

Notes of Pre-DA meeting

Planning and Development Services

Application No: PLM2011/0025

Meeting Date: 22 March 2011

Property Address: 697-701 Pittwater Road, Dee Why

Proposal: Mixed-use development (Two Alternative Schemes)

Attendees Council: for Malcolm Ryan – Director Strategic and Development Services
Peter Robinson – Manager Development and Compliance Services
David Kerr – Manager Strategic Planning
Kathryn Fadeev – Senior Strategic Planning
Steve Findlay – Team Leader Development Assessment

Attendees applicant: for Bill Ryder – Life Property Group
Gabrielle Morish – GMU
Patrick Keenan - GMU
Ross Fleming – Boston Blyth Fleming
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General Overview of Advice being sought from this Meeting

The applicant seeks advice in relation to two separate development schemes for the subject site.

Scheme A

A 6-8 Storey shop-top housing development at a floor space ratio of 4:1.

Scheme B

A 14-16 storey tower shop-top housing development at a floor space ration of 6.7:1.

Consideration of the proposals against Warringah Local Environment Plan 2000

Definition of proposed development: (ref. WLEP 2000 Dictionary)	Shop Top Housing
Locality:	E9 – Pittwater Road Locality
Category of Development:	One (housing, shops, offices, business premises, restaurants)

Desired Future Character

The Desired Future Character Statement for this locality is as follows:

The future development of the Pittwater Road locality will reinforce the town centre as the focus of regional activity on the Warringah corridor. This will be reflected in the treatment of public spaces, the arrangement of land uses and the scale and intensity of development.

Entry into the town centre will be marked by a building at the southern corner of the intersection of Dee Why Parade and Pittwater Road. The scale and architectural treatment of this building will distinguish it from other buildings and define the edge of the town centre.

The locality will be the focus of office activity and will incorporate a mix of land uses including business uses such as shops, offices, restaurants and cafes at ground floor level with offices and housing on upper floors. The design of buildings is to facilitate the adaptation of upper storey premises for residential or offices uses.

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Desired Future Character			
<p><i>Buildings are to define the streets and public spaces and create environments that are appropriate to the human scale as well as comfortable, interesting and safe. In particular, future development is to ensure that a 4 storey podium adjoins the sidewalk and establishes a coherent parapet line along Pittwater Road. Above the parapet line additional storeys will be set back to maintain solar access to the sidewalks and ensure that the scale of buildings does not dominate public spaces. Building facades are to be articulated in such a way that they are broken into smaller elements with strong vertical proportions and spaces created between buildings at the upper levels to add interest to the skyline, reduce the mass of the building and facilitate the sharing of views and sunlight.</i></p> <p><i>The overall height of buildings is to be such that long distance views of Long Reef Headland, the top of the escarpment to the west of Pittwater Road and the Norfolk Island Pines next to Dee Why Beach are preserved.</i></p> <p><i>Site amalgamation will be encouraged to facilitate new development and enable all carparking to be provided below ground or behind buildings using shared driveways where possible.</i></p> <p><i>Building layout and access are to be in accordance with Map E available at the office of the Council such that shared laneways are established to ensure there is no vehicle access directly from Pittwater Road and the spaces behind buildings combine to form central courts with vehicle access limited to a restricted number of places generally in the location shown on Map E.</i></p>			
<p>Comment: Two schemes were presented at the meeting, being the 6/8 storey scheme ((FSR 4:1) and the 14/16 storey scheme (FSR 6.7:1). It is noted that this site is not recognised in the WLEP 2000 as being a “gateway” site as suggested in the meeting and so no special provisions relating to scale and height of buildings on this site are incorporated in the locality statement.</p> <p>The 6/8 Storey Scheme is not consistent with the DFC in that the design does not incorporate a 4 storey podium with upper storeys stepping back. Whilst a higher podium may be an appropriate streetscape response, any variation to this requirement must be justified based on existing as-built nearby shop top development, approved but not yet built developments in the vicinity and the E9 locality overall and how the design responds to the Dee Why Town Centre development opposite the site and the adjoining park and Council carpark site to the north. The scale of this scheme may be able to demonstrate that it will not dominate surrounding public spaces, including the street and park, however considerations must be given to stepping the upper levels back in a manner consistent with the DFC.</p> <p>Additionally, the DFC states that the overall height of buildings must preserve views of the escarpment, Long Reef Headland and the Norfolk Island Pines on Dee Why Beach. Any variation in height must be justified on the basis of a detailed view analysis from key vantage points, it being noted that the future Dee Why Town Centre development will significantly alter the visual catchment in Dee Why (this must be factored into the analysis).</p> <p>Finally, the Building Height control for the E9 locality requires that any building that directly adjoins St David Avenue is to present as a 3 storey/13 metre high building to ensure there is an adequate transition in height between the E9 locality and the adjoining E11 locality where a 3 storey/13 metre height limit applies. This is important in terms of achieving the character outcome envisaged by the DFC which states that “<i>buildings are to define the streets and public spaces and create environments that are appropriate to the human scale</i>”. A compelling and robust case must be put forward for any variation in height at this interface, it being noted that the concept scheme tabled shows a significantly increased setback to the boundary with the adjoining church site which sits within the E11 Locality.</p> <p>The 14/16 Storey Scheme is not consistent with the DFC but for more substantive reasons in terms of the proposed height variation to the current controls. The scale of this scheme is simply not envisaged by the locality statement and clearly falls outside the ability to demonstrate consistency with the height and scale requirements of the DFC under the current WLEP 2000 (see later discussion on the need for a “Planning Proposal” for this scheme).</p>			

