

PLANNING PROPOSAL

Dee Why Town Centre

May 2016

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Introduction

On Thursday 12 May 2016, Warringah Council was dissolved by clause 4(2) of the Local Government (Council Amalgamations) Proclamation 2016 (Proclamation). Warringah Council, Pittwater Council and Manly Council were amalgamated by clause 4 of the Proclamation, to create the Northern Beaches Council.

Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan 2011 (WDCP 2011) continue to apply to the former Warringah Council area and may be amended, until such time as a new local environmental plan is notified for the Northern Beaches Council (Clause 21 of the Proclamation).

Decisions of the former Warringah Council continue to have effect as if it had been given or made by the Northern Beaches Council (Clause 17 of the Proclamation).

The planning proposal seeks to implement the adopted Dee Why Town Centre Masterplan through amendments to WLEP 2011. The proposal relates to land within the Dee Why Town Centre (DYTC) as identified in Figure 2 below. The Northern Beaches Council's (Council) instructions to the Department of Planning & Environment (Department) and Parliamentary Counsel's Office (under delegation) are detailed in Part 2 Explanation of Provisions of this planning proposal.

Background

A planning proposal was prepared by Council and submitted to the Department on 6 November 2014 (Original Planning Proposal).

A conditional Gateway Determination was issued on 1 April 2015. In summary, the conditions of the Gateway include:

- Demonstrate a consistency with 'A Plan for Growing Sydney'
- Remove draft clauses from the planning proposal and replace with a plain English summary of the intended effect of the changes
- Remove references to the provision of contributions, infrastructure improvements, dedication of land and / or undertaking of works in exchange for additional development density
- Clearly articulate both the existing controls and proposed planning controls for each 'Key Site'
- Ensure the Key Sites Map is consistent with the Department's technical mapping requirements for local environmental plans.

A new planning proposal (planning proposal) has been drafted by Council, in order to address the conditions of the Gateway Determination.

DYTC location and context

Dee Why is located within Sydney's Northern Beaches, 18 kilometres north east of the CBD. Dee Why is considered to be the main centre on the Northern Beaches; and together with the neighbouring suburb of Brookvale is characterised by the State Government as a Strategic Centre under 'A Plan for Growing Sydney'.

The DYTC covers an area of approximately 20.8 hectares (208 059.57m²) and is divided by the Northern Beaches' primary transport corridor, Pittwater Road. Figure 1 below is an aerial photograph of the DYTC in the context of the suburb of Dee Why.



Figure 1 - Aerial photograph of the Dee Why Town Centre

Planning proposal structure

This planning proposal has been prepared in accordance with the Department's Guide to Preparing Planning Proposals and the relevant Gateway Determination dated 1 April 2015. As such, the planning proposal is separated into the following parts:

1. Objectives and intended outcomes
2. Explanation of provisions
3. Justification
4. Mapping
5. Community consultation
6. Project timeline

The planning proposal is also accompanied by the following attachments:

1. Council report and Council resolution authorising the Original Planning Proposal
2. Draft WLEP 2011 maps

Part 1 – Objectives or intended outcomes

The intended outcome of the proposed draft LEP is to implement the DYTC Masterplan into WLEP 2011 (please refer to the following link for a video summary of the DYTC Masterplan - <http://www.warringah.nsw.gov.au/your-council/plans-and-reports/all-plans-and-strategies/dee-why-town-centre-masterplan>).

The NSW Government's 'A Plan for Growing Sydney' (Regional Plan) identifies Brookvale - Dee Why as a Strategic Centre. Under the Regional Plan, Strategic Centres are priority locations for employment, retail, housing, services and mixed-uses. As reflected in the planning proposal, a key objective of Strategic Centres is to focus growth and provide capacity for additional mixed use development including retail, services, office premises and housing.

The objective of the DYTC Masterplan and the planning proposal is to encourage the renewal of the DYTC. The revitalization of both public and private land, including the development of community infrastructure, will support the future growth of the DYTC as a Strategic Centre.

Part 2 – Explanation of provisions

The amendments required to WLEP 2011 can be separated into 5 parts. Those being:

1. the redefinition of the DYTC, to incorporate all land within the B4 Mixed Use zone in Dee Why
2. the introduction of key sites C to F on the Key Sites Map
3. A 3 metre increase in building height across the DYTC (excluding key sites A and B) in exchange for a reduction in podium heights
4. the introduction of floor space ratios (FSR) across the DYTC
5. housekeeping amendments to Part 7 Dee Why Town Centre under WLEP 2011 in light of the above changes

Redefinition of the DYTC, to incorporate land within the B4 Mixed Use zone

An amendment is required to the definition of the Dee Why Town Centre. Currently the definition is linked to the Key Sites Map and Sites A and B.

Site A consists of 11 lots, which include the Dee Why Post Office and the Howard Avenue car park, with frontages to Howard Avenue and Oaks Avenue. Site B (also known as Meriton Site B) is made up of 13 lots which are privately owned, with frontages to Pittwater Road, Howard Avenue and Oaks Avenue.

Council intends to redefine the land within the DYTC so that it incorporates all of the land within the B4 Mixed Use zone. This means that there will be:

- four new key sites within the DYTC; and
- there will be land within the DYTC that will not be categorised as a key site.

Figure 2 below details all land that is to be included within the DYTC. Council request a new Dee Why Town Centre WLEP 2011 Centres Map (Map sheets 010AA and 010AB) be created to show the DYTC, similar to the Centres Map under Ryde Local Environmental Plan 2014.



Figure 2 - Map of land to be included in the Dee Why Town Centre

The introduction of Sites C to F on the Key Sites Map

Council proposes that the draft local environmental plan creates 4 new key sites within the DYTC. As shown in Figure 3 below.



