

1 October 2020

Your Ref: DA2020/0272

Dear Sir/Madam

PPSSNH-91 – Northern Beaches DA2020/0272 691 Pittwater Road Dee Why for a mixed use building

We refer to the Sydney North Planning Panel meeting on 19 August 2020 and the decision leading to a deferral. The Applicant notes the Panel conclusion that the proposal had a number of issues unresolved and the current justification for the clause 4.6 is insufficient.

The Applicant responds to each of the issues raised by the Panel as follows.

Establishment of the rear lane right of way

The applicant has explored with the owner of 693 Pittwater the option of establishing a temporary and then permanent right of way over the rear of that property. The valuation of the right of way was subject to a valuation report by Savills dated 2 September 2020 and an offer was made accordingly to the owner of those properties by letter dated 10 September 2020. By email dated 18 September 2020 the owner rejected the offer and said it was too limiting to its redevelopment. We note that the easement offered contemplated that the easement could be temporarily suspended whilst the owner of 691 Pittwater redeveloped its site.

We also note that there are leases on the properties to the north at 693 Pittwater until June and December 2020 both with 2 x 3 year options. Title searches are attached.

The applicant is prepared to accept a condition of consent, that is similar to the wording in the current easement for the right of way over 701 Pittwater Road, to ensure that the rear lane is activated in the future and that the benefit of the right of way is given to landowners to the north and south. We note that under the Key Site E provisions, this would normally only be required where the bonus floor space was being obtained (see clause 7.14 of the LEP).

Motorcycle parking

The Applicant has submitted a fresh clause 4.6 objection. In the fresh objection, the environmental planning grounds are explained in detail to justify the contravention. These include retention of the heritage façade, provision of electric bicycles and a boarding house specific car share scheme and achievement of the Dee Why Town Centre master plan objectives despite no density bonus.

We note that in the long term the proposal will provide motorcycle parking of 13 spaces as shown in revised drawings DA 002 and DA 110 Rev C dated 21 September 2020.

The Panel questioned whether motorcycle parking could be achieved from Pittwater Road and requested an amended design. Oleg Sannikov from TEF Consulting has advised that:

If a driveway crossing is not provided, which would incorporate a ramp from the road level to the footpath level, the rider would have to lift the motorcycle by hands and over the kerb (front wheel first and then the rear wheel). The weights of motorcycles range between approximately 80 kg (scooters) and 300 kg (cruisers), with the average weight being about 180 kg (typical urban and sport motorcycles). Half of the motorcycle weight (90 kg on average) would have to be lifted by the rider for each wheel. I regard such arrangement as difficult for riders, leading to a high risk of motorcycle falling and therefore basically unsafe.

We note that there is provision for 10 electrical bikes that can be stored at the premises. These can travel at up to 25km/hour. Combined with the solar panels, this makes for a very sustainable form of transport. We also note that the high frequency B-line bus stop is within 30m of the site and is an untimetabled express service between Wynyard and Mona Vale.

687 Pittwater Road

The Panel asked for further consideration of potential amalgamation with the above property or better demonstrate that it will not be effectively isolated, including details of legal arrangements to provide a right of way over the site for access to 687 Pittwater Road.

The Council has been provided with a letter of offer dated 11 September 2020 with accompanying valuation report by Savills dated 31 August 2020 to purchase 687 Pittwater Road. The owner of 687 Pittwater Road by email dated 1 October 2020 responded that having just purchased the property the owner has plans to redevelopment internally to accommodate their main dental/medical business and are not looking to sell the property.

The applicant has submitted architectural drawings Rev C dated 21 September 2020 which shows that the property at 687 Pittwater can be developed on its own. Views from the sun have been prepared to show that the Apartment Design Guide solar access controls can be met assuming it is developed as shop top housing. Car parking is achieved once the rear lane is activated in a manner similar to the proposal at 691 Pittwater Road.

