

JOINT REGIONAL PLANNING PANEL
Sydney East Region

JRPP No:	2011SYE107
DA No:	DA2011/1274
Local Government Area	Warringah Council
Proposed Development	Stage 1 (Concept Proposal Only) Demolition Works and Construction of Residential Flat Buildings with Associated Carparking, Landscaping and Site Works
Address / Property Description:	Part Lot 11 in DP 577062, No. 23 Fisher Road, Dee Why
Applicant:	The Salvation Army (New South Wales) Property Trust (c/- Hassell)
Number of Submissions	Two
Recommendation	Approval
Reporting Manager:	Ryan Cole. Manager Development Assessments



Assessment Report and Recommendation

Assessing Officer:	Tony Collier. Senior Development Assessment Officer
Application Lodged:	4 October 2011
Plans Reference:	SK-100; SK-101; SK-102; SK-103; SK-104; SK-105; SK-106; SK-107; SK-120; SK-150; SK-151; SK-200; SK-201; L-SK001; L-SK003; L-SK004; and L-SK005.
Owner:	The Salvation Army (New South Wales) Property Trust
WLEP 2000 Locality:	E10 Civic Centre
WLEP 2000 Category:	Category 1 - Housing
WLEP 2000 Variations to Built Form Control (Clause 20):	Building Height (supported)
WLEP 2011 Zone:	B4 Mixed Use
WLEP 2011 Permissible or Prohibited Land use:	Permissible (Residential Flat Building)
WLEP 2011 Variations to Development Standard (Clause 4.6):	Height of Buildings (supported)
Referred to ADP:	No
Referred to WDAP:	No
Referred to JRPP	Yes
Land and Environment Court Action:	None current or pending.

SUMMARY

Submissions:	Two
Submission Issues:	Traffic; Privacy; Noise.
Assessment Issues:	Building height
Recommendation:	Approval

LOCALITY PLAN (not to scale)



Subject Site: Part Lot 11 in DP 577062, No. 23 Fisher Road, Dee Why

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 1,990 adjoining land owners and occupiers for a minimum period of 30 calendar days commencing on 14 October 2011 and being finalised on 15 November 2011. Furthermore, the application has been advertised within the Manly Daily on 15 October 2011 and a notice was placed upon the site.



SITE DESCRIPTION

The subject site consists of a single allotment known as Part Lot 11 in DP 577062, No. 23 Fisher Road, Dee Why. The site is located on the corners of Fisher Road, St. David Avenue and Civic Drive. The site is irregular in shape and has an area of 1.062ha.

The site accommodates an aged care facility owned and operated by the Salvation Army. The facility accommodates a variety of single and part-double storey buildings situated around the site, all constructed over time (1890s, 1950s and 1980s). A two storey building is located in the extreme northern part of the site. Amongst those buildings, a heritage listed building (the 'Pacific Lodge') is located within the eastern side of the site together with a 'cultural heritage garden'.

The site currently gains vehicular access from Fisher Road via two crossovers each located to the north and south of the Fisher Road/McIntosh Road roundabout respectively. The northern crossover currently services a two storey building associated with the facility whilst the southern crossover directly services the aged care facility. Further access to the site is via two pedestrian footpaths which are located on Fisher Road and Civic Drive respectively.

Topographically, the site consists of an elevated rock outcrop (or a formation of rock outcrops) which forms a unique and prominent landscape feature in Dee Why. The site is elevated by approximately 9.0m at the northern side (facing No. 25 Fisher Road); 7.0m at the western side (facing Fisher Road); 8.0m at the southern side (facing St. David Avenue); and 13.0m at the eastern side (facing Civic Drive). The level of the site is uneven but generally achieves its highest point in the northern half then gradually slopes down in a north-to-south direction towards St. David Avenue.

The site is located within the E10 Civic Centre locality which is bounded by the E2 Dee Why Lagoon Suburbs locality (low density residential) to the west; the E11 Fisher Road locality (mixed use) to the south; the E9 Pittwater Road locality (mixed use/high density residential) to the east; and the E13 Dee Why Park locality (medium density residential) to the north. Therefore, the site is surrounded by a mix of development although low density residential is evident immediately adjacent to the west, the 2 storey police station and church building to the south, the Civic Centre, Dee Why Library building and open car parks to the east and a 3 storey residential flat building and open car park to the north. A pocket of remnant bushland is located immediately to the north-east of the site on the elevated rock platform facing Civic Drive (and the Civic Centre). The high density Dee Why Town Centre is located approximately 110m to the east (downhill and across Pittwater Road).

Vegetation is scattered throughout the site although dense pockets are located within the north-eastern corner and along the St. David Avenue frontage.

SITE HISTORY

The site has been occupied since the 1890s when the Salvation Army acquired the land from Elizabeth Jenkins to establish a nursing home ('Home for Rest for Salvation Army Officers') which was built on the site between 1890 and 1892.

Since that time, the site has been subject to ongoing development in the 1950s and 1980s with the construction of a variety of buildings to support the gradual evolution of the Salvation Army Aged Care Facility.



DEVELOPMENT APPLICATION HISTORY

DA2010/1979

Development Application DA2010/1979 was lodged with Council on 3 December 2010. The assessment of the application was conducted under the provisions of all relevant planning instruments, including *Warringah Local Environmental Plan 2000*, and identified the following matters which resulted in Council requesting its withdrawal:

- Inconsistency with *State Environmental Planning Policy No. 55 – Remediation of Land*
- Inconsistency with *State Environmental Planning Policy No 65 – Design Quality for Residential Flat Development*.
- Insufficient information:
 - Phase 1 Preliminary Environmental Site Investigation; and
 - Flora and Fauna Report.
- Inconsistency with Desired Future Character of the E10 Civic Centre Locality.
- Non-compliance with the following Built Form Controls of the locality statement:
 - Building Height;
 - Floor to Ceiling; and
 - Side Boundary Envelope.
- Inconsistency with General Principles of Development Control:
 - Clause 52 – Development near Parks, Bushland Reserves & other Open Spaces;
 - Clause 56 – Retaining Unique Environmental Features on the Site;
 - Clause 58 – Protection of Existing Flora;
 - Clause 61 – Views;
 - Clause 66 – Building Bulk;
 - Clause 72 – Traffic Safety and Access;
 - Clause 79 – Heritage Control; and
 - Clause 82 – Development in the Vicinity of Heritage Items.

The application was subsequently withdrawn on 12 April 2011.

PROPOSED DEVELOPMENT

The current application responds to the matters raised in DA2010/1979 and seeks approval for a Stage 1 Concept Proposal Development Application made pursuant to Section 83B of the *Environmental Planning and Assessment Act, 1979*. No development is proposed as part of the Stage 1 application.

The Stage 1 Development Application includes building envelopes, footprints, landscaping and traffic access/egress arrangements. The approval of the Stage 1 Development Application would permit construction to occur through a subsequent Stage 2 Development Application within the building envelopes and footprints, and for the location of traffic access/egress points, as proposed in this Application.

Figure 1 below is provided to assist in the identification of the proposed buildings on the site:

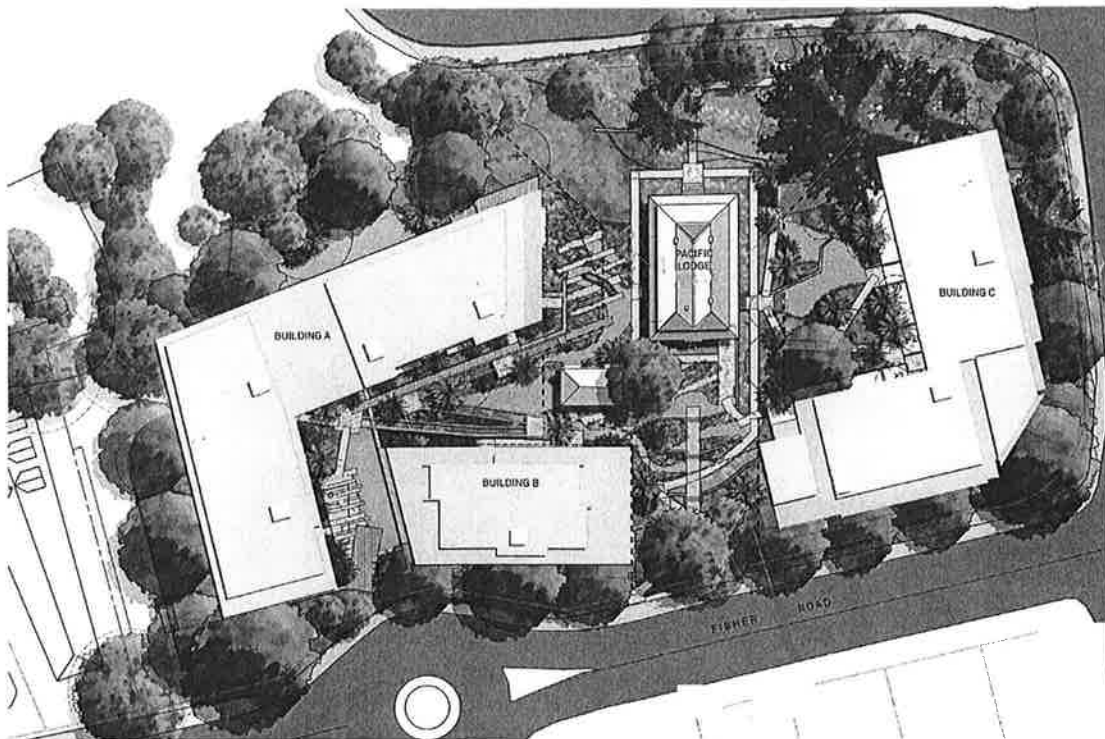


Figure 1 Building layout and identification

Source: Plan No. L-SK001 dated 28 September 2011 prepared by Hassell

The application proposes three building envelopes & footprints, consisting of 11,317m² residential floor space which includes the following (note: As the application is conceptual the finer details of actual apartment yields, storage and garbage facilities are not provided):

Basement South (FFL 32.515)

- Extends below Building C.
- Access is gained from Fisher Road and Basement North via a 6.0m wide tunnel.
- Car parking is provided for 44 vehicles.
- Bicycle parking is provided for 14 bikes.

Basement North Lower (FFL 33.985 and 34.830)

- Extends below Buildings A and B.
- Access is gained from Fisher Road via a new driveway which extends along the northern boundary.
- Car parking is provided for 63 vehicles.
- Loading spaces are provided for 2 vehicles.
- Bicycle parking is provided for 22 bikes.

Basement North Upper (FFL 37.840)

- Extends below Building A.
- Access is gained from Basement North Lower via an internal ramp.
- Car parking is provided for 37 vehicles.



- Building A (FFL 41.830 to 53.830)
- 4 storeys/8.36m to 16.33m.

Building B (FFL 37.200 to 49.200)

- 4 storeys/12.26m to 13.70m

Building C (FFL 35.515 to 48.715)

- 4 storeys/10.515m to 16.515m.

Pacific Lodge

The Pacific Lodge is to be retained for future use as permitted under *Warringah Local Environmental Plan 2011* and as considered under the Conservation Management Plan (CMP) for the site. The CMP identifies the following uses as complimentary and compatible to the heritage significance of the Pacific Lodge:

- Annex to Warringah Library;
- Meeting spaces;
- Commercial office;
- Community hall;
- Museum for the Salvation Army;
- Café/Restaurant; or
- Function centre.

Landscaping

The development proposes 42.9% (4,556.5m²) of deep soil landscaped area.

Staged Development Applications

Section 83B of the *Environmental Planning and Assessment Act, 1979* deals with staged development applications as follows:

"83B Staged development applications"

- (1) *For the purposes of this Act, a "staged development application" is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- (2) *A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) *If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*



- *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
- *the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

(4) The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3)."

In order to clarify the limitations of Staged Applications, the Land and Environment Court has provided some guidance in the form of a Planning Principle, handed down as part of the court hearing in relation to *Anglican Church Property Trust v Sydney City Council NSWLEC 353*. The judgement states that:

"Multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?"

The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient."

In this regard, this application includes the land uses proposed, the approximate gross floor areas, building heights and envelopes, setbacks, floor levels, basement levels, curtilages to heritage buildings, landscaped area and vehicular access/egress.

The built forms depicted on the plans may not necessarily be the same as the final form of the buildings which would normally be considered in a Stage 2 Development application. Rather, the plans subject to this application generally indicates the shapes within which the future buildings will be contained. The actual shapes of the buildings, including the number of floors, the number and size of apartments, the layouts of the apartments, the number of car parking spaces, the elevations (including the presence or absence of balconies), the external finishes and the colours are to be shown in the Stage 2 application which follows the approval of any Stage 1 consent.

The critical matters to be assessed and determined are:

- The visual consistency of the development to surrounding development;
- The impact of the development on the availability of views from surrounding properties and the public domain;
- The streetscape and urban design issues relating to the building heights, footprints and separations, curtilages to heritage buildings, traffic accessibility and safety;
- The shadow impacts of the development on the public domain and private properties;
- The traffic impacts of the development; and
- The impact of the development upon the environment relating to bushland and the retention of unique site features.



Having reviewed the submitted documentation, it is considered that the level of supporting information adequately responds to those matters that are regarded as being critical to the assessment of the proposal in order to provide Council with an adequate level of certainty as to the appropriateness of the concept development and to progress to a Stage 2 detailed design, in its current form, and how the environmental impacts can be appropriately mitigated or managed.

AMENDMENTS TO THE SUBJECT APPLICATION

There are no amendments to the subject application.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979;
- b) Environmental Planning and Assessment Regulations 2000;
- c) SEPP No. 55 – Remediation of Land;
- d) SEPP No. 65 – Design quality of Residential Flat Development;
- e) SEPP (Infrastructure) 2007;
- f) Warringah Local Environment Plan 2000; and
- g) Warringah Local Environmental Plan 2011.

NON-STATUTORY CONTROLS

- a) Warringah Development Control Plan No. 1.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 1,990 adjoining land owners and occupiers for a minimum period of 30 calendar days commencing on 14 October 2011 and being finalised on 15 November 2011. Furthermore, the application has been advertised within the Manly Daily on 15 October 2011 and a notice was placed upon the site.

As a result of the public exhibition process two (2) submissions were received from:

Submission	Address
Julia Murphy	25 Fisher Road, Dee Why
Allen Lawton	46 Fisher Road, Dee Why

The matters raised within the submission are addressed as follows:

Traffic

The submissions raise a number of concerns pertaining to the traffic performance of the development.

Safety

The submission raises concern that the proximity of the driveway to the roundabout at the T-junction of Fisher Road and McIntosh Road would present a danger to both vehicle and pedestrian traffic.



Additionally, the submission raises concern that vehicles exiting the development could collide with the northern side fence dividing the subject site with No. 25 Fisher Road. The submission suggests the inclusion of a suitable device (such as a crash barrier) to prevent this occurring.

Traffic volume

The submission claims that the “application underestimates the effect of the combined developments, proposed, under construction and recently completed” and suggests that the data used in the traffic report accompanying the application is outdated and does not accurately reflect the volume of traffic currently travelling through Dee Why.

Additionally, the submission raises concern that the increase in traffic as a result of the developments occurring in the area will have an impact upon the response times of the Fire Brigade and NSW Police (both of which are located on opposing corners of Fisher Road and St. David Avenue/Lewis Street).

Congestion and alternative access points

The submissions suggest that an alternative vehicular access point from Civic Drive would be appropriate as no road median would be required and the small vehicle volumes generated by the development would not have any detrimental impact.

Comment:

Safety

The Traffic Impact Assessment dated 29/09/2011 as prepared by GTA Consultants examines this matter closely and concludes that the proposed access arrangements would operate safely.

With regards to protecting the northern side fence, this will be considered at the Stage 2 Development Application where, if approved, a condition would be imposed which requires the installation of a crash barrier to be installed to the relevant Australian Standards.

Traffic volume

The Traffic Assessment has used data for traffic generation from the RTA's Guide to Traffic Generating Developments published in 2002 in conjunction with information gathered for the Dee Why Town Centre Traffic Study (conducted on 7 September 2006 and 19 July 2007 which uses the Paramics traffic modelling software developed for that Study. No updated traffic data is available at the time of writing this report.