Figure 3 - Proposed key sites within the DYTC

The legal description of each new key site is outlined below in Table 1:

Key Site	Legal property description
Site C	Lot A DP 326907 Lot 1 DP 588603 Lot B DP 326907
Site D	SP 15960 Lot 1 DP 539517
Site E	Lot 1 DP 417528 Lot 2 DP 417528 Part Lot 1 DP 205487 Lot 1 DP 166322 Lot 3 DP 417528 Lot 5A DP 401405 Lot 5B DP 401405

Key Site	Legal property description
	Lot A DP 381816 Lot 1 DP 30566 Lot 2 DP 30566 Lot 3 DP 30566 Lot 4 DP 30566 Lot 1 DP 218564 Lot 2 DP 218564 Lot 2 DP 212065 Lot 21 DP 541640 Lot 22 DP 541640 Lot 1 SP 58682 Lot 2 SP 58682 Lot 3 SP 58682 Lot 4 SP 58682 Lot 5 SP 58682 Lot 6 SP 58682 Lot 7 SP 58682 Lot 8 SP 58682 Lot 9 SP 58682 Lot CP SP 58682 Lot B DP 319372
Site F	Lot B DP 381816 Lot 4 DP 417528 Lot 1 DP 300967

Table 1– Land description of proposed key sites

The planning controls relating to Sites A and B are within Part 7 Dee Why Town Centre under WLEP 2011. There are no proposed amendments to the planning controls that specifically relate to Sites A and B.

An explanation of the required amendments to WLEP 2011 is outlined below:

Site C

The following amendments are required to WLEP 2011 in order to introduce Site C:

- A mapping amendment is required to the Key Sites Map (map sheets 010AA and 010AB) to add Site C
- An amendment is required to clause 7.1 Definitions to insert:

‘Site C means the land shown on the Key Sites Map as Site C’

- Council proposes to introduce a new Site C clause within Part 7 Dee Why Town Centre to increase the maximum building height and maximum floor space ratio, in exchange for community infrastructure. The requested amendment is set out below:
 - Increase the maximum building height to 46 metres and the maximum FSR to 3.6:1, if the development:
 - Is for all of the land within Site C; and
 - Contains land that has been dedicated to Council for a public purpose, including a new public road for vehicles and pedestrians between Pacific Parade and Oaks Avenue.

Site D

The following amendments are required to WLEP 2011 in order to introduce Site D:

- A mapping amendment is required to the Key Sites Map (map sheet 010AA) to add Site D
- An amendment is required to clause 7.1 Definitions to insert:

‘Site D means the land shown on the Key Sites Map as Site D’
- Council proposes to introduce a new Site D clause within Part 7 Dee Why Town Centre to increase the permissible floor space in exchange for community infrastructure. The requested amendment is set out below:
 - Allow the development to exceed the maximum FSR by up to 240m² of Gross Floor Area, if the development:
 - Is for all of the land within Site D; and
 - Contains land that has been dedicated to Council for a public purpose, including the dedication of land for road widening between Pittwater Road and Pacific Parade.

Site E

The following amendments are required to WLEP 2011 in order to introduce Site E:

- A mapping amendment is required to the Key Sites Map (map sheet 010AA) to add Site E
- An amendment is required to clause 7.1 Definitions to insert:

‘Site E means the land shown on the Key Sites Map as Site E’
- Council proposes to introduce a new Site E clause within Part 7 Dee Why Town Centre to increase the maximum building height, in exchange for community infrastructure. The requested amendment is set out below:
 - Increase the maximum building height to 49 metres for land fronting Pittwater Road and 20 metres for land fronting Fisher Road and St David Avenue if:
 - The development is for all of the land within Site E; and
 - The development contains land that has been dedicated to Council for a public purpose, including:
 - a new shared laneway for pedestrians and cars between Fisher Road and St David Avenue, as shown as ‘Shared Laneway’ on the Key Sites Map; and

- a pedestrian connection between the new laneway and Pittwater Road, as shown as 'Pittwater Road Accessway' on the Key Sites Map; and
- Vehicular access is provided to the development other than from Pittwater Road

No change is proposed to the FSR of 2.4:1 for land fronting Fisher Road and St David Avenue; and 4:1 for land fronting Pittwater Road.

Site F

The following amendments are required to WLEP 2011 in order to introduce Site F:

- A mapping amendment is required to the Key Sites Map (Map Sheet 010AA) to add Site F
- An amendment is required to clause 7.1 Definitions to insert:
'Site F means the land shown on the Key Sites Map as Site F'
- Council proposes to introduce a new Site F clause within Part 7 Dee Why Town Centre to increase the maximum building height and maximum floor space, in exchange for community infrastructure. The requested amendment is set out below:
 - Increase the maximum building height to 49 metres and increase the maximum FSR to 5.86:1 if the development:
 - Is for all of the land within Site F; and
 - Contains land that has been dedicated to Council for a public purpose, including:
 - public toilet amenities (minimum internal area of 37m²) within the ground floor of the proposed building facing St David Reserve; and
 - floor space for community facilities within the ground floor and second floor of the proposed building

Gateway Determination

The Gateway Determination dated 1 April 2015 states that the planning proposal is to be amended to:

"Clearly articulate both the existing controls and proposed planning controls for each key site".

There are no existing key site controls relating to Sites C to F. The proposed planning controls relating to Sites C to F are outlined above. The planning controls relating to Sites A and B are within Part 7 Dee Why Town Centre under WLEP 2011. There are no proposed amendments to the planning controls that specifically relate to Sites A and B.

Table 2 below provides a comparison of the existing and proposed maximum Height of Buildings and FSR for all key sites. Please note that the additional heights and FSRs within the proposed key site provisions are only relevant if the applicant complies with the relevant clauses. Otherwise for Sites C to F, the maximum Height of Buildings and the maximum FSR will be contained within the Height of Buildings Map and the proposed FSR map.

