



northern
beaches
council

3 February 2020



Crawford Architects Pty Ltd
Suite 3.01, 80 Mount Street
NORTH SYDNEY NSW 2060

Dear Sir/Madam,

Development Application No: DA2019/1157 for Demolition works and construction of a shop top housing development at 351, 353 & 353 Barrenjoey Road NEWPORT

Council has completed a preliminary assessment of your application and has identified a number of areas of non-compliance and insufficient information that will not allow Council to support the application in its current form. These matters are as follows:

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG)

3D Communal and Public Open Space (and D10.28 Open Space (Newport Commercial Centre) of the P21 DCP)

The ADG requires at least 25% of the site to be provided as communal open space. The proposed development provides approximately 8.7% of the site as communal open space. Concern is also raised regarding the location of the communal open space, and its interface with the private open space of Units 09 and 11. The proposal does not achieve consistency with Objective 3D-1 of the ADG.

4A Solar and Daylight Access (and D10.32 Solar Access and Ventilation (Newport Commercial Centre) of the P21 DCP)

The ADG requires the living rooms and private open spaces of at least 70% of units to achieve at least 2 hours of direct sunlight, with a maximum of 15% of units receiving no direct solar access. The proposed development does not achieve compliant solar access. It is noted the 3m wall in front of the stairwell on the north-western boundary has been omitted from the solar studies, which may further reduce the solar access percentage calculations. It is also noted that more than 15% of the units receive no direct sunlight. Units require redesign to improve sunlight access. The proposal does not achieve consistency with Objective 4A-1 of the ADG.

4D Apartment Size and Layout

The ADG requires that the depth of an open plan room be a maximum of 8m from a window. The plans demonstrate that Units 01, 02, 03, 04, 05 and 13 include open plan living/dining/kitchen areas of greater depth than 8m. The proposal does not achieve consistency with Objective 4D-1 of the ADG.



4G Storage

The ADG requires that apartments provide dedicated storage space, in addition to storage in kitchens, bathrooms and bedrooms, and that at least 50% of that storage space is to be provided internally in each apartment. The submitted plans do not demonstrate any internal storage separate from the kitchens, bathrooms and bedrooms. The proposal does not achieve consistency with Objective 4G-1 of the ADG.

4H Acoustic Privacy

The ADG requires that noise sources be located away from bedrooms. The proposal contains the following room use conflicts:

- The living room of Unit 04 is adjacent to a bedroom of Unit 03.
- The northern stairwell is adjacent to a bedroom of Unit 06.
- The balcony of Unit 07 is adjacent to a bedroom of Unit 08.

Internal Referrals

Stormwater and Floodplain Engineering

A Flood Management Report is required for a full assessment to be carried out. Drawings also indicate discrepancies in floor levels and TOW levels on Drawings A102/01, A102B/01 and A101/C. Levels are to be clarified and corrected where necessary.

Urban Design

The proposed south-western setback for alfresco dining to the shops facing Robertson Road seems to include a complicated stair arrangement, with two sets of stairs (one up and one down), a pedestrian ramp and a low wall. This interface may act as a barrier against activation, rather than welcoming pedestrian to the shops. The alfresco seating area will also be in constant shade. Improved street activation could be achieved with the shopfronts located on the Robertson Road boundary similar to the shops fronting Barrenjoey Road, with internal step-ups incorporated to comply with the flood planning level.

The 'Street Elevation / Robertson Road' elevation on Drawing A300 shows a north-western setback of approximately 2m. However, Drawing A104 indicates a nil north-western setback. This matter is to be clarified and corrected.

Heritage

The proposal seeks consent for the construction a shop top housing development across 351 and 353 Barrenjoey Road, Newport. The heritage item is located directly behind 353 Barrenjoey Road, close to the common boundary line. The proposal includes excavation near the boundary with the heritage item, as well building to the rear boundary line.

The proposal is to be set back on the first and second floors to avoid overwhelming the heritage item. It is noted that the Newport Masterplan and Pittwater 21 DCP stipulate a 6m rear setback, which is to be provided, as per the prelodgement plans for the site.

Given the scale of the development proposed and the location of the heritage item close to the boundary, a heritage impact assessment is required.

Waste

The proposal does not comply with the Northern Beaches Council Waste Management Guideline, and a redesign is required. The waste storage area must accommodate 12 x



240L bins for the 14 dwellings. The waste storage area is to be located within 6500mm of the front property boundary and access to the area is to be unobstructed and unrestricted, with a minimum path of 1200mm wide. Any doors fitted on the waste storage area, pathway and access must be:

- a) A minimum width of 1200mm;
- b) Able to be latched in an open position;
- c) Unobstructed by any locks and security devices; and
- d) Able to open in an outward direction.

The pathway and access between the waste storage area and collection point must be:

- a) A maximum ramp gradient of 1 in 8; and
- b) A minimum width of 1200mm.

Landscaping

The submitted Arboricultural Impact Assessment report incorrectly identifies the existing tree located within the Robertson Road road reserve (T1) as a Spotted Gum. A site review of the tree by Council's Senior Arborist confirms that this tree is a *Corymbia citriodora* (Lemon Scented Gum). As such, the report does not correctly identify the impacts of the proposal on the tree. An amended report is required.

Note:

Referral comments from Council's Development Engineering team remain outstanding at the time of writing this letter, which may give rise to additional matters to be addressed.

Advice for the Applicant

Please accept Council's sincere apologies for the delay in this correspondence. Unfortunately, due to the extent of the issues outlined in this correspondence, Council is unable to support the proposal in its current form. You are therefore strongly encouraged to withdraw this application and resubmit a new application that addresses all of the issues listed above. However, given the length of time the application has been with Council, additional information or amendments to the application may be accepted. This must be discussed and agreed to by the officer, prior to Council's acceptance of the information.

Should you choose to withdraw this application within fourteen (14) days of the date of this letter, Council will refund **75%** of the Development Application fee. If you have not contacted Council by 18 February 2020, Council will assume that you are not withdrawing this application. In this case, no fees can be refunded and the application will be assessed and determined in its current form.

Should you agree to withdraw and in order for Council to process the request, confirmation must be received in writing to council@northernbeaches.nsw.gov.au. To speed up the processing of your refund, please supply bank details using the table provided below, otherwise your refund will be forwarded by way of cheque.

Please note that bank details supplied should match the name listed on the top line of your tax invoice receipt for the application. If bank details supplied do not match this name, then the refund will be forwarded by way of cheque. Council cannot be held responsible if the bank account details provided by you are incorrect.



Bank	
Name on Receipt	
BSB	
Account Number	
Email Address	

Should you wish to discuss any issues raised in this letter, please contact the undersigned on 1300 434 434 between 8.30am to 5.00pm Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'R. Piggott'.

Rodney Piggott
Manager, Development Assessment