

Tab A - Resubmitted Assessment

PLANNING PROPOSAL – UPDATED ASSESSMENT

INTERNAL SUPPORTING NOTES

Council addressed the Gateway conditions in the revised planning proposal. A comprehensive assessment of the revised planning proposal and Gateway conditions is contained in the summary table at Tab B.

STATEMENT OF INTENT

The intended outcome of the planning proposal is to implement the outcomes of Dee Why Town Centre (DWTC) Master Plan into *Warringah Local Environmental Plan 2011*.

The objective of the DWTC Masterplan and the planning proposal is to encourage the renewal of Dee Why Town Centre. The revitalisation of the Dee Why Town Centre includes the potential for additional development opportunity and the development of community infrastructure to support the Centre's revitalisation.

EXPLANATION OF PROVISIONS

The amendments to *Warringah Local Environmental Plan 2011* occur in 5 parts:

1. Redefine Dee Why Town Centre to incorporate all land within the B4 Mixed Use zone in Dee Why;



Figure 1: Proposed key sites within the DWTC

On page 10 of the planning proposal (Tab F), Council has provided a description and a map identifying the revised Dee Why Town Centre (see Figure 1).

2. Introduction of new key sites (C-F) on the key sites map;

The Department's initial planning team report notes that only 3 key sites are included in this planning proposal (sites C-E). However, the remainder of the planning proposal and maps refer to key sites C-F. The introduction of key site F in the revised planning proposal amends an error in the original proposal.

3. A 3 metre increase in building height across Dee Why Town Centre (excluding key sites A and B) in exchange for a reduction in podium heights;

4. The introduction of floor space ratios across the Dee Why Town Centre;

5. Amendments to Part 7 (Dee Why Town Centre) in Warringah LEP 2011 to provide for commercial floor space at the ground level in the Town Centre and also for the first floor on all key sites.

Clause 7.12 was introduced in the planning proposal for 'Site B' in Dee Why Town Centre (PP_2015_WARRI_002_00). This clause restricts residential development on the ground and first floor of any new development on key sites A and B. Council intends to extend clause 7.12 to protect commercial on all other key sites (C-F) in the Dee Why Town Centre.

JUSTIFICATION UNDER SECTION 55(2)(C) OF THE ACT

HAS COUNCIL'S STRATEGY BEEN ENDORSED BY THE SECRETARY

The planning proposal is informed by the Dee Why Town Centre Masterplan which has been adopted by Council. This Masterplan has not been endorsed by the Secretary.

Pages 66 and 67 of the Dee Why Town Centre Masterplan (Attachment 3) identifies the proposed LEP amendments, which are included in this planning proposal, and also specifies the required public benefit requirements for key sites C-E. Key site F was not identified in the Dee Why Town Centre Masterplan.

SECTION 117 DIRECTIONS

DIRECTION 1.1 – BUSINESS AND INDUSTRIAL ZONES

The initial Gateway determination required Council to provide further assessment of the planning proposal and address the inconsistency with Section 117 Direction 1.1 – Business and Industrial zones, given the reduction in commercial floor space.

It is considered that the proposal has met the gateway condition and is consistent with Section 117 Direction 1.1, as is assessed in detail in Tab B.

There were no other inconsistencies with relevant Section 117 Directions identified in the initial planning team report.

A PLAN FOR GROWING SYDNEY

The Gateway required Council to demonstrate consistency with this Plan, which has been met, as detailed in Tab B.

STATE ENVIRONMENTAL PLANNING POLICIES

There were no unresolved consistencies with any State Environmental Planning Policies from the initial assessment of the planning proposal.

CONSISTENCY WITH STANDARD INSTRUMENT ORDER

Warringah Local Environmental Plan 2011 includes Part - 7 Dee Why Town Centre, which this planning proposal seeks to amend.

Council seeks to introduce an incentive clause into the LEP which will enable additional development opportunities in exchange for public benefit provisions. This was not supported at Gateway and Council was required to resubmit the planning proposal.

Council was required to provide a plain English explanation of the proposed provision, addressed in Gateway condition 2(b). As detailed in Tab B, Council has not adequately addressed this as the planning proposal refers to potential legal drafting of amendments. To address the inconsistency, Gateway condition 2(b) has been included in the revised Gateway determination.

Gateway condition 2(c) required Council to remove reference to provision of contributions, infrastructure improvements and dedication of land and/or undertaking of works in exchange for additional development density. As detailed in Tab B, this condition has not been adequately addressed as the revised proposal outlines the intended public benefit provisions for each site in the town centre. The mechanism for reflecting public benefit provisions in an LEP will be addressed in the drafting process, and the references to potential drafting are to be removed from the planning proposal. To address the inconsistency, Gateway condition 2(c) has been included in revised Gateway determination.

MAPPING

The Gateway determination (condition 2(e)) required the draft Key Sites Map maps be amended to be consistent with the Department's Technical Requirements for LEP Maps. This requirement has been met, as outlined in Tab B.

COMMUNITY CONSULTATION

It is proposed in the planning proposal to undertake community consultation as part of this process.

It is recommended that the planning proposal be exhibited for a minimum of 28 days.

AGENCY CONSULTATION

The initial assessment of the planning proposal recommended that Transport for NSW-Roads and Maritime Services be consulted on the planning proposal.

It is recommended that the list of agencies be expanded to include Transport for NSW, Office of Environment and Heritage and Sydney Water for the following reasons:

- Transport for NSW – to determine if the proposed changes to Dee Why Town Centre is sufficient to accommodate private and public transport in the area.
- Office of Environment and Heritage – as most of Dee Why Town Centre is flood affected. While it is not proposed to change the zone, it is proposed to potentially increase the density on key sites.
- Sydney Water – to determine if the existing capacity is sufficient for the potential increase density on key sites.

It is recommended that Transport for NSW and Transport for NSW – Roads and Maritime Services be consulted prior to public exhibition, and the planning proposal be updated with any relevant comments prior to the plan proceeding to community consultation.

ADEQUACY OF THE PLANNING PROPOSAL

It is considered that Council has met most of the requirements outlined in the Gateway determination issued on 1 April 2015.

Any conditions which have been partially met can be addressed as part of the Gateway determination. It is recommended that a revised Gateway determination be issued, enabling the planning proposal to proceed to public exhibition.