The subject application is a Stage 1 concept where the exact numbers of residential apartments and the use of the Pacific Lodge are approximates only and have not been finalised. In this regard, the conducting of a traffic survey for the Stage 1 application would not have any relevance above the methodologies already used. Rather, a new traffic study would be more viable and accurate once the finalised numbers of apartments, and the use of the Pacific Lodge have been decided and this will be required to be provided as part of the application for the Stage 2 Development Application.

Notwithstanding, this assessment has found that the application is consistent with the relevant Design Quality Principles of SEPP 65, the desired future character of the E10 Civic Centre locality, the Built Form Controls, General Principles of Development Control and Schedules (in particular Schedule 17 – Carparking Provision) of WLEP 2000.



Congestion and alternative access points

The widths and clear sightlines along Fisher Road are considered to be appropriate in enabling an efficient and safe traffic flow. Conversely, because of its narrow width, its meandering direction and proximity to a major public car park, the use of Civic Drive is not considered to be a reasonably viable or safe option.

The Site Analysis accompanying the application (refer to 'Optimal Vehicular Access Points' in that Analysis) identifies two vehicles access points which are considered to be safe being the currently proposed access point and an access point at the current driveway location further south on Fisher Road. The access point further south is sited adjacent to the bus stop and near the intersection of Fisher Road/St. David Avenue and Lewis Street and would have safety and congestion implications to that intersection and access/egress for the fire station diametrically opposite. The Analysis also identifies that the roundabout location and St. David Avenue are not viable points due to possible disruption to the traffic flow around the roundabout and congestion along St. David Avenue which serves as street parking for police vehicles. In this regard, the proposed access point is considered to be the optimal vehicle access point.

This issue does not constitute reasonable grounds for the refusal of this application.

Privacy

The submissions raises concern that the development will, as a result of the proposed building heights in conjunction with the elevated natural ridge, have an adverse impact upon the privacy of the neighbouring residential properties to the north and west.

Comment:

The current application does not propose the 'fine-grain' details of apartment placement and layout and, as such, cannot be accurately assessed with regards to the degree of impact upon privacy. The fine-grain details of apartments, which will include treatments to address privacy, will be considered at the Stage 2 Development Application.

Notwithstanding, given the location and layout of the proposed building footprints and the proximity of Buildings A and B to the objectors property (approximately 21m north from Building A and 80m west from Building B), it is considered unlikely that any adverse privacy impacts would occur.

This issue does not constitute reasonable grounds for the refusal of this application.

Noise

The submission raises concern that the proximity of the proposed driveway to the property at No. 25 Fisher Road (immediately to the north) will have an adverse noise impact.

Comment:

The development would introduce a new traffic element into the northern part of the site which has the potential to impact upon the amenity of the neighbouring property to the north. The peak hour residential traffic movements predicted in the Traffic Impact Assessment dated 29/09/2011 as prepared by GTA Consultants estimates that, during the AM peak hour approximately 28 vehicles per hour will use the driveway (6 per hour in and 22 per hour out) and that the reverse movement will occur during the PM peak hour with approximately 28



vehicles per hour using the driveway (22 per hour in and 6 per hour out). The traffic movements for Pacific Lodge are estimated using an office as a possible use. In this regard, it is possible that the driveway will experience up to 36 vehicle movements in any peak hour.

This application is for a Stage 1 concept and the fine detail of acoustic attenuation measures will be considered during the Stage 2 Development Application where appropriate treatments will be examined to ensure that noise impacts are minimised.

This issue does not constitute reasonable grounds for the refusal of this application.

MEDIATION

Has mediation been requested by the objectors? No

Has the applicant agreed to mediation? N/A

Has mediation been conducted? No

LAND AND ENVIRONMENT COURT ACTION

There is no Land and Environment Court action current or pending on this application.

REFERRALS

External Referrals

Roads and Maritime Services (RMS) (formerly the Roads and Traffic Authority)

The RMS do not raise any objection to the proposal and have provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.

State Transit Authority of NSW (STA)

The STA raise concerns that the modeling used in the Traffic Impact Assessment dated 29 September 2011 as prepared by GTA Consultants is *"predicated on the assumption that the work presented to Council for the Dee Why Master Plan is assumed to be an acceptable starting point, which from a State Transit perspective is far from acceptable"*.

Notwithstanding the above concern, the STA requests Council to take into consideration the following:

Safety and Access

The STA suggests that the traffic modeling indicates that an unacceptable level of service delay will result at the Fisher Road/St. David Avenue/Lewis Street intersection (refer to Table 2.3 and Table 6.5 in the Traffic Impact Assessment) and that it is unclear what improvements are contemplated to enhance the performance of the intersection.

Opportunity to upgrade bus stops



The STA suggests that the addition of further dwellings will increase the demand on the bus stops on Fisher Road and that the development provides an opportunity to upgrade the bus stops to cater for future growth to satisfy DDA compliance and to increase passenger amenity.

Assessment of turning path

The STA suggests that the proposed turning path at the north-eastern side Fisher Road/St. David Avenue intersection be assessed to ensure that the path is adequate to accommodate varying bus sizes.

Request for further consultation

The STA requests that further consultation occur prior to the demolition and construction phases of the development to assist in understanding the implications for public transport and minimizing delays.

Assessing Officer's Comment

Traffic modeling

The Dee Why Town Centre Master Plan is currently being prepared and a draft version is anticipated to be referred to Council in late 2012. The Dee Why Town Centre Traffic Study 2007 which accompanies the Master Plan was prepared by GTA Consultants and addresses traffic flow within the Town Centre and surrounding roads and used the Paramics model of Dee Why Town Centre, which was developed as part of the Study, to assess the operation of key intersections.

The Traffic Impact Assessment uses data derived from the Study and the RTA's Guide to Traffic Generating Development (Version 2.2 dated October 2002) and the Paramics software to determine the operation of key intersections in close proximity to the site. GTA Consultants advise that, as part of this application, spot counts were conducted on 4 March 2010 at the Fisher Road/McIntosh Road intersection to analyse traffic flow at the roundabout.

Apart from the spot counts conducted at the Fisher Road/McIntosh Road intersection, no updated traffic data is available at the time of writing this report. In this regard, it is recommended that additional sample surveys/spot counts are conducted in the preparation of the Stage 2 Development Application.

Safety and Access

Table 2.3 in the Traffic Impact Assessment indicates that the current Level of Service for the intersection of the Fisher Road/St. David Avenue/Lewis Street during the peak AM and PM periods are predominantly satisfactory with St. David Avenue showing 'at capacity'.

Table 6.5 in the Traffic Impact Assessment draws information from the Paramics model which includes, according to GTA Consultants, "*the proposed modifications to the proposed road networks and additional traffic generated by approved development applications, development applications which were pending at the time the model was developed, and potential development sites identified in WLEP 2000.*" Table 6.5 indicates that the future Level of Service for the intersection of the Fisher Road/St. David Avenue/Lewis Street during the peak PM period will be 'satisfactory' to 'at capacity'.

GTA Consultants conclude that the results of the modeling indicate that the "*additional traffic generated by the proposed development will have no impact on the Level of Service at the Fisher Road/St. David Avenue/Lewis Street intersection and a negligible impact on the trip time, speed and delay*".



Opportunity to upgrade bust stops

There is no provision under WLEP 2000 or WLEP 2011 which requires the applicant to undertake this work and it is understood that Council's Works Program includes the upgrade of the bus stops on Pittwater Road using Section 94 contributions collected through other development in Dee Why.

Assessment of turning path

The Traffic Impact Assessment includes a preliminary plan of the proposed bus swept path at the intersection of Fisher Road and St. David Avenue which indicates that a 12.5m long rigid bus will be traverse the corner safely. However, it should be noted that the swept path is not in response to any requirements for this application but is in response to the revised one way traffic flows proposed in the Dee Why Town Centre Study 2007 which increases the number of west bound lanes on St. David Avenue from two to three and decreases the east bound lane to a single lane.

The swept path is included in the documentation of this application to ensure that the proposed building setbacks to Building C are satisfactory and will be further assessed as part of the Dee Why Town Centre Study 2007.

Request for further consultation

A recommendation for the applicant to consult with the STA is included within the Recommendation of this report.

Ausgrid

Ausgrid do not raise any objection to the proposal and has provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.

Heritage

The proposal includes a Preliminary Conservation Management Plan (CMP) dated September 2011 and prepared by Tropman & Tropman Architects which addresses the preservation and on-going maintenance of Pacific Lodge. The CMP was referred to an external heritage consultant (Musecape) for comment. In their responding letter dated 15 November 2011, Musecape concludes:

"In my opinion the Preliminary CMP addresses most of the inadequacies inherent in the Preliminary Heritage Assessment and provides a sounder basis to inform assessment of the proposed new development.

The revised DA, in my opinion, is a considerable improvement on the previous scheme and is much more sympathetic to the heritage significance of the subject site and the other listed items and potential item nearby.

In my opinion, the revised development proposal satisfies the heritage provisions of Clauses 79 and 82 of the Warringah Local Environmental Plan and I see no reasons why it should be refused on heritage grounds, subject to the following conditions of consent:



1. *Any standard heritage conditions required by Warringah Council;*
2. *Adoption of the Implementation Strategy in Section 8.0 of the Preliminary CMP;*
3. *Adoption of the Asset Management Guidelines in Section 9.0 of the Preliminary CMP;*
4. *Further assessment, investigations and special protection measures for any significant trees likely to be affected by the proposal. This work should be undertaken by a suitably qualified and experienced arborist.*
5. *Heritage agreement under which a proportion of the income derived from redevelopment of the site is allocated for the ongoing conservation and management of "Pacific Lodge" and its setting."*

Assessing Officer's Comment

Musecape do not raise any objection to the proposal and have provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.

The CMP includes various recommendations and guidelines which pertain to the care and conservation of Pacific Lodge and which are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.

Aboriginal Heritage Office

The application was referred to the Aboriginal Heritage Office on 7 October 2011 for comment. In their letter dated 14 October 2011 the Aboriginal Heritage Office states:

There are known Aboriginal sites in the Dee Why area. No sites are recorded in the current development area and much of the proposed development area has been subject to extensive disturbance.

If areas of in situ sandstone outcrop are proposed for impact (such as overhangs over 1m in height or platforms over 2m square), the Aboriginal Heritage Office would recommend a preliminary inspection by a qualified Aboriginal heritage professional.

If sandstone outcrops would not be impacted by the development (and if any outcrops that were present were properly protected during works), then no further assessment is required and the Aboriginal Heritage Office would not foresee any further Aboriginal heritage constraints on the proposal.

Assessing Officer's Comment

The application includes an 'Aboriginal Objects Due Diligence Assessment' dated September 2011 and prepared by Niche Environment and Heritage Pty Ltd. The Assessment concludes:



"The extensive historical modification of the site, including building phases in the 1890s, 1910s, 1920s, 1960s and 1980s/1990s, have significantly altered the landscape resulting in the loss of any Aboriginal archaeological potential on the site.

Aboriginal objects are not present, and are not likely to occur on site, and hence there are no constraints to the development from Aboriginal objects.

For the above reasons, an Aboriginal Heritage Impact Permit is not required.

There are no specific recommendations relating to Aboriginal objects. In the highly unlikely event that a suspected Aboriginal object is encountered on the site the finding should be assessed by the Aboriginal community or an archaeologist, and the Director-General of the Office of Environment and Heritage should be notified accordingly, as per Section 89A of the National Parks and Wildlife Act 1974 (NSW)."

An Advisory Note is included in the Recommendation of this report to inform the applicant of the notification requirements of Section 89A of the National Parks and Wildlife Act 1974 (NSW) which are to be addressed should a suspected Aboriginal object is encountered on the site during the excavation/construction phase of a Stage 2 Development Application.

NSW Police Force

NSW Police have provided a response to the proposal at the time of writing. However, matters pertaining to the provisions of 'Crime Prevention Through Environmental Design' (CPTED) would normally be addressed at the Stage 2 Development Application stage whereby appropriate conditions could be imposed.

Notwithstanding, an Advisory Note is included in the Recommendation of this report to inform the applicant of the requirements of CPTED which are to be included in the Stage 2 Development Application.

Internal Referrals

Urban Design

Council's Urban Design Officer does not raise any objection to the proposal and does not impose any conditions.

Development Engineering

Council's Development Engineer does not raise any objection to the proposal and has provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.



Traffic Engineering

Council's Traffic Engineer does not raise any objection to the proposal and has provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.

Environmental Health

Council's Environmental Health Officer does not raise any objection to the proposal and has provided a condition which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the condition will be imposed in a consent issued for the Stage 2 Development Application.

Landscape

Council's Landscape Officer has assessed the proposal and does not raise any objection subject to . However, as this application is for Stage 1 which constitutes the concept of the development, further assessment will be required at the Stage 2 Development Application.

The Arboricultural Impact Report dated 5 August 2011 and prepared by Landscape Matrix Pty Ltd which accompanies the application includes generic tree protection measures to assist in the protection of trees to be retained on the site. Subsequently, the tree protection measures are included within the Conditions included in the Recommendation of this report.

Natural Environment Unit

Council's Natural Environment Unit do not raise any objection to the proposal and has provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.

Waste Management

Council's Waste Management Division do not raise any objection to the proposal and has provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.

Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act, 1979*, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Not applicable
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) - Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	<p>Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the Stage 2 development application.</p> <p>Clause 70B of the EPA Regulations 2000 relates specifically to staged applications for residential flat development and states that Clause 50(1A) applies in relation to a staged development application only if the application sets out detailed proposals for the development or part of the development.</p> <p>It is acknowledged that the Development Application is for the Stage 1 concept which seeks approval for building envelopes, footprints and traffic access/egress. In this regard, a Design Verification Statement addressing the 10 Design Quality Principles of the SEPP would have been desirable in that it would provide consistency and continuity to the evolution of the design of the development if it further progressed to a Stage 2 Development Application. In this regard, should this application be approved, a Design Verification Statement will be required for a detailed Stage 2 Development Application.</p>
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the residential and communal nature of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered unsuitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (1) (e) – the public interest	The various controls contained within WLEP 2000 provide the community with a level of certainty as to the scale and intensity of future development and the form and character of development that is in keeping with the desired future character envisaged for the locality.



Section 79C 'Matters for Consideration'	Comments
	<p>The development, as proposed, is considered to be consistent with the desired future character of the E10 Civic Centre locality and with the Objectives of the B4 Mixed Use zone. Additionally, the development achieves compliance with the fundamental Built Form Controls (subject to the variation to the Building height Built Form Control) and is consistent with key General Principles of Development Control.</p> <p>This assessment has found the development to be consistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective localities/zones and is therefore considered, in its current form, to be in the public interest.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS

Warringah Local Environmental Plan 2011 (WLEP 2011)

Warringah Local Environmental Plan 2011 was made on 9 December 2011. This application was lodged on 4 October 2011 and is therefore subject to assessment under the provisions of Clause 18A 'Savings provision relating to development applications' of WLEP 2011. Notwithstanding, the following consideration is given to the application under the relevant zoning and Development Standard provisions of WLEP 2011 to ascertain permissibility and compliance.

**Definition of proposed development:
(ref. WLEP 2011 Dictionary)**

Residential Flat Building means a "*building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*".

Zone:

B4 Mixed Use

Permitted with Consent or Prohibited:

Permitted with consent

**Additional Permitted used for
particular land – Refer to Schedule 1:**

Not Applicable

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	N/A	N/A	N/A	N/A
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A
Height of				

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Buildings*: • Building A • Building B • Building C	13.0m 13.0m 13.0m	8.36m to 16.33m 12.26m to 13.70m 10.515m to 16.515m	No No No	See commentary below

*Note: Building heights under WLEP 2011 are taken from existing ground level.

Area of non-compliance

The non-compliant areas are located at the north-eastern, north-western and south-western corners of Building A; the south-western corner of Building B; and the south-eastern and south-western corners of Building C. The accentuated by the steep slopes immediately adjacent to the respective corners of the abovementioned buildings.

Figure 2 below shows the areas of non-compliance relative to the sloping topography of the site at the edges.



