

JOINT REGIONAL PLANNING PANEL Sydney East Region

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| JRPP No: | 2014/SYE127 |
| DA No: | DA2014/1093 |
| Local Government Area | Warringah LGA |
| Proposed Development | Proposed Part Lot 103 in the Plan of Subdivision of Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, Dee Why. |
| Street Address | Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, Dee Why. |
| Applicant: Owner: | Dee Why Properties Pty Ltd Dee Why Properties Pty Ltd and Warringah Council |
| Number of Submissions | One (1) submission was received |
| Regional Development Criteria (Schedule 4A of the Act) | Development Application (Stage 2) |
| List all documents submitted with this report for the panel's consideration | <ul style="list-style-type: none"> • Assessment Report; • Conditions of Consent; • Plans & Statement of Environmental Effects submitted with the Application; • All other documentation supporting the application; and • public submission |
| Recommendation | Deferred Commencement Consent |
| Report by: | GLN Planning Pty Ltd (GLN) on behalf of Warringah Council (Council) |

Assessment Report and Recommendation

Address: Proposed Part Lot 103 in the Plan of Subdivision of Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, Dee Why.

Proposal: The construction of a residential flat building, being Stage 2 of the concept approval DA2013/1519

Development Application No: DA 2014/1093

Plans Reference: **Architectural Plans**
Stage 2 Pacific Parade
A000 General
DA 0.01 Cover Sheet
DA 0.02 Site Analysis
DA 0.03 Demolition Plan
DA 0.04 Landscape Open Space Plan
A100 Plans
DA 1.01 Site Plan
DA 1.02 – 1.04 Basement Level Floor Plans
DA 1.05 – 1.10 Ground & Upper Level Floor Plans
DA 1.12 Roof Plan
DA 1.13 Pre and Post Adaptable Units
A200 Elevations
DA 2.01 North and South Elevations
DA 2.02 East and West Elevations
A300 Sections
DA 3.01 Section Through Car Park Ramp
DA 3.02 Section Through Communal Open Space
DA 3.03 Pacific Parade Ramp Detail
A400 Shadow Diagrams
DA 4.04-06 Shadow Diagrams
A500 Exterior Material Finishes
DA 5.01 Exterior Material Finishes

Amended Plans: No

Applicant: Dee Why Properties Pty Ltd

Owner: Dee Why Properties Pty Ltd and Warringah Council

Application Lodged: 14/10/2014

Zone: R3 Medium Density Residential

Permissible Development: Residential Flat Building

Land and Environment Court Action: No

Referred to JRPP: The DA is referred to the JRPP Pursuant to Schedule 4A of the *Environmental Planning & Assessment Act 1979*, as amended. The Panel is authorised to exercise the consent authority functions of Council as the development proposed:

1. Has a combined capital investment value of more than \$20 million; and
2. Has a capital investment value of more than \$5 million where the Council is the owner of any land on which the development is to be carried out.

SUMMARY

Submissions: One (1) submission was received

Submission Issues: View Loss and Property Values

| | |
|---------------------------|---|
| Assessment Issues: | Consistency with Consent DA 2013/1519, Open Space, Solar Access, Pedestrian and Vehicular Access, Car and Bicycle parking |
| Recommendation: | Approval - subject to conditions |



LOCALITY PLAN (not to scale)



Site: Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, Dee Why (Stage 2 site highlighted yellow).

Notified Residences: The subject Application was publicly exhibited in accordance with the *Environmental Planning and Assessment Regulation 2000*, Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan to adjoining land owners and occupiers for a period of 33 calendar days from 24 October 2014 to 27 November 2014. The notification process also included an advertisement in the Manly Daily and a notification sign placed on the site

SITE DESCRIPTION

The site is part of a larger parcel comprising six (6) allotments located between Sturdee Parade and Pacific Parade on the fringe of the Dee Why Town Centre, approximately 170 metres to the east of Pittwater Road.

The site of Stage 2 has a 61m frontage to Pacific Parade and is 45m deep extending to the middle of the street block. The Sturdee Parade and Pacific Parade frontages are each 61m, the distance between these roads is approximately 90m and the total site area is approximately 2,745m². There is a relatively consistent 4% grade extending from Sturdee Parade down to Pacific Parade. A variety of exotic and native trees are situated within the site as well as within the Sturdee Parade and Pacific Parade road reserves.

There are currently three (3) detached single storey dwellings with several associated outbuildings, on the land fronting Sturdee Parade as well as a disused childcare centre building with play areas and car park. However, all structures and existing vegetation on site and relevant street trees were approved for removal by way of Consent DA2013/1519 granted on 17 July 2014.