Key site	Standard / control	Existing	Proposed
A	FSR	Nil	No proposed change
	Maximum Height of Buildings	RL 52.5m	No proposed change
B	FSR	Nil	No proposed change
	Maximum Height of Buildings	RL 78m	No proposed change
C	FSR	No current FSR	Proposed FSR of 3.4:1 for land fronting Oaks Avenue and 1.8:1 for land fronting Pacific Parade Proposed Site C provision: 3.6:1
	Maximum Height of buildings	Current Height of Buildings control: 21m for allotments fronting Oaks Avenue 13m for allotments fronting Pacific Parade	Proposed 3m increase for land within the DYTC (except for Sites A & B): 24m for allotments fronting Oaks Avenue 16m for allotments fronting Pacific Parade Proposed Site C provision: 46m
D	FSR	No current FSR	Proposed FSR of 4:1 Proposed Site D provision: Allow the development to exceed the maximum FSR by 240m².
	Maximum Height of Buildings	Current Height of Buildings of 24m	Proposed 3m increase for land within the DYTC (except for Sites A & B) to 27m Proposed Site D provision: No proposed change to height.
E	FSR	No current FSR	Proposed FSR of: 4:1 for land fronting

Key site	Standard / control	Existing	Proposed
			Pittwater Road 2.4:1 for land fronting Fisher Road and St David Avenue Proposed Site E provision: - No change is proposed to the FSR
	Maximum Height of Buildings	Current Height of Buildings: 24m for land fronting Pittwater Road 13m for land fronting Fisher Road or St David Road	Proposed 3m increase for land within the DYTC (except for Sites A & B): 27m for land fronting Pittwater Road 16m for land fronting Fisher Road and St David Avenue Proposed Site E provision: 49 metres for land fronting Pittwater Road 20 metres for land fronting Fisher Road and St David Avenue
F	FSR	No current FSR	Proposed FSR of 4:1 Proposed Site F provision: 5.86:1
	Maximum Height of Buildings	Current Height of Buildings of 24m	Proposed 3m increase for land within the DYTC (except for Sites A & B) to 27m Proposed Site F provision: 49m

Table 2 - Comparison of current and proposed Height of Buildings and FSR provisions

A 3 metre increase in building height across the whole of the Dee Why Town Centre (DYTC), in exchange for a reduction in podium height

- An amendment is required to the Height of Buildings Map (Map sheets 010AA and 010AB) to increase the maximum height of buildings by 3 metres (1 storey), for all land within the DYTC (except for Sites A and B). The intent is that the additional height is in exchange for a reduction in podium height. Council requests that for all land within the DYTC which will receive an extra 3 metres in height, that an amendment be made to Part 7 Dee Why Town Centre of WLEP 2011. Specifically an amendment is required to:
 - clause 7.3(d)(i) so that the podium heights of 3 and 4 storeys only apply to Sites A and B. For the rest of the DYTC the clause should outline a podium height of 3 storeys for land fronting Pittwater Road and 2 storeys for all other roads.
 - Insert a new Podiums, setbacks and awnings clause 7.6A within Part 7 Dee Why Town Centre, so that the podium heights, setback and awning requirements are set down as development controls. This clause is to apply to the DYTC, except for Sites A and B.

The relevant podium heights are:

- 3 and 4 storeys for Sites A and B, set by the Height of Buildings Map (map sheets 010AA and 010AB). Note the tower elements are set by clauses 7.7, 7.8 and 7.9 of WLEP 2011.
- 3 storeys for land fronting Pittwater Road (3 storeys includes the ground floor and first floor) and
- 2 storeys for land fronting all other roads (2 storeys include the ground floor, first floor and second floor).

The relevant setbacks are:

- The podiums of all buildings facing roads within the DYTC are to be setback a minimum of 4 metres from the kerb, with the exception of buildings on the eastern side of Pittwater Road which are to be setback a minimum of 3.6 metres. The purpose of the podium setbacks is to allow for increased pedestrian movement and kerbside dining areas.
- A setback greater than 4 metres is required for all buildings facing roads within the DYTC, for 40% of the length of the front property boundary of the podium levels, to encourage variation in building design
- Tower elements above podiums are to be setback a minimum of 4 metres from all edges of the podium, to maximise solar access, building separation and amenity for residents

The relevant awning controls are:

- There should be continuous colonnades or pedestrian awnings for any part of a building that fronts or has edges to public spaces or streets within the DYTC.

Introduction of floor space ratios across the DYTC

Council intends to introduce a FSR for all land within the DYTC (excluding sites A and B). This will require:

- an amendment to clauses 4.4 and 4.5 of WLEP 2011, to adopt the Standard Instrument clauses (so far as it relates to the DYTC only – excluding Sites A & B)
- A Floor Space Ratio map

Housekeeping amendments to Part 7 Dee Why Town Centre of WLEP 2011

Clause 4.6 Exceptions to development standards

Clause 4.6(8A) currently applies to Sites A and B only. It is Council's intention that this clause be extended to all of the key sites within the DYTC.