Figure 2 Areas of building height non-compliance (shaded in blue)

Source: Adapted by the author from Plan No. SK-104 dated 19/08/2011 as prepared by Hassell

Variations to the Building Height Development Standard

The site is located within the B4 Mixed Use zone and is subject to a Building Height Control of 13.0m (as taken from the existing ground level).

The proposal must satisfy the objectives of *Clause 4.3 – Height of Buildings*, the underlying objectives of the particular zone, and the objectives of *Clause 4.6 – Exceptions to Development Standards* under WLEP 2011. The following provides an assessment of the variation against relevant objectives.

1. Is the planning control in question a development standard?

The prescribed height limitation pursuant to Clause 4.3 of WLEP 2011 is a development standard.



2. What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3(1) – 'Height of Buildings' of WLEP 2011 are as follows:

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality that may be identified in any development control plan made by the Council.*

Comment:

The development has been found to be consistent with the Desired Future Character statement of the E10 Civic Centre locality as identified under the *Warringah Local Environmental Plan 2000*.

The proposed building heights, bulk and scale have been found to be compatible with the building heights of surrounding development, in particular with development to the north, east and south of the site and, subject to minor variations supported under Clause 20 of WLEP 2000, in accordance with the provisions of the Building Height Built Form Control.

The development satisfies this objective.

(b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access;*

Comment:

Visual impact

The subject application is for the Stage 1 concept only. A future Stage 2 Development Application will further refine the architectural articulation of the development.

Notwithstanding, the subject application includes a detailed and carefully considered Site Analysis which includes photomontages taken from Pittwater Road to the east, McIntosh Road to the west, Fisher Road to the north and Fisher Road to the south. Whilst the study only shows the building in its conceptual form, it does provide sufficient detail to show that the development will be of an appropriate form and scale to provide an effective transition between surrounding localities.

View Sharing

The Site Analysis includes a view sharing analysis which indicates that consideration has been given to the maintaining of views from the high point of McIntosh Road through the incorporation of articulated upper levels to Building A. The analysis includes a photo montage taken from a highpoint on McIntosh Road (refer to Plan No. SK-601 dated 19/08/2011) which, when matched against the Vista/Street Axis and Views/Outlook diagrams, shows that the long views to the ocean will be maintained from McIntosh Road. As can be seen, the roof line of proposed Building A achieves the same height as the tree line and thereby maintains the same level of view sharing.

Figures 3 and 4 below show the availability of existing and post-development views.



Figure 3 Existing views from McIntosh Road
Source: Site Analysis as prepared by Hassell



Figure 4 Resulting views from McIntosh Road
Source: Site Analysis as prepared by Hassell

Privacy

Given the relative distances and differences in building height, the development does not present overlooking opportunities into the neighbouring residential properties along Fisher Road and the Kingsway.

Notwithstanding, a future Stage 2 Development Application will further detail the apartment layout of the development and will be required to address privacy through the provision of appropriate setbacks and treatments.

Solar Access

The shadow diagrams provided by the applicant (see Plan Nos. SK-500 (9.00am), SK-503 (Noon), and SK-506 (3.00pm)) indicate that the development will not result in significant overshadowing over the neighbouring properties and that the shadows cast by the development over nearby residential properties to the west are consistent with the provisions of Clause 62 of the General Principles of Development Control (which requires that *sunlight, to at least 50% of the principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21*).

Due to the north-south orientation of the site and the proposed layout of buildings and the west-to-east movement of shadow, the development is not considered to have an adverse impact upon the amenity of the public domains of surrounding streets and St David Park which is located at the corner of Pittwater Road and St David Avenue.

The development satisfies this objective.

- (c) *to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments.*

Comment:

The development is located on the edge of the densely urbanised area of Dee Why Town Centre and is situated on a visually prominent ridge.

The development has been designed to retain the bushland character of the site and to maintain its landscaped relationship with the street and prominent landscaped areas which

about the site to the north and east. Figure 5 below illustrates the landscape theme of the development and the emphasis placed upon the retention of the bushland setting of the site.

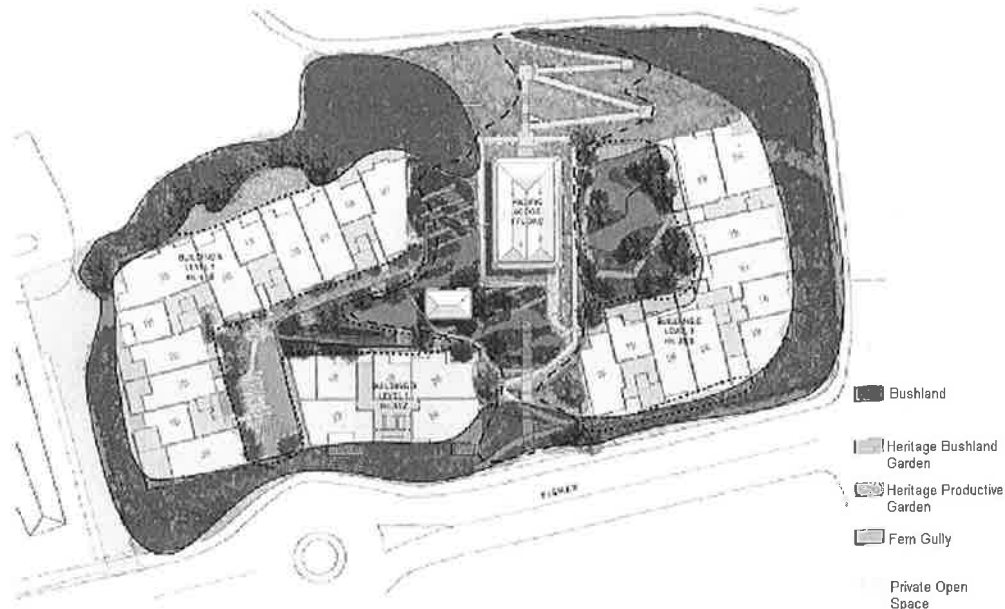


Figure 5 Proposed landscape theme of the site (the author has abbreviated the plan legend)
Source: Plan No. L-SK003 'Landscape Character Zones' dated 23 August 2011 as prepared by Hassell

The development has been designed to appropriately respond to the topography of the site. This will result in the highest parts of the development a compliant building height which will also be commensurate with the height of the existing tree line over the site.

The Site Analysis includes a long view of the development from McIntosh Road and more localised views from the Dee Why Town Centre all of which indicate that the development, as proposed, achieves a scale which will not have any adverse impact upon the scenic quality of Warringah's coastal and bush environments.

The development satisfies this objective.

3. What are the underlying objectives of the zone?

In assessing the developments non-compliance with the building height, consideration must be given to its consistency with the objectives within the zone.

B4 Mixed Use zone

The objectives of this clause are:

- *To provide a mixture of compatible land uses*

Comment:

The Stage 1 application seeks consent for building envelopes, footprints, landscaping and traffic access/egress arrangements only. The future Stage 2 Development Application will address these matters in addition to the mix of land uses within the development.



Notwithstanding, the documentation accompanying the application suggests a potential mix of residential and commercial land uses on the site which could be further considered in the Stage 2 Development Application. The suggested mix consists of 11,317m² of residential floor space and 390m² of potential commercial floor space which may be located with Pacific Lodge.

It is noted that the application suggests that the residential floor space could consist of the following mix:

- 26% x 1 bedroom (ie: 25 apartments);
- 51% x 2 bedroom (ie: 49 apartments); and
- 22% x 3 bedroom (ie: 22 apartments).

As the subject application is for Stage 1 only, a future Stage 2 Development Application could feasibly alter this mix depending upon market requirements and practical floor layouts.

With regards to the future use of Pacific Lodge, the Preliminary CMP prepared by Tropman and Tropman Architects suggests that the building could accommodate the following uses which are considered to be compatible with the ongoing care and maintenance of the heritage fabric of the building:

- Annex to Warringah Library;
- Meeting spaces;
- Commercial office;
- Community hall;
- Museum for the Salvation Army;
- Café/Restaurant; or
- Function centre.

The above suggested uses for Pacific Lodge would be considered under a future Stage 2 Development Application against the zoning provisions for the B4 Mixed Use zone under WLEP 2011 to ensure mutual compatibility with the zoning, the site and the heritage fabric of the building.

The development satisfies this objective.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Comment:

The location of the property is on the periphery of the Dee Why Town Centre which is identified in the *Sydney Metropolitan Strategy* (Metro Strategy) as a major centre of the north-east sub-region.

The Stage 1 application seeks consent for building envelopes, footprints, landscaping and traffic access/egress arrangements only. The future Stage 2 Development Application will address these matters in addition to the mix of land uses within the development and how they successfully integrate so as to maximise public transport patronage and encourage walking and cycling.



It is noted that, because of its peripheral location, the site is well serviced by public transport routes along Pittwater Road and Fisher Road. Additionally, the close proximity of the site to Dee Why Town Centre and Dee Why Beach will encourage walking and cycling.

The development satisfies this objective.

- *To reinforce the role of Dee Why as the major centre in the sub-region by the treatment of public spaces, the scale and intensity of development, the focus of civic activity and the arrangement of land uses.*

Comment:

The site is located in Dee Why which is identified (together with Brookvale) in the *Metropolitan Plan for Sydney 2036* as a major centre of the north-east sub-region. A Major Centre is defined in the Plan as the “*major shopping and business centre for the district, usually with Council office, taller office and residential buildings, a large shopping mall and central community facilities.*”

Treatment of public spaces

The site abuts the main civic precinct of Dee Why which accommodates the Council's Civic Centre, library and car parks.

The development responds to these public spaces by providing generous setbacks to Civic Drive which will be heavily landscaped to clearly define the private and civic uses. The setbacks are proposed to accommodate a bushland theme (refer to Figure 5 above) which is complimentary to the landscaped setting of the civic precinct.

Similarly, the bushland theme is proposed to extend around the remaining perimeter of the site to establish a consistent setting to Fisher Road and St David Avenue and to provide a natural frame to the architecture of the development which will be refined in the Stage 2 Development Application.

Scale and intensity

The unique location of site enables the development to perform as a visual and functional transition between its surrounding localities.

The proposed scale of the development, as envisaged in this Stage 1 concept application, is modulated to achieve a commensurate proportion with the low density localities to the west and the higher density localities to the north, east and south. In this way, the development functions as a gateway site to the western approach into Dee Why but, due to the proposed layout of the buildings, the variable building heights and the landscape themes, the scale will be visually softened to provide a more integrated built form. The scale will be further diffused in the Stage 2 Development Application through the sensitive application of colours and materials to compliment the landscaped setting.

The development will intensify the use of the site. However, commensurate with it's function as a transitional development and gateway site, the intensification is not considered to be such that it conflicts with the role of Dee Why as a Major Centre.



Focus of civic activity

The development, as proposed, does not include any civic component. The Preliminary CMP which accompanies the application suggests uses for Pacific Lodge, which may include a civic use.

Any future uses of Pacific Lodge would be considered under a future Stage 2 Development Application against the zoning provisions for the B4 Mixed Use zone under WLEP 2011 to ensure mutual compatibility with the zoning, the site, the heritage fabric of the building and its relationship with the Civic Centre as the focus of civic activity.

Arrangement of land uses

The layout of buildings has been designed to respond to the location and historical presence of Pacific Lodge, the landscaped setting of the site and the surrounding road network resulting in the three new buildings being located around the perimeter of the site. This enables the retention of a contained large open space area within the centre of the site, surrounding Pacific Lodge which forms the visual centrepiece of the site. This central landscaped area is proposed to be used for general public and resident enjoyment and through-site access.

The street wall layout (particularly Buildings B and C) also enables activation of the streetscape to Fisher Road and St. David Avenue although this will be refined in the Stage 2 Development Application.

The development satisfies this objective.

- *To promote building design that creates active building fronts, contributes to the life of streets and public spaces and creates environments that are appropriate to human scale as well as comfortable, interesting and safe.*

Comment:

The development, as proposed, does not include the fine detail which would contribute towards the creation of active street fronts and public spaces. Rather, this application establishes the layout of the buildings which will provide the framework for the finer detail which will be considered in a Stage 2 Development Application.

Notwithstanding, the layout of buildings along street frontages and around open space areas within the centre of the site, together with a considered and integrated landscape theme, indicates that the development will be capable of creating active street frontages and environments that are interesting and appropriate to human scale.

Occupant and public safety will be addressed through the provisions of CPTED in the Stage 2 Development Application.

The development satisfies this objective.

- *To promote a land use pattern that is characterised by shops, restaurants and business premises at the ground floor and housing and offices at the upper floors.*



Comment:

The Stage 1 application seeks consent for building envelopes, footprints, landscaping and traffic access/egress arrangements only. The future Stage 2 Development Application will address these matters in addition to the mix of land uses within the development at ground level.

Notwithstanding, the documentation accompanying the application suggests that Pacific Lodge could accommodate the commercial/civic uses which are considered to be compatible with the ongoing care and maintenance of the heritage fabric of the building.

The suggested uses for Pacific Lodge would be considered under a future Stage 2 Development Application against the zoning provisions for the B4 Mixed Use zone under WLEP 2011 to ensure mutual compatibility with the zoning, the site and the heritage fabric of the building.

The development satisfies this objective.

- *To encourage site amalgamations to facilitate new development and to facilitate the provision of car parking below ground.*

The development does not occur over more than one allotment. Therefore, site amalgamation is not required.

The development satisfies this objective.

Given the above considerations, the proposal is considered to be consistent with the objectives of both Clause 4.3 - Height of Buildings and the B4 Mixed Use Zone of Warringah Local Environmental Plan 2011.

4. Is the variation to the development standard consistent with the objectives of Clause 4.6 of the Draft WLEP 2009?

The objectives of Clause 4.6 – 'Development Standards' of the Draft WLEP seek:

to provide an appropriate degree of flexibility in applying certain development standards to particular development; and

to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In this regard, sub-clause 4.6(4) requires that:

Consent must not be granted for development that contravenes a development standard unless:

(a) *the consent authority is satisfied that:*

(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment:



The applicant has provided commentary within the Statement of Environmental Effects which adequately addresses the proposed variation to the Building Height Built Form Control under Clause 20 of WLEP 2000.

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment:

It has been found that the development is in the public interest as it achieves consistency with the Objectives of the B4 Mixed Use zone.

- (b) *the concurrence of the Director-General has been obtained.*

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the Objectives of the zone, the concurrence of the Director-General for the variation to the Height of Buildings Development Standard is assumed.

5. Is the variation well founded?

The variation to the building height development standard is considered to be well founded in that the proposed non-compliance is consistent with objectives of *Clause 4.3 – Height of Buildings*, the underlying objectives of the particular zone, and the objectives of *Clause 4.6 - Exceptions to Development Standards* under the Draft WLEP, as set out above.

6. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

On the basis of the above comments, it is considered that the variation to the building height development standard is well founded and that compliance is unreasonable and unnecessary in the particular circumstances of the case.

Other relevant WLEP 2011 Clauses

Clause 6.7 Residential Flat Buildings in Zone B4 Mixed Use

Clause 6.7 stipulates that “*Development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level.*”

Whilst this application is assessed under the provisions of WLEP 2000, due consideration is given to Clause 6.7.

The Stage 1 application proposes dwellings on the ground floor which is not in accordance with the provision of Clause 6.7. However, the generic requirement to not permit dwellings on the ground floor within the Mixed Use zone does not take into account the location of the

site relative to the core area of the zone where shop-top-housing is regarded as a secondary use to the more primary non-residential premises on the ground floor.

The site is located on the western periphery of the core area of the zone which runs along Pittwater Road and is physically and functionally separated by its topography and neighbouring civic uses. Figure 6 below shows the extent of the zone (in purple) and the site (outlined in blue). The combination of proximity and elevated topography render the site as an undesirable location to establish extensive non-residential uses beyond what may be accommodated within the Pacific Lodge.



Figure 6 Extent of the B4 Mixed Use zone

Additionally, the inclusion of extensive non-residential uses within the development will result in an intensification of the site which may have exacerbating undesirable impacts on the use of this part of Fisher Road and associated intersections and the amenity of the neighbouring R2 Low Density Residential zone to the west (across Fisher Road).

Finally, the development has been assessed against the Objectives of the B4 Mixed Use zone where it was found to be consistent as proposed.

