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24 October 2019

Mr Ray Brownlee
CEO
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: **David Auster (Planner - Development Assessment)**

Dear David,

DA2018/1924 | FORESTWAY SHOPPING CENTRE | RESPONSE TO COUNCIL CORRESPONDENCE

1. INTRODUCTION

On behalf of Invesco Pty Ltd, we submit the following supplementary documentation and commentary as relevant to the above development proposal, DA2018/1924. This correspondence responds to Council's letter dated 10 October 2019 which includes a request for additional information or a withdrawal of the subject Development Application.

We also draw reference to the meetings held with Council officers on 19 July 2019 and 23 August 2019 to discuss a potential larger amendment to the subject DA (which comprised a reduction in built form and retail floor space). We appreciate Council's involvement in these discussions and tolerance in the time taken for the applicant to confirm their position. However given how far advanced the planning assessment is on the original scheme (as amended in the RFI response in March 2019), it was determined by Invesco that progressing with this March 2019 scheme is the preferred approach at this point in time. Given this, this submission includes proposed amendments to the subject DA that largely respond to Council and RMS' recent comments as well as increase the efficiency of the centre.

Overall, this is a significant development application, not only due to the value of works amounting to estimated \$115 million but also as the centre as the ability to meet an available retail need and demand in this area of the LGA and also potentially assist facilitating a traffic solution for the immediate Frenchs Forest Planned Precinct.

In summary, our position is that the current amended proposal is capable of being favourably determined on merit. This obviously requires concurrence from RMS, however the amended drawing

set comprises a left in and left out (removal of the right turn exit) and inclusion of a deceleration lane and is consistent with RMS feedback and advice to date.

We request that this package of information be considered in Council's assessment of the DA prior to the determination of the DA by the Sydney North Planning Panel (which we understand has not been formally briefed and as such a dated for hearing and determination has not been set).

The following outlines the supporting documentation submitted with this response, a list of the proposed amendments and a response to Council's matters in their letter.

2. SUBMITTED DOCUMENTATION

This response is accompanied by the following documentation which should be relied on and read in association with this covering letter:

- Amended architectural plans (Buchan) – **Appendix A**
- Amended Landscaping drawings (Place Design Group) – **Appendix B**
- Amended Traffic statement (CBRK) – **Appendix C**
- Amended Civil drawings (TTW) – **Appendix D**

3. THE AMENDED SCHEME

Development consent being sought, remains consistent with the original submission, as being:

Alterations and Additions to the Forest Way shopping centre including a childcare centre, medical centre, shops, restaurant/cafes, recreation facility (indoor), office premises and basement car parking (DA 2018/1924).

All land uses are retained in the amended scheme and the form and components of the proposal are unchanged entailing basement car parking and alterations and addition to the existing shopping centre. The accompanying architectural drawings detail the proposed amendments to the scheme.

The following outlines the design changes as compared to the RFI submission drawing set issued to Council in March 2019:

Key changes:

- Forest Way/northern boundary adjusted by 3500mm. The intention is for Council/RMS to design the road widening (additional lane) in accordance with their requirements at a later date.
- Forest Way façade alignment updated to correlate with boundary shift
- Improvements on the works to the north of the building line including Forest Way bus stop arbours added and amendments to the bus bay road kerb and landscape extents
- Update of the pedestrian access to the main Forest Way entry and vertical transportation updated
- Amendment to the Forest Way car park entrance to a single entry in and single exit lane (left in and left out only), deletion of the two right hand turn lanes.

- No change to the existing pedestrian crossing on Forest Way
- Inclusion of a 37m deceleration lane on Forest Way
- A re-working and improvement to the Russell Ave/Forest Way entry square including landscape amendments, movement of lift/stairs, external seating adjusted and café pavilion removed
- Review and adjustment to the retail and floorplate efficiency resulting in tenancy amendments.
- Comparable amount of GLA and car parking, summarised as follows:

Attribute	Original	Amended/proposed scheme
GLA	21,593sqm	21,851sqm
Car parking	741 spaces comprising: <ul style="list-style-type: none"> • B2: 291 spaces • B1: 208 spaces • L2: 242 spaces 	743 spaces comprising: <ul style="list-style-type: none"> • B2: 294 spaces • B1: 209 spaces • L2: 240 spaces