Clause 7.2 Land to which this Part applies

An amendment is required to clause 7.2 so that it states:

This Part applies to land within the Dee Why Town Centre, as defined on the Dee Why Town Centre Map

Clause 7.3 Objectives for development within Dee Why Town Centre

The following amendment is required to Clause 7.3(d) so that it applies to the whole of the DYTC:

(d) to create a built environment that has a unified and consistent building form that includes:

- (i) definition of street edges by the establishment of podiums to create walls of 3 and 4 storeys in height for Sites A and B; 3 storeys in height for land fronting Pittwater Road; and 2 storeys in height for land fronting all other roads within the Dee Why Town Centre, and
- (ii) above podium level elements that step back to achieve adequate levels of natural sunlight and high levels of amenity to occupiers of the buildings, surrounding development and the adjacent public domain, and
- (iii) 2 iconic slimline towers in the western part of the centre (Site B) and one smaller tower in the eastern part of the centre (Site A) that will largely provide for a transition in height from west to east, and
- (iv) mid-rise elements that reflect the simple clarity of design displayed by the tower and podium elements of Site A and B

An additional subclause (n) is required:

To ensure that development takes into account the existing capacity of transport infrastructure servicing the DYTC through the implementation of a floor space ratio for the DYTC

Clause 7.4 Development must be consistent with objectives for development and design excellence

An amendment is required to clause 7.4 to:

- Delete 7.4(1)(b)(iv) as this clause has been included within the proposed new clause 7.6A Podiums, setbacks and awnings
- Amend clause 7.4(3) so that the clause applies to all land within the DYTC.

Clause 7.5 Design excellence within Dee Why Town Centre

An amendment is required to clause 7.5 to add an additional subclause (f), which states:

Whether the development connects with and provides a high quality interface with surrounding streets and public domain areas at the pedestrian level.

Clause 7.6 Height of buildings

An amendment is required so that this clause only applies to Sites A and B.

Clause 7.10 Allowance for external ancillary plant and roof access

This clause is to apply to the whole of the DYTC. No amendment is required to clause 7.10(2)(f).

Clause 7.12 Provisions promoting retail activity

An update is required to clause 7.12(2) so that the provision applies to Sites A, B, C, D, E and F for the ground floor and first floor levels.

Clause 7.13 Mobility, traffic management and parking

An amendment is required to subclause (1) to expand the objectives of clause 7.13, as follows:

- To ensure increased road network capacity and improved vehicle circulation through the DYTC
- To provide flexibility in the location of required parking
- To encourage alternate forms of transport from private vehicle use
- To minimise the disruption of pedestrian movement and safety
- To reduce the visual scale of parking and servicing facilities

Clause 7.13(2)(c) should be deleted, as Council will no longer be adopting a one way traffic circulation pattern.

Clause 7.13(e) should be amended to state that car parking should be provided below ground or if above ground, within a maximum of one podium level above the finished ground level.

Part 3 – Justification

Section A - Need for the planning proposal.

1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal seeks to implement the Dee Why Town Centre Masterplan (DYTC Masterplan), which was adopted by Council in August 2013.

The DYTC Masterplan was created by PLACE Design Group, with the help of a Dee Why Working Party, made up of local business people and community leaders. Its vision was recognised with an award for Government Leadership for Urban Design from the Urban Development Institute of Australia.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best means of achieving Council's intended outcomes, for the following reasons:

Redefinition of the DYTC, to incorporate all land within the DYTC Masterplan area

As outlined in the DYTC Masterplan, the scope of the DYTC is greater than Sites A and B.

An amendment to the definition of the DYTC is needed to expand the geographical area of the DYTC to include the entire B4 Mixed Use zone, so that WLEP 2011 better reflects the DYTC as a Strategic Centre.

The introduction of Sites C to F on the Key Sites Map

Sites C to E have been identified in the DYTC Masterplan as having strategic importance to the renewal of the DYTC. Following the making of the DYTC Masterplan, Site F has been added as an additional key site due to its proximity to a major bus stop and the Civic Centre.

The purpose of adding additional sites to the Key Sites Map is to encourage development within the DYTC and ensure the delivery of essential community infrastructure. Council is committed to transforming Dee Why into the Northern Beaches' premier commercial and residential district, making it the focus for economic investment and cultural / civic activities.

A 3 metre increase in building height across the DYTC

The DYTC Masterplan states that an additional 3 metres in height should be introduced in exchange for a reduction in podium height. The objective of this is to encourage floorspace into slimmer, slightly taller buildings in order to activate the ground level; allow greater solar access; and reduce the visual dominance of buildings at the street level.

Since the adoption of the DYTC Masterplan, Council has held several pre-lodgement meetings with potential applicants regarding developments seeking an additional 3 metres in height, in exchange for a reduction in podium height. The additional 3 metres is therefore acting as an inducement for developers and is generating a level of interest in developing land within the DYTC.

The proposed clause 7.6A Podiums, setbacks and awnings, is intended to increase ground floor pedestrian circulation space. The proposed podium height controls aim to achieve a consistent street frontage, improve solar access and create a less dominant built form along the streetscape. The loss of floorspace through the reduction in the maximum podium heights has been recovered through the proposed additional 3 metres in building height. The proposed above podium setbacks seek to maximise solar access to adjoining properties and ground level public space.

Introduction of floor space ratios across the DYTC

FSR is commonly used to set the desired maximum density on a site by site basis.

In the context of the DYTC, the use of FSRs has the added advantage of allowing Council to monitor the quantum of gross floor area and associated incremental increase of traffic generation in the context of overall road network and transport capacity.

Housekeeping amendments to Part 7 Dee Why Town Centre of WLEP 2011

- Clause 4.6 Exceptions to development standards

Clause 4.6 subclause (8A) does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building on Site A or Site B. This should be extended to sites C to F to ensure that the maximum building height is upheld for all key sites.

The integrity of Council's planning controls relating to sites C to F is dependent upon the same protection afforded to Sites A and B. The incentive based clauses for sites C to F represent the

maximum height that can be obtained in exchange for the named community infrastructure. The intention of the key sites is that they will act as the catalyst for the renewal of the DYTC. A clause 4.6 variation would undermine the planning process and compromise positive planning outcomes that will result from the key sites provisions.

- Clause 7.2 Land to which this Part applies

At present, the DYTC comprises of Sites A and B only. The definition of the DYTC has been expanded to include all land zoned B4 Mixed Use, in the town centre area. An amendment is required to clause 7.2 so that Part 7 Dee Why Town Centre of WLEP 2011 applies to land within the DYTC, as mapped on the new Dee Why Town Centre Map.

