

Our Ref: 0033/13lt1

1 September 2014

The General Manager  
Hornsby Shire Council  
PO BOX 37  
HORNSBY NSW 1630

*Attention: Mr James Farrington*

Dear James,

**RESPONSE TO JRPP RESOLUTION FOR DA/81/2014  
7, 7A, 7B & 7C CHAPMAN AVENUE AND 81-83 BEECROFT ROAD, BEECROFT**

As you are aware, we act on behalf of the applicant in relation to the proposed development at the above property. The purpose of this letter is to respond to the resolution of the Sydney West JRPP at its meeting of 14 August, 2014 at which the subject development application was considered. The Panel deferred determination of the application to request further information in relation to two matters. The resolution is stated as follows:

" At its meeting on 14 August 2014 the Sydney West JRPP took the following decision on this application:

- The Panel requests further information on the heritage, ecological and landscape values of the white mahogany tree located on No.83 Beecroft Road in order to better inform it on the merits of retaining that tree and defers determination of the application to allow that to be provided.
- The Panel also requests the applicant to consider development of design alternatives that involve retention of the white mahogany tree."

We enclose the following documents:

- Heritage Opinion prepared by NBRS + Partners; and,
- Yield Analysis Plans and Comparative Analysis by Krikis Tayler Architects.

A further submission in relation to arboricultural issues, is being prepared by Tree Wise Men and will be submitted under separate cover in the very near future. This letter addresses the two matters under the relevant headings below.

**Heritage, ecological and landscape values of white mahogany tree on No. 83 Beecroft Road**

The Panel has requested additional information to clarify the heritage, ecological and landscape values of Tree 116, which is located at the south-western corner of the development site.

**Heritage Values**

In terms of heritage values, the development application was accompanied by a Statement of Heritage Impact, prepared by NBRS + Partners. In response to the JRPP resolution, a further Heritage Opinion, specifically addressing the value of Tree 116, has been prepared and is attached

to this letter. That Heritage Opinion concludes that removal of the tree *“will not have any significant visual impact on the established character of the area or any substantial adverse impact on the identified significance of the listed heritage item at 83 Beecroft Road.”*

This conclusion is reached on the following basis:

- The heritage listing under Council's LEP of No. 83 applies generally to the property however the Statement of Significance refers to the house and not its garden or setting. That is, the tree is not listed as a heritage item and has not been identified as being of consequence to the listing of the dwelling at No. 83;
- Searches of the available literature and historic records associated with the site find no indication that the tree has any identified heritage values;
- The rear yard of No. 83 was not a garden area historically and it is therefore unlikely that the tree played any deliberate part in the landscape qualities of the property. In fact, the rear part of the heritage dwelling has been adversely affected by unsympathetic additions and a later outbuilding which have significantly devalued the aesthetic and heritage qualities of the rear of the site (see Figure 1); and,
- The tree is well set back from the rear of the existing house and while on the same block it is not necessary to its visual curtilage;

The Heritage Opinion also emphasises the heritage benefits of the proposal in that the reduction of site area of the heritage item through sale of the rear part of the site for redevelopment provides a financial incentive to the continued conservation of the item and its continued association with the commercial centre of Beecroft. In effect, the proposal protects the No. 83 Beecroft Road from site isolation by providing the owner benefits of the R4 zoning that would not be realised should the development site not include the rear part of No.83.



*Figure 1: Rear of No. 83 Beecroft Road showing its “modified” state*

### Ecological Values

The development application was accompanied by a Flora & Fauna Impact Assessment, prepared by Keystone Ecological which concluded that a significant impact is not likely to occur as a result of removal of Tree 116 (or other trees on the site) upon the listed threatened species or endangered ecological communities or their habitats. The report notes that *"this is largely due to the small area of habitat to be removed, the highly fragmented nature of the vegetation and habitats of the site and the lack of critical habitat features such as hollow-bearing trees."*

Claims that the tree is the most significant example of its type in Australia are not supported by any verifiable evidence or comparison and in our view are exaggerated.

It must be noted that despite the size and age of Tree 116, *Eucalyptus acmenoides* (White Mahogany) is a common eucalyptus tree in eastern Australia and is found widely in the northern part of Sydney. In the context of the subject site, the tree sits in isolation. The proposal does not remove a group or community of trees. As previously noted, further submissions will be made in regard to the value of the tree in isolation under separate cover from the project arborist, Tree Wise Men.