Forest Way Elevational Changes:

- Main central entry extent widened, new stairway from public footpath added
- Glazed façade activation along ground level and increased amount of glazing at Level 1
- Bus stop arbours added
- Level 1 glazed façade below car ramp activated and GLS-02 material added
- Landscape stone wall height reduced and glass balustrade introduced along pedestrian ramp

Russell Avenue Elevational Changes:

- Main Entry Square and vertical circulation adjusted to suit plan
- Level 1 FFL above Harris Farms raised to allow for mezzanine

Grace Avenue Elevational Changes:

- Level 1 FFL above Harris Farms raised to allow for mezzanine

Basement B2:

- Forest Way /northern site boundary offset by 3.5m
- Forest Way entry /vertical transportation layout updated
- Russell Ave/Forest Way main Square vertical transport layout updated

Basement B1:

- Forest Way /northern site boundary offset by 3.5m
- Open stair up to Ground Level relocated closer to Russell Ave corner

Ground floor:

- Harris Farm tenancy slightly adjusted and re-shaped and optional mezzanine extent increased
- Mini Major tenancy layout adjacent to Woolworths adjusted
- East Mall width adjusted
- Tenancy numbers added

Level 1:

- Extent of central tenancies next to travelator adjusted
- Tenancy numbers added
- Office reception increased

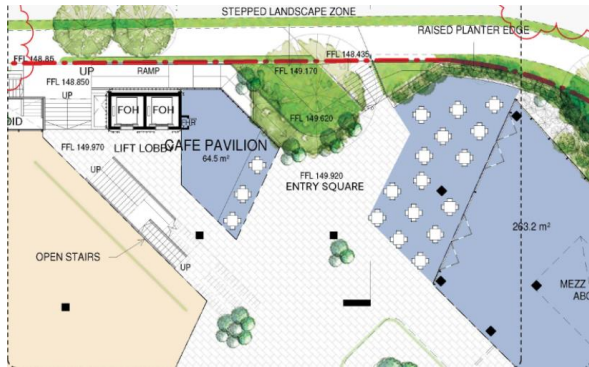
Level 2:

- New Plant added for Harris Farms tenant (North of Aldi box)

As a consequence of the amendments, a consolidated drawing set has been prepared, however noting that some drawings remain unchanged from the original submission. It is further noted that the shadow diagrams have been adjusted to align with the submitted scheme and amended photomontages are also provided.

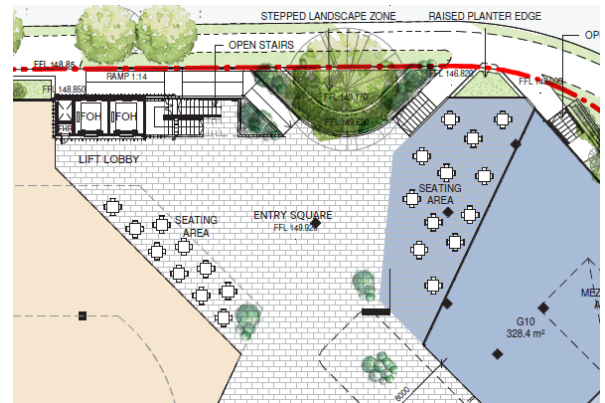
The following Figures 1-3 contain extracts of some key changes, comparing the current March 2019 scheme along with the proposed amended scheme.