Notwithstanding, Clause 6.7 does enable the provision of permissible non-residential uses on the ground floor and this may be considered in the Stage 2 Development Application should the proponent at that time choose to pursue that option.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7(1)(a) of the SEPP requires the Consent Authority to consider whether land is contaminated.

As noted in the *Preliminary Heritage Assessment* which supports the application, the site has been under continual occupation for residential/aged care purposes since 1890-92 with redevelopments occurring in the 1950s and 1980s. In this respect there is a possibility that the site may contain residual building materials which have resulted from any prior demolition/construction works.



The application includes a Stage 1 Environmental Site Assessment dated 8 July 2011 as prepared by Coffey Environments Australia Pty Ltd. The Assessment concludes that:

- *"There is a low to high likelihood of contamination being present on the site where the proposed redevelopment is located from past and present activities.*

The key Areas of Environmental Concern (AEC) that may affect the proposed development are:

- *Asbestos Containing Material (ACM) and/or Synthetic Mineral Fibre (SMF) being present within the existing buildings on the site;*
- *Potential construction waste discarded on the site; and*
- *Herbicide use around historic and existing garden beds.*

Based on the findings, Coffey considers that site development is feasible subject to the following recommendations:

- *A Hazardous Material Survey be conducted across the site and within the building structures to identify ACM and/or SMF;*
- *Removal of all building refuse across the site to a licensed disposal facility;*
- *Limited soil sampling in the above AECs and in garden beds and analysis for identified Potential Contaminants of Concerns (PCOCs); and*
- *Should contamination be detected in these areas, that presents an unacceptable risk to human health or the environment, then management and/or remediation may be required."*

This application does not seek consent to demolish and construct the development, as proposed, but only seeks consent for the building envelopes, footprints, landscaping and traffic access/egress arrangements. The recommendations made in the Assessment are included as part of the conditions in the Recommendation of this report.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

As the proposal is a Staged Development Application made under s.83B of the *Environmental Planning & Assessment Act, 1979* a BASIX Certificate is not required at this stage.

Should the application be approved, a BASIX Certificate would be required to be lodged, in accordance with the SEPP, with any future Stage 2 Development Application which proposes the construction of the development.

This requirement has been included in the Advisory Notes which append the conditions in the Recommendation of this report.

State Environmental Planning Policy (Infrastructure) 2007

Ausgrid

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:



- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out as a result the application was referred to Ausgrid who raised no objection to the proposal subject to conditions which may be imposed in the Stage 2 Development Application should this application be approved.

The conditions imposed by the Ausgrid have been included in the Advisory Notes which append the conditions in the Recommendation of this report.

Roads and Maritime Service (RMS)

Schedule 3 of the SEPP requires that the following residential flat developments are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size or Capacity
		Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road
Residential flat building	300 or more dwellings	75 or more dwellings

The development consists of 96 dwellings and proposes a new crossover onto Fisher Road which is a classified road (Sub-arterial road (Regional road)). As such, the development triggers a requirement to refer the application to the RMS under Column 3 of Schedule 3.

The RMS does not raise any objection to the proposal subject to various conditions which will be required to be addressed by any future Stage 2 Development Application which proposes the construction of the development.

The conditions imposed by the RMS have been included in the Advisory Notes which append the conditions in the Recommendation of this report.

State Environmental Planning Policy No 65 – Design Quality for Residential Flat Development

Clause 3 of the SEPP defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- (a) *3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*



- (b) *4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia."*

The applicant has provided, in the Statement of Environmental Effects (refer to Section 4.5.1 of that Statement), an analysis of the Stage 1 concept with regard to the 10 Design Quality Principles to provide consistency and continuity to the evolution of the design of the development if it further progressed to a Stage 2 Development Application.

The following provides an assessment of the development against the 10 Design Quality Principles as required under Clause 18 of the SEPP.

Principle 1: Context

Clause 18 (Principle 1: Context) stipulates that:

"Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the Desired Future Character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area".

Comment:

The site is located on the western periphery of the Dee Why Town Centre and forms a transitional zone between the low density residential area to the west (across Fisher Road) and the medium to high residential and commercial areas to the north, east and south.

Because of the highly diverse mix of development surrounding the site, the key natural features of the area have been largely modified. Despite its development state, the subject site remains as the only prominent natural feature in the immediate area which consists of rock outcrop and bushland although these features are only retained around the perimeter of the site with the internal area of the site being highly modified over time to accommodate progressive development by the Salvation Army.

The development has been designed to respond to the key natural features by preserving the perimeter elements. As seen in Figure 5 in this report, the landscape theme retains the bushland setting around the perimeter of the site which includes the retention of the prominent rock wall features which define the unique natural geology of the site. This is considered to be an appropriate and sensitive design response in maintaining the key natural features of the site particularly, and of the area generally.

Similarly, because of the highly diverse mix of development surrounding the site, the key built features of the area are varied and consist of one to two storey residential dwellings to the west, two to three storey residential flat buildings to the north, one to eight storey mixed use commercial and residential buildings to the east, and one to four storey mixed use commercial and residential buildings to the south. Notably, the site also abuts two open large public car parking areas to the north and east.

The design of the development, which for the purposes of this application consist of envelopes and footprints only, is considered to respond to the key built features of the area by appropriately separating and articulating the buildings to avoid the visual monotony of a continuous street wall type development. The Stage 2 development Application will further



refine the articulation of the development through appropriately considered façade fenestration, materials and finishes.

Because of its status within the *Metropolitan Plan for Sydney 2036*, the context of Dee Why is continually subject to transition as it physically evolves. The development, as proposed, is considered to be consistent with this evolution and will provide an appropriate transition between the character of surrounding localities/zones.

The development satisfies this Principle.

Principle 2: Scale

Clause 18 (Principle 2: Scale) stipulates that:

“Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the Desired Future Character of the area”.

Comment:

The development proposes the construction of development with the appearance of three (3) residential flat buildings (connected by a common basement area), all of which generally comply with the Building Height Built Form Control (with exception to minor encroachments at the corners of the buildings abutting the steep edges of the rock outcrop which are supported under Clause 20 of WLEP 2000).

In terms of scale, the design of the development as proposed in this Stage 1 application, establishes the general heights and envelopes of Buildings A, B and C which are considered, in the context to surrounding development, to achieve a scale commensurate to its role as a gateway development to the Dee Why Town Centre.

The bulk and height of the development will be further refined in a Stage 2 Development Application which will diffuse the current blank facades through detailed articulation and the appropriate use of materials and colours.

The development satisfies this Principle.

Principle 3: Built Form

Clause 18 (Principle 3: Built Form) stipulates that:

“Good design achieves an appropriate Built Form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate Built Form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”



Comment:

The building alignments, proportions and building types, as proposed in this application, are considered to be appropriate for the site in that the development will reinforce the transitional role of the site by introducing built forms and landscaping which will be of a character, scale and intensity appropriately suited to the neighbouring Town Centre. The manipulation of building elements will be further refined in a Stage 2 Development Application.

The proposed building alignments successfully define the public domain through the positioning of buildings around the perimeter of the site. This, in turn, contributes towards the urban character of surrounding streetscapes, particularly along Fisher Road, St. David Avenue and Civic Drive which visually flow into the built-up areas of the Dee Why Town Centre.

A view analysis has been provided which indicates that consideration has been given to the maintaining of views from McIntosh Road through the incorporation of articulated upper levels to Building A. Figures 3 and 4 in this report show the relative impact of the development from McIntosh Road when compared to the current situation whereby the roof line of proposed Building A achieves the same height as the tree line and therefore maintains the same level of view sharing.

The development includes the retention of the Pacific Lodge within the centre of the site. The conceptual landscape theme (see Figures 5 and 8 in this report) for the development indicates that the central area of the site will consist of pathways, seating areas and landscaped gardens which will serve to emphasise the historical fabric and identity of Pacific Lodge while providing accessible communal areas which enable through-site access and provide internal amenity and outlook.

The development satisfies this Principle.

Principle 4: Density

Clause 18 (Principle 4: Density) stipulates that:

"Good design has a density appropriate for a site and its context; in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality".

Comment:

The development proposes the provision of 96 apartments which translates to a density of 1 dwelling per 111m². As this application is conceptual the proposed density may alter in a Stage 2 development Application as apartment layouts are further refined.

Contextually, the site is identified as a gateway site which provides a transition between the surrounding localities/zones, all of which include the following density provisions:

Locality	WLEP 2000	WLEP 2011
E2 Dee Why Lagoon Suburbs	1/600m ²	1/600m ²
E9 Pittwater Road	No density provision	No density provision
E10 Civic Centre	No density provision	No density provision
E11 Fisher Road	No density provision	No density provision
E13 Dee Why Park	Determined by the way the design responds to the general principles of development control, the desired future character of the locality and the other built form controls.	No density provision

Note: Site indicated in bold.

As can be seen, the site is located within an area, which is abutted by localities/zones to the north, east and south, which do not include density provisions. Rather, density is gauged by how the development responds to the Design Quality Principles of SEPP 65, the Desired Future Character of the locality/objectives of the zone, the relevant built form controls/development standards, and the General Principles of Development Control in WLEP 2000. This assessment has found that the development, as proposed achieves a satisfactory level of compliance and consistency with these controls.

Figure 7 below is based upon the zoning boundaries of WLEP 2011 and is provided to illustrate the clear boundary definition between the E2 Dee Why Lagoon Suburbs/R2 Low Density Residential (indicated in yellow) and the higher density localities/zones to the north, east and south and, in turn, emphasises the contextual setting of the site (outlined in blue) as a gateway to the Dee Why Town Centre.



Figure 7 Zoning boundaries under WLEP 2011

As discussed previously in this report, Dee Why (in particular, the Town Centre) is undergoing transition commensurate to its role as a major centre of the north-east sub-region as defined in the *Metropolitan Plan for Sydney 2036*. As seen in the table above, the future densities of the zones located to the east of Fisher Road have not been defined and remain subject to consideration against the relevant development standards and built form controls. In this regard, the proposed density is not considered to be contrary to the future regional



context, availability of infrastructure, public transport, community facilities and environmental quality.

The development satisfies this Principle.

Principle 5: Resource, Energy and Water Efficiency.

Clause 18 (Principle 5: Resource, Energy and Water Efficiency) stipulates that:

“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and Built Form, passive solar design principles, efficient appliances and mechanical and mechanical services, soil zones for vegetation and re-use of water”.

Comment:

This application is for the Stage 1 concept and, as such, does not address this Principle. In this regard, consistency with this Principle (including the provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*) would normally be the subject of comprehensive assessment at Stage 2 of the development.

The development is capable of satisfying this Principle.

Principle 6: Landscape

Clause 18 (Principle 6: Landscape) stipulates that:

“Good design recognises that, together, landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by co-ordinating water and soil management, solar access, microclimate, and tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character or Desired Future Character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours’ amenity and provide for practical establishment and long-term management.”

Comment:

The application includes a comprehensive landscape design which is considered to work be commensurate with the built form and layout to facilitate a positive aesthetic quality and amenity for both occupants and the adjoining public domain.

As seen in Figure 5 in the report, the landscape design incorporates planting themes which form a visual and functional relationship with the current landscaping within the locality. The



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themes, which includes bushland, heritage bushland garden, heritage productive garden, fern gully and private open space/recreation areas, will provide distinct zones which respond to the particular use of the development and to the streetscape.

Figure 8 below shows the proposed internal pathway layouts which optimise the useability of the development for both occupants and the general public, including the provision of a through-site access to connect Fisher Road with Civic Drive. Pacific Lodge is given emphasis in the landscape layout as a central feature to the development and provides a unique architectural contrast between the historical and contemporary development of the site.

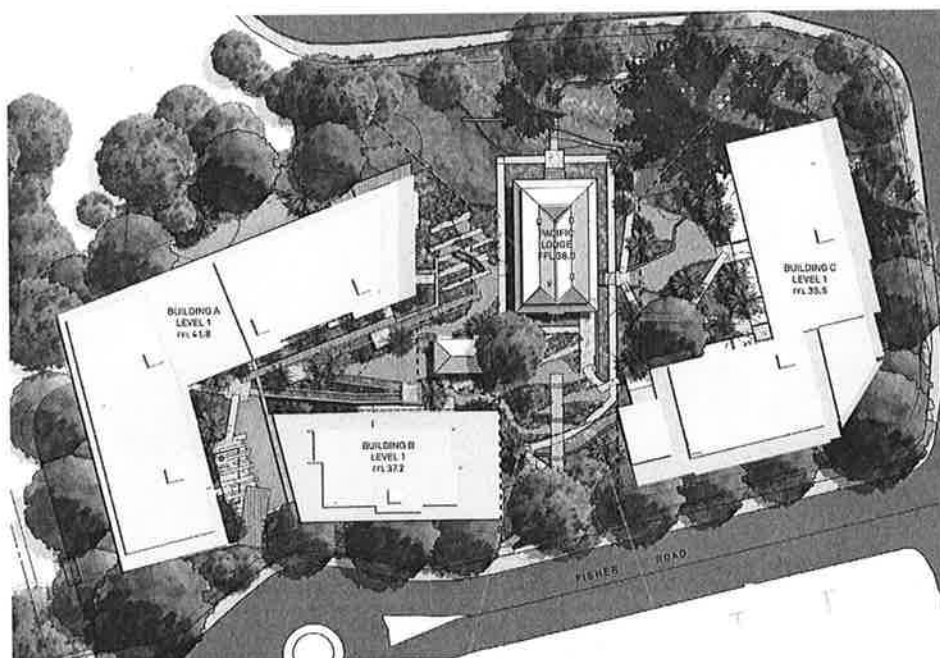


Figure 8 Proposed landscape elements

Source: Plan No. L-SK001 dated 28 September 2011 as prepared by Hassell

With regards to co-ordinating water and soil management, the application was referred to Council's Development Engineer who did not raise any objection subject to conditions which would normally be imposed on the Stage 2 Development Application. These conditions have been included as Advisory Notes in the Recommendation of this report.

The development satisfies this Principle.

Principle 7: Amenity

Clause 18 (Principle 7: Amenity) stipulates that:

"Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility".



Comment:

This application is for the Stage 1 concept which seeks approval for the building envelopes and footprints only. All internal floor layouts are indicative only and subject to change in a Stage 2 Development Application. In this regard, consistency with this Principle would normally be the subject of comprehensive assessment at Stage 2 of the development.

The development is capable of satisfying this Principle.

Principle 8: Safety and Security

Clause 18 (Principle 8: Safety and Security) stipulates that:

"Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces."

Comment:

Consistency with this Principle would normally be the subject of comprehensive assessment at Stage 2 of the development.

Notwithstanding, the application was referred to NSW Police who raised no objection subject to recommendations pertaining to the provisions of *Crime Prevention Through Environmental Design* (CPTED).

However, should the application be approved, a condition of consent will be required to be imposed for a Comprehensive CPTED Report to be submitted with the Stage 2 Development Application.

The development is capable of satisfying this Principle.

Principle 9: Social Dimensions

Clause 18 (Principle 9: Social Dimensions) stipulates that:

"Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provisions of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community".

Comment:

Dee Why is undergoing significant transition evidenced by the recent construction of the Dee Why Grand and the gazettal of the E21 Dee Why Town Centre Locality with WLEP 2000.



In this regard, the development of the site to accommodate residential flat development would be considered to respond to the changing social dimension of Dee Why in terms of its social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

The development is capable of satisfying this Principle.

Principle 10: Aesthetics

Clause 18 (Principle 10: Aesthetics) stipulates that:

"Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the Desired Future Character of the area".

Comment:

This application is for the Stage 1 concept and, as such, does not address this Principle. In this regard, consistency with this Principle would normally be the subject of comprehensive assessment at Stage 2 of the development.

The development is capable of satisfying this Principle.

Residential Flat Design Code

The SEPP requires the assessment of any development application for residential flat development against 10 principles contained in Clauses 9 -18 and Council is required to consider the matters contained in the publication *"Residential Flat Design Code"*.

