Design + Sustainability Advisory Panel Meeting Report – 22 April 2021

MOD2021_0041 23 Fisher Road, DEE WHY

PANEL COMMENT AND RECOMMENDATIONS

General

Site Area: 10,620m2
Proposal: Residential apartment development
147 x apartments (increase of 21 x apartments)
259 vehicles over 1 x basement level ramped at various levels across the site (increase of 34 residential spaces)

The proposal MOD2021_0041 relates solely to a further modification to MOD2020/0097 approved by Council on 15 April 2020 that was a modification to the original DA DA/2018/1574 granted on 18 June 2019 for:
'Construction of a mixed development comprising three residential flat building, commercial use of a heritage listed building, car parking, infrastructure and landscaping'

As set out in the SEE the modification comprises:
Specifically, the subject modification seeks approval for the following changes to the approved development conditions and administrative changes:

1. Internal reconfigurations, adjustment to levels and construction of an additional level on Buildings A, B and C to accommodate an additional 21 residential apartments (resulting in total of 147 units);
2. Removal of rooftop garden on Building A;
3. Modification to balcony design and installation of new frames within balcony areas;
4. Increase to the basement size and internal reconfigurations to accommodate 34 additional car spaces and adjustment of basement levels in Buildings A, B and C;
5. Removal of two (2) trees (Nos. 58A and 61A) to accommodate basement level excavation proposed;
6. Modification to the lobby design of Buildings B and C;
7. Amendment to Condition 1 and 1A to reflect proposed modifications in the approved drawings and supporting documentation;
8. Satisfaction of and subsequent amendment to Condition 22 as a result of the provision of updated architectural plans;
9. Satisfaction of and subsequent amendment to Condition 23 as a result of the provision of updated landscape plans; and
10. Amendment to Condition 88(a) 'Parking' to integrate an additional 34 car spaces within Basement Level 1 with modest change to basement footprint.

At the meeting the Panel meeting of 22 April, the Panel requested additional information in relation to views and details of excavation. This information was received by the Panel on the 4th April.

Approach

Generally the Panel's comments would follow the design criteria set out in the ADG, however in this circumstance it will be more useful and direct to address the impacts, benefits or dis-benefits of the proposed changes in the order set out above relating to changes 1-5.

The major potential impacts are on views, overshadowing and on the amount of deep soil and excavation.

For a number of reasons, the modification proposes an increase in the number of storeys of the building resulting in a relatively small increase in the absolute height (AHD) of the building and height of the building structure itself.

The Modification proposes to minimise the increase the height of the building by 'sinking' the building into the site. This results in a significant increase in the amount of excavation and a reduction in the amount of deep soil.

The Panel is concerned with design quality overall, not permissibility, or whether a building complies with the planning controls, except where it is clear that non-compliance has an adverse impact on the amenity within and outside the site, impacts on the public domain or neighbouring properties.

In general, the approach of the Panel to "any non-compliance with planning controls can only be considered where there is:

- a demonstrable improvement in amenity within the proposal,
- reduced impact on adjoining sites (either existing or in relation to future development potential)
- contributions to the public domain or other public benefits (affordability, environmental performance)

In order to demonstrate the benefits of non-compliance the non-compliant proposal should be benchmarked and compared to a complying 'reference scheme'".

The objectives of height limits as set out in the LEP are:
(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The arguments set out in the 'Tenacity assessment' (Mecone) follow the 'four step process' and argue that the impacts of the proposal and view sharing are 'reasonable'.

This raises the question of whether allowing additional height with the aim of minimising the additional excavation would also be 'reasonable'.

From the information provided to the Panel, it would appear that overshadowing, privacy and impacts on the public domain are minimal, however this would require a detail assessment which Council will undertake as part of their assessment.

1 Internal reconfigurations, adjustment to levels and construction of an additional level on Buildings A, B and C to accommodate an additional 21 residential apartments (resulting in total of 147 units);

The Panel notes reasons supporting the approval of DA2018/1574 was an arrangement of building mass on the site that retained view corridors from both the public space and private properties to the west that retained a continuity of the ocean horizon considered to be important.

The Panel has reviewed the visual analysis and considers the additional height to have negligible additional impact on view ***from the points identified*** in the supplementary "Tenacity" information provided.

The Panel considers the additional overshadowing due to the increased height within and outside the site to be negligible.

The panel notes that the floor to floor heights have been reduced form 3.1m to 3.0m. this is at the limits of construction tolerances required to meet the 2.7m clearance required by the ADG and is not supported by the Panel.

Recommendations:

1. Allow additional (non-complying height) if visual impacts are determined to be 'reasonable'
2. Restore the 3.1m floor to floor dimensions. The Panel considers this more important than strict adherence to the height limit.
3. It is beyond the scope of the Panel to undertake detailed visual impact analysis form all affected points. ***If*** the visual impact is determined to be 'reasonable' by council officers after more detailed and thorough investigation of the visual impacts, ***then*** the Panel would support non-compliance with the height limit with the aim of minimising the additional excavation, disturbance to the existing ground, retention of trees and maximising deep soil.

Removal of rooftop garden on Building A;

Not possible to assess.

Modification to balcony design and installation of new frames within balcony areas;

Panel will rely on Council to assess the impact of these details

Increase to the basement size and internal reconfigurations to accommodate 34 additional car spaces and adjustment of basement levels in Buildings A, B and C;

The Modification has a significant impact on extent of deep soil. It is the Panel's understanding that the modification is driven primarily by the objective to have an additional 2,000sqm of floor space. The SEE suggests that this additional floor space is required to meet the strategic objectives of the Dee Why town centre. The Panel does not consider that the maximum FSR is required to achieve the objectives of the Dee Why plan. Rather the higher FSR in the area is a maximum, and an indication that higher densities are expected and allowed in the centre but that it is a maximum and any proposal should also meet other planning objectives if the maximum is to be achieved.

The additional excavation is 10,988m$^{3.}$

Given the average floor to floor is 3m this means the volume of the excavation is 183% of the additional building volume.

The Panel is concerned by, and does not support the following impacts:

- While the proposal does exceed the min deep soil, the reduction of deep soil area is still a negative. Noted that this is on the rocky site with minimal soil.
- Removal of two additional existing trees – Euc (low) & Mel (med)
- Removal of rock face
- The modification to the landform affecting the context of the heritage item.

The Panel has reviewed the revised landscape scheme (Context Landscape design report and drawings) In the opinion of the Panel the design provides an appropriate setting for the heritage item but considers the retention of the original landform in the MOD2020/0097 scheme preferable.

The Panel does not support the extent of excavation and modification of the ground form proposed.

Recommendation:

4. Retain the ground plane as proposed in the in MOD2020/0097
5. Excavation should be minimised. The panel would expect an additional volume of excavated material to be in the order of 3,500 cubic metres, not 11,000 cubic metres

Removal of two (2) trees (Nos. 58A and 61A) to accommodate basement level excavation proposed;

The Panel does not support the removal of existing mature trees

Recommendation:

6. Retain trees 58A and 61A

PANEL CONCLUSION

The Panel does not support the proposal in its current form.

If it can be demonstrated that the visual impact of additional height is 'reasonable' then this should be considered in order to minimise excavation, retain trees, maximise deep soil and maintain the same relationship between the lower level apartments and the adjoining public domain and preserve a better relationship between the heritage item and the existing ground plane.