The neighbouring allotments have been re-developed within the last 10 years, generally in accordance with the current planning controls, as follows:

- The Dee Why Grand development at No. 834 Pittwater Road is a mixed use development situated to the west of the site. Above the ground floor commercial use are seven residential apartment buildings. The apartments facing Sturdee Parade and Pacific Parade are 3 levels above the ground floor with a 4th level incorporated within a sloping roof structure. Between these perimeter apartment buildings are mid-block freestanding apartment buildings. The mid-block apartment building closest to the site (Building 3) has 7 storeys above a commercial podium level. This building is angled so that all of its apartments are orientated to enjoy coastal views across the northern half of the site.

The eastern elevation of the podium structure facing the site presents primarily as a solid wall approximately 6 metres in height with minimal openings. This wall is setback approximately 5 metres from the western boundary of the site. Within the 5 metre setback is a concrete footpath enabling public pedestrian access between Sturdee Parade and Pacific Parade. This pedestrian path is bordered by narrow landscaped areas and contains stormwater infrastructure and is an overland flow path in larger storm events.

- The apartment complex at No. 24 Sturdee Parade, which is situated to the east of the site, comprises 3 freestanding buildings above basement car parking. The buildings addressing both Sturdee Parade and Pacific Parade are part 3 and part 4 storeys and the apartment building in the mid-block location is 7 storeys. The mid-block building is primarily setback 3.6 metres from the site, whilst the building fronting Sturdee Parade is setback a minimum of 3 metres. A number of dwellings within these buildings have balconies or windows facing the site.

RELEVANT BACKGROUND

On 17 July 2014, the Sydney East Joint Regional Planning Panel (**JRPP**) granted development consent to DA2013/1519 for a Staged Development Application (**DA**) under Section 83 of the Environmental Planning and Assessment Act including:

- i. a concept approval for two residential flat buildings (one fronting Sturdee Parade and one fronting Pacific Parade) to be constructed in separate Stages on the site; and
- ii. consent for the re-subdivision of the land into two parcels (one with frontage to Sturdee Parade and one with frontage to Pacific Parade) and construction of the Stage 1 residential flat building fronting Sturdee Parade as well as demolition of existing structures and tree removal over the entire site.

This application relates to the Stage 2 residential flat building fronting Pacific Parade referred to in the concept approval. Under Section 83D (2) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) the Stage 2 Development Application cannot be inconsistent with the concept approval granted under DA2013/1519. In this regard, the JRPP in approving the concept approval, agreed to the imposition of a condition requiring that the development for Stage 2 delete a floor (Level 7) and building elements to ensure it complied with the 21m height control in Warringah LEP 2011. This sets the final building envelope for this part of the site and focuses the assessment on the controls relating to the amenity of future residents and their living requirements.

PROPOSED DEVELOPMENT

This Application seeks development consent for Stage 2 of DA2013/1519 being a residential flat building on the Pacific Parade frontage comprising:

- 103 residential apartments, including 2 x studio apartments, 80 x 1 bedroom apartments and 21 x 2 bedroom apartments.
- Two levels of basement car parking comprising 134 car spaces and 57 bicycle spaces.

The building form and relationship to the Stage 1 and neighbouring developments has not changed from the concept approved under DA2013/1519, except for the following:

- Deletion of Level 7 and compliance of the lift overrun with the 21 metre maximum height control (when measured from the existing ground level) as per Consent Condition No. 1(b) of DA2013/1519.
- Reduction of the basement levels to entirely within the Pacific Parade allotment. The previously approved concept had a basement level that extended under the Stage 1 building. It has been reduced given the loss of dwellings associated with the deletion of Level 7 of the building as per Condition No 1(b) of DA2013/1519.

The Stage 2 building is similar in design to the Stage 1 building approved under DA 2013/1519. In particular, the building is rectangular in shape with the units wrapping around an open central courtyard, which creates a protected entry. The building presents as a 3 and 4 storey façade to Pacific Parade and is stepped back to achieve a 6 level building at the rear. A combination of wintergardens and open balconies articulate the façade and ‘break-up’ the form and massing of the building as it presents to Pacific Parade. The proposed palette of materials is similar to that approved for Stage 1 so as to maintain a consistent theme for the site whilst maintaining an appropriate aesthetic to the adjacent and surrounding developments.