The Code supports and provides additional guidance for applying the SEPP and the design principles. The SEPP requires that the Code is to be considered when determining a development application for residential flat development. However, on the basis that the current application is for a concept proposal and is thus subject to change, no detailed plans are relevant to the assessment of the proposal. Therefore, details in relation to dwelling designs (including dwelling configurations, floor layouts, private and communal open spaces, storage, entries and accesses, etc), architectural design (external finishes, sun shading, fenestration, articulation, modulation, etc) and landscape design (communal landscaped areas, private courtyards, etc), are to be the subject of assessment under the RFDC in a Stage 2 Development Application.

Regional Environment Plans (REPs)

There are no Regional Environmental Plans applicable to this development.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character

The subject site is located in the E10 Civic Centre locality under *Warringah Local Environmental Plan 2000*.



The Desired Future Character Statement for the E10 Civic Centre locality states:

The Civic Centre will remain the focus of Civic activity within Warringah with this role enhanced by the development of a new Civic Building on Pittwater Road. The presence of this building will be enhanced by the use of colonnades to distinguish it from other buildings in the locality and the planting of a double row of Norfolk Island Pines at the front of the building along Pittwater Road. The corner of Pittwater Road and St. David Avenue will be strongly defined as a major pedestrian access to the site.

The northern side of this locality adjacent to the Kingsway will be redeveloped for apartment style housing in landscaped settings and be of similar scale to apartment style housing in the adjacent locality.

The sandstone outcrops and vegetation between the existing Council Chambers and the existing library, and west of the main entrance to the existing Council Chambers, will be retained.

The proposed residential component of the development is defined as 'Housing' under WLEP 2000. Housing is identified as Category 1 development in this locality.

The future permissible uses of Pacific Lodge will be considered in a Stage 2 Development Application under the provisions of WLEP 2011.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement. Notwithstanding Clause 12(3)(a) only requires the consideration of the DFC statement, the proposed development results in non-compliances with the Building Height Built Form Control. As such pursuant to Clause 20(1) a higher test, i.e. a test of consistency against the Locality's DFC is required.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided as follows:

- 1) *The Civic Centre will remain the focus of Civic activity within Warringah with this role enhanced by the development of a new Civic Building on Pittwater Road. The presence of this building will be enhanced by the use of colonnades to distinguish it from other buildings in the locality and the planting of a double row of Norfolk Island Pines at the front of the building along Pittwater Road. The corner of Pittwater Road and St. David Avenue will be strongly defined as a major pedestrian access to the site.*

Comment:

This component of the Statement emphasises the role of the Civic Centre as the focus of civic activity in the locality, including architectural and landscape treatments to the Centre to distinguish it from other buildings in the locality.

The development, as proposed, does not include any civic component which could be considered to undermine or prevent the continued role of the Centre as a focus of civic activity within Warringah.

The development will not impact pedestrian access from the corner of Pittwater Road and St. David Avenue.

- 2) *The northern side of this locality adjacent to the Kingsway will be redeveloped for apartment style housing in landscaped settings and be of similar scale to apartment style housing in the adjacent locality.*

Comment:

The development proposes the construction of a development with the appearance of three (3) residential flat buildings (connected by a common basement car parking area), all of which generally comply with the Building Height Built Form Control (with exception to minor encroachments at the corners of the buildings abutting the steep edges of the rock outcrop which are supported under Clause 20 of WLEP 2000).

In terms of scale, the design of the development as proposed in this Stage 1 application, establishes the general heights and envelopes of Buildings A, B and C which are considered, in the context to surrounding development, to achieve a scale commensurate to apartment style housing in the adjacent localities to the north, east and south.

Figure 9 below is derived from a 'walk-around' survey of the local area and shows the scale of development (represented in red by the number of storeys) which surround the site. As can be seen, the proposed number of storeys is commensurate with the scale of development in the remainder of the E10 locality and with the neighbouring E9, E11, E13 and E21 localities.

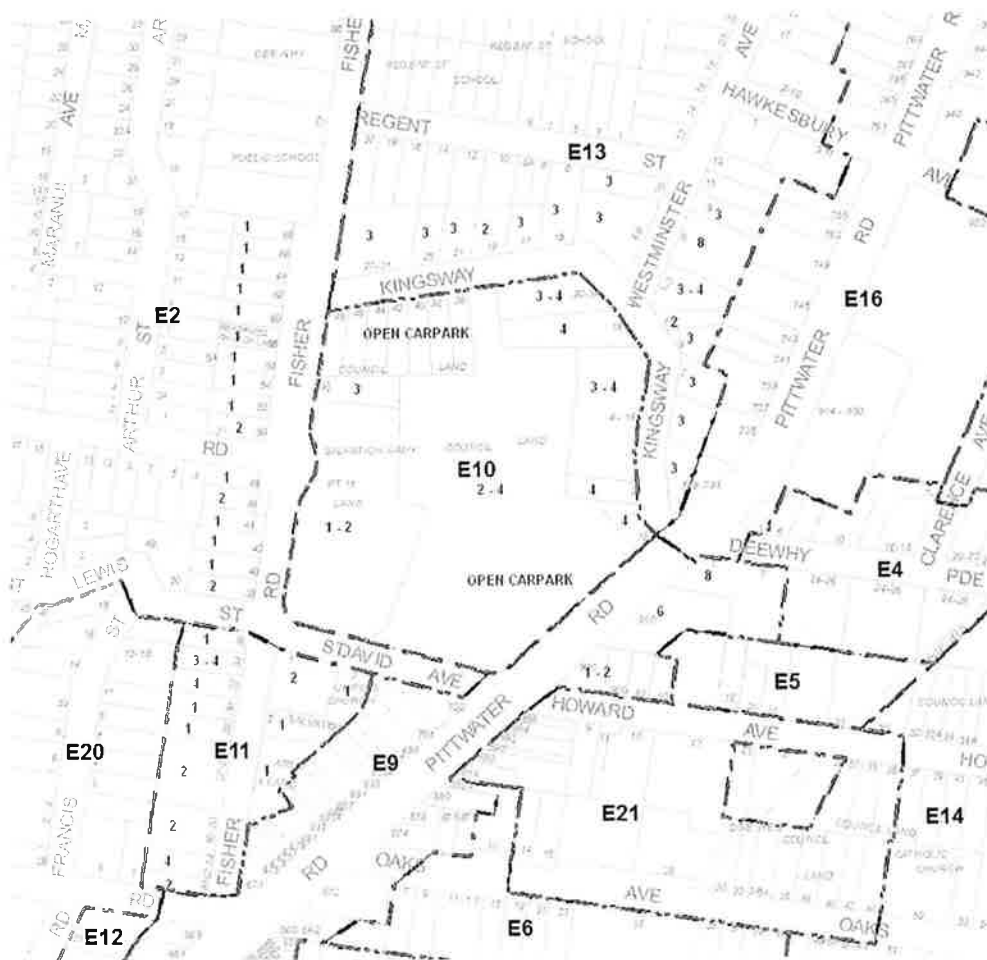


Figure 9 Scale of development surrounding the site.



Therefore, the proposed scale of the development is consistent with the intended scale of development in the locality.

- 3) *The sandstone outcrops and vegetation between the existing Council Chambers and the existing library, and west of the main entrance to the existing Council Chambers, will be retained.*

Comment:

The development will not impact upon the sandstone outcrops and vegetation between the existing Council Chambers and the existing library. Similarly, the sandstone outcrop to the west of the main entrance of the Council Chambers will not be impacted upon due to its distance from the development and that the outcrop is located on land under separate ownership.

In this regard, the development is considered to be consistent with the Desired Future Character of the E10 Civic Centre locality.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Standard	Required	Proposed	Compliant
Building Height: Storeys and Metres	3 storeys/13m	<u>Building A:</u> 4 storeys/8.36m to 16.33m <u>Building B:</u> 4 storeys/12.26m to 13.70m <u>Building C:</u> 4 storeys/10.515m to 16.515m	No No No
Floor to ceiling:	2.7m	Building A – 2.7m Building B – 2.7m Building C – 2.7m	Yes Yes Yes
Front Setbacks (Minimum): <u>St David Avenue (Building C)</u> Basement (FFL 32.515) Level 1 (FFL 35.515) Level 2 (FFL 38.515) Level 3 (FFL 41.515) Level 4 (FFL 44.515)	Nil	5.9m – 9.9m 5.9m – 9.9m 6.0m – 8.3m 6.0m – 8.3m 5.0m – 8.3m	Yes Yes Yes Yes Yes
Secondary Setbacks (Merit) Fisher Road <u>Building A</u> Basement (FFL 34.840) Basement (FFL 37.840) Level 1 (FFL 41.830) Level 2 (FFL 44.830) Level 3 (FFL 47.830) Level 4 (FFL 50.830) <u>Building B</u> Basement (FFL 33.985) Level 1 (FFL 37.200) Level 2 (FFL 40.200) Level 3 (FFL 43.200)	 Predominant street setbacks (Nil to 4.5m)	 14.8m 7.1m 4.9m to 11.0m 4.8m to 11.0m 4.9m to 11.0m 9.8m to 14.1m 3.5m to 7.0m 3.5m to 7.0m 3.5m to 7.0m 3.5m to 7.0m	 Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes



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Built Form Standard	Required	Proposed	Compliant
Level 4 (FFL 46.200)		6.0m to 8.5m	Yes
<u>Building C</u>			
Basement (FFL 32.515)		4.0m to 4.5m	Yes
Level 1 (FFL 35.515)		4.0m to 4.5m	Yes
Level 2 (FFL 38.515)		4.0m to 4.5m	Yes
Level 3 (FFL 41.515)		4.0m to 4.5m	Yes
Level 4 (FFL 44.515)		5.0m to 7.0m	Yes
<u>Civic Drive</u>			
<u>Building A</u>			
Basement (FFL 34.840)		18.0m to 25.0m	Yes
Basement (FFL 37.840)		18.0m to 25.0m	Yes
Level 1 (FFL 41.830)		18.0m to 25.0m	Yes
Level 2 (FFL 44.830)		18.0m to 25.0m	Yes
Level 3 (FFL 47.830)		19.0m to 25.0m	Yes
Level 4 (FFL 50.830)		24.0m to 28.0m	Yes
<u>Building C</u>			
Basement (FFL 32.515)		11.8m to 18.0m	Yes
Level 1 (FFL 35.515)		12.0m to 18.0m	Yes
Level 2 (FFL 38.515)		9.7m to 16.0m	Yes
Level 3 (FFL 41.515)		9.7m to 16.0m	Yes
Level 4 (FFL 44.515)		9.7m to 16.0m	Yes
Rear Building Setback	N/A (corner allotment)	N/A	N/A
Side Boundary Setbacks:			
<u>North (Building A)</u>			
Basement (FFL 34.840)		16.2m – 20.7m	Yes
Basement (FFL 37.840)		16.3m – 20.7m	Yes
Level 1 (FFL 41.830)	4.5m	16.5m – 21.2m	Yes
Level 2 (FFL 44.830)		15.0m – 16.5m	Yes
Level 3 (FFL 47.830)		15.0m – 16.5m	Yes
Level 4 (FFL 50.830)		15.0m – 16.5m	Yes
<u>East (Building A)</u>			
Basement (FFL 34.840)		4.5m	Yes
Basement (FFL 37.840)		4.5m	Yes
Level 1 (FFL 41.830)	4.5m	4.5m	Yes
Level 2 (FFL 44.830)		4.5m	Yes
Level 3 (FFL 47.830)		4.5m	Yes
Level 4 (FFL 50.830)		4.5m	Yes
Side Boundary Envelope:			
<u>Building A only</u>			
North	5.0m x 45°	>5.0m x 45°	Yes
East	5.0m x 45°	>5.0m x 45°	Yes
Landscaped Open Space:	40% site area (4,246m ²)	42.9% (4,556.5m ²)	Yes
Car Parking Facilities	Must be provided below ground or behind buildings in shared parking areas	Car parking is contained within basement areas which are predominantly below ground.	Yes

The proposed development does not comply with the Locality's Building Height Built Form Control. Accordingly, further assessment is considered against the applicability of Clause 20(1).



Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal achieves consistency with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the E10 Civic Centre locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal is consistent with the applicable State Environmental Planning Policies. Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

In assessing these elements of the proposal, it is necessary to consider the underlying intent of the respective Controls. Accordingly, a merit consideration is addressed below:

Building Height Built Form Control

Built Form Standard	Required	Proposed
Building Height: Storeys and Metres	3 storeys/13.0m	<u>Building A:</u> 4 storeys/8.36m to 16.33m <u>Building B:</u> 4 storeys/12.26m to 13.70m <u>Building C:</u> 4 storeys/10.515m to 16.515m

Areas of Non-compliance

The development is non-compliant in the following areas:

- Building A –exceeds the Control by 1 storey/3.33m;
- Building B –exceeds the Control by 1 storey/0.70m and
- Building C –exceeds the Control by 1 storey/3.515m.

The figures below illustrate the assessed non-compliant building heights based upon the plans submitted by Hassell.

Notes on Figures 10 to 13:

- Shaded yellow areas indicate the extent of non-compliance with the 13.0m building height.
- Red dotted line indicates the 13.0m building height line.
- Figures are to be read in conjunction with Figure 2 in this report.

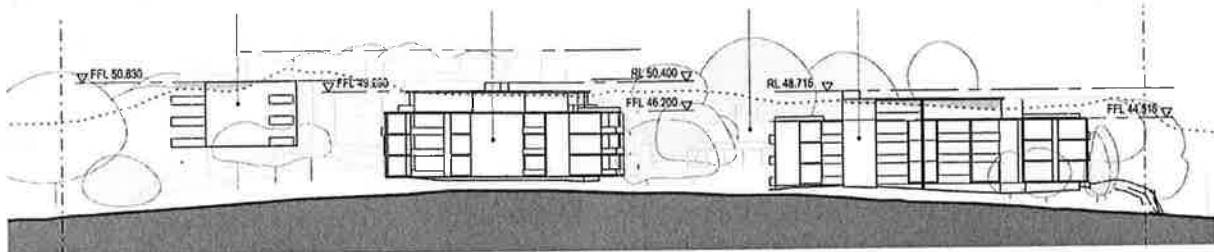


Figure 10 View from Fisher Road

Source: Adapted by the author from Plan No. SK-150 dated 19/08/2011 as prepared by Hassell

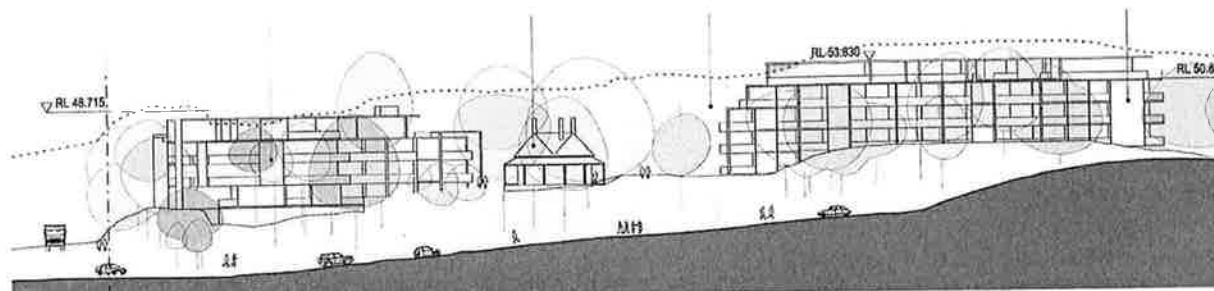


Figure 11 View from Civic Drive

Source: Adapted by the author from Plan No. SK-151 dated 05/08/2011 as prepared by Hassell

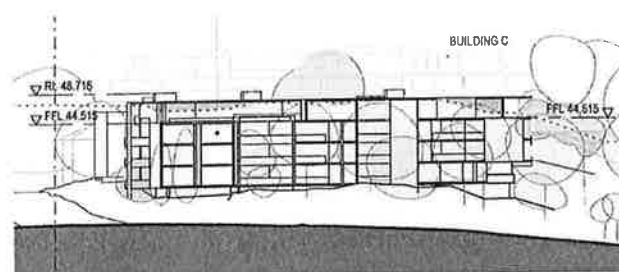


Figure 12 View from St. David Avenue

Source: Adapted by the author from Plan No. SK-150 dated 19/08/2011 as prepared by Hassell

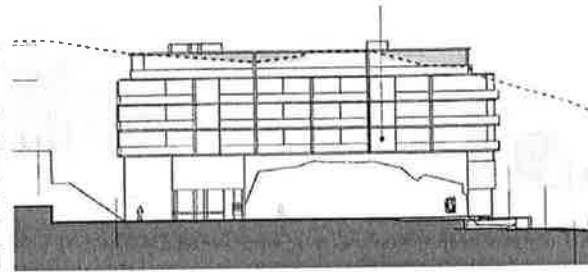


Figure 13 View from 25 Fisher Road (to the north)

Source: Adapted by the author based from Plan No. SL-151 dated 05/08/2011 as prepared by Hassell

Merit consideration of non-compliance

- *Ensure that development does not become visually dominant by virtue of its height and bulk.*

The site is unique in that it consists of a prominent rock formation which is elevated above street level and thereby visually exacerbates the scale of the development.



