

ITEM 8.3	DEE WHY TOWN CENTRE PLANNING PROPOSAL
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2014/235476
ATTACHMENTS	1 Dee Why Town Centre Planning Background and Chronology (Included In Attachments Booklet) 2 Draft Warringah LEP Maps (Included In Attachments Booklet) 3 Draft WLEP 2011 Amending Provisions (Included In Attachments Booklet) 4 Draft Development Control Plan Amendments (Included In Attachments Booklet) 5 Planning Proposal Dee Why Town Centre - Gateway Submission (Included In Attachments Booklet) 6 Dee Why Town Centre Traffic Model Update (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council's endorsement to commence amendments to planning controls within the Warringah Local Environmental Plan (WLEP) 2011 and Development Control Plan (DCP) as they relate to the Dee Why Town Centre.

SUMMARY

1. The Dee Why Town Centre Planning Proposal (the Planning Proposal) seeks to amend Council's planning instruments in order to implement strategies and recommendations contained within the Dee Why Master Plan 2013 (the Master Plan) and GHD Town Centre Traffic Model. Key amendments to Council's planning instruments include;
 - (a) The designation of four new 'Key Sites' which are earmarked to deliver significant infrastructure and public benefits
 - (b) The introduction of 'Floor Space Ratio' (FSR) development controls for land zoned B4 Mixed Use
 - (c) The refinement of planning controls that relate to building setbacks, building height and design. The amendments aim to improve the relationship of future development on the streetscape and to protect the amenity of public places
 - (d) The provision of an assessment framework which will allow the delivery of public benefits (by developers) in exchange for additional development rights.
2. The amendments to the DCP relate to Dee Why Town Centre specific car parking requirements for residential and various commercial land uses. The amending parking rates consider that the Dee Why Town Centre has increased accessibility to a range of transport options compared to the remainder of the Warringah Local Government Area (LGA).

The Planning Proposal does not seek to rezone land, nor does it amend any planning provisions as they relate to 'Site A', Council's carpark site between Howard and Oaks Avenue, or 'Site B', the former Multiplex/Brookfield site currently subject to Planning Proposal application PEX 2014/0004.

It should be stated that the proposed changes in height across the whole of Dee Why Town Centre, affects land owned by Warringah Council. Sections of the carpark fronting Pittwater Road and St Davids Avenue are proposed to increase in height from 24 metres to 27 metres which is consistent with the general increase of 3 metres across the whole of Dee Why Town Centre.

FINANCIAL IMPACT

The outcome of these proposed changes will generate additional infrastructure funded by the developers to support the new development within Dee Why Town Centre Council.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Forward the Planning Proposal to the Department of Planning and Environment seeking Gateway Determination
 - B. Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently
 - C. Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.
-

REPORT

BACKGROUND

Over a number of years, Council has commissioned several studies and strategy documents that detail the desired built form and public domain improvements required to rejuvenate the Dee Why Town Centre. A chronology of events has been enclosed as Attachment 1.

The Dee Why Master Plan 2013 (the Master Plan) incorporates findings from previous studies, detailed urban design analysis and the outcomes of a comprehensive community and industry group consultation. Council adopted the Master Plan at its meeting held 6 August 2013 and has since implemented a number of recommendations via the 'Get Excited Dee Why' Steering Committee.

The Committee continues to facilitate short and medium term projects to enliven the Dee Why Town Centre while other outcomes within the Master Plan can only be implemented through amendments to the WLEP 2011 and DCP.

In addition to the Master Plan, the proposed planning provisions have also been influenced by the conclusions contained within the GHD Traffic Model Update (March 2013) and Council's ongoing assessment of the required Dee Why Town Centre improvements.

Dee Why Town Centre infrastructure and improvements

There is renewed interest in private development within the Dee Why Town Centre. This is partly attributed to the Department of Planning and Environment, through consecutive versions of the Metropolitan Strategy, designating Brookvale and Dee Why collectively as a Major Centre and therefore the focus of increased housing, employment and supporting infrastructure.

Although grouped as the one centre, the two areas have different character as Dee Why contains the majority of civic, cultural and social amenities, whilst Brookvale contains the major regional shopping mall, bulky goods retail, some medical and community services as well as the regional TAFE. The Master Plan focuses on the significant opportunities for revitalising Dee Why through a combination of the development of private landholdings and improvement to the public domain.