In terms of impact mitigation, as noted in the conclusions to the Flora & Fauna Impact Assessment:

" The proposal includes the implementation of a landscape plan and recommendations arising from an arboricultural assessment. These plans will result in the retention, protection and transplantation of 63 trees, including many species that provide foraging resources throughout the year. Further, over 1,000 plants of 11 species known to occur naturally in Sydney Turpentine Ironbark Forest will be installed. This will aid in the amelioration of the impact of the habitat losses and will also replace structural elements of the community that are now absent."

On balance, and in light of the recent rezoning of the subject site which was based on Council's Housing Strategy to significantly increase housing opportunities in this small but highly accessible area, as well as the proposed mitigation through new planting, the ecological impact of the proposal is considered to be minor.

### Landscape Values

In terms of landscape values, whilst it is agreed that the tree is mature and has been present on the site for many years, we do not agree that the tree has "landmark" status or that its visual contribution to the site or area is such that it warrants significant reduction in development yield on the subject site, contrary to the objectives of Council's Housing Strategy and the R4 zoning which Council have only recently applied to the site.

In visual terms, whilst it is recognised that Tree 116 is a large tree, the fact that the base of the tree is situated well below street level means that clear views are only available down the driveway of No. 83 and to the crown of the tree over the roof of the existing heritage house (see Figure 2 over leaf).

As a consequence of the significant "upzoning" of the subject site and surrounding area, the context of existing development in the locality will change significantly. The subject site, No. 83 Beecroft Road and the entire street block bounded by Beecroft Road, Chapman Avenue and Wongala Crescent is subject to a 17.5m height limit.

The subject tree is 19m in height and its base is some 6m below street level (RL 147 vs RL 153). It is our view that subject to five storey development being constructed on the subject site and surrounding sites, the visual prominence of Tree 116 will further diminish from most available vantage points (noting that its crown does not sit much higher than the ridge of the two storey dwelling on No.

83). This is confirmed by the montages that were submitted with the original development application that show from most vantage points, Tree 116 will no longer be visible.

Finally, the visual contribution of the tree to the landscape character of the locality has not been specifically identified as requiring protection in any planning controls that apply to the site.



*Figure 2: View towards No. 83 from opposite side of Beecroft Road*

### Design Alternatives to Retain Tree 116

The Panel has requested the applicant to consider design alternatives that involve retention of the white mahogany tree. As advised to the JRPP meeting on 14 August, 2014, this analysis was undertaken rigorously prior to the submission of amended plans that included the rear of No. 83 Beecroft Road within the development site.

The inclusion of the rear of No. 83 within the development has been pursued to avoid site isolation of No. 83. That is, that development on the subject site would preclude any realisation of development potential in accordance with the R4 zoning on No. 83. However it has been evident from the outset in developing the amended scheme that in order to achieve a reasonable yield on the additional land area, the retention of Tree 116 would not be possible.

Based on the advice of Tree Wise Men in relation to the required Tree Protection Zone (TPZ) for Tree 116, concept Options have been prepared by Krikis Tayler Architects and are attached as Annexure 2. These plans demonstrate that the retention of Tree 116 effectively requires removal of approximately half of the proposed building footprint and mass within the rear portion of No. 83 Beecroft Road. With the necessary reconfiguration of the affected building, the sketches demonstrate that the development yield would be reduced by a total of 9 apartments (4 x 1brm, 1 x 2



brm and 4 x 3 brm units). This loss of development yield is not acceptable to the applicant and is contrary to the Council and NSW Government planning objective of increasing housing opportunities in this highly accessible locality.

The potential for redistribution of some of these lost units elsewhere within the development scheme has been investigated however cannot be achieved without further breaches of planning controls. For example, an additional level could be added to Block D which if repeating Level 5 would realise a net gain of only 3 units (i.e. a still unacceptable loss of 4 units) and would result in the building technically being 7 storeys (given the raised basement level that reflects the topography of the site). Alternatively, repeating the typical floor of Levels 3 and 4 for one additional level would realise a net gain of only 4 units.

Similarly, additional height could be added to Buildings A, B or C however these building all have street frontages and are much more visually prominent. Addition of units as an additional level to these building would introduce six storey buildings (and partially 7 storeys to Building A). Council staff have consistently indicated that they would not support additional height on Buildings A, B and C. There is little opportunity to increase the building footprints of any of the buildings without comprising separation between the buildings and the area available for landscaping.

Accordingly, it is our strong view that the loss of 9 apartments cannot be offset on the development site in a manner that will be acceptable to Council or the JRPP. As such, retention of the tree would result in a yield significantly less than that envisaged by the planning controls and Council's Housing Strategy and will effectively render the scheme not viable.