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Notwithstanding, with exception to the corner parts of each building, the majority of the development which constitutes the predominant roof line, complies with the Building Height Built Form Control 13.0m height limit. As seen in Figure 2 and in Figures 10 to 13 in this report, the non-compliant corner areas occur where the topography of the site drops away suddenly.

In this regard, and in the context of the constraining topography of the site and the successful compliance of the remainder of the development with the Building height Built Form Control, the corner areas of non-compliance are considered to be minor and do not result in a visually dominant built form.

The development satisfies this objective.

- *Preserve the amenity of surrounding land.*

The amenity of surrounding land takes into account consideration of view sharing, privacy and solar access. Visual impact has been discussed elsewhere in this report.

Visual impact

The subject application is for the Stage 1 concept only. A future Stage 2 Development Application will further refine the architectural articulation of the development.

Notwithstanding, the subject application includes a detailed and carefully considered Site Analysis which includes photomontages taken from Pittwater Road to the east, McIntosh Road to the west, Fisher Road to the north and Fisher Road to the south. Whilst the study only shows the building in its conceptual form, it does provide sufficient detail to show that the development will be of an appropriate form and scale to provide an effective transition between surrounding localities.

View Sharing

The Site Analysis includes a view sharing analysis which indicates that consideration has been given to the maintaining of views from the high point of McIntosh Road through the incorporation of articulated upper levels to Building A. The analysis includes a photo montage taken from a highpoint on McIntosh Road (refer to Plan No. SK-601 dated 19/08/2011) which, when matched against the Vista/Street Axis and Views/Outlook diagrams, shows that the long views to the ocean will be maintained from McIntosh Road. As can be seen, the roof line of proposed Building A achieves the same height as the tree line and thereby maintains the same level of view sharing.

Privacy

Given the relative distances and differences in building height, the development does not present overlooking opportunities into the neighbouring residential properties along Fisher Road and the Kingsway.

Notwithstanding, a future Stage 2 Development Application will further detail the apartment layout of the development and will be required to address privacy through the provision of appropriate setbacks and treatments.



Solar Access

The shadow diagrams provided by the applicant (see Plan Nos. SK-500 (9.00am), SK-503 (Noon), and SK-506 (3.00pm)) indicate that the development will not result in significant overshadowing over the neighbouring properties and that the shadows cast by the development over nearby residential properties to the west are consistent with the provisions of Clause 62 of the General Principles of Development Control (which requires that *sunlight, to at least 50% of the principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21*).

Due to the north-south orientation of the site and the proposed layout of buildings and the west-to-east movement of shadow, the development is not considered to have an adverse impact upon the amenity of the public domains of surrounding streets and St David Park which is located at the corner of Pittwater Road and St David Avenue.

The development satisfies this objective.

- *Ensure that development responds to site topography and minimises excavation of the natural landform.*

The development has been appropriately designed to respond to the topography of the site in that the layout of buildings around the perimeter (and the consequent location of the basement car parks) and the retention of Pacific Lodge in the centre of the site minimises topographical and structural disturbance and extensive excavation.

On the surface of the site, the non-compliant building heights are identified as being located at the north-eastern, north-western and south-western corners of Building A; the south-western corner of Building B; and the south-eastern and south-western corners of Building C. Whilst the non-compliances are visually exaggerated by the steep slopes immediately adjacent to the respective corners of the abovementioned buildings the remainder of the development, which contains the main roof lines, achieves compliance and therefore responds to the internal topography of the site.

The development satisfies this objective.

- *Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.*

The development, in its current form, is sufficiently articulated at the roof level to provide architectural variation, structural separation and visual interest to what are flat roof forms.

The development satisfies this objective.

Therefore, in conclusion the above merit assessment has found that the development satisfies the relevant objectives which underpin the Built Form Controls.

General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:



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General Principles	Applies	Comments	Compliant
CL38 Glare & reflections	Yes	Matters pertaining to glare and reflection, including building colours and materials, internal and external lighting of the buildings, pedestrian links and any interfacing with the public domain will be the subject of comprehensive assessment at Stage 2 of the development.	Yes Capable of complying in the Stage 2 Development Application.
CL39 Local retail centres	No	No comment.	N/A
CL40 Housing for Older People and People with Disabilities	No	No comment.	N/A
CL41 Brothels	No	No comment.	N/A
CL42 Construction Sites	Yes	Matters pertaining to future demolition, excavation and construction in terms of traffic, noise, dust, parking, accessibility, sediment and the safety of pedestrians will be the subject of comprehensive assessment at Stage 2 of the development.	Yes Capable of complying in the Stage 2 Development Application.
CL43 Noise	Yes	Matters pertaining to noise requirements, noise sources (mechanical plant, loading dock and garbage removal operations, basement car parking, residential apartments, retail spaces) and noise control measures in relation to glazing, mechanical equipment, sound transmission between premises, construction noise and compliance with the BCA will be the subject of comprehensive assessment at Stage 2 of the development.	Yes Capable of complying in the Stage 2 Development Application.
CL44 Pollutants	No	No comment	N/A
CL45 Hazardous Uses	No	No comment.	N/A
CL46 Radiation Emission Levels	No	No comment.	N/A
CL47 Flood Affected Land	No	No comment.	N/A
CL48 Potentially Contaminated Land	Yes	<p>The application includes a Stage 1 Environmental Site Assessment dated 8 July 2011 as prepared by Coffey Environments Australia Pty Ltd. The Assessment concludes that:</p> <p>Based on the findings, Coffey considers that site development is feasible subject to the following recommendations:</p> <ul style="list-style-type: none"> • <i>A Hazardous Material Survey be conducted across the site and within the building structures to identify ACM and/or SMF;</i> • <i>Removal of all building refuse across the site to a licensed disposal facility;</i> • <i>Limited soil sampling in the above AECs and in garden beds and analysis for identified Potential Contaminants of Concerns (PCOCs); and</i> • <i>Should contamination be detected in these areas, that presents an unacceptable risk to human health or the environment, then management and/or remediation may be required."</i> <p>This application does not seek consent to demolish and construct the development, as proposed, but only seeks consent for the building envelopes, footprints, landscaping and traffic access/egress arrangements.</p>	Yes Capable of complying in the Stage 2 Development Application.



Warringah Council

General Principles	Applies	Comments	Compliant
		The recommendations made in the Assessment are included as part of the conditions in the Recommendation of this report.	
CL49 Remediation of Contaminated Land	No	No comment.	N/A
CL49a Acid Sulfate Soils	Yes	The site is not within an acid sulphate soils area on Council's Acid Sulphate Soils Hazard Map accompanying WLEP 2000.	Yes
CL50 Safety & Security	Yes	Matters pertaining to safety and the provisions of CPTED will be the subject of comprehensive assessment at Stage 2 of the development.	Yes Capable of complying in the Stage 2 Development Application.
CL51 Front Fences and Walls	No	No comment.	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	Yes	<p>The development is located adjacent to a pocket of bushland (although not a classified reserve) and the public domain of the Civic Centre and Dee Why Library grounds.</p> <p>Despite being a Stage 1 concept, the application includes a Flora and Fauna Investigation dated 1 August 2011 as prepared by LesryK Environmental Consultants. The Investigation concludes that the proposal would not have a significant impact on any plants, animals or vegetation communities listed under the Schedules to either the EPBC or TSC Acts. The Investigation includes the following recommendations to ensure that the works are undertaken in an ecologically sustainable manner:</p> <ul style="list-style-type: none"> • "An arborist should be engaged to provide advice on those trees proposed to be retained within the development layout, particularly those that may be indirectly affected through root disturbance. In those instances where trees maybe indirectly affected, the arborist should provide advice on measures to reduce tree dieback (e.g. removal of canopy limbs or crown lifting). • A landscape plan should be prepared for the site. • A variety of locally occurring native trees should be included in any landscaping works undertaken. To ensure these plants do not present a risk to residents, it is recommended they be established around the limits of the subject site, particularly the eastern side of the property where other native plants occur in the adjacent (northern) Council parkland. • In accordance with the regulations set out under The Noxious Weeds Act 1993, those weeds identified as noxious on site, should be subject to any biological control or other control program directed by the Local Control Authority to result in the suppression of these species." <p>The recommendations made in the Investigation are included as part of the conditions in the Recommendation of this report.</p> <p>The application was also referred to Council's Natural Environment Unit who do not raise any objection to the</p>	Yes Capable of complying in the Stage 2 Development Application.



Warringah Council

General Principles	Applies	Comments	Compliant
		<p>proposal and has provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.</p> <p>Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.</p>	
CL53 Signs	No	No comment.	N/A
CL54 Provision and Location of Utility Services	Yes	Matters pertaining to the provision and location of utility services will be the subject of comprehensive assessment at Stage 2 of the development.	Yes Capable of complying in the Stage 2 Development Application.
CL55 Site Consolidation in 'Medium Density Areas'	No	No comment.	N/A
CL56 Retaining Unique Environmental Features on Site	Yes	<p>The site consists of an extensive rock outcrop which forms the predominant environmental feature.</p> <p>The development has been designed to retain the unique integrity of the rock formation by positioning the footprints of Buildings A, B and C within the plateau of the outcrop thereby preserving the natural rock edges which define the site against the public domains of Fisher Road, St David Avenue and Civic Drive. The development will require excavation of the rock edge at the northern side of the site to enable vehicular access along the new driveway but this is focused and kept to a minimum with the majority of the rock edging being retained.</p> <p>Excavation for the proposed basement car parking areas is also restricted to the central parts of the site directly below the building footprints of Buildings A, B and C which ensures that the visual and structural integrity of the rock formation remains intact.</p> <p>Despite being a Stage 1 concept, the application includes a Geotechnical Study dated 29 June 2011 as prepared by Coffey Geotechnics Pty Ltd. The Study concludes that</p> <p><i>"Based on the results of this geotechnical study and our previous experience on similar projects, the proposed development is considered geotechnically feasible. There should be relatively low risk to surrounding properties and infrastructure provided that additional site investigations, design assessments and construction monitoring normally associated with this type of development is carried out, and good construction practice is followed."</i></p> <p>The Study includes recommendations which are included as part of the conditions in the Recommendation of this report.</p>	Yes Capable of complying in the Stage 2 Development Application.
CL57 Development on Sloping Land	Yes	The site consists of an elevated rock outcrop which includes steep slopes at the edges of the outcrop.	Yes Capable of complying in the



Warringah Council

General Principles	Applies	Comments	Compliant
		<p>The development has been designed to respond and respect these slopes by position the buildings on the plateau of the outcrop (in the same way the current buildings are positioned).</p> <p>As discussed above (under CI 56), the application includes a Geotechnical Study which concludes that the development of the site, as proposed, is feasible. The Study includes preliminary recommendations to address the stability of the site during the excavation and construction phases of the Stage 2 development. These recommendations which are included as part of the conditions in the Recommendation of this report.</p>	Stage 2 Development Application.
CL58 Protection of Existing Flora	Yes	<p>The application includes an Arboricultural Impact Report dated 5 August 2011 and prepared by Landscape Matrix Pty Ltd. The report concludes that:</p> <p><i>"Of the 67 trees on or adjoining the site that have been assessed 14 of the trees has been identified as having high landscape value and as a priority for retention. An additional 26 trees have been identified as worthy of specific consideration for retention/protection if possible.</i></p> <p><i>In addition to the above, 3 of the trees assessed for the report have been identified as recommended for removal, regardless of the proposal, due to identified health or structural issues. The remaining 24 trees are identified in section 6 of the report as not requiring specific design consideration."</i></p> <p>The report includes generic tree protection measures to assist in the protection of trees to be retained on the site. Subsequently, the tree protection measures are included within the Conditions included in the Recommendation of this report.</p>	Yes Capable of complying in the Stage 2 Development Application.
CL59 Koala Habitat Protection	No	No comment.	N/A
CL60 Watercourses & Aquatic Habitats	No	No comment.	N/A
CL61 Views	Yes	The application includes a view sharing analysis which indicates that consideration has been given to the maintaining of views from the high point of McIntosh Road through the incorporation of articulated upper levels to Building A. The analysis includes a photo montage taken from a highpoint on McIntosh Road (refer to Plan No. SK-601 dated 19/08/2011) which, when matched against the Vista/Street Axis and Views/Outlook diagrams, shows that the long views to the ocean will be maintained from McIntosh Road. As can be seen, the roof line of proposed Building A achieves the same height as the tree line and thereby maintains the same level of view sharing.	Yes
CL62 Access to sunlight	Yes	The application includes shadow diagrams (see Plan Nos. SK-500 (9.00am), SK-503 (Noon), and SK-506 (3.00pm)) which indicate that the development will not result in significant overshadowing over the neighbouring properties and that the shadows cast by the development over nearby residential properties to the west are consistent with the provisions of Clause 62 of the General Principles of Development Control (which requires that <i>sunlight, to at least 50% of the</i>	Yes



Warringah Council

General Principles	Applies	Comments	Compliant
		<p><i>principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21).</i></p> <p>Due to the north-south orientation of the site and the proposed layout of buildings and the west-to-east movement of shadow, the development is not considered to have an adverse impact upon the amenity of the public domains of surrounding streets and St David Park which is located at the corner of Pittwater Road and St David Avenue.</p>	
CL63 Landscaped Open Space	Yes	<p>The application includes a comprehensive landscape design which is considered to work with the built form and layout to facilitate a positive aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>The landscape design incorporates planting themes which form a visual and functional relationship with the current landscaping within the locality. The themes, which includes bushland, heritage bushland garden, heritage productive garden, fern gully and private open space/recreation areas, will provide distinct zones which respond to the particular use of the development and to the streetscape.</p> <p>The proposed internal pathway layouts optimise the useability of the development for both occupants and the general public, including the provision of a through-site access to connect Fisher Road with Civic Drive. Pacific Lodge is notably given emphasis in the landscape layout as a central feature to the development and provides a unique architectural contrast between the historical and contemporary development of the site.</p>	Yes
CL63A Rear Building Setback	No	No comment.	N/A
CL64 Private open space	Yes	Matters pertaining to the provision of private open space will be the subject of comprehensive assessment at Stage 2 of the development.	Capable of complying in the Stage 2 Development Application.
CL65 Privacy	Yes	<p>Given the relative distances and differences in building height, the development does not present overlooking opportunities into the neighbouring residential properties along Fisher Road and the Kingsway.</p> <p>Notwithstanding, a future Stage 2 Development Application will further detail the apartment layout of the development and will be required to address both internal and external privacy through the provision of appropriate setbacks and treatments.</p>	Yes Capable of complying in the Stage 2 Development Application.
CL66 Building bulk	Yes	<p>Buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, unless the applicable Locality Statement provides otherwise.</p> <p>In particular:</p> <ul style="list-style-type: none"> side and rear setbacks are to be progressively increased as wall height increases. 	Yes Capable of complying in the Stage 2 Development Application.