- Clause 7.3 Objectives for development within Dee Why Town Centre

The existing objectives clause has been drafted specifically for Sites A and B. Clause 7.3(d) should be amended so that it applies to the broader DYTC.

The addition of subclause (n) outlines the objective of the introduction of a floor space ratio map for the DYTC. This is specifically requested in the DYTC Masterplan.

- Clause 7.4 Development must be consistent with objectives for development and design excellence

The DYTC Masterplan clearly states that the design excellence provisions should apply to the whole of the DYTC, in keeping with its role as a Strategic Centre. Limiting the provisions to Sites A and B would be inconsistent with Council's intention to renew the DYTC.

- Clause 7.5 Design excellence within Dee Why Town Centre

The additional subclause (f) strengthens what it means to achieve design excellence and is specifically mentioned within the DYTC Masterplan. This amendment is in line with the role of the DYTC as a Strategic Centre.

- Clause 7.6 Height of buildings

This clause has been drafted specifically for Sites A and B and is not relevant to Sites C to F. Sites C to F will be given their own individual clauses with regards to height and community infrastructure.

- Clause 7.10 Allowance for external ancillary plant and roof access

This clause should apply to the whole of the DYTC. It is Council's intention that the maximum height of a building within the DYTC is inclusive of external ancillary plant and roof access. The height of any external ancillary plant and roof access should not exceed 3 metres. This is to ensure that external ancillary plant and roof access does not impact upon the perceived bulk and scale of the DYTC.

- Clause 7.12 Provisions promoting retail activity

The Gateway Determination states that Council is to provide further justification for the inconsistency with Section 117 Direction 1.1 Business and Industrial Zones and demonstrate how the planning proposal will continue to cater for employment opportunities within the DYTC.

Council proposes to restrict residential development on the ground and first floors within the DYTC to reinforce the DYTC's capacity for business and employment functions; and support the wider renewal of the DYTC. This is consistent with the objectives contained within clause 7.3 of WLEP 2011 and the Regional Plan; and was supported by the Department for the Meriton Site B Planning Proposal (PP_2015_WARRI_002_00).

- Clause 7.13 Mobility, traffic management and parking

An amendment is proposed to clause 7.13 to reflect the DYTC Masterplan.

3 Is there a net community benefit?

Implementing the DYTC Masterplan into WLEP 2011 will:

- Result in taller slimmer buildings with increased opportunity for improved open space; and vehicle and pedestrian connections at the ground level
- Facilitate the development of community infrastructure
- Improve the amenity, quality and function of the DYTC through investment in a range of community infrastructure
- Facilitate the redevelopment of land holdings
- Improve the function of the DYTC through land renewal, improved design and mixed use redevelopment of private land
- Improve the amenity of streets and public spaces
- Improve vehicle and pedestrian access
- Improve the bus interchanges on both the eastern and western sides of Pittwater Road
- Result in an expansion of existing parkland and recreational spaces
- Improve stormwater drainage
- Improve flood mitigation

Section B – Relationship to strategic planning framework.

4 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategic and exhibited strategies)?

The following regional and sub-regional strategic planning documents are applicable to the DYTC:

- Regional Plan - 'A plan for growing Sydney'
- Draft Subregional Strategy

These are addressed in-turn below.

Regional Plan - 'A plan for growing Sydney'

The Greater Sydney Commission Act 2016 states that 'A plan for Growing Sydney' is the Regional Plan for the Greater Sydney Region and as such is the State's leading strategic plan.

It is noted that 'A Plan for growing Sydney' is also referred to as the Metro Plan.

The urban renewal of land within the DYTC is consistent with the objectives of the Regional Plan, which identifies Dee Why (along with Brookvale) as a Strategic Centre.



Figure 4 - Map excerpt from 'A plan for Growing Sydney'.

Dee Why and Brookvale are a Strategic Centre on the region's major transport corridor Pittwater Road

The Regional Plan promotes the growth and renewal of Strategic Centres. It also promotes investment within Strategic Centres.

Strategic Centres are locations that currently have or are planned to have at least 10,000 jobs. They are priority locations for employment, retail, housing, services and mixed-uses. Targeted urban renewal around these centres on the transport network is important to the Government's agenda of providing more homes closer to jobs, maximising infrastructure efficiencies and boosting the productivity of Sydney.

Action 1.7.1 of the Regional Plan is to invest in Strategic Centres across Sydney, to grow jobs and housing and create vibrant hubs of activity. The Regional Plan discusses investment in terms of:

- Improving planning policies to encourage flexibility, higher density and a more diverse range of activities.
- Better governance of centres to help improve public spaces and improve the walkability of centres.
- Delivering public transport, traffic management and car parking to improve the business environment of strategic centres.

The State Government's priorities for the – Brookvale - Dee Why Strategic Centre are:

- Work with council to retain a commercial core in –Brookvale - Dee Why, as required, for long term employment growth.
- Work with council to provide capacity for additional mixed-use development in Brookvale - Dee Why including offices, retail, services and housing.
- Work with council to improve walking and cycling connections between Warringah Mall, Brookvale and Dee Why.
- Progress planning for a Northern Beaches bus rapid transit corridor to service Brookvale - Dee Why.

In order to grow as a Strategic Centre, Dee Why has been planned to accommodate additional housing, jobs, services and open space.

Consistent with the Regional Plan, the planning proposal is intended to support and facilitate the renewal of a 34 hectare area of land (to be designated in WLEP 2011 as the DYTC). The redevelopment of land is foreshadowed to deliver public benefits, including:

- The improvement of the existing built form and quality of publicly accessible spaces within the town centre. The improved design of these spaces is anticipated to increase the function, efficiency, use and value of these spaces.
- The improvement of vehicle and pedestrian access within the town centre.
- The expansion and improvements to parks, plazas and publicly accessible spaces.
- The development of a range of community infrastructure

Overall the renewal of both private and public land, including the development of community infrastructure, will support the future growth in the residential and commercial function of land within the DYTC.

