



Notes of Pre-DA meeting

Strategic and Development Services

Application No: PLM2013/0086
Meeting Date: 31 July 2013
Property Address: 697-701 Pittwater Road, Dee Why
Proposal: 15 Storey Mixed Use Development
Attendees for Council: Steve Findlay – Development Assessment Manager
Dominic Chung – Senior Urban Designer
Theo Zotos – Senior Strategic Planner
Tony Collier – Senior Development Assessment Officer
Attendees for applicant: Rob Player – Director (Don Fox Planning)
Bill Ryder – Director (Life Property Group)
Claudio Minns – Senior Development Manager (Life Property Group)
Alex Ryder – Consultant (Life Property Group)
Patrick Keenan – Director (Jubilee Properties)
Trevor De Waal – Principal (Kann Finch Group)

Outline of the Proposal

The proposal involves the construction of a 15 storey mixed use development on the site known as the "Cobalt Site", comprising 4 shops, 150 residential apartments and 183 carparking spaces on a consolidated site (3 lots) as follows:

Basement Level 2	59 carparking spaces
Basement Level 1	56 carparking spaces
Ground (Street) Level	4 retail shops [(Total of 311m ²) (3 shops/230m ² dedicated to Council under a VPA)] 28 carparking spaces Public Toilets (107m ² dedicated to Council under a VPA)] Residential Lobby
Level 1	40 carparking spaces Gym Storage
Level 2	8 residential units 305m ² of commercial office space with independent lift access (dedicated to Council and adaptable to accommodate for future skybridge across St David's Park to Civic Centre Site under a VPA) Garage, loading dock and services infrastructure Access driveway from St David's Avenue
Levels 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13	12 and 13 residential units per level (alternating)
Level 14	4 residential units Communal Room (55m ²) and Open Terrace
Roof Level	2 x Open Decks Roof Top Plant Areas
Site Area	1,777m ²
Gross Floor Area	11,865m ²
FSR	6.67:1

Key Issues Discussed at the Meeting

The application for the pre-lodgement meeting sought to focus on significant planning and urban design issues only. Accordingly, the areas of stormwater, flooding and waste were not represented at the meeting and are not discussed in these minutes. Traffic issues were discussed specifically in relation to the DYTC Masterplan and the DYTC Traffic Study, but not in terms of carpark or access design and traffic generation.

In summary, the following key issues were discussed at the meeting:

1. Proposed VPA
2. Consistency with the DYTC Masterplan
3. Floor Space Ratio (FSR)
4. Clause 4.6 Variation to the Building Height
5. Urban Design Issues

1. Proposed VPA

The proposal seeks Council's support for a 15 storey mixed use building comprising 150 residential units, 4 shops, office space and 11,865m² of gross floor space with an accompanying Draft Voluntary Planning Agreement (VPA) to provide Council with the following:

- a. 3 retail shops and public toilets at ground floor level
- b. Commercial office space with a lift at Level 2 which is also capable of accommodating a future pedestrian skybridge link from Council's Civic Centre Site across Pittwater Road to the Brookfield "Site B" mixed use development (approved but not yet commenced)

The proposal states that:

"The value of the real estate offered to Council under the draft VPA is estimated by the proponent at some \$5m. The value of the future skylink to provide pedestrian connectivity between the Council Civic Centre and the Dee Why Town Centre across Pittwater Road is incalculable. All will be of significant benefit to the local community and Council."

Any Draft VPA will be publicly exhibited concurrently with the DA and will be separately reported to Council. In this regard, reference should be made to the draft VPA Policy to be considered at the Council meeting on 27 August 2013, however it is noted that a version of the Draft VPA has already been forwarded to Council.

The preliminary advice is that Council is interested in the shopfront spaces on the ground floor level, the Level 2 office space and the public toilets (which are already included in the building under the approved scheme).

However, there are a number of issues which need to be further examined to determine the adequacy of the items included in the VPA. Specifically, the issues requiring further analysis include:

- a) **Net Community Benefit** – The value of the 'community' floorspace against the cost to the public of a taller and bulkier building need to be further considered upon lodgement of the DA and VPA which will involve further consultation with the relevant sections of Council.
- b) **Offset Between Private Gain and Public Gain** – The ratio between the amount of additional residential floorspace (6 storeys/4,494m²) is yet to be verified as to whether it represents a suitable trade-off for the 642sqm of commercial floorspace and facilities offered to Council.
- c) **Independent Valuation** - The offer to Council under the VPA will need to be evaluated by an independent valuer for probity purposes.