During discussion of the item at its meeting, the Panel also encouraged the applicant to review the yield achieved by other similar developments in the locality. It is considered that the most appropriate comparison for the proposed development is the immediately adjoining site at Nos.1-5 Chapman Avenue, Beecroft which was the subject to a recent approval by the JRPP. The following table summarises the comparison:

<b>TABLE 1: YIELD ANALYSIS</b>				
	<b>1-5 Chapman</b>		<b>Subject Site</b>	
<b>Site Area (m<sup>2</sup>)</b>	<b>4,216m<sup>2</sup></b>		<b>5,598m<sup>2</sup></b>	
<b>1 Bedroom Apartments</b>	<b>14</b>	<b>23.5%</b>	<b>38</b>	<b>41%</b>
<b>2 Bedroom Apartments</b>	<b>32</b>	<b>53%</b>	<b>43</b>	<b>47%</b>
<b>3 Bedroom Apartments</b>	<b>14</b>	<b>23.5%</b>	<b>11</b>	<b>12%</b>
<b>Total Apartments</b>	<b>60</b>		<b>92</b>	
<b>Site Area/Apartment (m<sup>2</sup>)</b>	<b>70.3</b>		<b>60.8</b>	
<b>NSA - Total Apartment Internal Area (m<sup>2</sup>)</b>	<b>5,550m<sup>2</sup></b>		<b>7,091m<sup>2</sup></b>	
<b>NSA/Site Area</b>	<b>1.32</b>		<b>1.27</b>	

Source: KTA, August 2014

The analysis shows that whilst site area per apartment for the proposed development is slightly less than the adjoining development site at Nos. 1-5 Chapman Avenue, this is simply due to a more significant skew to 2 and 3 bedroom apartments for that scheme. The most appropriate comparative

tool is analysis of net sellable area (NSA). This comparison shows that the proposed development is less dense than the neighbouring approved development. That is, the proposal provides 1.27m<sup>2</sup> of NSA per sqm of site area versus 1.32m<sup>2</sup> of NSA per sqm of site area for the adjoining approved development. Accordingly, the proposal is consistent with the density that could reasonably be expected (and has been supported by the JRPP on the adjoining site) for development in accordance with the applicable planning controls.

### **Conclusion**

On the basis of the additional information included with this submission, it is our strong view that the retention of Tree 116 is not reasonable nor practicable in light of its location and the consequent unacceptable impact on development yield that would result. The subject site (and No. 83) have been zoned to reflect the aims of Council's Housing Strategy. The rezoning of the locality was undertaken with full knowledge of constraints to development, including heritage values of the locality and the highly vegetated nature of the "earmarked" development sites.

In light of the conclusions of the various experts that Tree 116 does not have any notable heritage values, that the impact of its removal on the Sydney Turpentine Ironbark Forest are not significant and that the landscape and visual qualities of the tree do not warrant its retention, it is considered that on balance, its removal does not warrant significant redesign of the proposal or refusal of the current scheme.

In the absence of any specific protections for the tree under the applicable planning controls, the proposed development for the site is considered to be reasonable and worthy of support. We note that this accords with the opinions of Council's assessment officers who have recommended that the development application be approved. The proposal ensures that No. 83 Beecroft Road is not isolated by the proposed development which will promote the long term heritage conservation of that property. At the same time, the proposal directly responds to the objectives for increased density on the site in a location that is rich in public transport and that has been identified through planning strategies to be suitable for development of the type and density proposed.

On the basis of this further information having been provided, we respectfully request the JRPP's favourable determination of this development application. Should you require any further information or clarification in this regard, please do not hesitate to contact our office.

Yours faithfully,



Jeff Mead  
**DIRECTOR**

## **ATTACHMENT 1: HERITAGE OPINION (NBRS + PARTNERS)**

27<sup>th</sup> August 2014

The General Manager  
Hornsby Shire Council  
296 Peats Ferry Road,  
HORNSBY NSW 2077

Dear Sir,

**Re: 83 BEECROFT ROAD, BEECROFT HERITAGE OPINION**

A Statement of Heritage Impact for the proposed redevelopment at the corner of Chapman Avenue and Beecroft Road which included the rear of the heritage site at 83 Beecroft Road was prepared under my direction and submitted with the Development Application.

The development site includes the rear portion of the Heritage Item at 83 Beecroft Road which is currently used as a commercial nursery outlet. Located within the current site boundaries of the heritage item is a mature 'White Mahogany' tree for which claims have been made in regard to heritage values.

The Heritage Significance of the site at 83 Beecroft Road is determined by Council to be as:

*Rare example in the area of a late Victorian house in traditional 'Georgian' Style, good quality original detail, including iron lace. Generally in good condition. Integrity compromised by new steel roofing. Local significance.*

The house has a modern two storey addition to the rear. It has been adapted for commercial use with substantial hard paving of the original front garden areas and driveway..

