

26 February 19

Rebecca Englund
Acting Manager,
Development Assessment
PO Box 1136
Dee Why, NSW 2009

Sent to: Rebecca.Englund@northernbeaches.nsw.gov.au

Dear Rebecca,

RE: RESPONSE TO REQUEST FOR FURTHER INFORMATION IN RELATON TO DA2018/1574 FOR A PROPOSED DEVELOPMENT AT 23 FISHER ROAD, DEE WHY

This document provides a response on behalf of Hamptons By Rose Pty Ltd (Rose Group) in relation to matters raised by Council in its 'Request for Further Information' issued 17 January 2019, relating to DA2018/1574.

The correspondence was sent following a preliminary assessment of the subject DA being undertaken by Council, requesting a number of matters be addressed in relation the proposed development. Council allowed until 26 February 2019 for the matters raised to be responded to which included the following:

1. Heritage Conservation;
2. Stormwater management;
3. Groundwater;
4. Height, bulk and scale;
5. Vehicular access and parking;
6. Apartment Design Guideline;
7. B4 Mixed Use Zone; and
8. Access to Civic Drive.

A response to the abovementioned items is provided in the table below, and should be read in conjunction with the following enclosed documents:

- **Appendix 1:** Revised Architectural Package (including updated photomontages)
- **Appendix 2:** Revised SEPP 65 Report
- **Appendix 3:** Stormwater Management Reports and plans
- **Appendix 4:** Updated solar diagrams
- **Appendix 5:** Revised Landscaping Plans
- **Appendix 6:** Groundwater Advice
- **Appendix 7:** SIDRA data output sheets and driveway sight lines
- **Appendix 8:** Accessible Paths of Travel Plans

Furthermore, it should be noted that following the amendments made to the application the DA now seeks consent for the following:

- Retention and re-use of Pacific Lodge for Commercial use;
- 129 Residential Apartments;
- Basement parking; and
- Landscaping and associated works.

We trust that the enclosed documents and the below table adequately address the RFI received from Council. Additionally, we thank you for the opportunity to respond accordingly, and hope that, given all required information has been provided, and the 3 submissions received during exhibition have been adequately addressed, Council is now in a position to support the proposal.

We look forward to hearing from you in relation to this matter and please do not hesitate to contact me on 8667 8668 or at kbartlett@mecone.com.au.

Yours sincerely,


A handwritten signature in black ink, appearing to read 'K Bartlett', written in a cursive style.

Kate Bartlett

Director

Council Correspondence	Applicant Response
<p>Heritage Conservation</p> <p><i>Clause 5.10 (Heritage conservation) of WLEP 2011</i></p> <p><i>The proposed development does not comply with a number of the guidelines and heritage conservation policies in the Conservation Management Plan provided to support the application, particularly with regard to:</i></p> <ul style="list-style-type: none"> • <i>Sympathetic adaptive reuse of Pacific Lodge and its setting,</i> • <i>The removal of high significance landscaping and the lack of a Landscape Conservation Management Plan,</i> • <i>Interpretation of the heritage values of Pacific Lodge,</i> • <i>Nomination of Pacific Lodge for possible State Heritage Listing,</i> • <i>Lack of pedestrian and vehicular access and on-site parking to support the future use of Pacific Lodge,</i> • <i>Continued funding for conservation and ongoing maintenance of Pacific Lodge.</i> <p><i>With this in mind, you are strongly encouraged to:</i></p> <ol style="list-style-type: none"> <i>a. Include Pacific Lodge and its curtilage as part of the Strata Plan of the development as a whole (ie: remove the proposed Torrens Title subdivision from the application).</i> <i>b. Investigate sympathetic uses for Pacific Lodge, in line with the recommendations of the Conservation Management Plan provided to support the application and include the proposed use as part of the subject application.</i> <i>c. Investigate options for vehicular and pedestrian access to Pacific Lodge, and/or provide parking elsewhere on the site.</i> <i>d. Demonstrate how the conservation and maintenance of Pacific Lodge and its curtilage will be ensured into the future.</i> 	<p>In order to address concerns relating to heritage conservation at the site, the following modifications to the DA have been undertaken:</p> <ul style="list-style-type: none"> • The proposed Torrens Titling of Pacific Lodge has been removed. Pacific Lodge and its curtilage will remain as part of the broader site and be included within any Strata Plan; • Future use of Pacific Lodge be a 'commercial premises', as defined in the WLEP2011. Its specific use and fit-out will be the subject of a future development application. The commercial use of Pacific Lodge aligns with the CMP; • Maintenance of the lodge will be the responsibility of the landowner until such a date as an alternative agreement is reached; • Vehicular parking and accessible paths of travel are demonstrated on the updated drawings and will be adequately provided for Pacific Lodge as demonstrated in Appendix 8. Furthermore, car parking will be allocated in the basement levels of the development accordingly; • A revised landscaping plan for the 'heritage zone' has been provided by Context Landscape Architects. Materials and planting reflect the heritage character of the site, and include a mix of natural and constructed, formal and organic garden areas. The revised plans and statement are provided in Appendix 5 of this document.

