating that the subject site could be developed for a medium density development in accordance with the local planning controls.

Council's assessment report on page 22, in response to DCP control D19, responded to the conceptual plans acknowledging the circumstances and the reasonableness of the indicative development footprint (an excerpt of Council's development assessment report provided within figure 1 below). The proposed development follows this conceptual development footprint.

9.3 Nature of the matters raised

A range of comments made by the design panel are not reflected in the statutory planning provisions applicable to the site.

In the circumstances, we respectfully submit that it would be inappropriate to give primacy to the design matters raised which, whilst made with good intent, appear to seek an optimal design outcome for an 'isolated' site. Council's role in assessing the DA is to determine what is acceptable when assessed against the statutory controls and the prevailing circumstances.

The proposal appropriately resolves the redevelopment of an isolated site that is currently underutilised in terms of the R3 zoning intent. It is ideally located within level walking distance of employment, transport, shops, services, childcare, schools, community centre and high amenity recreational spaces.

The proposal provides an appropriate and acceptable redevelopment outcome for the site:

- It addresses design considerations to provide appropriate amenity outcomes.
- It will provide townhouse style dwellings for which there is significant demand, but undersupply of this housing form, which the proposal responds to.

- It does not inappropriately impact on neighbouring properties with no objections received.
- If the additional information responses are assessed as satisfactory, the applicant is willing to go above the statutory requirements in terms of the sustainability provisions suggested.

The suggested design amendments are submitted on a without prejudice basis for Councils' consideration. If Council is of the view that these amendments are inadequate, the applicant intends to revert to the original plan set and seek determination.

10 Conclusion

We respectfully request Council's consideration of the additional information provided and would welcome further feedback before formally amending the development application. Please don't hesitate to contact me if you wish to clarify any of these matters.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners



Excerpt from architectural plans for 29 Gulliver Street showing conceptual development of the subject site
D19 Site Consolidation in the R3 and IN1 Zone

The subject site and the adjoining site to the east (No. 27 Gulliver Street, Brookvale) are two of the last remaining undeveloped sites within the R3 zoned area of Gulliver Street. The two allotments could, and ideally should, be amalgamated to facilitate a more efficient use of land.

The principles set out by Brown, c in the Land and Environment Court Case *Melissa Grech v Auburn Council* [2004] NSWLEC 40 require that the developer of a property must make reasonable and genuine attempts to purchase adjoining land that could become isolated by this development. In this particular circumstance the owner of No. 29 has approached the owner of No. 27 in an attempt to purchase the land, however attempts have been unsuccessful.

Given that purchasing the adjoining land has failed, the NSWLEC decision of *Cornerstone Property Group v Warringah Council* [2004] NSWLEC 189 requires that it be demonstrated that both two sites can achieve development that is consistent with the planning controls.

Both the subject site and No. 27 Gulliver Street are similar in size, if not identical. No. 29 is capable of being developed in a reasonable manner as evident by the assessment of this application, and the architectural plans accompanying the proposal include a schematic of how No. 27 could be developed in a similar manner.

It is found that the proposed development provides an outcome that is consistent with the objects of this clause, the zone objectives and is contextually appropriate for the attributes of the site. By virtue of being restricted to a lesser site area through not amalgamating the subject development is required to be smaller in scale than other R3 developments on Gulliver Street, thereby providing a visual and contextual transition between the R2 and R3 zoning that would unlikely be achieved if the two allotments were to have been amalgamated.

Accordingly, it is considered that the matters required to be demonstrated regarding site amalgamation