I have searched the available literature and historic records associated with the site and can find no indication that the tree has any identified heritage values beyond its general association with the subject site as a mature tree. The rear yard of 83 Beecroft Road was not a garden area but appears to have been occupied by more mundane structures. It is unlikely then that the tree which exists played any deliberate part in the landscape qualities of that property which was erected by William Chorley as a temporary house while he built his principal residence at the corner of Carlingford Road and Cheltenham Road, but is a remnant of the earlier bush vegetation in the area which was partially cleared for the original residential development in the late 1880s and 1890s.

D:\NBRS Working\Beecroft Road Heritage opinion.docx

1





View of the tree at the rear of 83 Beecroft Road down the paved driveway

The Beecroft Civic Trust engaged an arborist to assess the tree and made the following submission to Council:

*Last week the senior Arborist appraised the large Eucalyptus tree at the rear of property, 83 Beecroft Road Beecroft. Whilst on site he collected samples of foliage, dried and freshly harvested adult and juvenile seed capsules to identify the species. Applying his extensive experience, he reached the conclusion that the tree is a Eucalyptus Acmenoides White mahogany. That identification is consistent with the applicant's Consultant Arborist - Peter Castor's - identification. Peter has a degree in Forestry and is highly respected.*

*The tree at the rear of property, 83 Beecroft Road Beecroft is a fine mature specimen, displaying a broad well-formed healthy crown. The tree's structure and form is typical of the species. It is obvious by the tree's health and condition that it has been well cared for, over many decades. Dead wood and wayward branches have been carefully pruned so as to maintain a balanced crown. The is an important habitat. The tree is a landmark in the locality and makes a significant contribution the visual and landscape amenity of Beecroft.*

There is no question that the tree is large and has existed on the site for many years but there is some difference of opinion in regard to any 'landmark' status or that the tree makes a significant visual contribution to the area. The tree is set well below the road level and while the crown is partly visible above the roof of the existing heritage house and is only clearly visible down the paved driveway, it is not prominent.

The tree is also set well back from the rear of the existing house and while located on the same block is not necessary to its visual curtilage in the context of an area in transition and the continued commercial use of the site.



**Aerial view of the site showing the house, the paved areas associated with its commercial use and the location of the tree (circled)**



**Streetscape view of No.83 Beecroft Road showing limited impact of the tree on the presentation and setting of the house to the public domain.**

The proposed development includes the reduction of the site area of the heritage item and through the sale of the rear part of the site for redevelopment provides a financial incentive to the continued conservation of the item and its continued association with the commercial centre of Beecroft.

Claims that the tree is the most significant example of its type in Australia also seem to be exaggerated and have not been substantiated by any verifiable evidence or comparison.

While the tree appears to be a local remnant of the original forest species and is located within the large Conservation Area covering the former Field of Mars Common, removal of the tree is permissible with the consent of Council. In the current application where the applicant has sought to meet the required outcomes for the zone and for Council's Housing Strategy including the non isolation of the heritage building, there is good reason for Council to grant consent to the removal of the tree.

I am of the opinion that its removal will not have any significant visual impact on the established character of the area or any substantial adverse impact on the identified significance of the listed heritage item at 83 Beecroft Road.