The Stage 2 landscaping concept proposes to implement a similar planting scheme to that approved for Stage 1. This includes a dense landscaped buffer along the eastern boundary, including larger trees and understorey plantings. The pedestrian access route to be provided through the eastern portion of the site will connect to the access route approved for Stage 1 and is proposed to be of permeable masonry pavers, which will also enable garbage truck access through the site and to collection areas. The Pacific Parade frontage and western boundary bordering the adjoining pedestrian path will comprise of generally smaller screen plantings interspersed with lawn areas and/or paving areas. The communal open space between the Stage 1 and 2 buildings is proposed to be suitably landscaped with a meandering path with feature trees and understorey planting, seating and hedging.

AMENDMENTS TO THE SUBJECT APPLICATION

No amendments to the Application have been submitted.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

The relevant matters for consideration under 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 | None applicable. |
| Section 79C (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan 2011 applies to this proposal. |
| Section 79C (1) (a)(iia) – Provisions of any planning agreement | None Applicable. |
| Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | The EPA Regulations 2000 requires the consent authority to consider: <ul style="list-style-type: none"> ▪ The provisions of the Building Code of Australia. This |

| Section 79C 'Matters for Consideration' | Comments |
|--|--|
| | <p>matter can be addressed via a condition of consent.</p> <ul style="list-style-type: none"> ▪ Clause 92 of the EP&A Regulations 2000 relating to the Demolition of Structures under AS 2601-1991. This matter can be addressed via a condition of consent. ▪ Clause 50(1A) of the EP&A Regulations 2000, which requires the submission of a design verification certificate from the designer at lodgement of the DA. This documentation has been submitted from Marchese Partners International Pty Ltd (Architects), which satisfied this requirement. |
| <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> | <p>Environmental Impacts</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed in the subsequent sections of this Report. In summary, the impacts associated with the development of the site include those during building construction as well as achieving reasonable outcomes for maintaining solar access and views.</p> <p>Social Impacts</p> <p>The proposed development would increase the availability of housing in the locality including the provision of adaptable housing and be of a positive social impact.</p> <p>Economic Impacts</p> <p>The proposed development would have a minor positive impact on the local economy in conjunction with other new residential development in the locality by generating an increase in demand for local services.</p> |
| <p>Section 79C (1) (c) – the suitability of the site for the development</p> | <p>The site is considered to be suitable for the proposed development for the following reasons:</p> <p>Location – The site is located in close proximity to infrastructure and services.</p> <p>Amalgamated Site – The proposal applies to a consolidated development parcel fronting Pacific Parade to be created under DA2013/1519. The size and shape of the subject development parcel provides a significant opportunity to complete a responsive and integrated design outcome.</p> <p>Topography – The topography of the site is predominantly level with a gentle fall of approximately 4% across the site.</p> <p>Vehicular Access – The site has frontage Pacific Parade providing direct separate access to the proposed basement car parking areas and therefore limiting traffic impacts to the street in which the proposed development is located.</p> |
| <p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p> | <p>See discussion under “Notification and Submissions Received” in this Report.</p> |
| <p>Section 79C (1) (e) – the public interest</p> | <p>The public interest is an overarching requirement, which includes the consideration of the matters discussed throughout this Report. Implicit to the public interest is the achievement of a future built form, which adequately responds to and respects the future desired outcomes expressed in environmental planning instruments and development control plans.</p> |

| Section 79C 'Matters for Consideration' | Comments |
|---|---|
| | The Application is considered to have satisfactorily addressed these matters and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would not be contrary to the public interest. |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this Application.

NOTIFICATION AND SUBMISSIONS RECEIVED

Consideration of Submissions

The DA was notified in accordance with the EP&A Act, accompanying EP&A Regulation and Warringah Development Control Plan 2011.

Only one (1) submission was received during the notification period, which was submitted by the owner of a single bedroom unit on Level 6 of Building 3 of the Dee Why Grand development to the west. The issues raised are the same as those raised by this owner to DA2013/1519 and include the loss of uninterrupted views to the north, northeast, east and southeast as well as a reduction in property values.

The issues raised are addressed as follows:

Loss of Views

The assessment of DA2013/1519 considered a Visual Impact and View Sharing Assessment showing the impact of existing views from dwellings within the Dee Why Grand development. This justified the deletion of Level 7 of the Stage 2 building to ensure compliance with the 21 m height limit and hence reasonable expectations for the maintenance of views for residents in the adjoining Dee Why Grand development.

The plans submitted with this Application show that the Stage 2 residential flat building, including the lift overrun, has been amended to comply with Condition No. 1(b) of DA2013/1519. This results in the minimisation of the environmental impacts of the building and an improvement to view sharing opportunities.