Figure 1 – Russell Ave/Forest Way Entry Square



Picture 1 – March 2019 scheme

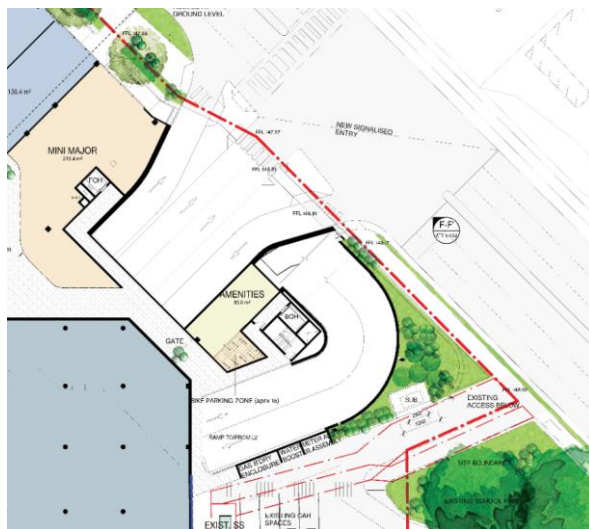
Source: Buchan



Picture 2 – Proposed -October 2019

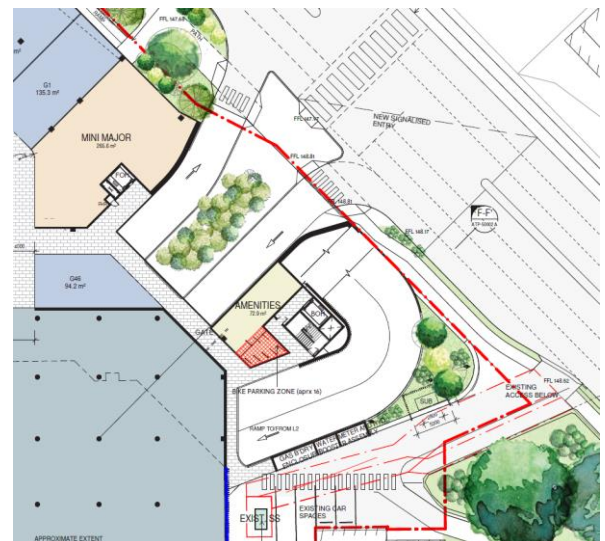
Source: Buchan

Figure 2 – Forest Way Vehicle entrance



Picture 3 – March 2019 scheme

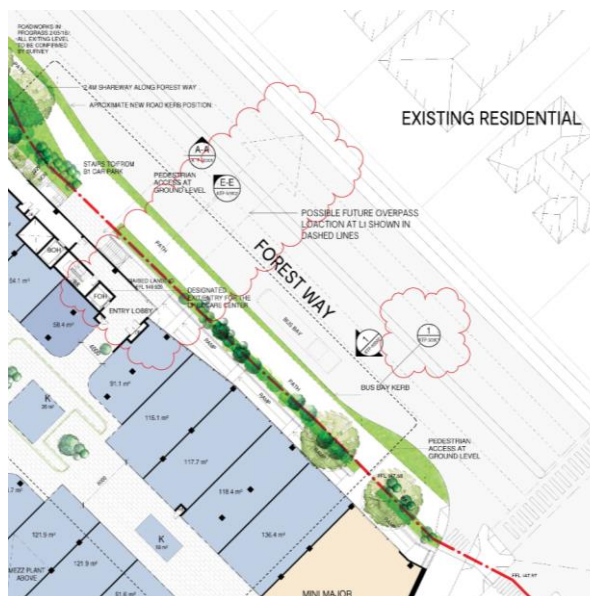
Source: Buchan



Picture 4 – Proposed -October 2019

Source: Buchan

Figure 3 – Forest Way road amendments



Picture 5 – March 2019 scheme

Source: Buchan



Picture 6 – Proposed -October 2019

Source: Buchan

4. RESPONSE TO COUNCIL'S LETTER

The Table below provides a response to Council's correspondence under each of the the stated issues.

Issue	Response
There remain fundamental issues with the proposed traffic access/egress arrangements for the site. It is noted that these issues were raised by Council in the minutes of the pre-lodgement meeting held in July 2018.	The applicant has been involved in ongoing consultation with RMS and Council on traffic matters including access. The latest correspondence from RMS (dated August 2019 and transposed in Section 5.1) provides in principle support for the access arrangement. Additional commentary on all traffic, parking and access matters are also detailed in the CBRK statement accompanying this response submission.