Yours faithfully,

NBRS+PARTNERS

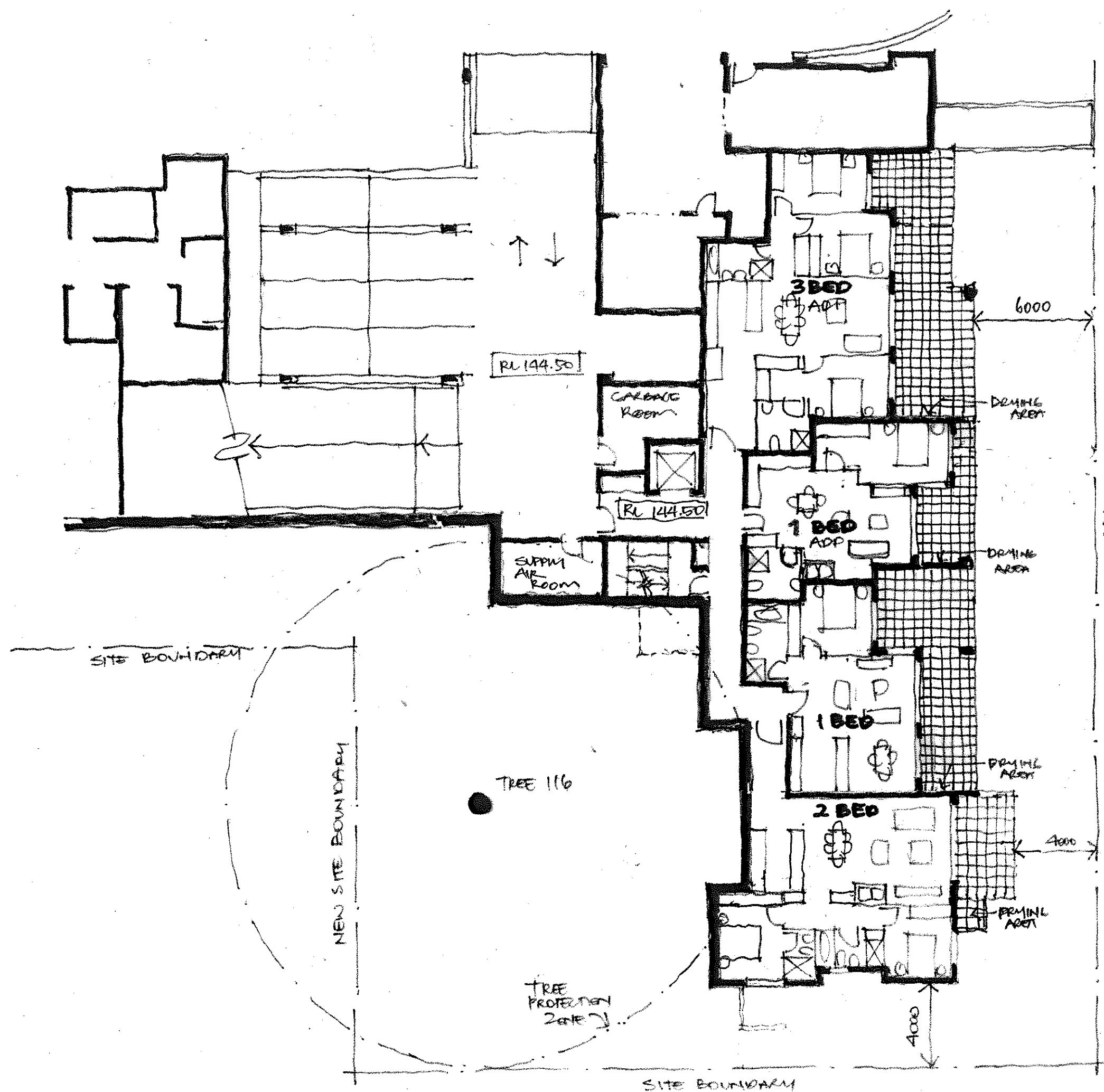
A handwritten signature in black ink that reads "Robert Staas". The signature is written in a cursive, flowing style.

ROBERT STAAS

Director / Heritage Consultant

## **ATTACHMENT 2: YIELD ANALYSIS PLANS AND COMPARATIVE ANALYSIS BY KRIKIS TAYLER ARCHITECTS**





# LEGEND

- (eg) 13000 - ACTUAL SEPARATION DISTANCE
- H - HABITABLE CONDITION (RFDC)
- NH - NON HABITABLE CONDITION (RFDC)
- (eg) 12000 - SEPARATION DISTANCE IN ACCORDANCE WITH RESIDENTIAL FLAT DESIGN CODE (RFDC)