Based on the above, the objection is not considered to have any determining weight.

Reduction in property values

Impacts on property values are not a material planning consideration in the determination of a DA. The issue does not warrant the refusal of the application.

MEDIATION

No mediation request was received.

REFERRALS

External Referrals

| Referral Body External | Summary of Comments | Consent Recommended |
|--|---|---------------------|
| AUSGRID | Under Clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007, AUSGRID need to ensure the safety and compatibility of the development on AUSGRID's assets, on the compatibility of proposed developments with existing AUSGRID infrastructure. As no formal response was received from AUSGRID within 21 days, it is assumed that there are no objections to the proposal and no conditions recommended. | Yes |
| NSW Roads and Maritime Services | Under Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the RMS raised no objection to the DA and did not recommended specific conditions. | Yes |
| NSW Police | On Crime Prevention through Environmental Design (CPTED), no formal response was received from the NSW Police within 21 days. It is assumed that there are no objections to the proposal and no conditions required. | Yes |

Internal Referrals

| Referral Body Internal | Comments | Consent Recommended |
|---|--|------------------------------|
| Natural Environment Unit – Flood | Council's Natural Environment Unit – Flood reviewed the proposal and noted that it complies with the relevant flood related development controls outlined in Part E11 of the DCP. | Yes subject to conditions |
| Waste Management Officers | Council's Waste Management Officers reviewed the proposal and provided the following comments: <i>On condition of consent, the applicant is required to comply with the following:</i> <ul style="list-style-type: none"> ▪ 660L bins will be provided to this development. The configuration are as follows: <ul style="list-style-type: none"> ▪ Sturdee, the bin room must accommodate for 12 x 660L garbage, 9 x 660L paper and 6 x 660L bottles. ▪ Pacific, the bin room must accommodate for 12 x 660L garbage, 9 x 660L paper and 6 x 660L bottles. ▪ The width of the door on the garbage room must be a min. 1.9m wide. The door must not be lockable and able to be latched in an open position. ▪ The path between the garbage room and the garbage collection/loading area must be concrete and free of obstruction. ▪ An enclosure must be erected to suitable hold and mask the bins from the public if the cleaners will be bringing the bins to the garbage loading area. ▪ The truck access between Sturdee and Pacific must be completed in the same stage. This will ensure the truck can service the properties in a forward in and out direction regardless of when the stages are completed independent of one another. | Yes subject to conditions |

| Referral Body Internal | Comments | Consent Recommended |
|-----------------------------|---|---|
| Landscape Officer | <p>Council's Landscape Officer reviewed the proposal and provided the following comments:</p> <ul style="list-style-type: none"> <i>The plans submitted are the same as for the previous concept, subdivision and stage 1 approval. In order to be consistent with that approval, the plans should be amended and conditions included to reflect the intent of the previous approval.</i> | <p>Yes</p> <p>subject to conditions</p> |
| Development Engineer | <p>Council's Development Engineer reviewed the proposal and provided the following comments:</p> <ul style="list-style-type: none"> <i>Development Engineers have reviewed the stormwater drainage proposal prepared by Insync, job no. 20120065, drawing no. SW – 000 to 013, Issue C and consider it to be acceptable.</i> <i>The proposed driveway access to the garbage area and basement in Pacific Parade has been assessed and will be satisfactory using Council's normal profile.</i> <i>As this application relies upon the creation of the lot in DA2013/1519, a deferred commencement condition for this requirement has been provided. Also this application requires that creation of the inter-allotment drainage easement and drainage connection to Pacific Parade, which has also been provided with a deferred commencement condition.</i> | <p>Yes</p> <p>subject to conditions</p> |
| Traffic Engineer | <p>Council's Traffic Engineer reviewed the proposal and provided the following comments:</p> <ul style="list-style-type: none"> <i>The proposed Stage 2 residential development is to provide a total of 103 units consisting of 2 x Studio, 80 x 1 Bedroom and 21 x 2 Bedroom units. This configuration requires 128 parking spaces to be provided with 107 residential spaces and 21 visitor parking spaces. The proposed development provides a total of 134 spaces with 9 of the spaces as tandem spaces. These tandem spaces are required to be allocated to the same unit as the space immediately behind.</i> <i>This will mean that 9 of the 21 two bedroom units will be provided with two spaces each and effectively reduces the available parking for the other units and visitors to 116 spaces. There is a requirement of 117 spaces for the remaining units. This provides a shortfall of one parking space.</i> <i>This is acceptable however, the management of the parking for visitors needs to be provided to ensure that visitor parking spaces are able to be accessed as required.</i> <i>The traffic generation and distribution information provided previously is acceptable for this stage of the development.</i> | <p>Yes</p> <p>subject to conditions</p> |

ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development)

Clause 20 of the SEPP and Schedule 4A of the EP&A Act provides that the JRPP exercise the consent authority functions of Council where development has a capital investment value of more than \$20 million, or \$5 million if Council is the owner of any land on which the development is proposed.