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<p>2. Stormwater Management</p> <p><i>C4 (Stormwater) of WDCP</i></p> <p><i>The application does not provide on-site detention, which is required to achieve consistency with Council's "On-site Stormwater Detention Technical Specification" and to minimise the impact of the development upon both the Dee Why Lagoon North and Dee Why Lagoon catchments. Post development flows are to be limited to the natural condition of the site (ie: 0% impervious area) for all storm events to and including the 1 in 100 year ARI.</i></p> <p><i>The provision of OSD is likely to necessitate additional excavation with potential further impacts upon canopy trees. The size and location of any necessary tanks are to be shown on both the architectural and landscaping plans to ensure that there is no conflict with existing and proposed landscaping, with additional commentary provided by the project arborist if the OSD tanks are to be located within 5m of any existing canopy trees.</i></p> <p><i>Furthermore, the application should review the capacity of each downstream system to ensure that both catchments can accommodate the proposal.</i></p>	<p>An updated Stormwater Management Plan, WSUD Strategy, and Erosion & Sediment Control Plan has been prepared for the site by ADW Johnson in response to this RFI (refer to Appendix 3).</p> <p>The Report incorporates details of an OSD tank underneath the proposed northern driveway off Fisher Road. The tank has been located in order to avoid any impact on the existing trees on the adjacent property to the north of the site and therefore will not require further input from the arborist. The OSD and relevant specifications are shown in the plans within Appendix 1 and Appendix 3 respectively.</p> <p>In addition, the report provides evidence that the proposed onsite stormwater management systems are in accordance with Council's specifications and will not have an impact on the capacity of downstream infrastructure within Civic Parade or St David Drive. Post-development outcomes at the site will result in a reduction in peak flows within surrounding catchments, and therefore result in a net improvement overall, negating the need for further capacity analysis to be undertaken. For specific details, refer to Appendix 3.</p>
<p>3. Ground Water</p> <p><i>Clause 6.2 (Earthworks) of WLEP 2011</i> <i>E10 (Landslip Risk) of WDCP</i> <i>S.4.46 of the EP&A Act</i> <i>S.90 of the Water Management Act</i></p> <p><i>The proposed development is likely to interfere with groundwater, which constitutes integrated development under the provisions of s4.46 of the EP&A Act and s90 of the Water Management Act. General terms of approval are required from Water NSW before the application can be determined; however, the application form does not nominate that the proposal constitutes integrated development, and general terms of approval have not been sought or obtained.</i></p>	<p>A letter has been prepared by Coffey Services Australia to respond to Council's concerns regarding the presence of permanent groundwater at the level of the proposed basement structures for the buildings on site and is provided as Appendix 6 of this document. The letter refers to and agrees with the geotechnical report provided with the DA, which concludes that the development will be unlikely to cause adverse impact to surrounding land or infrastructure and that a permanent drained basement should be feasible.</p> <p>Given ongoing de-watering of the basement is not required, the proposed development does not constitute integrated development. Re-notification of the application is therefore</p>