The projected growth of the Major Centre needs to be supported by social and physical infrastructure to ensure an improved user experience. Key infrastructure and public domain upgrades highlighted within in the Master Plan and in Council's capital works programme include:

- Creation of a civic centre "Community Hub" including an outdoor plaza, amphitheatre and new library facilities
- Public car parking
- New bicycle lanes
- New roads and upgrades to existing roads
- Improve Dee Why Town Centre permeability for pedestrians and cyclists
- Interconnected public open space and plaza areas
- Improving streetscape through landscaping
- Use of water-sensitive urban design
- Flood mitigation and drainage works.

Existing funding streams, including the Warringah Section 94A Developer Contributions Plan do not provide for sufficient finances to complete all the priority public domain improvements and infrastructure upgrades within the desired timeframes.

The 2013 Dee Why Master Plan expressly identifies LEP amendments as a mechanism to introduce incentives, such as additional development rights, to encourage applicants to provide a range of public benefits.

Traffic and Transport

During community consultation of the Master Plan the most commonly noted issue related to traffic management at both the local and regional level. Previous community surveys have also indicated that transport/traffic management and congestion is the major 'top of mind' issue in Warringah.

From a regional perspective, Transport NSW has stated that in a 'do nothing' scenario, the Mona Vale to Sydney strategic corridor (which includes Pittwater Road, Dee Why) will be the most congested corridor across Sydney by the year 2031. The Department of Planning and Environment further reinforces traffic constraints in the area by reducing the Brookvale/Dee Why employment targets from 5,000 (within the Metropolitan Plan for Sydney to 2036 (2010)) to 3,000 (within the draft Metropolitan Strategy for Sydney to 2031 (2013)).

The current road network within Dee Why does not allow for the full realisation of achievable floor space under the existing WLEP 2011 due to the confined capacity of the network, particularly in terms of delays at intersections.

While preparing WLEP 2011, Council commissioned GTA traffic consultants to formulate options for Dee Why Town Centre road network upgrades. The preferred network design is commonly referred to as 'Option 2a2' and includes a range of alterations and new roads combined with intersection treatment to improve traffic flow and trip capacity. GTA concluded that implementation of the Option 2a2 road network would accommodate up to 85 percent of the developable floor space permitted under the WLEP 2011.

Updated Traffic Study

Due to the changes in traffic conditions and delivery of various development projects since GTA's 2007 traffic analysis, Council commissioned GHD Australia to review and update the report.

The GHD assessment concludes that the complete implementation of road network Option 2a2 will allow 105 percent WLEP 2011 floor space realisation, that is, the full realisation of the WLEP 2011 floor space with the delivery of up to an extra 5 percent of WLEP 2011 floor space. Any further development above the 105 percent quantum is likely to result in unacceptable traffic delays, particularly at the intersection of Howard Avenue and Pittwater Road.

The difference between the two outcomes (85 percent and 105 percent floor space capacity) is due to the combination of;

- Updated traffic generation rates for residential development as published by Roads and Maritime Service
- The market driven trend for less commercial floor space (which generates more traffic) in exchange for residential development
- The optimisation of traffic light signal phasing.

A copy of the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia is enclosed as Attachment 6.

Implication of Traffic Analysis

Although the Master Plan emphasizes that there shall be no increase in gross floor area from that currently achievable under the existing WLEP 2011, the Option 2a2 road network can operate at an acceptable level of performance with the delivery of up to an additional 5 percent of WLEP 2011 floor space.

This provides Council with a unique opportunity to allow for some development proposals to exceed the available gross floor area maximum (set by the WLEP 2011 draft Floor Space Ratio map in Attachment 2). Council has therefore formulated WLEP 2011 and DCP controls to consider development that exceeds the current WLEP 2011 floor space maximum in exchange for the delivery of priority infrastructure and public benefits.

Public Benefits and Capital Value Uplift

Significant infrastructure improvements are required to support the growth and functioning of the Dee Why Town Centre. It is clear that without significant increase in funding, many of the required capital works will not be undertaken within the short and medium terms. A significant opportunity exists to obtain many of the required works from landowners and developers during the development process.

The proposed planning controls and guidelines prepared since the Master Plan outlines the criteria for which additional development rights (such as building height and floor space) can be considered in exchange of the delivery of public benefits.

The process is essentially a negotiation, and includes the valuation of the site based on the currently achievable yield under the WLEP 2011, while a second site valuation is carried out considering the increased development yield. The increase in land value is called capital or site value uplift.

Council's aim is to capture public benefit from the increase in site value. Public benefits can be delivered in a number of forms including the carrying out of works, provision of monetary contributions, dedication of land and other means.

The offer of public benefits in these circumstances does not relieve the developer from paying contributions pursuant to Councils Section 94A Developer Contribution Plan or upgrading infrastructure solely or partly required to service the development itself.