Warringah Council

General Principles	Applies	Comments	Compliant
		<p>The application proposes building envelopes which will be further refined in the Stage 2 Development Application. Notwithstanding, it is noted that the side setbacks of all buildings, as proposed, do progressively increase as the wall heights increase.</p> <ul style="list-style-type: none"> large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. <p>The arrangement of the buildings around the site, together with the progressive side setbacks and curtilages to Pacific Lodge, enable the development to achieve visual relief.</p> <ul style="list-style-type: none"> appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works. <p>The landscape plans accompanying the application are sufficiently detailed to provide certainty that the landscaping will provide sufficient visual relief to reduce building bulk.</p> <p>In terms of scale, the design of the development as proposed in this Stage 1 application, establishes the general heights and envelopes of Buildings A, B and C which are considered, in the context to surrounding development, to achieve a scale commensurate to its role as a gateway development to the Dee Why Town Centre.</p> <p>The bulk and height of the development will be further refined in a Stage 2 Development Application which will diffuse the current blank facades through detailed articulation and the appropriate use of materials and colours.</p>	
CL67 Roofs	Yes	The development proposes flat roofs for Buildings A, B and C. This is considered to be appropriate given the elevated nature of the site which accentuates the building height and roof line, and given the architectural relationship the development will have to the predominantly flat roofed Dee Why Town Centre.	Yes Capable of complying in the Stage 2 Development Application.
CL68 Conservation of Energy and Water	Yes	Compliance with the objectives for Conservation of Energy and Water under WLEP 2000 and <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> would normally be the subject of a comprehensive assessment at Stage 2 of the development.	Capable of complying in the Stage 2 Development Application.
CL69 Accessibility – Public and Semi-Public Buildings	Yes	Compliance with the objectives for Clause 69 under WLEP 2000 and SEPP 65 would normally be the subject of a comprehensive assessment at Stage 2 of the development.	Capable of complying in the Stage 2 Development Application.
CL70 Site facilities	Yes	Compliance, including the storage, collection and handling of waste for the residential and retail/commercial components of the development, the provision of individual dwelling storage and clothes drying facilities for the residential component would normally be the subject of a comprehensive assessment of a Stage 2 Development Application.	Capable of complying in the Stage 2 Development Application.
CL71 Parking facilities	Yes	The car parking areas are accommodated within two	Yes



Warringah Council

General Principles	Applies	Comments	Compliant															
(visual impact)		basement areas which are predominantly under ground. Due to the undulating topography of the site, portions of the basement car park protrude above ground level. However, the visual impact of the car parking areas are not significant and do not detract from the streetscape.																
CL72 Traffic access & safety	Yes	<p>The Site Analysis accompanying the application (refer to 'Optimal Vehicular Access Points' in that Analysis) identifies two vehicles access points which are considered to be safe being the currently proposed access point and an access point at the current driveway location further south on Fisher Road. The access point further south is sited adjacent to the bus stop and near the intersection of Fisher Road/St. David Avenue and Lewis Street and would have safety and congestion implications to that intersection and access/egress for the fire station diametrically opposite. The Analysis also identifies that the roundabout location and St. David Avenue are not viable points due to possible disruption to the traffic flow around the roundabout and congestion along St. David Avenue which serves as street parking for police vehicles. In this regard, the proposed access point is considered to be the optimal vehicle access point.</p> <p>Council's Traffic Engineer does not raise any objection to the proposal and has provided conditions which would normally be imposed upon a Stage 2 Development Application for the construction of the development.</p> <p>Subsequently, the conditions are included within the Advisory Notes to inform the applicant and to provide an opportunity to address any fundamental matters during the initial design phase of the Stage 2 Development Application.</p>	Yes Capable of complying in the Stage 2 Development Application.															
CL73 On-site Loading and Unloading	Yes	This application is for the Stage 1 concept and, as such, does not address this General Principle. In this regard, consistency with this Principle would normally be the subject of comprehensive assessment at Stage 2 of the development.	Capable of complying in the Stage 2 Development Application.															
CL74 Provision of Car parking	Yes	<p>Clause 74 calls up Schedule 17 of WLEP 2000 which determines car parking ratios.</p> <p>The development achieves compliance as illustrated below although it should be noted that this component of the staged development is subject to change dependent upon the finalised number of units and the possible commercial use of Pacific Lodge.</p> <table><tr><th>Use</th><th>Required</th><th>Provided</th></tr><tr><td>1 Bedroom</td><td>25 x 1 = 25 spaces</td><td rowspan="4">144 spaces</td></tr><tr><td>2 Bedroom</td><td>49 x 1.2 = 59 spaces</td></tr><tr><td>3 Bedroom</td><td>22 x 1.5 = 33 spaces</td></tr><tr><td>Visitor</td><td>1/5 apts = 20 spaces</td></tr><tr><td>Total</td><td>137 spaces</td><td>144 spaces</td></tr></table> <p>The apartment mix, including the future use of Pacific Lodge, will be refined and determined under a Stage 2 Development Application. However, as the above table indicates, the current application provides a surplus of</p>	Use	Required	Provided	1 Bedroom	25 x 1 = 25 spaces	144 spaces	2 Bedroom	49 x 1.2 = 59 spaces	3 Bedroom	22 x 1.5 = 33 spaces	Visitor	1/5 apts = 20 spaces	Total	137 spaces	144 spaces	Yes
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Total	137 spaces	144 spaces																



Warringah Council

General Principles	Applies	Comments	Compliant
		seven (7) spaces which will be absorbed into the eventual provision of car parking in the Stage 2 Development Application where the number of apartments and the future use of Pacific Lodge will be ascertained.	
CL75 Design of Car parking Areas	Yes	This application is for the Stage 1 concept and, as such, does not address this General Principle. In this regard, consistency with this Principle would normally be the subject of comprehensive assessment at Stage 2 of the development.	Capable of complying in the Stage 2 Development Application.
CL76 Management of Stormwater	Yes	The Stage 1 application does not include any documentation or plans which adequately address Clause 76. Should the application be approved, suitable conditions will be required to be imposed on the Stage 2 consent requiring a detailed Stormwater Management Plan to include OSD design and supporting calculations to be submitted with the Stage 2 DA.	Capable of complying in the Stage 2 Development Application.
CL77 Landfill	No	No comment	N/A
CL78 Erosion & Sedimentation	Yes	The Stage 1 application does not include any documentation or plans which adequately address Clause 78. Should the application be approved, suitable conditions will be required to be imposed on the Stage 2 consent requiring a detailed Erosion and Sedimentation Management Plan in relation to the transmission of sediment and debris onto the roadway and street gutter system during the demolition, excavation and construction periods.	Capable of complying in the Stage 2 Development Application.
CL79 Heritage Control	Yes	<p>The site accommodates three (3) items which are identified as having varying degrees of heritage significance. Pacific Lodge is listed on the Heritage Branch State Inventory. An associated heritage building is located within the centre of the site and a cultural heritage garden (located adjacent to Civic Drive) are not listed.</p> <p>Additionally, the site is in close proximity to the Dee Why Library building and the Civic Centre. The Library is heritage listed whilst the Civic Centre has potential for heritage listing. The heritage listed Fire Brigade building is located across Fisher Road to the west.</p> <p>The heritage consultant, Musecape Pty Ltd points out in their letter dated 7 February 2011 that <i>the documentation submitted to date does not provide Council with sufficient information to assess the extent to which the proposed development would affect the heritage significance of the item (i.e. 'Pacific Lodge') or those other items in the vicinity (i.e. Dee Why Public Library and Dee Why Fire Station).</i></p> <p>In this regard, Musecape Pty Ltd recommend that a Conservation Management Plan is prepared for the site that addresses the following:</p> <ul style="list-style-type: none"> • The extent of heritage property and curtilage; • The heritage significance of administration; • The significance of other existing residential aged care facility buildings; and • The potential future uses of heritage listed building; 	Yes



Warringah Council

General Principles	Applies	Comments	Compliant
		<p>Given that the Stage 1 application is for the approval of building envelopes and footprints, the conditioning of a Stage 1 DA consent to require the submission of a Conservation Management Plan with a Stage 2 DA is considered to be unwise as the Plan may require any curtilage from a heritage building to be increased thereby requiring a potentially significant redesign of the development post-lodgement.</p> <p>In this regard, this is considered to be a fundamental matter which constitutes a reason for refusal</p>	
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	Yes	<p>Due to the prevalence of significant rock outcrops throughout the site, the application was referred to the Aboriginal Heritage Office for assessment and comment.</p> <p>The Aboriginal Heritage Office advises that:</p> <p><i>"If areas of in situ sandstone outcrop are proposed for impact (such as overhangs over 1m in height or platforms over 2m square), the Aboriginal Heritage Office would recommend a preliminary inspection by a qualified Aboriginal heritage professional.</i></p> <p><i>If sandstone outcrops would not be impacted by the development (and if any outcrops that were present were properly protected during works), then no further assessment is required and the Aboriginal Heritage Office would not foresee any further Aboriginal heritage constraints on the proposal."</i></p> <p>Given that the site includes in situ sandstone rock outcrops which may exceed 1m in height or platforms over 2m, and which will be impacted by the development, square it is considered appropriate to provide a Preliminary Aboriginal Heritage Inspection Report, should this application be approved, with a Stage 2 DA.</p>	Capable of complying in the Stage 2 Development Application.
CL81 Notice to Heritage Council	No	No comment.	N/A
CL82 Development in the Vicinity of Heritage Items	Yes	Refer to 'Clause 79 – Heritage Control' in this table.	Yes
CL83 Development of Known or Potential Archaeological Sites	No	No comment.	N/A

Other relevant WLEP 2000 Clauses

There are no other relevant clauses under WLEP 2000.

SCHEDULES

Schedule 8 - Site analysis

Clause 22(2)(a) of WLEP 2000 requires that the consent authority must consider a Site Analysis prepared in accordance with the criteria listed in Schedule 8.



It is considered that the submitted Site Analysis, in conjunction with the Statement of Environmental Effects (as prepared by Hassell dated October 2011 and in response to the provisions of Schedule 15) adequately addresses how the development responds to its surrounds and the locality.

Schedule 10 - Traffic Generating Development

The development consists of 96 dwellings and proposes a new crossover onto Fisher Road which is a classified road (Sub-arterial road (Regional road)). As such, the development triggers a requirement to refer the application to the RMS under Column 3 of Schedule 3.

The RMS does not raise any objection to the proposal subject to conditions.

Schedule 17 – Car parking Provision

The development achieves compliance as illustrated below:

Use	Required	Provided
1 Bedroom	25 x 1 = 25 spaces	144 spaces
2 Bedroom	49 x 1.2 = 59 spaces	
3 Bedroom	22 x 1.5 = 33 spaces	
Visitor	1/5 units = 20 spaces	
Total	137 spaces	144 spaces

The apartment mix, including the future use of Pacific Lodge, will be refined and determined under a Stage 2 Development Application. However, as the above table indicates, the current application provides a surplus of seven (7) spaces which will be absorbed into the eventual provision of car parking in the Stage 2 Development Application where the number of apartments and the future use of Pacific Lodge will be ascertained.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan 2006

Section 94A contributions will be levied at Stage 2 of the development.

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Warringah Local Environmental Plan 2011 and the relevant codes and policies of Council.

This application seeks approval for a Stage 1 Development Application made pursuant to Section 83B of the *Environmental Planning and Assessment Act, 1979*.

The Stage 1 Development Application includes building envelopes, footprints, landscaping and traffic access/egress arrangements. The approval of the Stage 1 Development Application would permit construction to occur through a subsequent Stage 2 Development Application within the building envelopes and footprints, and for the location of traffic access/egress points, as proposed in this Application.



In summary, the assessment of the Development Application found that:

Submissions

The application was notified to 1,990 adjoining and nearby landowners and occupiers and attracted two (2) submissions which raised the following issues:

- Traffic;
- Privacy; and
- Noise.

All issues have been addressed in this report (see 'Public Exhibition') and were found to not warrant the refusal of the application.

Referrals

All recommendations and matters for consideration pertaining to the Stage 2 development Application raised by external and internal referral bodies have been included in the Recommendation of this report.

Environmental Planning Instruments

The development has been found to be consistent with the Matters for Consideration under s.79C of the *Environmental Planning & Assessment Act, 1979*.

The development has been found to be consistent with the various provisions of the following Environmental Planning Instruments:

- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*; and
- *State Environmental Planning Policy (Infrastructure) 2007*.

Additionally, the assessment also found that the development is consistent with the zoning Objectives of WLEP 2011.

Desired Future Character

The development has been found to be consistent with the Desired Future Character of the E10 Civic Centre Locality.

Built Form Controls

The assessment found that the development does not comply with the Building Height Built Form Control. The merit assessment of the non-compliance against the objectives of the Control found that the non-compliances were reasonable and acceptable given the site constraints imposed and the resultant impacts and does not represent an overdevelopment of the site.

The non-compliances have been considered supportable under Clause 20 variations.

General Principles of Development Control

The development has been assessed under the General Principles of Development Control and was found to be generally compliant or capable of complying at the Stage 2 Development Application.



Schedules

The development has been assessed under 'Schedule 8 – Site Analysis' and 'Schedule 17 - Carparking Provision' and was found to be compliant.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

As a direct result of the application and the consideration of the matters detailed within this report it is considered that the Joint Regional Planning Panel (JRPP) for the Sydney East Region, as the consent authority, approve the application subject to the conditions included within the "Recommendation" section of this report.

RECOMMENDATION - APPROVAL

That the Joint Regional Planning Panel approve Development Application No. 2011/1274 for a Stage One concept development comprising 3 residential flat buildings basement car parking, vehicular access and landscaping at Part Lot 11 in DP 577062, No. 23 Fisher Road, Dee Why subject to the following conditions.

The following consent is granted for Stage 1 of the development in accordance with Section 83B (3)(a) of the *Environmental Planning and Assessment Act 1979*. The subsequent stage, being Stage 2, will be the detailed design stage of the development and will require the submission of a separate development application.

STAGE ONE CONDITIONS OF CONSENT **In accordance with Section 83B (3) (a) of the *Environmental Planning and Assessment Act 1979***

1. Approved Plans and Supporting Documentation

Stage 1 development consent is granted only for the following:

- (a) The above and below ground building envelopes, but no building works.
- (b) The general arrangement of uses within the development as detailed in the plans described below, being:
 - (i) Basement South Car Parking (FFL 32.515);
 - (ii) Basement North Lower Car Parking (FFL 33.985 and 34.830);
 - (iii) Basement North Upper Car Parking (FFL 37.840);
 - (iv) Building A (FFL 41.830 to 53.830);
 - (v) Building B (FFL 37.200 to 49.200);
 - (vi) Building C (FFL 35.515 to 48.715);
 - (vii) Retention of Pacific Lodge and associated heritage items;
 - (viii) Vehicular entry on Fisher Road;
 - (ix) 42.9% (4,556.5m²) of deep soil landscaped area.



The uses shall be consistent with the following table:

Architectural Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SK-100 Basement level B2	19/08/2011	Hassell
SK-101 Site Plan RL 36.200	19/08/2011	Hassell
SK-102 Site Plan RL 39.600	19/08/2011	Hassell
SK-103 Site Plan RL 42.000	19/08/2011	Hassell
SK-104 Site Plan RL 45.000	19/08/2011	Hassell
SK-105 Site Plan RL 48.000	19/08/2011	Hassell
SK-106 Site Plan RL 51.000	19/08/2011	Hassell
SK-107 Site Plan RL 54.000	19/08/2011	Hassell
SK-120 Site Plan: Landscaped Open Space	19/08/2011	Hassell
SK-150 Elevations	19/08/2011	Hassell
SK-151 Elevations	05/08/2011	Hassell
SK-200 Proposed Sections	19/08/2011	Hassell
SK-201 Proposed Sections	19/08/2011	Hassell

Reports/Documentation		
Report/Document	Dated	Prepared By
All recommendations made in the Preliminary Conservation Management Plan (Issue 02)	September 2011	Tropman & Tropman Architects
All recommendations made in the Stage 1 Environmental Site Assessment	8 July 2011	Coffey Environments Australia Pty Ltd
All recommendations made in the Geotechnical Study	29 June 2011	Coffey Geotechnics Pty Ltd
All recommendations made in the Flora and Fauna Investigation	01/08/2011	LesryK Environmental Consultants
All recommendations made in the Arboricultural Impact Report	5 August 2011	Landscape Matrix Pty Ltd
All recommendations made in the Aboriginal Objects Due Diligence Assessment	September 2011	Niche Environment & Heritage Pty Ltd

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

The development is to be undertaken generally in accordance with the following:

Landscape Plans – Endorsed with Council's Stamp		
Drawing Number	Dated	Prepared By
L-SK001 Landscape Plan	28/09/2011	Hassell
L-SK003 Landscape Character Zones	23/08/2011	Hassell
L-SK004 Tree Retention/Deep Planting Plan	23/08/2011	Hassell
L-SK005 Landscape Image Board	23/08/2011	Hassell

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Limitations of this consent

This consent grants approval for the Stage 1 concept of the development only, in accordance with Section 83B(3)(b) of the *Environmental Planning and Assessment Act 1979*, and does not authorise or approve of any works.



