



**ANGEL PLACE
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17 August 2020

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

Attention: David Auster (Planner - Development Assessment)

Dear David,

DA2018/1924 | FORESTWAY | RESPONSE TO COUNCIL CORRESPONDENCE

1. INTRODUCTION

On behalf of Invesco for ARE Chem De La Floret Pty Ltd ('**Invesco**'), we submit the following response to Council's correspondence dated 23 July 2020 relevant to Forestway Shopping Centre (**DA2018/1924**). We appreciate the opportunity to have discussed the content of the letter at the recent forum on 6 August 2020 with a number of key Northern Beaches Council ('**Council**') personnel. This response aligns with the outcomes of these discussions.

We note that Council's correspondence provides the applicant with the opportunity to withdraw the application given the significant amount of time that has passed since lodgement of the DA and the extent of issues that remain unresolved. Council is therefore wishing to determine the DA promptly. As discussed, at this point in time, Invesco is not seeking to withdraw the application as discussions are progressing favourably with TfNSW and we understand are nearing resolution on the outstanding traffic and access matters raised by TfNSW.

The key issues that remain unresolved, as outlined in Council's 23 July 2020 letter, are:

- TfNSW has not granted concurrence and a number of traffic issues are raised
- Traffic engineering – relating to traffic on the local road network and car parking justification
- Roads and assets – location of the existing bus shelters
- Development engineering – condition of the Council's downstream infrastructure/drainage lines
- Dedication of land - reconfiguration of the property boundaries and the requirement of a VPA.

To summarise the outcomes of the meeting held on 6 August 2020:

- It was agreed that an additional two weeks be provided to the applicant to seek a further response and agreement from TfNSW with a view to obtaining concurrence. By way of summary, attached (**Appendix A**) is a table prepared by Point Polaris that outlines, at a high level, the status of the discussions with TfNSW as we understand it, with the key points below being agreed:
 - The signalised movement on Forest Way has been removed from the proposal
 - The Forest Way exit has been reconfigured so as pedestrians give way to all vehicles
 - The deceleration lane has been lengthened to 60m and pedestrian crossing removed. The lane has also been redesigned to provide greater separation between the slip lane and the where pedestrian cross
 - Any marked pedestrian crossing has been removed from both the entry and exit such that pedestrians always give way. This has been done in order to prevent queuing onto Forest Way or queuing back into the carpark.
 - The proposed modifications to Forest Way provide safe vehicular access to and from Forest Way
 - Fencing has been modified to suit the new access arrangement.
- A response to all other matters outlined in Council's correspondence can be provided in advance of TfNSW's response and this forms the content of this letter.

Accompanying this correspondence is an amended drawing set (**Appendix B**), prepared by Buchan which supports the amended access/egress on Forest Way. For ease, a comprehensive, consolidated drawing set has been prepared, however the only amendments from the last issue to Council are relevant to the Forest Way frontage responsive to the TfNSW discussions and Council's letter, namely:

- Base and floor plans to reflect the amended vehicle access/egress to the car parking levels and proposed deceleration lane on Forest Way
- A minor amendment in the Forest Way elevation including an adjustment to the vehicle ramp on Forest Way by an increase in the height of the ramp above the vehicle entry and a steepening in the lower ramp section to B1.
- The existing Forest Way bus bays have been documented (however are not based on a survey) and clearly denote the 'integrated bus arbours' as being proposed in the future, once any road widening occurs.

The above changes have been red clouded on Buchan's drawings, to assist in identifying the areas of amendment.

We have responded to each matter under the headers outlined in Council's letter.

2. TRAFFIC ENGINEERING

Further to the matters raised above by Transport for NSW, Council's Traffic Engineer has reiterated that, while the traffic volume assumptions are satisfactory, access via Forest Way is not supported. Re-assessment of the impact of the traffic on the local network approaching the state road will be required upon review of access arrangements. This will need to also take into account the eventual reconfiguration of the intersection of Forest Way and Russell Avenue further north to connect at signals at Naree Road. This will result in the closure of Russell Avenue in its current location.

Further, the proposed development must not rely upon the parking available in Sorlie Place as part of the overall numbers, without adequate justification. Application of the RMS parking rates for a 21,593m² GLA would require approximately 930 parking spaces. The assumptions stated by the Applicant's consultant are not considered sufficient. The rates adopted by the RMS are based on parking rates of multiple surveys for multiple shopping centre locations. As such, the rate adopted by RMS of 4.3 spaces/100m² is considered the required amount. Any deviation from this will require RMS concurrence. Note that the parking in Sorlie Place is deemed public parking and caters also for the school and local residents.

In response to Council's traffic engineer's comments, we respond as follows:

- TfNSW has supported in principle support for the left in and left out arrangement on Forestway and as such the modelling as drafted and submitted remains relevant.
- The proposed vehicle accesses to the Forestway shopping centre (located on Grace Avenue and Forest Way) have been located to take into account the future closure of Russell Avenue.
- The parking matters raised by TfNSW were responded to in the CBRK letter dated 22 March 2020 (paragraph 9). In its subsequent response (email 10 June 2020), TfNSW has raised no further queries regarding parking so one would assume that our response of 22 March had addressed this matter.
- We further note that early on in the assessment process, a meeting with Council's traffic engineers was undertaken and the parking methodology and proposed provision of car parking outlined in the CBRK report was commensurate with the proposed development. Further Sorlie Place is not relied upon for the shopping centre parking.