Considering many of the critical road and pedestrian upgrades are within the designated 'Key Sites' and therefore it is these sites that have priority in negotiating additional development rights, particular in the form of additional floor space noting that the quantum of additional floor space is ultimately constrained by the road network capacity. The location of Key Sites is shown on the WLEP 2011 Key Sites map (Attachment 2).

Amendments to planning provisions

In developing the desired outcomes of the Master Plan and supplementary studies, a number of amending WLEP 2011 and DCP provisions have been prepared. A summary of the key amending planning provisions are provided below whereas a full list of the intended amendments and explanatory notes are enclosed as Attachment 3.

Key amendments to the WLEP 2011 and DCP include;

A. Introduction of FSR planning controls and maps.

FSR is the calculation of gross floor area of a building/s as a ratio of the land area. FSR is commonly utilised to set the desired maximum development density.

Objective of FSR

- i. To regulate the density of development to suit the desired future character of the Dee Why Town Centre
- ii. To provide for an intensity of development that is commensurate with the capacity of existing road network and other existing and proposed infrastructure within and around the Dee Why Town Centre
- iii. To ensure that new development minimises adverse impacts on amenity
- iv. To allow Council to closely monitor the delivery of additional floor space and its associated traffic generation. This allows for accurate monitoring of road network performance and determination of associated upgrades.

Note that the draft Floor Space Ratio map (Attachment 2) represents the maximum gross floor area currently permitted by the existing WLEP 2011 and DCP.

B. Introduction of four additional 'Key Sites' (creating a total of six Key Sites).

Key Sites are located in areas where critical infrastructure and other public benefits such as 'through-site' pedestrian access ways and road network upgrades are identified. Specific outcomes within these sites are stipulated in the proposed draft WLEP 2011 amendments, enclosed as Attachment 3.

Objective

- i. To highlight catalyst sites that offer significant potential of fulfilling the objective of revitalising the Dee Why Town Centre
- ii. To highlight sites that may deliver considerable public benefit including pedestrian and road network upgrades in exchange for additional development rights
- iii. To implement the endorsed road network 'Option 2a2' outlined in the GHD Traffic report provided in Attachment 4.

C. Introducing flexibility in locating required car parking above ground and reduce the number of required parking spaces for certain land uses.

Dee Why Town Centre specific parking requirements are being introduced to Part H of the DCP in order to reduce the required on-site parking for residential units, business premises, office premises and shops.

Due to difficult site conditions, a clause is being introduced to the WLEP 2011 to permit a proportion of parking to be provided outside of a basement carpark.

Objective

- i. To stipulate the criteria and circumstances of when new development may locate parking above ground
- ii. To stipulate the proportion of parking permitted in above ground structures
- iii. To stipulate the requirements to visually screen above ground parking structures
- iv. To reduce the number of spaces required for parking due to the improved accessibility of public transport within the Dee Why Town Centre.

The reduced parking requirements reflect the increased accessibility to public transport within the Dee Why Town Centre as compared to the remainder of the Warringah LGA and the increased likelihood of multi-purpose trips to the Dee Why Town Centre that is, parking once and visiting a number of shops and businesses. Further, the Dee Why Town Centre

contains businesses where peak visitation times vary, along with the demand for parking spaces.

- D. Amendments to planning controls that relate to buildings setbacks and reduce the number of permissible 'podium' building levels.

As the proposed WLEP 2011 amendments may allow certain development to exceed the building height and FSR maximums, further emphasis is placed on other aspects of development including building setbacks, street frontage height and building separation. In turn, planning controls relating to the number of podium building levels and building setbacks are to be located within the WLEP 2011 in order to give them statutory weight.

Objective

- i. Reducing the maximum number of podium building levels seeks to increase solar access to adjoining land and buildings. The proposed controls also allow for a development with no podiums which would maximise the opportunity for additional ground level pedestrian circulation space
 - ii. To encourage a less dominant built form when viewed from open space and the street
 - iii. To promote adequate building separation and the retention of development potential for lots adjoining a development.
- E. Amend the draft Height of Building map (Attachment 2) to increase the maximum permissible building height across the Dee Why Town Centre (excluding Key Site A and B) by one building level/ three metres.

As a result of mandating one less building podium level (outlined in D above), an additional storey is permitted to allow for the 'transplanting' of podium floor space. The option of delivering a building without a podium element is also available however extra building height would not be justified on this basis alone.

Objective

- i. To encourage buildings that incorporate 'slimmer' tower elements
 - ii. To encourage buildings of suitable proportions
 - iii. To facilitate increased solar access to residents and the public domain
- F. Provide criteria for the provision of infrastructure items and public benefits in exchange for additional development rights such as building height and extra gross floor area.