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<p>The geotechnical risk management report suggests ongoing dewatering of the basement; yet no information is provided in this regard. It is Council's preference for the basement to be tanked in accordance with the Sydney Coastal Council's "Groundwater Management Handbook – A Guide for Local Government" to avoid the need to continually pump out groundwater. The geotechnical report and stormwater management plans are to be amended in this regard.</p>	<p>not required, and the application has been submitted in accordance with the Regulations.</p>
<p>4. Height, Bulk and Scale</p> <p>D9 (Building Bulk) of WDCP</p> <p>Concern is raised in relation to the visual impact of the north-west corner of the development as seen from Fisher Road (demonstrated by 'View 2 – Fisher Road' in the photomontages provided to support the application). The proposed 7-storey presentation to Fisher Road is at odds with the surrounding scale of development, specifically the low-density residential character of development on the western side of Fisher Road.</p> <p>The 7-storey presentation is directly attributed to an excessive level of excavation and disturbance of natural rock outcrops, inconsistent with the requirements and objectives of clause D9 of WDCP. Furthermore, a portion of the 7-storey presentation protrudes beyond the 13m maximum height development standard, which is considered to be unacceptable given the extent of site disturbance.</p> <p>The proposal should be amended to retain the natural rock formations presenting to Fisher Road in the north-west corner of the site, with a more natural landscaped solution presenting to the public domain. Furthermore, the upper floor of the development is to be setback (compliant with the height limit), to minimise the apparent size of the development as seen from the adjacent low-density area.</p>	<p>The building frontage to Fisher Road has been amended to delete one of the dwellings facing the internal driveway (Apartment A.LG1), in order to ensure an appropriate bulk and scale of the development at the north-west corner, and to deliver a high standard of landscaping. This is shown in the floor plan extract below and CGI image provided in the Architectural plans in Appendix 1. Both demonstrate a significantly reduced building footprint in the north western corner and an improved response to the streetscape.</p> 

Council Correspondence

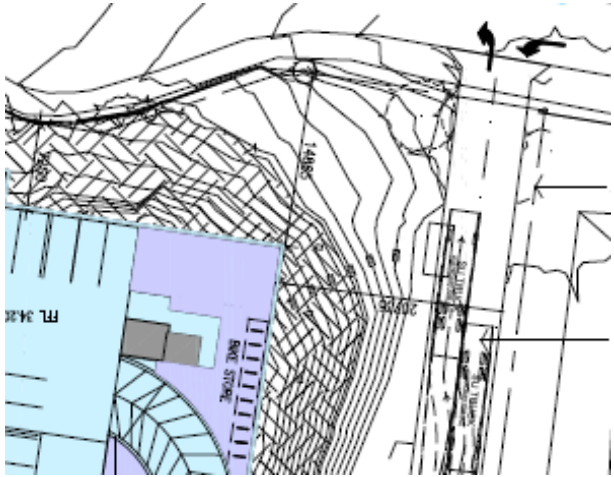
Applicant Response



Figures above: Internal and External modifications to the north-west corner proposed following RFI received

This modification will significantly soften the north-west corner's appearance by enabling the retention of some of the natural rock formations presenting to Fisher Road, which presents as a more natural landscaped solution.

In addition, as the proposed development is seeking to utilise the existing driveway along the northern boundary, a key priority has been to develop a scheme that transitions appropriately between the raised rocky outcrops, down to the driveway, which has been previously excavated to be level with the public domain.