A subsequent Stage 2 Development Application will require the submission of a detailed development application to Warringah Council for final approval under the provisions of Section 78A of the *Environmental Planning and Assessment Act, 1979*.

Reason: To communicate the limitations of this consent.

3. **New Development Application Required**

This consent is for a concept approval of Stage 1 only. Separate development application(s) will be required for approval of the detailed designs required for Stage 2.

Reason: To ensure a detailed design DA is submitted and approved prior to construction.

4. **Assessment and Determination of Future Applications**

The assessment and determination of the Stage 2 development application must be generally consistent with the approved plans and conditions of approval contained in this development consent.

Reason: To ensure the future Stage 2 DA is consistent with the concept proposal.

5. **Building Envelopes**

The above and below ground building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings and structures and the public domain.

Reason: To ensure compliance with the approved concept plans and satisfactory amenity.

6. **Approved Design Roof Top Plant**

All roof top plant and associated equipment incorporated within the Stage 2 DA must be located within the approved building envelopes. The design and external finishes of rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk. Rooftop plant is to be adequately attenuated to avoid acoustic impacts on the development and adjoining and surrounding properties.

Reason: To ensure satisfactory visual and acoustic amenity.

7. **Architectural and Urban Design Report**

The Stage 2 DA is to be accompanied by a detailed **Architectural and Urban Design Report** addressing State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the provisions of the Residential Flat Design Code. The Stage 2 design is to demonstrate compliance or fully justify any non-compliance with SEPP 65 and the RFDC. The detailed design of the buildings is to be consistent



with the Stage 1 concept design parameters to ensure that the intended development outcome is achieved.

Reason: To ensure the architectural and urban *design outcomes are consistent with the concept approval, SEPP 65 and the RFDC.*

8. Design Excellence

The applicant is to provide detailed architectural plans and visual aids in the form of an architectural scale model, photomontages, 3D modelling and a comprehensive sample board of external finishes to demonstrate the design excellence of the development.

Reason: To ensure design excellence is achieved at Stage 2.

9. Wind Effects

A **Wind Impact Report** shall be submitted with the Stage 2 DA. Details of the integration of devices to minimise the wind tunnel effect and downdrafts, including awnings, devices, trees, blades, etc are to be provided addressing the town square, pedestrian link, communal podium level and bus interchange are to be incorporated into the Stage 2 development application.

Reason: To ensure a satisfactory wind environment for the development and its surrounds.

10. Sun Control Devices

Details of solar protection and glare control for residential units to be provided with the Stage 2 and are to maximise internal amenity and internal environment control.

Reason: To ensure adequate solar control for internal amenity.

11. Residential Unit Mix

The proportions of studio (if proposed), 1, 2 and 3 bedroom units is have regard to housing affordability principles and the requirements of SEPP 65.

Reason: To ensure adequate provisions are made for affordable housing.

12. Landscape Design

(a) The Stage 2 DA is to be accompanied by a detailed **Landscape Plan**, prepared by a Landscape Architect or landscape designer for the internal communal open space areas and outer perimeters of the site. Details of the landscaped treatment is to address safety, crime prevention, casual surveillance, the provision of courtyards in association with residential units adjacent to the internal communal open space areas and recreational facilities for residents, including BBQ's, children's play areas, shelter and relaxation. The design is to also include:

- i. details of retaining walls, mounding and planter boxes,
- ii. location, numbers and types of plant species,
- iii. drainage and watering systems,
- iv. deep soil planting zones,
- v. planting procedure and maintenance.



(b) The Arboricultural Impact Report dated 5 August 2011 and prepared by Landscape Matrix Pty Ltd is to be updated to address the following:

i. Several trees with high retention values are potentially impacted by the proposed development and will require specific tree protection measures and design considerations in the Stage 2 DA. In particular, the following trees;

- Tree No. 12;
- Tree No. 31;
- Tree No. 32;
- Tree No. 34;
- Tree No. 41;
- Tree No. 56;
- Tree No. 59;
- Tree No. T61;
- Tree No. T72 – adjoining property and is prominent in the streetscape;
- Tree No. T90– adjoining property; and
- Tree No. 107.

The above impacts will need to be addressed in the Stage 2 DA through the appropriate design modifications demonstrating that these trees will not be detrimentally affected by the development and to ensure the protection of those trees. In particular, pathways and the driveway are to be configured in such a manner to accommodate the retention of trees identified as having a moderate to high retention value/landscape significance.

- ii. Tree Protection measures are to be installed as per Arborist recommendations and as per AS4970 – 2009 Protection of trees on development sites.
- iii. Details of the proposed plant species with locations are to be provided in the Stage 2 DA.

Reason: To ensure satisfactory tree retention and landscape amenity.

13. Use of Renewable and Recyclable Materials

The Stage 2 DA is to be accompanied by details of how renewable and recyclable materials can be integrated into the design of the development.

Reason: To ensure ESD principles are provided for in the development.

14. Environmentally Sustainable Development (BASIX)

The detailed Stage 2 design for the development shall be accompanied by BASIX reports which demonstrate compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and

Reason: To ensure ESD principles are provided for in the development.



15. Motorcycle and Bicycle Parking

The Stage 2 DA shall incorporate adequate levels of motorcycle parking in the basement and bicycle parking within the public domain areas of the development.

Reason: To ensure that alternative forms of transport are provided for in the development.

16. Shadow and Sunlight Access Report

The Stage 2 DA is to be accompanied by a detailed **Shadow and Sunlight Access Report** addressing the requirements of part 'D6 Access to Sunlight' in Warringah Development Control Plan 2011 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Reason: To ensure satisfactory levels of compliance with relevant standards.

17. Traffic and Parking Report

A **Traffic and Parking Report** is to be submitted with the Stage 2 DA addressing carparking area, ramp, provisions for garbage trucks, disabled parking and motorcycle parking. The number of carparking spaces is to comply with 'Part C3 Parking Facilities' and 'Appendix 1 Carparking Provision for Various Landuses' in Warringah Development Control Plan 2011, the design of the carpark layout and vehicular access is to demonstrate compliance with the relevant Australian Standards. Any variation to these controls is to be supported by detailed traffic surveys and associated information to justify such variations.

In relation to service vehicles, the following matters are to be addressed in the report:

- a. The design of the access driveway to and proposed loading bays is to be in accordance with the Standards Australia AS 2890.1-2004 and AS 2890.2-2002.
- b. Provision is to be made for removalist's trucks servicing the residential units.
- c. The provision of a crash barrier along the northern boundary opposite the basement car park entry/exit.
- d. The design of proposed access arrangements is to take into consideration the impact on pedestrian crossings and pedestrian movements and safety along the frontage roads.

The Traffic and Parking Report is to contain current traffic study data by way of sample surveys to ascertain the impacts of the development upon the surrounding road network.

Reason: To ensure traffic and parking issues satisfy relevant standards.

18. Bus movements

The Stage 2 DA is to address the impact of the exit ramp on bus movements in Fisher Road.

The proponent is to consult with Sydney Buses in relation to the location of bus stops prior to the submission of the Stage 2 DA.



The traffic studies have identified the need for modifying the kerb radii at corner of Fisher Road and St. David Avenue to accommodate buses. The impact of the modifications is to be assessed as to whether sufficient footpath area is preserved.

Reason: To ensure adequate provisions are made for buses and taxis in the development.

19. Environmental Noise Impact Assessment

The Stage 2 DA is to be accompanied by a detailed Environmental Noise Impact Assessment addressing the requirements of 'Part D3 Noise' in Warringah Development Control Plan 2011, and including noise sources (mechanical plant, loading dock and garbage removal operations, basement carparking, vehicle access/egress, residential apartments, retail spaces) and noise control measures in relation to glazing, mechanical equipment, sound transmission between neighbouring internal and external properties, construction noise and compliance with the BCA.

Reason: To ensure a satisfactory acoustic environment.

20. Security Review/Crime Prevention Report

The Stage 2 DA is to be accompanied by a detailed Security Review/Crime Prevention Report addressing Crime Prevention Through Environmental Design (CPTED) and is to demonstrate compliance with the four CPTED Principles outlined in 'Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning). The report is to address safety and security issues and make specific recommendations on lighting, entrances, lobbies and the like. The assessment is to address the requirements of the NSW Police.

Reason: To ensure a satisfactory level of for future residents, workers and visitors.

21. Phase 1 Contamination Report and Remediation Action Plan

The Stage 2 DA is to be accompanied by a detailed Contamination investigation by a suitably qualified environmental consultant is to be undertaken in the existing and historic garden beds as recommended in the contamination assessment report prepared by Coffey Environment Australia dated 8 July 2011. If contamination is present, it must be managed or remediated in accordance with in accordance with the Contaminated Lands Management Act 1997, SEPP 55 and "Sampling Design Guidelines for Contaminated Sites", 1995 NSW EPA.

Reason: To satisfy relevant statutory requirements.

22. Geotechnical Report

The Stage 2 DA is to be accompanied by a detailed geotechnical Design Report containing sufficient detail on the approved concept design of the basement to confirm feasibility of the design philosophy adopted and allowing impacts on the adjoining structures to be identified. This is to include predicted levels of movement of the basement walls so that "trigger" levels for intervention are identified. A Construction Monitoring Program is to be included in this report.



Reason: To ensure geotechnical issues are adequately addressed in the Stage 2 design.

23. Construction Environmental Management Plan

The Stage 2 DA is to be accompanied by a detailed **Construction Traffic Management Plan** which provides details of the safe operation of traffic and pedestrians during construction. The plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the current version of Australian Standards AS1742 –Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

The plan is to address the above issues including stormwater and wastewater disposal, waste management, air quality, noise management, truck parking, construction staging, noise and vibration control plan, soil and water sediment control management plan (including a **Dust Management Strategy**).

Specifically, the CMP is to address the following in terms of traffic related matters:

- a. Car parking arrangements whilst the development is under construction.
- b. Construction staff parking.
- c. Construction vehicle access to and from the site during excavation and building works.
- d. The need for a work zone adjacent to the site frontage is to be considered as part of the construction management plan.

The CMP is also to provide details of all geotechnical and groundwater monitoring points, how they will be monitored, responsibilities for carrying out the monitoring, intervention trigger levels and actions to be taken if intervention levels are reached. Council is to be given an observational role to assist with the implementation of the CMP.

Reason: To ensure all construction related impacts and methods are appropriately managed.

24. Staging Plan

The Stage 2 DA is to be accompanied by a detailed **Staging Plan**, including demolition, remediation (if required), excavation, construction, landscaping and public domain works.

Reason: To provide details as to the staging of the development.

25. Lighting Design Statement

The Stage 2 DA is to be accompanied by a detailed **Lighting Design Statement** which addresses the number, type, design, luminosity and location of major lighting fixtures, the issue of glare and reflection, including building colours and materials, internal and external lighting of the building, driveway, communal landscaped open space areas, the pedestrian link/walkways.

Reason: To minimise the impacts of lighting.



26. Waste Management Plan

The Stage 2 DA is to be accompanied by a detailed **Waste Management Plan**, which addresses the generation of waste from the residential uses, the location of garbage storage areas and the recycling and re-use of demolition materials in accordance with Warringah Council's Policy Number 'PL 850 – Waste'.

Reason: To ensure the efficient and sustainable treatment of waste.

27. Pedestrian Mobility Plan and Access Report

The Stage 2 DA is to be accompanied by a detailed **Pedestrian Mobility Plan and Access Report** providing details of access and facilities for people with a disability in accordance with the Building Code of Australia, AS 1428.2 and be addressing the Disability Discrimination Act 1992.

Reason: To ensure satisfactory provisions are made for disabled and less mobile persons.

28. Electricity Substation

The design of any electrical substation(s) must be integrated into the design of the final development and not intrude within the public domain or detract from the streetscape presentation of the development. The location of any future substation must be included with the Stage 2 Development Application and is to comply with Ausgrid Requirements.

Reason: To ensure adequate arrangements are made for infrastructure.

29. Site Infrastructure and Services

The Stage 2 DA is to be accompanied by a detailed **Infrastructure and Services Reports** to demonstrate how the development can be adequately and properly serviced. The report is to include an outline of any necessary augmentation of existing services. All infrastructure planning and design is to be undertaken in consultation with the relevant authorities, including Ausgrid, AGL, Sydney Water and Telecommunications Providers.

Specifically, a survey plan to Australian Height Datum of the location of all utility services in the Fisher Road, St. David Avenue and Civic Drive road reserves is to be provided.

Reason: To ensure adequate arrangements are made for infrastructure.

30. Infrastructure – Roads and Footpath Works

The Stage 2 Development Application is to be accompanied by engineering plans for the full road reconstruction on the corner of Fisher Road and St. David Avenue, including kerb and gutter reconstruction, associated street stormwater drainage and inlet pits, line marking, traffic signage etc.



Full width paving and associated streetscape works will be required to be constructed along the Fisher Road and St. David Avenue frontages.

All works are to be designed in accordance with Council's Engineering specification – Auspec 1 and other Council specifications. The proponent shall also demonstrate the road geometry complies with Council's specifications.

Reason: To ensure adequate arrangements are made for infrastructure.

31. Landscape open space

The Stage 2 Development Application is to be accompanied by a Deep Soil Area Plan which clearly indicates the location of deep soil in accordance with 'D1 Landscaped Open Space and Bushland Setting' (and the associated DCP Map 'Landscaped Open Space and Bushland Setting') in Warringah Development Control Plan 2011.

Reason: To ensure satisfactory levels of compliance with relevant controls.

32. Management of Site Stormwater

The Stage 2 development application shall address the following:

- i. Provision of an On-site Stormwater Detention system for the development. Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" is to be submitted to the Council for assessment and approval.
- ii. The stormwater management plan shall also demonstrate the provision of Water Sensitive Urban Design (WSUD) measures in accordance with Councils draft - "Water Sensitive Urban Design Policy and technical guidelines".

The proposed buildings are to feature rainwater harvesting tanks for toilet flushing and irrigation. Pollution control devices are also to be provided.

The stormwater management plans shall also demonstrate compliance with the State Environmental Planning Policy –BASIX.

Reason: To ensure adequate arrangements are made for infrastructure.

33. Water Quality Management Plan

A Water Quality Management Plan demonstrating compliance with the Stormwater Management Objectives, as set out in the Northern Beaches Stormwater Management Plan must be provided for Council's consideration. This requires the inclusion in the hydraulics plans of Gross Pollutant Traps (GPT's), oil and grease separators, etc.

Reason: To ensure adequate arrangements are made for infrastructure.

34. Water Sensitive Urban Design

Stormwater drainage plan is to be designed in accordance with Council's draft Water Sensitive Urban Design Policy. Details demonstrating compliance with this policy are to be submitted for Council's assessment and approval.

Reason: To ensure adequate arrangements are made for infrastructure.



35. Hydrant/Booster Location

The Stage 2 Development Application is to clearly identify the proposed location of all required fire hydrants and booster valves. The hydrant/booster valve and fire services location must be verified as being acceptable to the NSW Fire Brigade.

Reason: To ensure adequate arrangements are made for infrastructure.

36. Median strip

The proposed median and associated signs and line-marking in Fisher Road shall be designed and constructed at no cost to Council. Detailed construction plans of the proposed median shall be submitted to Council with the Stage 2 DA.

Any works proposed within the road reserve will be required to be referred to Council's Traffic Committee for approval and it is recommended that this occur prior to the lodging of the Stage 2 DA to establish certainty.

Reason: To ensure adequate arrangements are made for infrastructure.

37. Section 94A contributions

A quantity surveyors report must be submitted for the development application for Stage 2 to enable Section 94A contributions to be assessed for all components within this Stage.

Reason: To enable accurate calculation of section 94A contributions

NOTE: Building Code of Australia

The Stage 2 DA is to be accompanied by a more detailed assessment to ensure the development is capable of meeting the performance requirements of the Building Code of Australia.