Built Form Control Compliance Table – E9 Pittwater Road Locality (Scheme A only)			
Built Form Control	Requirement	Compliance	Comment
Building Height Metres	6 storeys/24metres	Max 8 Storeys No details provided in terms of height in metres	NO (storeys) Proposal is unlikely to comply with height in metres also.
Building Mass	No details provided with the concept scheme provided so no comments can be made. To be detailed and assessed at a future Pre-DA.		
Minimum Floor to Ceiling Height			
Build-to-Lines			

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Built Form Control Compliance Table – E9 Pittwater Road Locality (Scheme A only)			
Built Form Control	Requirement	Compliance	Comment
Footpath Awnings			
Carparking Facilities			

General Principles of Development Control (Scheme A only)
No details provided with the concept scheme provided so no comments can be made. To be detailed and assessed at a future Pre-DA.

Development Application v Planning Proposal
<p>6-8 storey scheme (FSR 4:1) – Development Application</p> <p>It was indicated at the meeting that the 6-8 storey scheme (FSR 4:1) could be lodged as a Development application under the current Warringah Local Environmental Plan 2000 and be accompanied by a Clause 20 variation to the building height built from control under the E9 Pittwater Road Locality Statement. A variation in height will be determined on the basis of the merits of the proposed development and within the limits of 10% of the current development standard may be able to be considered under Clause 20 of WLEP 2000; however, a variation in FSR (as determined by the relevant planning controls applying under WLEP 2000) is not supported. In this regard, the FSR across the Dee Why Town Centre should not be increased on individual sites and collectively and rather be maintained at the current ratio as identified in the Dee Why Town Centre Traffic Study (i.e. that floorspace permitted under WLEP 2000). In this regard, FSR is tied to traffic generation which is set under the current WLEP 2000.</p> <p>Further, the nature of what comprises the internal make-up of the building is not of significant concern, except to say that the ground and first floor is to be retail and commercial floorspace as per the requirements of the DFC. Adaptable levels are to be investigated, possibly including SOHO type apartments for levels 1, 2 and 3. Levels above the 3rd storey are to be residential. Any proposal to increase height must maintain the 4:1 FSR but height can be increased to deal with the increased podium height argument put forward at the meeting.</p> <p>Will the 6-8 storey scheme involve a VPA (see discussion on VPA below) in relation to the upgrade of the park and provision of amenities?</p> <p>14-16 Storey scheme (FSR 6.7:1) – Planning Proposal</p> <p>The suggested 14-16 storey scheme (FSR 6.7:1) must be progressed only by way of a Planning Proposal (rezoning) and not by way of a development application seeking a variation to building height under a Clause 20 variation. However, Council does not invite the lodgement of a planning proposal until the draft WLEP 2009 is gazetted. As you are aware, a recent Planning Proposal lodged with Council is for the Evergreen Tennis Centre in Dee Why.</p> <p>A Planning Proposal is prepared by the applicant and lodged with Council, Council will publicly exhibit the proposal and then it is reported to Council to decide whether the Council wish to proceed to the “Gateway” within the Department of Planning for a decision as to whether there is sufficient justification to proceed to make an LEP. Should the proposal proceed to gateway, the DOP will provide their requirements for community consultation, consultation with other agencies, time frames and whether the Minister or a Regional Planning Panel will exercise authority to make the plan (see the Department of Planning’s website for full information on the making a Planning Proposal).</p> <p>In relation to the adjoining public open space (St David’s Park) on the corner of Pittwater Road and St David Avenue, it would be appropriate that a Voluntary Planning Agreement (VPA) accompany the Planning Proposal for the upgrade of the park and the provision of new amenities and the like. The VPA is simply an offer of what you propose to supply in the process of seeking support on the rezoning for additional height (but not floorspace). The VPA is registered against the title of the land which commits the owner to the provision of the facilities. A recent example of a VPA applies to the Dee Why Town Centre Site where the owners of that site offered the provision of the town square, an indented bus bay and creation of the link road. The VPA may include an affordable housing component.</p>