Issue	Response
Concerns are raised with the extent of demolition that was indicated would take place as part of the amended application, and that this may mean that the proposal could no longer be considered 'alterations and additions'.	This comment relates to the reduced retail scheme which is not being progressed by Invesco. The extent of demolition remains consistent with the original DA and to date has not been raised as a concern by Council.
It is considered that the current application should be withdrawn, and re-lodged at a later date when the access/egress issues have been agreed with by the Roads and Maritime Authority	As per the comment above, in our opinion RMS has granted their in principle support to the left in and left out access/egress arrangement subject to the provision of a deceleration lane (which has been proposed in the amended drawings). A withdrawal of the subject DA is not deemed necessary.
If the application is withdrawn within fourteen (14) days of the date of this letter, Council will refund 50% of the Development Application fee. If the application is not withdrawn, Council will proceed with the assessment of the application as it currently stands. In this case, no fees can be refunded if the application is withdrawn or refused at a later date.	Invesco requests that Council consider this additional information and the amended drawings and progress with the finalisation of the assessment. The application is not sought to be withdrawn given how far the assessment and engagement with Council and RMS has progressed.

5. KEY CONSIDERATIONS

5.1. RMS FEEDBACK, TRAFFIC AND ACCESS

A large driver for the design amendments is responding to Council and RMS' feedback on the operation, impact and access to Forest Way. The previously submitted scheme proposed a new signalised intersection allowing for right hand egress at the main Forest Way vehicle entrance. This entrance has been amended to a left in and left out arrangement, following feedback from RMS. Indicative concept drawings denoting this arrangement have been tabled with RMS and have received 'in principle' support as evident by email correspondence to CBRK dated 9 August from a Development Assessment Officer in RMS, stating,

"Thank you for your email. Roads and Maritime has reviewed the concept sketch submitted to Roads and Maritime dated 18 July 2019. The sketch proposes a left in/left out access to Forest Way adjoining the existing pedestrian signal. Roads and Maritime can advise that your concept sketch has improved, however further design reviews are required prior to Roads and Maritime providing "in principle" approval".

Additional comments from RMS were also received, as extracted below. A corresponding comment has been provided against each matter:

1. Proposed left in access

The left in access of Forest Way should be amended to incorporate a deceleration lane. The deceleration lane is to be an appropriate length for a design speed of 80km.

A shorter deceleration lane of 37m in length is provided as it was determined by CBRK to result in a lesser impact on traffic flow on Forest Way, along with the retention of the signalised crossing in the current position. (Refer to CBRK statement for detailed commentary and response). TTW have also prepared amended civil drawings that denote the amended road design and entrance.

2. Youth Centre Access

In relation to the southern driveway it is Roads and Maritimes requires that the driveway that provides access to the youth centre be removed. This access can be achieved via the proposed new access point and access can be provided internally to the youth centre.

The YoYos Youth Centre and associated land is Council owned and as such precludes the applicant from obtaining access through the suggested means without agreement from Council. Based on discussions with Council, we understand that Council does not support access to YoYos Youth Centre through a commercial shopping centre site and as such can not be accommodated and the existing driveway access is to be retained. (Refer to CBRK statement for detailed commentary and response).

3. Internal car parking arrangements

Further information is required that demonstrations that the entry / exit onto Forest Way is designed in such a way that it will not impact on the functioning of the Classified Road. Specifically internal car parking movements and also details regarding boom gates/ticketing is required.

Consistent with the earlier scheme, any controlled parking management facilities will be located well within the site to avoid queuing at the entry and onto Forest Way. The immediate entry area on Forest Way will be ticketless. Refer to CBRK statement for detailed commentary and response

CBRK have prepared an accompanying response to RMS' correspondence (on page 24 and 25 of the accompanying statement) and the previously raised traffic matters along with the suitability of the road re-alignment/deceleration lane as well as the adequacy of the car parking numbers given the minor increase of 258sqm of retail GFLA.

5.2. FOREST WAY GROUND PLANE

The proposed amended scheme comprises various improvements to the Forest Way ground plane as follows:

- Pedestrian connections and access will be improved from the existing situation and the March 2019 scheme by widening the main central entry, new stairway from public footpath added and bus arbours also added improving the legibility and arrival experience.
- Maintains the potential future connection to the green link as envisaged in the Structure Plan.
- Improved legibility of the pedestrian access into the centre and bus stop.
- Improved safety and reduced potential for pedestrian conflict at the vehicle entrance on Forest Way, given there is the removal of two vehicle egress lanes and a reduction in the pedestrian crossing width.