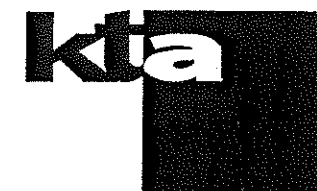
LEVEL 1 1:200

## BLOCK D OPTION TREE 116 RETAINED

81 BEECROFT ROAD  
BEECROFT

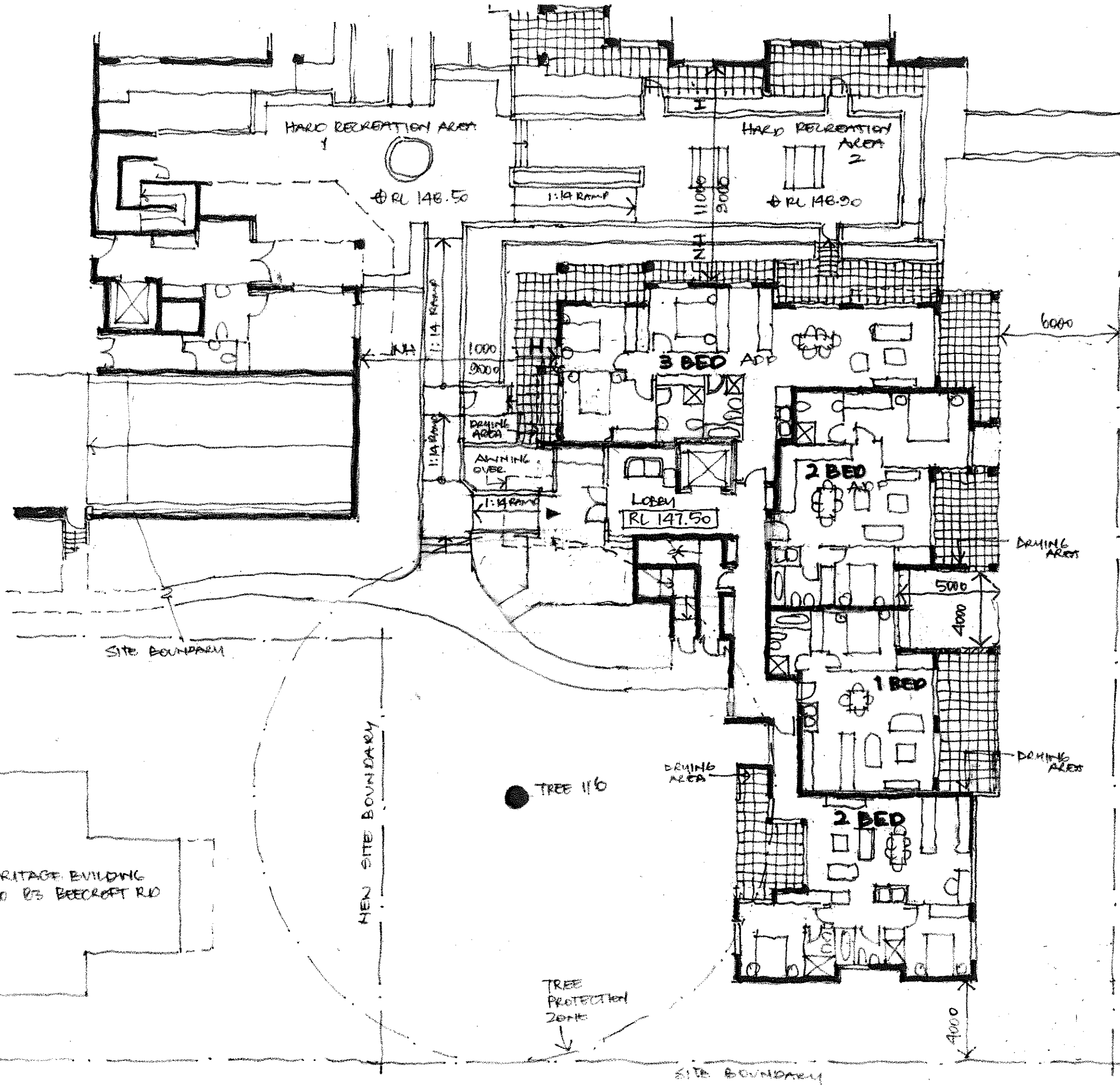
AUG 27, 2014  
PROJECT NO. 2413 SK. 201

ARCHITECT



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**LEGEND**

- (eg) 13000 - ACTUAL SEPARATION DISTANCE
- H - HABITABLE CONDITION (RFD)
- NH - NON HABITABLE CONDITION (RFD)
- (eg) 12000 - SEPARATION DISTANCE IN ACCORDANCE WITH RESIDENTIAL FLAT DESIGN CODE (RFD)