3. ROADS AND ASSETS

Council's Roads and Assets team has raised concern that provision for bus passengers, including the location of Council's bus shelters, is not noted on the plans. Any required works are not to impact on Council's approved bus shelters at the Forest Way bus interchange. Approval is required for any works impacting on Council's street furniture.

In response to Council's Roads and Asset's comments, we respond as follows:

- The submitted Buchan architectural drawings now denote the existing bus infrastructure. Indicative future integrated bus shelters are also indicated on the drawings after the future road dedication.

4. DEVELOPMENT ENGINEERING

The requested report on the condition of Council's downstream infrastructure to the east, being drainage lines SPI 06153 (375mm RCP) and SPI 11916 (600mm RCP), has not been provided. This report is critical to the connection of the proposed drainage infrastructure within Sorlie Place and Grace Avenue, the site drainage, and whether the downstream system is functional and able to handle the additional flows. A CCTV video inspection of the downstream lines including a detailed condition report is required together with confirmation of their locations.

The proposed development is not supported by the information required by Clause 3.1.3 of Council's On-Site Detention Technical Specification, which includes detailed stormwater drainage plans and the DRAINS model, to enable Council to review the determination of the post development flows.

In response to Council's engineer comments, we respond as follows:

- It is common practice that appropriate consent conditions can be imposed that the CCTV inspection and accompanying documentation of downstream drainage infrastructure is to occur prior to construction. This detailed inspection condition report will reveal the extent of the system and whether an upgrade is required and any cost sharing arrangements, if required. Invesco is committed to undertaking this inspection and condition report prior to construction occurring and prior to the issue of the relevant Construction Certificate and anticipates the imposition of a relevant consent condition.
- It is noted that the original DA as well as a previous RFI submission to Council submitted the DRAINS and MUSIC modelling, including again in 13 March 2020 submission. A stormwater report prepared by TTW dated February 2020 addressed the water management referral as well as the engineering referral. Stormwater drainage plans have also been submitted and are dated 21 February 2020 with the relevant drawing titles of SKC01, SKC04 and SKC10.

5. DEDICATION OF LAND

The latest amended plans demonstrate reconfiguration of property boundaries and dedication of land to Council in order to provide an additional traffic lane and deceleration lane on Forest Way. The correct legal mechanism to facilitate dedication of land to Council free of charge is a voluntary planning agreement (VPA). The process of negotiating, drafting, exhibiting, amending (where necessary), and executing a voluntary planning agreement is particularly lengthy (at least six months). In accordance with Council's Voluntary Planning Agreement Policy, at least in-principle agreement on the terms of the VPA is to be achieved outside of the development application process, prior to lodgement of the application. This process cannot reasonably occur during the assessment process of this application.

In response to Council's comment above, we state the following:

- As Council is aware, the issue of the boundary setback and dedication of land only arose post lodgement and during the assessment of the DA. This was not identified or not deemed necessary in any pre-lodgement discussions. It is further noted that Council's link in the correspondence refers to a VPA Policy and VPA Guideline that were adopted by Council on 19 December 2019. Again, this update to Council's VPA policy occurred after submission of the subject DA.

- It was our understanding that when Council requested Invesco to setback the building 3.5m from Forestway, Council stated that if Invesco complied, Council would accept receipt of a Planning Proposal for a residential/retail scheme in line with the Northern Beaches Hospital Structure Plan (NBHSP). Invesco accepted this request and as such, it has been Invesco's intention to enter into a VPA as part of the Planning Proposal rather than the current DA.
- Further we understand that the 3.5m setback/dedication is purely responsive to the management of traffic in the area including a wider public benefit that it could be achieved through unlocking the broader Frenchs Forest Planned Precinct and not a direct consequence or requirement of the proposed development. Notwithstanding the above, Invesco has voluntarily set back the proposed development 3.5m from the property Forestway boundary. This is demonstrated on the plans submitted for assessment and approval, recognising a future proposed dedication to Council relevant to an additional traffic lane on Forestway.
- We further note that in our recent teleconference, Council acknowledged and re-confirmed that an additional traffic lane on Forest Way is still important strategically and beneficial in assisting the Frenchs Forest Planned Precinct's traffic flow and movements. We note that this Planned Precinct is progressing and that Council is working towards a September 2020 public exhibition of the Stage 1/Frenchs Forest Town Centre land. The shopping centre site falls into a future Stage 3 of the NBHSP.
- Invesco recognises that a longer term opportunity exists in relation to securing the 40m building height and potential for residential development on the site, as is envisaged for the site as part of the Stage 3 of the NBHSP. Therefore, the appropriate mechanism and timing of formally adjusting the property boundary and dedicating the land is by way of a compulsory acquisition process or a VPA as part of a subsequent Planning Proposal / DA for a mixed use proposal on the subject land, as envisaged in the Structure Plan. At this stage it is considered premature to enter into a formal VPA relevant to DA2018/1924.

6. SUMMARY

We appreciate Council's consideration of this information and past consultation on the proposal. We trust that this correspondence responds to all outstanding matters with the exception of TfNSW traffic matters. We request that the assessment of the application can be undertaken and progressed in readiness for the formal concurrence from TfNSW, which is expected.

We look forward to discussing the contents of this letter and the proposal further on 21 August 2020 and again would like to thank Council for their ongoing collaboration and patience in this matter. If you have any questions, please don't hesitate to contact David Hoy or me on (02) 8233 9967 or ndaley@urbis.com.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Naomi Daley".

Naomi Daley
Associate Director