The planning proposal is consistent with the following aspects of the Regional Plan:

Regional Plan	Response
▪ <i>Direction 1.7: Grow strategic centres – providing more jobs closer to home</i> ▪ <i>Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity</i> ▪ <i>Direction 1.11: Deliver infrastructure</i>	The planning proposal is consistent with the Directions and Actions as it: ▪ encourages and supports the renewal of the DYTC ▪ supports the DYTC to achieve its planning and land use potential under the established and proposed planning controls ▪ encourages and supports private and public investment in the improvement of the DYTC ▪ will facilitate the development of much needed community infrastructure to cater for the expected growth of the DYTC as a Strategic Centre.
In relation to <u>Sydney's Housing Choices</u> the strategy contains the following actions relevant to the urban renewal of the DYTC:	
▪ <i>ACTION 2.1.1: Accelerate housing supply and local housing choices</i>	The Planning proposal is consistent with this Action as it supports the development of additional apartment

Regional Plan	Response
	housing, responsive to planning policy objectives to meet the housing needs within the community
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs - Action 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres	The Planning proposal is consistent with this Direction and Action. The DYTC 'straddles' the region's main north south transport corridor Pittwater Road, providing public transport services to the Northern Beaches. The Planning proposal: - encourages and supports the renewal of the DYTC - promotes additional 'through-site' walkways to facilitate a safer and interconnected access network within the town centre.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	The Planning proposal is consistent with this Direction as it supports the redevelopment of land and the development of additional apartment housing responsive to planning policy objectives to meet housing needs
<u>Sydney's Great Places To Live</u> - Direction 3.1: Revitalise existing suburbs - Action 3.1.1: Support urban renewal by directing local infrastructure to centres where there is growth - Direction 3.3: Create healthy built environments - Direction 3.4: Promote Sydney's heritage, arts and culture	The Planning Proposal is consistent with these Directions and Action as it: - encourages and supports the renewal of the DYTC - will facilitate the development of community infrastructure - seeks to transform the town centre into a modern, well designed place with healthy built environments. - supports the commercial function of the DYTC and aims to create a modern town centre where people can live, work and socialise.

Table 3 – Consistency with the Regional Plan

Draft Subregional Strategy

District Plans for Sydney's six districts are currently being drafted. It is anticipated that a District Plan for the North District will replace the *Draft North East Subregional Strategy* (draft subregional strategy) in 2017.

The draft subregional strategy was prepared by the Department of Planning and Infrastructure in 2007. It contains targets for housing (10,300 new homes) and employment (12,500 new jobs) in the former Warringah area by 2031 in response to the forecast growth of Sydney, contained in the 2005 City of Cities : A Plan for Sydney's Future (Metropolitan Strategy) (2005 Metropolitan Strategy).

The draft subregional strategy translates the objectives of the 2005 Metropolitan Strategy to the local level. The planning proposal is consistent with provisions of the draft subregional strategy.

The draft subregional strategy designates Dee Why and Brookvale as a 'Major Centre'. The draft subregional strategy states that Dee Why will provide;

'additional high density housing, retail and some commercial space in a mixed use development as proposed in the current Town Centre Masterplan' – page 8.

Key Directions and Actions include employment targets for the subregion, the former Warringah local government area and the Brookvale/DYTC. Brookvale/DYTC has been specifically set an additional 4,000 jobs to the year 2031.

In terms of housing the Subregional Strategy states that *'higher density housing in centres will achieve a greater mix of housing and create liveable and sustainable communities'*.

This planning proposal supports the delivery of residential units, which at present form a relatively small proportion of available housing (26% at 2011) within the former Warringah area.

Under the Subregional Strategy, the former Warringah area is estimated to provide 10,300 additional homes to year 2031. The Subregional Strategy also expresses that the majority of the recommended housing across Sydney shall be provided within the existing urban area (60-70%). This will take advantage of existing services such as shops and public transport and reduce development pressures in other parts of Sydney.

Although Council has not adopted a housing strategy inclusive of the draft subregional strategy targets, the planning proposal complies with the Regional Plan which encourages urban consolidation within the Dee Why Town Centre.

5 Is the planning proposal consistent with Council's local strategy or local strategic plan?

Warringah Community Strategic Plan 2023

This section of the planning proposal relates to the former Warringah Council's Warringah Community Strategic Plan 2023 (Warringah CSP). We note that Clause 19 of the Proclamation states:

The codes, plans, strategies and policies of the new council are to be, as far as practicable, a composite of the corresponding codes, plans, strategies and policies of each of the former councils.

The Warringah CSP sets out the following long term aspirations:

- a vibrant community;
- lifestyle and recreation opportunities;
- a healthy environment;
- connected transport;
- working together for the greater good of all; and
- liveable neighbourhoods.

Table 4 below outlines how the planning proposal fulfils the relevant Warringah CSP objectives.