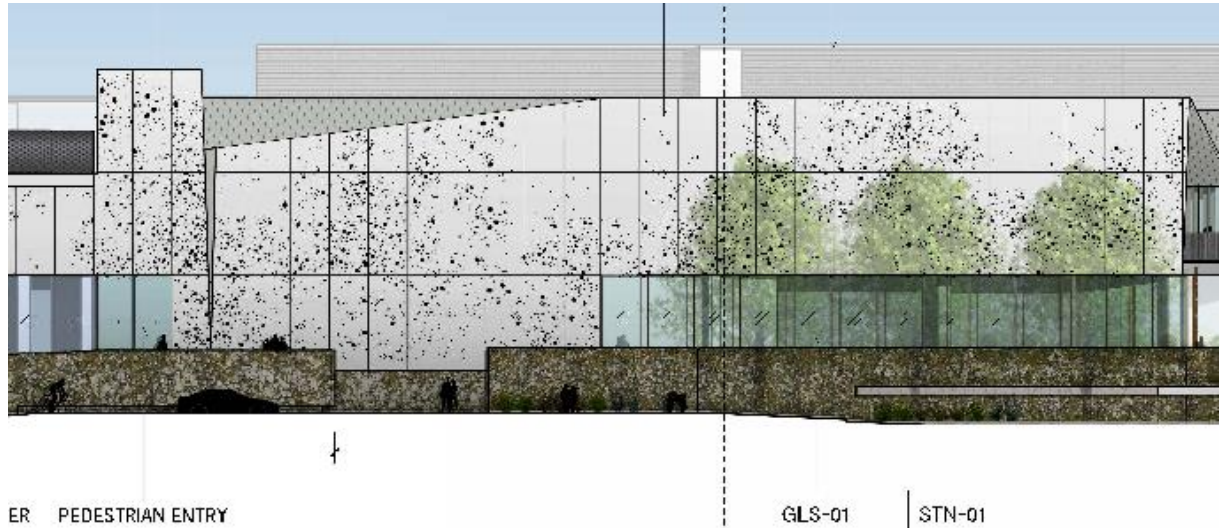
5.3. FOREST WAY ELEVATION AND TREATMENT

Overall the applicant has incorporated the feedback from Council in relation to the Forest Way façade and proposes the following amendments to reduce the bulk, further modulate the façade and increase glazing and activation:

- Main central entry extent widened, new stair up from footpath added improving legibility and access
- Activation of the glazed façade at ground and an increased amount of glazing at Level 1 assisting in reducing the amount of 'solid' facade
- Bus stop arbours added, creating a layering of horizontal elements along this elevation.
- Level 1 glazed façade below car ramp activated and GLS-02 material added (through the addition of coloured frit pattern glazing at Level 1 below the car park access ramp to Level 2).
- Landscape stone wall height reduced and glass balustrade introduced along pedestrian ramp providing a mixture of materials and finishes.