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	<p>The townhouses proposed along this frontage achieve this desired balance by:</p> <ul style="list-style-type: none"> • Providing natural activation of the frontage and passive surveillance; • Ensuring that the blank basement car parking area is not visible from the public domain; and • Providing an appropriate and accessible transition of the development from the taller rocky outcrops to the driveway access point. <p>It is also noted that the approved Stage 1 DA for the site would have resulted in blank basement walls facing along Fisher Road and part of the northwest driveway (refer below).</p>  <p>Above Figure: Previously approved Hassell DA with blank wall facing north western corner</p> <p>The amended building frontage to Fisher Road in the north-west corner is considered to be of an appropriate bulk and scale, with a staggered built form, upper setbacks, and</p>

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	<p>substantial additional landscaping to soften its appearance. The building exceeds the height plane slightly due to the staggered and irregular natural topography dropping in spots within the building footprint. The height exceedances have no floor space within them and are minor protrusions, as seen in the original application.</p> <p>As noted earlier, the level of excavation required is caused by the existing ground level on site being substantially higher than the existing street level, particularly along Fisher Road. In addition, the existing internal driveway is at a lower level more in line with the street, and the development needs to be able to safely transition from these frontages to the residential dwellings.</p> <p>It is also noted that the amended design will largely read as a five storey development at the north- west corner at Fisher Road, which can be seen in the updated photomontage. The townhouses will largely only visible within the site along the driveway. These townhouses will read as a two storey element from the driveway, with upper levels set back in order to avoid any appearance of a 7-storey built form.</p> <p>The Clause 4.6 Report provided with the DA provides a strong argument to demonstrate that the proposed scheme's minor exceedance of the height development standards provides a reasonable planning outcome, which warrants support from Council.</p> <p>It is considered that the newly proposed development presents an improved outcome along the north western portion of the site through the provision of an appropriate transition in heights and enhanced response to the streetscape.</p>

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<p>5. Vehicular Access & Parking</p> <p><i>C2 (Traffic, Access and Safety) of WDCP C3 (Parking Facilities) of WDCP</i></p> <p><i>The following information is required to demonstrate that the proposed central driveway entrance is the best-fit access solution for the site:</i></p> <p><i>SIDRA digital files and data output sheets.</i></p> <p><i>Detailed design plans of the proposed driveway onto the Fisher Road and McIntosh Road roundabout, including lane widths and nomination of sight lines entering and leaving the proposed driveway.</i></p> <p><i>The application is also to detail the proposed allocation of parking in association with each unit, to ensure compliance with clause C3 of WDCP.</i></p> <p><i>Furthermore, as discussed above, the application is to demonstrate vehicular and pedestrian access for Pacific Lodge, noting that Civic Drive is a private road, with no ongoing right of access over this land.</i></p>	<p>SIDRA Data Output Sheets and Driveway Sight Lines have been prepared for this RFI (Appendix 7) to demonstrate the proposal offers the best-fit access solution for the site and meets safety requirements. Furthermore, the proposed development is not reliant on Civic Parade, which is a Council owned private road on the eastern boundary. In relation to the allocation of parking, the Development Application clearly identifies that parking at the site is satisfactory and compliant with the WDCP 2011. The allocation of individual parking spaces to respective units is also provided in the updated SEPP 65 DA Report in Appendix 2.</p>
<p>6. Apartment Design Guideline</p> <p><i>Further information is required to demonstrate consistency with the principals of SEPP 65 and the design criteria of the ADG, as follows:</i></p> <ol style="list-style-type: none"> <i>a. Solar diagrams demonstrating solar access to the individual units to confirm that 2 hours of sunlight will be received by a minimum of 70% of the units proposed.</i> <i>b. Gradients of the internal pathways, to confirm that an accessible path of travel is available to all buildings.</i> <i>c. Refinement of balustrade detail, limiting the amount of clear glazing, particularly when there are no views to be obtained.</i> <i>d. Nomination of dimensions and floor areas of rooms and storage on plans (including individual storage areas in the basement).</i> <i>e. Nomination of parking spaces for each unit.</i> <i>f. A minimum ceiling height of 2.7m in kitchens is required (as they are defined as</i> 	<p>A revised master Architectural Package has been provided to address the ADG and relevant concerns raised by Council in the correspondence received and is located in Appendix 1 of this document. In addition, the ADG Report and Solar Diagrams address all matters raised by Council under Item 6. These are located in Appendix 2 and Appendix 4 respectively.</p>

