

8 October 2019

The Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Attention: Mr David Auster, Town Planner

**DEVELOPMENT APPLICATION FOR RECREATION FACILITY (INDOOR)
39 CABBAGE TREE ROAD BAYVIEW**

Dear Chief Executive Officer

Background

Please find attached a development application for erection of a recreation facility (indoor), along with proposed parking and landscaping, at the subject address.

Permissibility and Merit

We note that the development is permissible in the zone, the use is consistent with the zone objectives, the proposal respects biodiversity values and complies with PDCP parking requirements, all known environmental issues have been addressed, the architecture enjoys design excellence, there are no known non-compliances with relevant development standards and subordinate guideline controls, and there are not any known matters raised in the PLM of 28 May 2019, that have not been fulsomely responded to.

Observations

We make brief housekeeping comments under:

- In so far as the building envelope is concerned, we note that this control does not apply to commercial/business development in the Private Recreation R2 zone. In any event, the scheme 'virtually' complies with this control notwithstanding its non-application (refer architectural plans by BSBD);
- 'Option 2', being the 'preferred option' referred to in the PLM notes, and subsequently in emails from Council (see above), has been adopted for this development application, due to the ability to retain additional endemic vegetation in this iteration;
- Since the PLM meeting, minor changes have been made to the design achieving an even better outcome as regards native tree retention, both on and off site. In this regard I draw your attention to relocation of the on-site pedestrian pathway and one car parking space provided as a tandem spot, located partially under the building;

- Relocation of the on-site pedestrian pathway also achieves an improvement in the appearance of the building, with the entrance now facing the street and full compliance with egress distances, in BCA fire safety terms;
- Regarding PLM notes, there is no signage proposed pursuant to this development application, other than per requirements internally to the building, referred to in the NCC/BCA;
- Notwithstanding the comments from Environmental Health (Council), as a matter of abundant precaution, the applicant has provided an acoustic assessment;
- Kerb and gutter and a 'truck parking indent' design (civil) has been provided, however we note that the land where this is provided, falls outside the site of the development (and on Council land), and as such these elements are not capable of approval pursuant to the present application;
- We observe that provision of the civil design above, and for that matter the shared path location under 'Bike Pittwater 2016' (shown in the architectural drawings as a concept and addressed in the statement of environmental effects), would be **contrary** to objectives for retention and protection of existing endemic vegetation in the Council verge area;
- Where commentary is provided in the statement of environmental effects and also by virtue of any expert report, the expert report will prevail to the extent of any inconsistency and as regards any matter of fine grained detail. This particularly applies insofar as issues relating to biodiversity, arboreal matters and landscaping. The Council should rely firstly on expert reports in making its assessment of the proposal. If there is anything that is unclear from the submitted material, we urge you to contact the applicant so that additional information can be provided and in the interests of natural justice.

Submitted Documents

The following documents are provided with this letter:

1. Completed DA form and Checklist with land-owner's consent notice to Council;
2. Fee Payment (by applicant) and Fee Quote from Council with cost of development estimated to be \$1,885,000.00;
3. Electronic copies of all documents on USB, with label Turnbull Planning International Pty Limited;
4. Comprehensive Statement of Environmental Effects by Turnbull Planning International Pty Limited;
5. Detailed 'Cost of Works' estimate from Newton Fisher;
6. Architectural Drawings by Blue Sky Building Design and including 3D Renders;
7. 'Notification Plan' by Blue sky Building Designs;
8. Survey Plans (3 sheets) by CMS Surveying;
9. Waste Management Plan (Construction, Demolition and Ongoing) from Turnbull Planning International Pty Limited;
10. Certified Shadow Diagrams by Blue Sky Building Designs (see separate certification);
11. Energy Statement by Turnbull Planning International Pty Limited;
12. Schedule and Photographic Samples of Colours and Materials by Blue Sky Building Design;
13. Landscape Plan and Landscape Design Statement by Pam Fletcher;
14. Arboricultural Impact Assessment Report by Urban Forestry Australia (Catriona Mackenzie);

15. Photo Montage from Blue Sky Building Design (see 6. above referring to colour renders) plus palette of photos forming an integral part of statement of environmental effects;
16. Road, 'Indent' and Kerb Design Plans (Civil) by NB Consulting Engineers;
17. Erosion and Sediment Control Plans by Kate Waddington;
18. Flood Risk Assessment by Kate Waddington;
19. Stormwater Management Concept Plans by Kate Waddington;
20. Commentary regarding ASS in statement of environmental effects and comments by Kate Waddington;
21. Biodiversity Management Plan by Narla;
22. Biodiversity Impact Assessment by Narla;
23. Traffic and Parking Report by McLaren Traffic Engineering & Road Safety Consultants;
24. 'Construction Traffic Management Report' by McLaren Traffic Engineering & Road Safety Consultants;
25. BCA Statement by All State Building Surveying (including fire protection measures);
26. 'Plan of Management' (POM) by Turnbull Planning International Pty Limited;
27. Access Report by Code Performance.

If you have any questions, please contact the writer in the first instance.

Yours faithfully

TURNBULL PLANNING INTERNATIONAL PTY LIMITED



Pierre Le Bas

Director & Legal Counsel

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