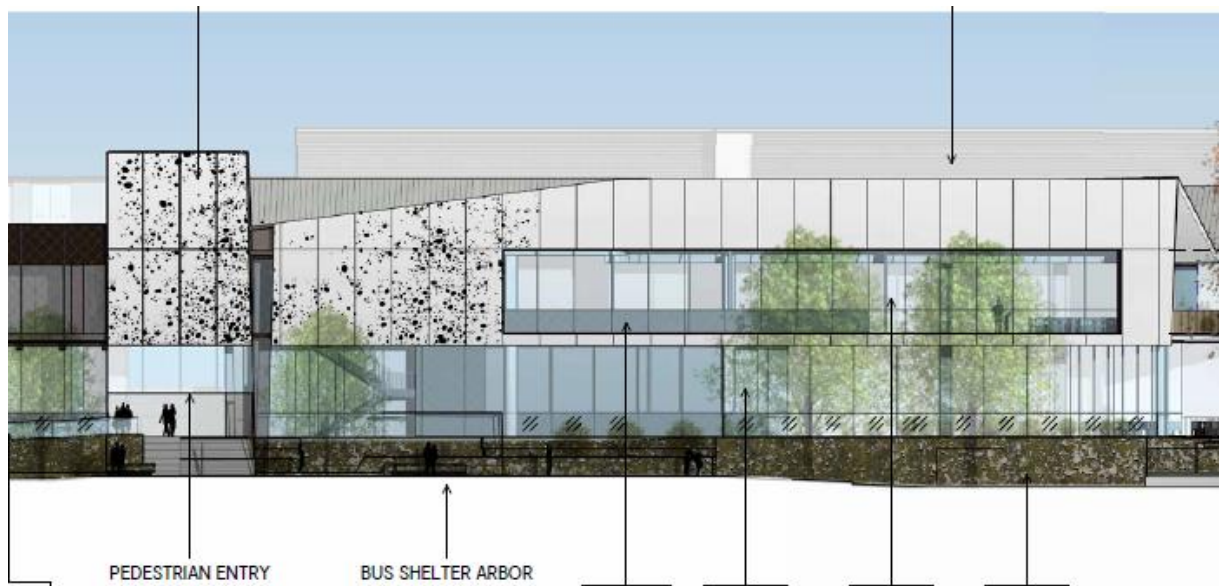
Figures 4 and 5 below provide illustrative comparisons of the March 2018 scheme and the proposed amended scheme.

Figure 4 – Forest Way elevation – western end



Picture 7 – Current - March 2019

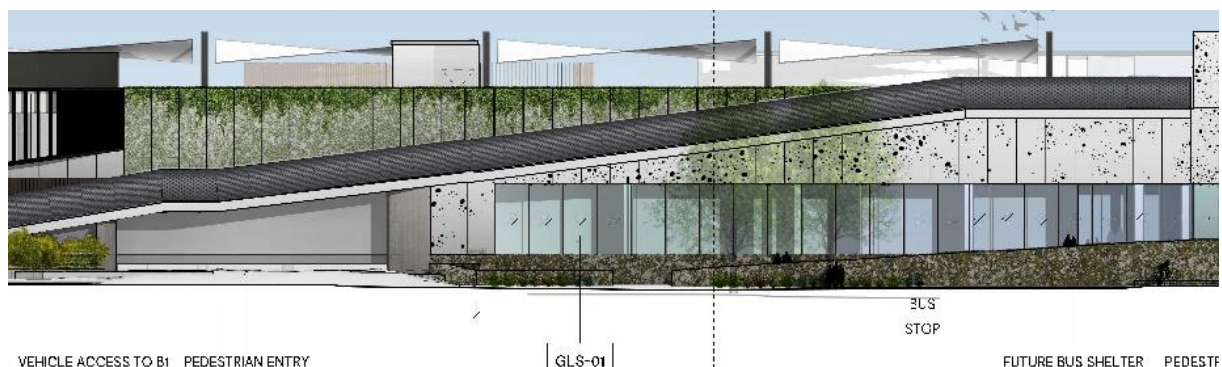
Source: Buchan



Picture 8 – Proposed -October 2019

Source: Buchan

Figure 5 – Forest Way – eastern end



Picture 9 – Current - March 2019

Source: Buchan



Picture 10 – Proposed -October 2019

Source: Buchan

5.4. GROUND FLOOR RETAIL EFFICIENCY

Other minor adjustments to the retail floors have been undertaken to enable a more efficient and legible entry from Russell Avenue into the entry square. The proposed amendments and improvements to the Square are shown in Figure 6 below.

There has been amendments and review of the tenancies and spaces around the entry square, Harris Farm to Aldi square, mini major tenancy and G46 tenancy adjacent to Woolworths has been added.

Figure 6 – Amendments to the Russell Avenue Entry Square



Picture 11 – March 2019 scheme



Picture 12 – Amended scheme

5.5. LANDSCAPING

The landscape plans, prepared by Place Design Group at **Appendix B**, have been amended primarily to respond to the realignment of Forest Way and the amendments to the Russell Avenue entry square and include:

- Raised planter bed at the Russell Avenue entry and improvements to the landscaping around this entrance square
- Inclusion of a central landscaping bed between the left in and left out Forest Way entrance, low in scale to ensure maximised driver visibility. Low level, shade tolerant planting (including ferns under the vehicle access ramp are proposed.
- Integrated bus arbours on Forest Way
- Amendment and embellishment in the landscape treatments along Forest Way to align with realignment of the northern boundary.