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<p>habitable space by the ADG).</p> <p>g. Reduction in the amount of units on level 3 of Building A serviced by Lift 2.</p> <p>h. Review/reconsideration of:</p> <ul style="list-style-type: none"> • The entry into units C.G01 and C.G02, which is awkwardly shaped with poor amenity • the inclusion of two laundries for unit C.101 • the location of the kitchen in units C.103, C.203 and C.303 • the use of the undisclosed space in unit C.104 • the location of the enclosing wall in unit C.105 (obscured by the hatched tree) • the undisclosed dead end space in units C.106, C.206 and C.306 • the shape/depth of bedroom 1 in units C.107, C.207 and C.307 • the hallway length for units C.108, C.208 and C.308 • the dead end hallway in units C.109, C.209 and C.309 • the shape/depth of bedroom 1 in unit C.111 • the shape/depth of bedroom 1 in B.102, B.202 and B.302 • the depth of the kitchen in units B.203 and B.303 and the lack of a laundry • the lack of storage in bedroom 3 of A.G11 • the depth of the kitchen and undisclosed triangular area in units A.G11, A.105 and A.209 • the undisclosed space with no door in unit A.G13 • the undisclosed space with no windows in units A.G12, A.106 and A.210 • the shape/depth of bedroom 2 in units A.G02 and A.102 • the undisclosed area to the right of the entry door in unit A.G05 • the undisclosed area in unit B.401 • the shape/depth of bedroom 1 in unit B.403 • the location of the kitchen in unit A.311 • the space behind the kitchen in unit A.302 	
<p>7. B4 Mixed Use Zone</p> <p>The application seeks to vary two development standards prescribed by WLEP 2011, specifically relating to building height and the use of the ground floor of each residential flat building. Under the provisions of clause 4.6 of WLEP, Council must be satisfied that the proposal is consistent with the objectives of the B4 Mixed Use Zone before any variation to a development standard can be supported.</p>	<p>It is considered that the SEE and the Clause 4.6 variation statements submitted provide a comprehensive demonstration of the proposal's consistency with the objectives of the B4 zoning objectives. Furthermore, the reasonableness of the variation request to Clause 6.7 is further strengthened by the public exhibition of Draft LEP</p>

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<p>Further justification is required to demonstrate that the proposal is consistent with the following objectives of the B4 Mixed Use zone:</p> <ul style="list-style-type: none"> • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To reinforce the role of Dee Why as the major centre in the sub-region by the treatment of public spaces, the scale and intensity of development, the focus of civic activity and the arrangement of land uses. • To promote building design that creates active building fronts, contributes to the life of streets and public spaces and creates environments that are appropriate to human scale as well as being comfortable, interesting and safe. • To promote a land use pattern that is characterised by shops, restaurants and business premises on the ground floor and housing and offices on the upper floors of buildings. 	<p>amendments by Council, which exclude the application of this standard from applying to the subject site (25 September 2018) under future controls. This modified control was in direct response to the Rose Group's submission to the draft controls in March 2018, with Council's strategic planning unit agreeing that non-residential land uses are not appropriate along the north-west frontage (Fisher Road) of the site in particular.</p> <p>To reiterate what has been stated in the SEE and Clause 4.6 variations submitted to date, it is considered that the proposal is consistent with the objectives of the B4 zone on the following grounds:</p> <ul style="list-style-type: none"> • The proposed development will include a mixture of uses including commercial tenancies fronting towards the Town Centre to the south-east, townhouse dwellings fronting the residential areas to the north-west, and residential units above. Commercial premises are located in viable locations, which will enable successful employment generating uses to be operated at the site. Furthermore, the use of Pacific Lodge for commercial purposes will provide a further commercial use suitably orientated towards the Civic Precinct; • The proposed development is located on the north-west corner fringe of the Dee Why Town Centre. Commercial space has been provided in the most suitable location on site (south-east corner oriented towards the civic and town centre) to assist in providing a transition between the local centre and residential zones beyond Fisher Road. Future tenants and employees will benefit from the walkable distance to the town centre's services and facilities and various bus services along Fisher and Pittwater Road.