Objective

- i. To promote the delivery of public benefits by developers and landowners
- ii. To list the criteria in which additional development rights such as building height and gross floor area may be granted in exchange for public benefits
- iii. To establish a process to assess development proposals that seeks to deliver public benefits
- iv. To implement the endorsed 'Option 2a2' road network contained within the GHD Traffic report provided in Attachment 4.

Any additional building height permitted through negotiation will need to adhere to principles contained within the Master Plan and WLEP 2011 which includes transitioning building height down from the tallest buildings in the core (Key Site A and Site B) to the edges of the Dee Why Town Centre.

Any additional floor space above that currently permitted will need to consider the current and proposed road network capacity, the desired character and the environmental capacity of the site.

Predicted Rate of Development

One of the main impediments in rejuvenating Dee Why is the viability of redevelopment. Fragmented land holdings, land acquisition costs and environmental constraints such as flooding and topography all increased cost for redeveloping older building stock.

Without development of private landholdings, many of the Master Plan recommendations will not be realised.

A number of the proposed amendment to WLEP 2011 and DCP planning controls aim to improve the viability of re-developing land within the Dee Why Town Centre by;

- Providing flexible planning controls that permit, in certain circumstances, additional floor space and/or building height in exchange for the provision of public benefits
- Allowing flexibility in building design
- Reducing the required number of on-site car parking for certain land uses
- Permitting above ground car parking in certain circumstances
- Improving investor confidence within the Dee Why Town Centre through the reinforcement of development density and improved public amenity
- Providing certainty by implementing the findings of the Master Plan which were a result of extensive community consultation.

CONSULTATION

Consultation with government authorities and the public exhibition of the Planning Proposal will be carried out in accordance with the terms stipulated within the Gateway Determination issued by the Department of Planning and Environment.

FINANCIAL IMPACT

The outcome of these proposed changes will generate additional infrastructure funded by the developers to support the new development within Dee Why Town Centre.

POLICY IMPACT

Nil

NOTE: The Mayor, Councillor Regan thanked the outgoing Deputy Mayor, Councillor Heins for her contributions over the last 12 months and welcomed the new Deputy Mayor, Councillor Menano-Pires.

8.3 DEE WHY TOWN CENTRE PLANNING PROPOSAL

NOTE: With the permission of the mover and seconder the addition of Point D to the motion was accepted

Cr Regan / Cr Menano-Pires

That Council:

- A. Forward the Planning Proposal to the Department of Planning and Environment seeking gateway Determination
- B. Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently
- C. Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.
- D. Note the submission made by Mr Robert Player.

AMENDMENT

Cr De Luca / Cr Giltinan

That Council:

- A. Forward the Planning Proposal to the Department of Planning and Environment seeking a gateway Determination with the exception of any increase in height particularly in view of the rejection of the Cobalt Development at 701 Pittwater Road Dee Why by Warringah Council's WDAP and the JRPP for: "The principal reason is the variation of permissible height from 24m to 51m is excessive".
- B. Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently
- C. Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.

Councillor Harrison left the chamber at 6:27pm

Councillor Harrison returned to the chamber at 6:30pm

VOTING

For the amendment: Crs De Luca and Giltinan

Against the amendment: Crs Gobert, Harrison, Heins, Menano-Pires, Moskal and Regan

LOST

577/14 RESOLVED***Cr Regan / Cr Menano-Pires***

That Council:

- A. Forward the Planning Proposal to the Department of Planning and Environment seeking gateway Determination
- B. Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently
- C. Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.
- D. Note the submission made by Mr Robert Player.

VOTING**For the resolution:** Crs Gobert, Harrison, Heins, Menano-Pires, Moskal and Regan**Against the resolution:** Crs De Luca and Giltinan***CARRIED*****8.6 FEASIBILITY OF STREET TREES ALONG CONDAMINE STREET, MANLY VALE**

NOTE: With the permission of the mover and seconder the addition of Point C to the motion was accepted

578/14 RESOLVED***Cr Heins / Cr Regan***

That Council:

- A. Write to NSW Roads and Maritime Services noting their response and requesting that further consideration be given to suitable landscaping alternatives that are considered viable for this area.
- B. Write to the Hon. Brad Hazzard, Member for Wakehurst and the Hon. Mike Baird, Member for Manly seeking their support for improved landscaping along Condamine Street, Manly Vale.
- C. Retain the allocation of \$30,000 for this project.

VOTING**For the resolution:** Crs De Luca, Giltinan, Gobert, Harrison, Heins, Menano-Pires, Moskal and Regan**Against the resolution:** Nil***CARRIED***