As for future rear lane access to that property, the Applicant is prepared to accept a condition of consent similar to that imposed on the redevelopment of 701 Pittwater Road that requires an easement to be registered on the title of 691 Pittwater Road benefitting Council that enables Council to authorise use of the rear lane for the benefit of 687 Pittwater and all lots to the south until Fisher Road. We enclose a copy of the easement terms and plan for the right of way over 701 Pittwater Road.

The Applicant submits that the Land and Environment Court site isolation planning principle in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 does not strictly apply considering there is no minimum lot size or street frontage width criteria that is being breached with the development of 691 Pittwater. Nevertheless, the principles have been considered and met because:

1. Amalgamation is not feasible.
 - a. Although negotiations have only commenced recently with 687 Pittwater Road, the planning controls do not dictate it and Council has never raised amalgamation with 687 Pittwater until recently.
 - b. An offer has been made to the owner based on a valuation report and it has been refused.

- c. We also note that there are existing registered leases over 687 Pittwater Road that lapse in 31 January 2023 (Dentist Level 2) and 30 June 2022 for the Cash Converters on the ground floor (see title searches attached).
2. Orderly and economic use and development of the separate sites can be achieved without amalgamation.
 - a. A hypothetical building envelope for 687 Pittwater has been prepared including details on apartments, retail and car parking. See plans DA 750 – DA 787 Rev C dated 21 September 2020 which depict a seven storey development with 7 apartments and retail/commercial at the lower levels. The scheme complies with the planning controls and obtains the setbacks and minimum solar access required by the Apartment Design Guide assuming it is built as shop top housing.
 - b. There remains a possibility that 687 Pittwater can be amalgamated with 685 Pittwater Road even though 685 Pittwater Road is a strata office block. This is because that property being SP 58682 consists of 9 lots and 8 of the 9 lots (being 88.88%) are held by the same owner or companies controlled by these owners. See attached title search and company extracts. This exceeds the threshold of 75% for a collective sale.

Construction rear access through Salvation army Property

We refer to the letter dated 21 September 2020 from the Salvation Army confirming that agreement has been reached on construction access.

Lack of loading facility and property service plans

The viability of planned property services including garbage collection is addressed in the report by TEF Consulting dated 22 September 2020. This report addresses the short term and long term waste collection arrangements and concludes that collection from Pittwater Road in the short term occurs currently and considering the time of day is a suitable location. In the long term the collection by a small rigid vehicle is consistent with condition 10B of the modified conditions of consent imposed on 701 Pittwater Road where the rear lane begins (see attached).

The amended architectural plans DA 100 Rev C dated 21 September 2020 show how the waste can be delivered via the ramp in the short term to Pittwater Road. In the long term, when the rear lane is activated, the waste would be delivered via the services bay at the rear (see plan DA 110 Rev C)

Pittwater Road frontage

The architectural drawings have been modified to show a slightly more recessed colour for the development above the heritage façade to make it less imposing and more recessive. See revised drawing DA 000 DA 200 Rev C dated 21 September 2020.

Car parking and sharing

The applicant has detailed its justification to the trip generation rates in a further report from TEF Consulting dated 21 September 2020.

To further reduce the impact and encourage non-private car use, being a goal of the Dee Why town centre masterplan, the applicant has prepared a Green Travel Plan dated 21 September 2020. In addition to reliance on public facilities, the applicant has offered to make available two car spaces at 5 Mooramba Road which is 400m south along Pittwater Road. These parking spaces would contain cars that are available for residents of the boarding house and will be managed by the boarding house until such time as car share spaces can be provided on site. These car spaces are in excess of the requirements for the development at 5 Mooramba Road.

In the long term and when the rear lane is activated, car parking will be provided with a combination of car share (run by the boarding house operator exclusively for residents) and allocated car parking. See plan DA 100 and 735 Rev C.

As mentioned in the minutes, the Applicant would appreciate being able to further brief the Panel on the detail it has submitted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'HAMISH H', followed by a stylized flourish.

Hamish Humphreys

ACN 605 170 358 Pty Ltd

Attachments:

1. Title searches 687 and 693 and 693A Pittwater Road.
2. Title searches and ASIC search for company with interests in 685 Pittwater Road
3. 701 Pittwater Road development consent (June 2012 modification)