**LEVEL 2 1:200**

**BLOCK D OPTION  
TREE 116 RETAINED**

81 BEECROFT ROAD  
BEECROFT

AUG 27, 2014  
PROJECT NO. 2413 SK 202

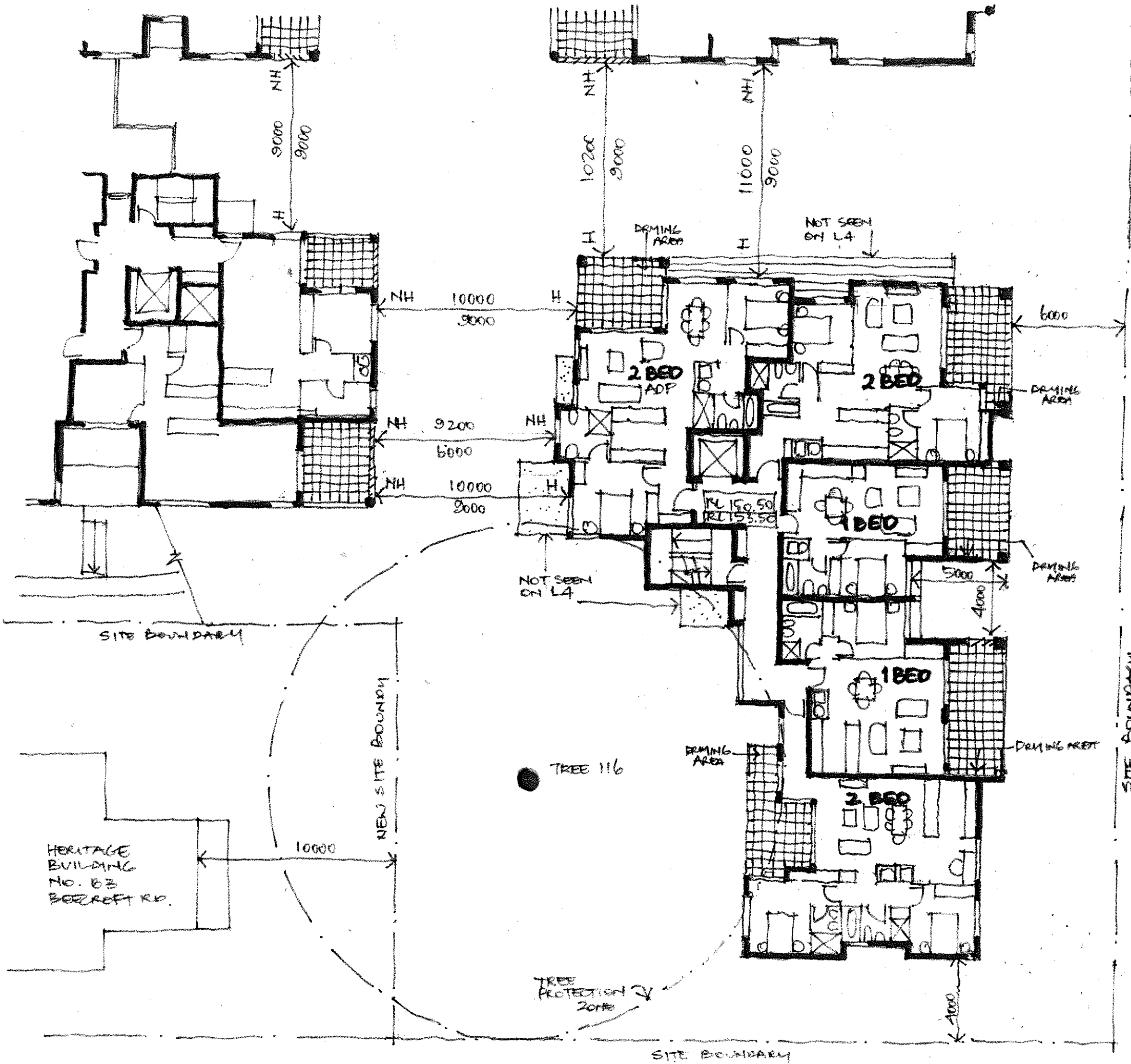
ARCHITECT



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# LEGEND

- (eg) 13000 - ACTUAL SEPARATION DISTANCE
- H - HABITABLE CONDITION (REFC)
- NH - NON HABITABLE CONDITION (REFC)
- (eg) 12000 - SEPARATION DISTANCE IN ACCORDANCE WITH RESIDENTIAL FLAT DESIGN CODE (REFC)

LEVELS 3 & 4 1:200

BLOCK D OPTION  
TREE 116 RETAINED

81 BEECROFT ROAD  
BEECROFT

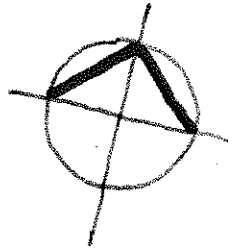
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# LEGEND

- (eg) 13000 - ACTUAL SEPARATION DISTANCE
- H - HABITABLE CONDITION (RFDC)
- NH - NON HABITABLE CONDITION (RFDC)
- (eg) 12000 - SEPARATION DISTANCE IN ACCORDANCE WITH RESIDENTIAL FLAT DESIGN CODE (RFDC)