Further to the items included in the current Draft VPA, you are advised to consider the option of including the following matters in the VPA to ensure adequate public benefit is demonstrated:

- Monetary contribution towards the cost of construction of the future skybridge
- Monetary contribution towards the cost of upgrading St David's Park

2. Consistency with the DYTC Masterplan

Fundamentals of the Masterplan

The underlying intent of the Masterplan is not to increase the current floor space within the town centre. Building heights are intended to remain largely unchanged under WLEP 2011. However, in selected areas, taller buildings may be considered on larger consolidated sites, subject to strict conditions and in return for connected public open spaces at ground level. Taller buildings can be considered for larger or amalgamated sites on a case by case basis if the following are satisfied:

1. There are demonstrable public benefits, such as new public open space, wider footpaths or new pedestrian walkways and laneways
2. The increase in overall building height enables lower podium structures to be included at street level creating human scale and greater sunlight access
3. Impacts on daylight access, natural ventilation, visual and acoustic privacy are managed

The Proposal and the Masterplan

It is noted that a 15 storey development on the subject site is conceptually envisaged in this part of the DYTC as identified on the Height Map included in the Masterplan.

However, as stated above, the concept of taller buildings is envisaged to take place as part of a scheme involving a larger consolidated site, whereby the built form would comprise a lower "human scale" podium level to street frontages and a taller and more slender mid block "tower" building that would be stepped back from the sites frontages and which provides for ground level open space and pedestrian links.

In this regard, the proposal presented at the meeting does not adopt this approach as part of the redevelopment of this small consolidated site (3 lots totalling 1,777m²). Rather, it is configured as a taller and fatter building with no discernable podium to Pittwater Road or St David's Avenue/Park. The strongly defined corner tower concept is supported as the site is marker site within the DYTC.

It is noted that the proposed building has been setback between 9m and 15m from the western boundary of the site which provides for vehicular access off a secondary road to the proposed development and provides for the future laneway off St David's Avenue as identified in the WDCP. The setback also provides for spatial separation to the adjoining Church site. This is a positive aspect of the new scheme and is supported.

Further, it is noted that the size of the floorplates above Level 4 in the building are smaller when compared to the lower levels which provides a degree of "stepped appearance" when viewed from the north and east. However, the design does not include any step-down to the south-western corner as the building presents to Pittwater Road and interfaces with the adjoining property at 697 Pittwater Road.

FSR and the Masterplan

The prelodgement meeting was dominated by discussion concerning the likelihood of an FSR of 4.0:1 being part of the future LEP. I note your letter to Council dated 2 August in which you raised concerns regarding advice given at the meeting that the Masterplan was exhibited on the basis of there being no increases in floorspace across DYTC and the subject site potentially being controlled by an FSR of 4.0:1.

After the meeting, discussions were had with the Deputy General Manager Environment in order to clarify the situation regarding FSR's and the Masterplan. Arising out of those discussions was an understanding that it is intended to have FSR's included in the new LEP and that certain "Key Sites" within the DYTC area would have allowance for a greater FSR based on their ability to deliver significant public benefits. In this regard, the Cobalt Site is strategically located to potentially deliver an important east-west pedestrian solution to elevated access across Pittwater Road via a skybridge, hence it is considered to be a "Key Site".

It is noted that the meeting was held before the Masterplan was formally adopted by Council. Council adopted the Masterplan on 6 August 2013 with the following recommendation that is important in respect to your development proposal:

"The WLEP 2011 and WDCP amendments be developed to deliver the objectives of the draft Dee Why Town Centre Masterplan and contain mechanisms to deliver quality amenity and urban design outcomes that are consistent with the heights displayed and that also meet the objectives of the Traffic Study for

Dee Why Town Centre. Particular attention to be paid to the Key Sites with regard to increased development potential".

Importantly, the Council decision provides scope for a possible higher FSR on the Cobalt Site. However, this is subject to the proposal satisfying the relevant tests in terms of delivering sufficient public benefits through such offerings as publicly accessible open space, public pedestrian links, community facilities and/or high quality urban design and amenity.

3. Floor Space Ratio (FSR)

The upzoning of the height on the subject site from the current 6 storeys under WLEP 2011 to a potential 15 storeys under the Masterplan was developed in the context of there being no additional gross floor area (GFA).

Therefore, as mentioned earlier, you will need to justify the departure from the Masterplan ideal.

The additional GFA proposed in excess of the 4.0:1 adopted for the purposes of the Masterplan is to be justified through public benefits for "Key Sites" with regard to increased development potential.

As mentioned above, the subject site is identified as a "Key Site" under the Masterplan and considerations for assessing the additional floorspace shall include, but not be limited to the following:

1. A Net Community Benefit test or the like, impact on solar access to public spaces, visual amenity, views lines, traffic generation, etc.
2. The traffic generation is not to increase under this proposal. In this regard, traffic associated with the proposal must not be greater than the traffic that was forecast to be generated by this site under the Dee Why Town Centre Traffic Study prepared by GTA.
3. Identification of further variation from the Masterplan objectives in addition to the proposal to increase GFA.
4. Consideration of the proposed residential component against SEPP 65 amenity and the Residential Flat Design Code requirements.
5. The economic feasibility of taller building versus shorter building with the same FSR is inadequate as claimed.