Outcome	Warringah CSP Objective	Response
Vibrant Community	1.1 We have the services to promote and deliver health and wellbeing 1.2 We feel safe and protected at home and in public, and we respect each other and the area 1.3 We support and care for all our community members and provide opportunities to connect and belong 1.4 We value our heritage and cultural diversity, celebrating together and fostering creativity	The proposed WLEP 2011 amendments encourage the renewal of the DYTC through the creation of 4 new key sites. The revitalisation of the DYTC will add to the vibrancy of the community and will also deliver much needed infrastructure to support all community members.
Lifestyle and Recreation	2.2 We have access to attractive parks and natural areas that encourage and support a safe healthy lifestyle. 2.3 We have inviting public spaces that are clean, green and well designed.	The proposed WLEP 2011 amendments encourage the use and in selected cases the dedication of privately owned land for additional roads, pedestrian links, open space and civic spaces.
Healthy Environment	3.1 We value the health of our beaches, foreshores and waterways as natural habitats and for our enjoyment. 3.2 We protect and sustain our diverse bushland as valuable habitats, and provide for a variety of wildlife to thrive and migrate. 3.3 We strive to live and work more sustainably to reduce our environmental footprint. 3.4 We effectively plan for and respond to natural hazards and climate change in a sustainable way.	The planning proposal does not seek to develop non-urban land or environmentally sensitive areas. It seeks to support the renewal and further growth of an established Strategic Centre. Development controls regarding stormwater management and sustainable buildings will be implemented through the existing and proposed planning controls applicable to the land.
Connected Transport	4.1 We have an effective interconnected public transport system that is safe, efficient and affordable.	The renewal of the DYTC supports the utilisation of existing public transport. It also supports the case for future investment into transport infrastructure.
	4.2 We use a well-designed and functioning road network.	Proposed community infrastructure improvements will support the functioning of the road network.

Outcome	Warringah CSP Objective	Response
	4.3 We can conveniently access parking near transport hubs and close to urban centres.	The planning proposal does not reduce the provision of public parking.
	4.4 We can safely and conveniently walk or ride around Warringah.	The planning proposal promotes additional 'through-site' walkways to facilitate a safer and interconnected access network within the DYTC.
Liveable Neighbourhoods	5.1 We have attractive and functional urban and commercial centres that adapt to the needs of residents and business 5.3 We offer a variety of housing choices that meet the needs of our community and complements local neighbourhoods and the Warringah lifestyle	Redevelopment of part of the DYTC will renew commercial floor space in line with market demand Additional dwellings within the DYTC will most likely consist of apartment housing. The provision of apartments matches the identified demand for smaller, low maintenance dwellings to complement the low density residential areas found through the majority of the former Warringah LGA.

Table 4 – Consistency with the Warringah Community Strategic Plan

6 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The State Environmental Planning Policies relevant to the assessment of this Planning Proposal are:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) – in relation to traffic generating characteristics
- State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

These are addressed in turn below.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55) provides that land must be remediated to an appropriate level to cater for its proposed use. In this case the land is developed within an established DYTC and zoned for urban functions.

The planning proposal is not inconsistent with the SEPP. The SEPP will be a matter for assessment of future Development Applications within the DYTC.

State Environmental Planning Policy (Infrastructure) – in relation to traffic generating characteristics

State Environmental Planning Policy (Infrastructure) 2008, sets out requirements for various public authority and infrastructure works throughout the State. In addition, it requires the referral of certain traffic generating development to the Roads & Maritime Services during the Development Application process.

The planning proposal is not inconsistent with the SEPP. The SEPP will be a matter for assessment of future Development Applications within the town centre.

SEPP No 65—Design Quality of Residential Flat Development

The planning proposal supports the redevelopment and amalgamation of land holdings for principally mixed use and apartment development. As such the SEPP and its accompanying Apartment Design Guidelines will guide future development outcomes within the DYTC.

The planning proposal is consistent and compatible with the SEPP. The SEPP and Warringah Development Control Plan 2011 will guide the design and assessment of future development within the town centre.

7 Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

The following 8 Ministerial Directions are applicable to the planning proposal:

- Direction 1.1 Business and industrial Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.1 Acid Sulphate Soils.
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.3 Flood Prone Land
- Direction 6.1 Approval and Referral Requirements
- Direction 6.3 Site Specific Provisions
- Direction 7.1 Implementation of 'A plan for growing Sydney'.

Consideration of the Ministerial Directions is provided below in Table 5.

s117 Direction	Requirement	Comment
1.1 Business and Industrial Zones	1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Council proposes to restrict residential development on the ground and first floors of key sites within the DYTC to reinforce the DYTC's capacity for business and employment functions; and support the wider renewal of the DYTC. This is consistent with Direction 1.1 Business and Industrial Zones, A Plan for Growing Sydney and was supported by the Department for the Meriton Site B Planning Proposal (PP_2015_WARRI_002_00).
3.4 Integrating Land Use and Transport	(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The planning proposal is consistent with the aims and objectives of the Direction. It involves development and use of land within a designated Strategic Centre. The DYTC 'straddles' the main north south arterial road providing public transport services to the Northern Beaches region. The planning proposal promotes additional 'through-site' links to facilitate a safer and interconnected access network within the DYTC. These improvements will support the use of all available transport modes. The DYTC is well connected to the communities that it will serve.
4.1 Acid Sulphate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The subject land is within an established town centre, zoned for an urban function.

s117 Direction	Requirement	Comment
		This is a matter for consideration in the assessment of future development applications. The planning proposal does not trigger or warrant further assessment of this Direction.
4.2 Mine Subsidence and Unstable Land	(1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The subject land is developed and zoned for an urban function. It is unlikely that there are Mine Subsidence issues which render the land unsuitable for its continued function as a town centre. The planning proposal does not trigger or warrant further assessment of this Direction.
4.3 Flood Prone Land	The objective of this direction is to ensure development is consistent with policy and commensurate with the level of prevailing risk.	Some of the land within the study area is flood prone; however the land is developed within an established town centre and zoned for an urban function. The planning proposal does not trigger or warrant further assessment of this Direction.
6.1 Approval and Referral Requirements	Ensure appropriate consideration of proposals by the relevant agencies.	The planning proposal is consistent with this Direction.
6.3 Site Specific Provisions	(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that	The planning proposal is consistent with this Direction. The planning proposal: • will allow land to be developed within the DYTC in accordance with development standards applicable to the zone • does not contain or refer to drawings that show details of the development proposal

s117 Direction	Requirement	Comment
	are inconsistent are of minor significance.	
7.1 Implementation of 'A plan for growing Sydney'	(1) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in 'A plan for growing Sydney'.	The planning proposal is consistent with this direction. This matter is addressed within Section B Question 4 of this report.