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	<ul style="list-style-type: none"><li data-bbox="1361 352 2029 938">• The proposed development allows for modern, high quality development to be introduced in the Dee Why Town Centre and creates both additional employment space and housing stock which will benefit from and contribute to the centre's growth. The proposed mix of land uses allows for an appropriate transition between the residential areas to the north west of the site and the mixed use Dee Why Town centre to the south east. The proposed development reinforces the role of Dee Why as a major centre in the sub-region through the provision of suitably located ground floor commercial development and residential development which transitions appropriately into the adjoining low density residential area to the west. Furthermore, the development is able to reinforce the role of Dee Why as a major centre by increasing residential population in close proximity to local civil services, including the new Northern Beaches PCYC, Dee Why Library and shops on Pittwater Road.<li data-bbox="1361 959 2029 1219">• The proposed development includes appropriate design elements such as upper level setbacks, staggered frontages, and balconies to provide interesting and well-integrated buildings which respond to the fall of the site and address the street. Pedestrian movement on the site has been designed with consideration of site topography to ensure comfortable, direct routes are provided between buildings with adequate passive surveillance.<li data-bbox="1361 1240 2029 1348">• The site is well positioned to maximise public transport patronage and encourage walking and cycling through its proximity to the local centre of Dee Why and frequent public transport services located on

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	<p>Fisher Road and Pittwater Road, which provide connectivity to the broader Sydney Region.</p> <ul style="list-style-type: none"> • The proposed development is located on the north-west corner fringe of the Dee Why Town Centre. Commercial office space has been provided in the most suitable location on site (south-east corner oriented towards the central mixed use area and Pacific Lodge) to assist in providing a transition between the town centre and residential zones beyond Fisher Road. Future tenants and employees will benefit from the walkable distance to the town centre's services and facilities and various bus services along Pittwater Road. • The proposed development allows for a modern, high quality development to be introduced in the Dee Why Town Centre and creates additional employment space and housing stock which will benefit from and contribute to the town centre's growth. The proposed layout plan allows for appropriate setbacks, height, and building articulation which presents well to the street frontages with significant landscaping to maintain the natural features of the site. The proposed mix of land uses allows for an appropriate transition between the low rise residential areas to the north west of the site and the higher density mixed use Dee Why Town centre to the south east. The development is able to reinforce the role of Dee Why as a major centre by increasing residential population in close proximity to local civil services, including the new Northern Beaches PCYC, Dee Why Library and shops on Pittwater Road.
<p>8. Access to Civic Drive <i>Civic Drive is a private road on land owned by Northern Beaches Council. The subject site</i></p>	<p>The plans have been re-orientated accordingly to address Item 8 of the RFI received. No reliance on the Council owned</p>

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<p><i>does not benefit from any right of carriageway over Civic Drive and no application has been made seeking owners consent for access over this land. As such, the proposal is to be amended to remove all reliance upon Civic Drive. In particular, the basement Level 1 Commercial Area is to be reoriented to address and connect to St David Drive.</i></p>	<p>private road is now proposed, with all access being provided from Fisher Road on the western portions of the site.</p>