Carparking and Traffic Generation
The applicant put forward an argument as to why providing less parking for the proposed development was a meritorious

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Carparking and Traffic Generation

solution and outcome for the proposed development. This argument is generally based on a particular mix of uses and on sustainability grounds. In this regard, a scenario was put forward to have less off-street carparking compared to what is required under WLEP 2000 on the basis of public transport accessibility, a high number of one bedroom units (less car dependent occupants), establishment of a "GoGet" car system and that by having less parking it encourages less car dependency and encourages use of public transport. The proposal also seeks a credit for parking already provided for the existing development.

Generally, it should be noted that such a proposal is against the stated intent of the carparking provisions underpinning WLEP 2000 and the current modelling for Dee Why Town Centre under the Traffic Study.

Any such position put forward must be highly justified in any subsequent DA or Planning Proposal and the best example to look at in recent times is the Dee Why Grand development (DA2005/0463 and MOD2005/0463/1). A comprehensive Traffic and Parking Report must accompany any future pre-DA and/or Development Application and take into consideration the Dee Why Town Centre Traffic Study and carparking requirements of the current WLEP 2000 (Clause 74 and Schedule 17).

Both proposals will be forwarded to the RTA for referral comments.

Draft Environmental Planning Instruments

Draft Warringah Local Environmental Plan 2009

Draft WLEP 2009 is still awaiting gazettal, however, the draft LEP is a translation document and does not change the development potential of the subject site over and above what is currently permitted on the site under WLEP 2000, that is 24m overall height (but with no requirement for a transition height to St David Avenue frontage). As mentioned above, you are advised to wait for the gazettal of the new LEP prior to lodging any Planning Proposal in relation to the 14-16 storey scheme. Should you decide to proceed to lodge a DA for the 6-8 storey scheme, the timing will determine whether you seek a Clause 20 Variation (under the current WLEP 2000) or a Clause 4.6 Exception to Development Standard (SEPP 1 type submission under the new LEP).

At this point in time, Council is not privy as to when the draft LEP is likely to be gazetted by the Minister, except to say that the matter sits with the DOP awaiting gazettal and we anticipate that will happen sometime in 2011.

Type of documentation required to be lodged with the Development Application for the 6-8 storey scheme

The list below is a generalised list which would normally be provided after a pre-DA on a detailed proposal when more about the scope and make-up of the development was known, however, it provides the fundamental deliverables which would need to accompany any DA for shop-top housing on this site.

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
- All information as required on the Development Application form checklist
- Site Analysis (prepared in accordance with Schedule 8 of WLEP 2000)
- Site Survey (prepared by a registered Surveyor)
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - all relevant sections of WLEP 2000, including demonstrating consistency with the locality's Desired Future Character Statement, Built Form Controls and General Principles of Development Control;
 - and other relevant Environmental Planning Instruments
 - whether the proposal is Integrated Development (Water Act 1912 – Temporary Construction Dewatering)
 - will the proposed development involve a Voluntary Planning Agreement (VPA) in relation to the upgrade of the adjoining park and provision of amenities etc?
- Geotechnical Report
- Phase 1 Site Contamination Report
- Access Report
- Building Code of Australia Report
- Access Report
- Traffic and Parking Report
- Arborist Report (for trees on the adjoining parkland)
- Crime Prevention Through Environmental Design (CPTED) Assessment
- Erosion and Sediment Control Plan

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Type of documentation required to be lodged with the Development Application for the 6-8 storey scheme
<ul style="list-style-type: none"> • SEPP 65 Design Verification Statement from a qualified designer • Residential Flat Design Code Assessment Report • View Impact Analysis • Construction/Site Management Plan • Sample Board of External Finishes • Architectural Scale Model and photomontage • Shadow diagrams • Landscape Plan • Waste Management Plan • Stormwater Management Plans • BASIX Certificates
Other Standard Matters for the Applicant to be aware of in relation to lodging a DA
<ul style="list-style-type: none"> • Requirement to Submit Correct, Clear and Accurate Information at Lodgement <p>You are advised, that if an application Unclear, NonConforming, provides Insufficient information or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame – your application may be rejected or refused without notice.</p> <p>The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process</p> <ul style="list-style-type: none"> • Privacy and Personal Information <p>You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.</p> <p>Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Councils website – DA's online. www.warringah.nsw.gov.au</p> <ul style="list-style-type: none"> • Monitoring DA progress after lodgement <p>Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au</p>