A consolidated landscape set has been submitted, superseding the earlier submitted drawing set.

5.6. GROUNDWATER

Council raised the issue of groundwater in a recent meeting when discussing the amount of excavation in the potential reduced retail scheme (now not progressing). The Groundwater report prepared by Presna and submitted with the original DA submission states that the water table is estimated to be at 2-4m and draws reference to contaminants in the groundwater from the former service station site, once occupied by BP. It states:

“As part of the proposed Stage 1 development at Forestway Shopping Centre it is understood that a two (2) level basement car park is being developed at the site. This will require excavation to depths of approximately 6mBGL in the location of the current car park and current car wash and Liquorland tenancies.

Based on the standing water level reported in the existing groundwater wells, it is considered likely that these excavations may intersect groundwater, including hydrocarbon contaminated groundwater in the vicinity of the former service station (existing car wash tenancy). This would result in a requirement to manage hydrocarbon contaminated groundwater both during excavation and construction of the basement levels and potentially post construction of the basement”.

Importantly the former BP site is in a continual monitoring program in accordance with EPA guidelines and consultation with EPA to understand any groundwater contamination. We understand that the contamination is dissipating. The Presna report states the following recommendations:

- *“The existing Human Health Risk Assessment (HHRA) for the former service station will need to be reviewed and updated to take into the account the proposed basement excavation (which is likely to intersect hydrocarbon contaminated groundwater).*
- *A construction Environmental Management Plan (CEMP) would be required that would include details of the management controls to be implemented during and post construction of the*

basement levels in the northern section of the site, where there is a high likelihood that excavations will intersect hydrocarbon contaminated groundwater”.

The Geotechnical report prepared by Coffey as part of the original DA submission drew reference to various construction methodologies for the basement and other site construction.

If a controlled activity approval is required under Section 91 of the Water Management Act, to be determined after further on site investigations, then this will be sought from the NSW Office of Water prior to the commencement of construction.

5.7. SIGNAGE

All building signage is subject to a future Development Application. This will allow for Invesco to prepare an integrated signage strategy. Indicative signage zones can be provided if requested by Council however are likely to change.

5.8. PLANNING COMPLIANCE

Overall our previous findings and assessment remain valid in that:

- The proposal satisfies the applicable local and state planning objectives and policies. The Proposal achieves a high level of compliance with Warringah Local Environmental Plan 2011, and achieves a high level of consistency with key planning controls within Warringah Development Control Plan.
- The design responds positively to site conditions and the surrounding urban environment. The design contemplates and has been informed by existing site conditions, the residential context and the desired future built form and character of the Frenchs Forest Planned Precinct. The proposed use and built form are compatible with the locality. The proposed amended traffic access arrangement from Forest Way has been prepared based on feedback from RMS and they have gained their ‘in principle’ support.
- The proposal is in the public interest. The Proposal will enhance the established ‘convenience’ nature of the Centre in its addition of complementary services. Importantly, the Proposal will deliver a high-quality development for use by the community in an area serviced by public transport. The Proposal will also contribute a significant number of jobs through its construction and as an operational Centre.
- The proposal will provide many positive benefits including the provision of a new elevated open space, essential retail services, improved dining opportunities and complementary facilities, and services for the community.

6. SUMMARY

In summary, the attached additional information is submitted for consideration and seeks to address the issues raised in by RMS and Council in recent months and in the letter dated October 2019. Invesco is committed to continuing an ongoing dialogue with Council on this project, so would be happy to meet to discuss the amendments and Council's assessment moving forward, if of assistance.

If you have any questions please don't hesitate to contact David Hoy or me at (02) 8233 9900 or ndaley@urbis.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Naomi Daley".

Naomi Daley
Associate Director

Enc:

- Amended architectural plans (Buchan) – **Appendix A**
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