4. Clause 4.6 Variation to Building Height

Should you choose to lodge the DA before the draft LEP is publicly exhibited, the application will be assessed in accordance with the provisions of the WLEP 2011 and regard will be had to the adopted Masterplan. As to the weight given to the Masterplan in the assessment of the Clause 4.6 Variation, this is a matter to be later determined.

Nevertheless, a Masterplan has no statutory weight under the terms of Section 79C of the EPA Act, 1979, but importantly, it represents the intended strategic direction of Council for DYTC. On the other hand, a publicly exhibited draft LEP is called up under S79C and therefore can be given greater weight than an adopted Masterplan.

Importantly, you will need to support your application with full and compelling reasons as to why the exceedence of the current 6 storey/24 metre building height control under WLEP 2011 is justified in terms of:

1. Consistency with the objectives of Clause 4.3 "Building Height" of WLEP 2011
2. Consistency with the requirements of Clause 4.6 "Variations to Development Standards" of WLEP 2011
3. Consistency with the objectives of the B4 Mixed Use zone under WLEP 2011

Some concerns are raised as to the ability of this proposal to satisfy a test of consistency with the above provisions of the WLEP 2011, especially Clause 4.6(3) which goes to whether "*compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*" and "*that there are sufficient environmental planning grounds to justify contravening the development standard*".

Should you proceed to lodge the DA, your SEE must address these provisions in some significant detail.

5. Urban Design Issues

The new scheme has been given a more slender profile at the upper levels compared to the approved scheme when viewed from St David's Avenue/Park. Noticeably, Levels 6, 7, 8 and 9 incorporate a greater setback to the Church Site which represents an improvement over the approved scheme.

However, based on the increased height of the building from 9 storeys to 15 storeys, it is considered that the resultant built form is not consistent with the built form envisaged under the DYTC Masterplan. Therefore, it is recommended that changes be carried out to the scheme which would provide for a lower level podium to Pittwater Road (and 697 Pittwater Road) and a lower level podium to St David's Avenue/Park and the adjoining Church Site. This would create a scenario which is consistent with the design philosophy under the Masterplan by embodying the principle of a human scale podium and slender tower and would be less overbearing on adjoining land uses and the public domain.

The bulkiness and "fatness" of the additional storeys, being Levels 9 to 14 is the main concern. If the DA is to be lodged in this form, the architects statement and SEE must present a highly justified case through a detailed urban design analysis having regard to public and private views, overshadowing of adjoining properties, overshadowing of the public domain and the relationship to existing and future surrounding development.

The DA must include a full assessment in accordance with SEPP 65, the Residential Flat Design Code and against the DYTC Masterplan.

Conclusion

It is recommended that the proposal be amended prior to lodgement of the DA/VPA to address the matters raised in these minutes. In summary they are:

1. Reduce the height of the building as it fronts Pittwater Road to incorporate a stepped down lower level podium for the south-eastern portion of the building, and
2. Reduce the height of the building as it fronts St David's Park and the Church Site to incorporate a stepped down podium for the north/north-western portion of the building.

Consider amending the Draft VPA to include monetary contributions for the future construction of the skybridge and the upgrade of St David's Park.

The application may be Integrated Development as temporary construction dewatering might be required for the basement excavation. Should the geotech report identify that groundwater is an issue, the application must be lodged as Integrated Development accompanied by the relevant referral fees to the NSW Office of Water.

This application will most likely be assessed by an independent external consultant for reasons of transparency and probity owing to the submission of a VPA attached to the DA.

As the proposal will have a CIV greater than \$20 Million, it will be determined by the Joint Regional Planning Panel (JRPP).

DA Deliverables

As briefly discussed at the meeting, the Development Application is to be accompanied by the following documentation:

- Statement of Environmental Effects
- Draft VPA
- Geotechnical Engineering report
- Integrated Development Fees if the basement excavation requires temporary construction dewatering)
- Phase 1 Site Contamination Assessment
- Access Report
- Traffic and Parking Report
- Crime Prevention Through Environmental Design (CPTED) assessment
- SEPP 65 Design Verification Statement by the Project Architect
- Architects Urban Design Statement
- Model of the proposed development and Photomontages
- Shadow diagrams (private land and public domain)
- View analysis (public and private)
- Landscape Plan
- Waste Management Plan

- Stormwater Management Plan
- Flood Report
- Erosion and Sedimentation Plan
- Colour and Materials Schedule;
- Capital Investment Value (CIV) Report
- Site Analysis
- Site Survey