## LEVEL 5

### BLOCK D OPTION TREE 116 RETAINED

81 BEECKROFT ROAD  
BEECKROFT

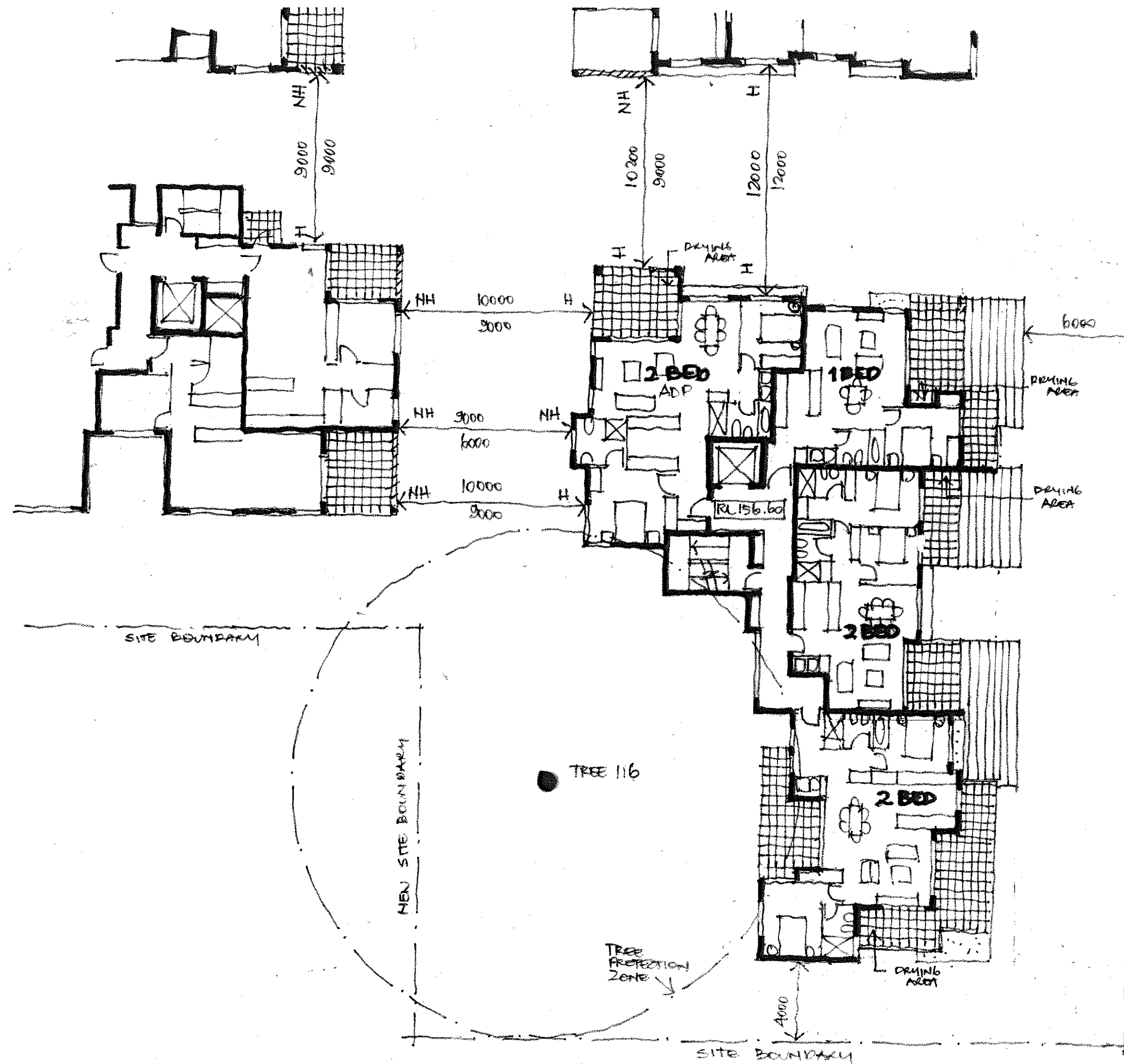
AUG 27, 2014  
PROJECT NO: 2413 SK 204

## ARCHITECT

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BEECROFT & CHAPMAN, BEECROFT									28.08.14		
YIELD ANALYSIS											
		Current Proposal				Retain White Mahogany					
	1 Bed	2 Bed	3 Bed	Total		1 Bed	2 Bed	3 Bed	Total		
Block D											
Level 1	1	2	1	4		2	1	1	4		
Level 2	1	3	2	6		1	2	1	4		
Level 3	3	3	1	7		2	3	0	5		
Level 4	3	3	1	7		2	3	0	5		
Level 5	4	2	0	6		1	3	0	4		
Level 6	0	1	1	2		0	1	0	1		
Total Block D	12	14	6	32		8	13	2	23		
Total Development	38	43	11	92		34	42	7	83		
Variance						-4	-1	-4	-9		
						Refer to sketch plans SK 201 to SK 205					
						inclusive dated 27.08.14					