Table 5 – Consistency with the relevant section 117 Directions

Section C – Environmental, social and economic impact.

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land within the DYTC is developed within an established town centre and zoned for urban functions.

Any development application for the DYTC will need to address any critical habitat or threatened species, populations or ecological communities, or their habitats. The detailed environmental assessment of future development applications within the DYTC will satisfactorily consider and verify this issue.

9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The land is developed within an established town centre and zoned for urban functions.

The changes presented within the planning proposal are the result of comprehensive community and stakeholder engagement and detailed analysis undertaken in the development of the DYTC Masterplan 2013.

The detailed environmental assessment of future development applications for development within DYTC will satisfactorily consider and verify the nature, scale and appropriateness of any environmental effects arising from proposed development.

There are no other known likely environmental effects arising from the planning proposal.

10 How has the planning proposal adequately addressed any social and economic effects?

The key social and economic considerations relating to the proposal are addressed below:

Social Effects

It is anticipated that the planning proposal will lead to the following positive social benefits:

- Investment in the renewal of the land and the development of community infrastructure within the DYTC.
- The planning proposal supports the orderly redevelopment of the land in a manner that is envisaged through the DYTC Masterplan 2013, which has had significant community input and endorsement.
- The DYTC is well connected and accessible to the communities that it will serve and is an appropriate location to invest in the future housing and employment needs of the community.
- Growth in jobs and dwellings within an established town centre without the consumption of non-urban land (e.g. bushland) that is valued by the Northern Beaches community.

Economic Effects

Positive economic effects resulting from the proposal include capital investment in the renewal of the land and economic multiplier effects.

The planning proposal supports:

- Investment in a designated Strategic Centre
- Increased utilisation of the established public transport (bus) network through the development of housing and jobs in close proximity to Pittwater Road
- Improved design and function through the redevelopment of land including improved community infrastructure.
- Maintaining the employment function of the land to serve the needs of current and future businesses.

Section D – State and Commonwealth interests.

11 Is there adequate public infrastructure for the planning proposal?

Yes. Being an existing town centre, the land is serviced by key utilities such as water, electricity, sewer, stormwater, and telephone services. The land is also serviced by public transport (bus services) on Pittwater Road.

A bus rapid transport service (known as the B-Line), is scheduled to start operating in late 2017. This will provide more frequent and reliable bus services for people travelling in the Northern Beaches from Mona Vale to the City via Pittwater Road. For more information, please visit <http://b-line.transport.nsw.gov.au/>.

The Planning Proposal seeks to facilitate the development of local infrastructure (community infrastructure) which is needed to support the future residential and business communities within the DYTC. Appropriate planning for community infrastructure has been made by Council in the strategic planning of the DYTC and within the development of the Planning Proposal.

12 What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?

No formal consultation with state or commonwealth agencies relating to the planning proposal has been undertaken to date.

It is anticipated that a Gateway Determination will require consultation with public authorities.

Part 4 – Mapping

The following mapping amendments are required, as outlined in Part 2 Explanation of Provisions:

Warringah LEP 2011 Maps	Proposed Amendments
There is no current Floor Space Ratio map	Introduce FSR map sheets 010AA and 010AB
WLEP 2011 – Height of Buildings Map (HOB-010AA & HOB-010AB)	Except for Sites A and B, increase the maximum height of buildings for all land within the DYTC, by three metres.
There is no current Dee Why Town Centre Map	Introduce a Dee Why Town Centre Map – map sheets 010AA and 010AB, similar to the Centres Map under Ryde Local Environmental Plan 2014.
WLEP 2011 – Key Sites (KYS- 010AA & KYS-010AB)	Retain Sites A and B as per the existing key site notation and add Sites C to F. Please refer to Part 2 of this planning proposal for a legal description of each key site.

Table 6 – Mapping amendments

Part 5 – Community consultation

Extensive community consultation was undertaken on the DYTC Masterplan at the beginning of 2013. This included physical displays, online engagement, two community information sessions, briefings of key landowners and the working group, guided walking tours and a pamphlet mailout to over 95,000 households and businesses within the former Warringah LGA. In response, Council received 81 feedback form submissions, 25 email submissions and 10 long form submissions. Following a review of all submissions, the DYTC Masterplan was reported to and subsequently endorsed by Council at the 6 August 2013 Council meeting.

In accordance with State Government legislation as well as Council's community engagement policy and community engagement matrix, Council will undertake community consultation on the planning proposal, by giving notice of the public exhibition of the planning proposal in the Manly Daily newspaper, on Council's website and by notification to adjoining land owners. Following a review of all submissions, the planning proposal will then be reported to Council.

Part 6 – Project timeline

Project timeline	Key dates
Anticipated commencement date (date of Gateway Determination)	June 2016
Anticipated timeframe for the completion of required technical information	July 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	July / August 2016
Commencement and completion dates for public exhibition period	August / September 2016
Timeframe for consideration of submissions	September / October 2016
Timeframe for the consideration of the proposal post exhibition	September / October 2016
Date of submission to the department to finalise the LEP	November 2016
Anticipated date RPA will make the plan	January 2017
Anticipated date Council will forward to the department for notification	February 2017

Table 7 – Project timeline

Part 7 – Conclusion

A Planning Proposal to make several amendments to WLEP 2011 is an appropriate course of action to implement the adopted Dee Why Masterplan 2013, in order to encourage the renewal of the Dee Why Town Centre as a Strategic Centre.