DA2013/1519 estimated a capital investment value (CIV) of \$54.5 million for Stages 1 and 2 combined. The proposed Stage 2 development has an estimated CIV of \$27.3 million and Council is the owner of part of the land. Therefore, the Sydney East JRPP is the relevant consent authority for the determination of the Application.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of the ISEPP applies to development:

- *Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);*
- *Immediately adjacent to an electricity substation; or*
- *Within 5 metres of an overhead power line.*

The original DA2013/1519 which included the Concept Plan showing both the Stage 1 and Stage 2 residential flat buildings on the site was referred to AUSGRID on 7 January 2014. AUSGRID raised no objections to the proposal and advised that the proposed buildings would comply with the statutory clearances from AUSGRID's electrical mains. AUSGRID also recommended a number of conditions to ensure the safety and compatibility of both the development and AUSGRID's assets.

This Stage 2 Application was referred to AUSGRID on 20 October 2014. As no formal response was received within 21 days, it has been assumed that AUSGRID have no objections or recommended conditions for the proposed Stage 2 development. A suitable condition has been included to ensure that the proposal is consistent with the requirements outlined in the previous letter.

Clause 104 of the ISEPP requires traffic generating development of "relevant size or capacity" identified in Schedule 3 of the SEPP to be referred to the RMS. Schedule 3 of the ISEPP applies as Stages 1 and 2 provide more than 200 car parking spaces (collectively). By letter dated 10 November 2014, the RMS raised no objection to the DA.

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

The proposed Stage 2 development has been assessed against the requirements of State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004. The Application includes a BASIX Certificate for the units within the proposed development confirming compliance with the requirements on the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 (**SEPP 55**) provides that Councils must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and/or requires remediation for the intended land use.

As part of the assessment of DA2013/1519, Council's Environmental Health and Protection Unit (Contaminated Lands) reviewed the concept proposal and supporting geotechnical investigations, and determined that the site was not potentially contaminated. Conditions attached to the consent require final site validation to confirm suitability for residential land use. A condition is recommended for the proposed Stage 2 development to ensure that the contaminated land requirements of DA2013/1519 are satisfied prior to the issue of any Construction Certificate.

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

Clause 30(2) of State Environmental Planning Policy No. 65 (**SEPP 65**) requires consideration of the design quality of the residential flat development when evaluated in accordance with the "Design Quality Principles", and the Residential Flat Design Code (**RFDC**).

As per Clause 50 of the EP&A Regulations, the Applicant has submitted a Design Verification Statement prepared by a qualified architect, Mr Steve Zappia (Principal Architect) of Marchese Partners International Pty Ltd responding to each of the Design Quality Principles. The Design Verification Statement has been reviewed and **Table 1** below provides responses to the Design Quality Criteria.

Table 1: Assessment of SEPP 65 Design Quality Principles

| Design Quality Principle | Assessment | Compliance |
|---------------------------------------|--|-------------------|
| 1 - Context | The context of the site was assessed as part of DA2013/1519, which determined the suitability of the site and its context for the staged development of two (2) residential flat buildings (one fronting Sturdee Parade and one fronting Pacific Parade). | Yes |
| 2 – Scale | <p>The scale of future development within the R3 Precinct is set by the 21m height control in the WLEP and other controls in the WDCP.</p> <p>The height of the proposed Stage 2 residential flat building was assessed as part of DA2013/1519 and a condition imposed on the consent to delete Level 7 and ensure compliance of the lift overrun with the maximum 21 metre height control.</p> <p>The Stage 2 building has been re-designed to comply with the condition and the bulk and scale is in keeping with the development within the surrounding area.</p> | Yes |
| 3 – Built Form | <p>The WDCP 2011 includes planning controls for variable height, setbacks, building footprints and articulation, which prescribe the future built form of the Precinct.</p> <p>The built form of the proposed Stage 2 residential flat building was assessed as part of DA2013/1519. The assessment determined that the Stage 2 building was appropriately sited, (responding to the setback of buildings on adjoining sites), modulated and articulated to reduce massing and bulk and to express the preferred medium density residential character of the Precinct.</p> | Yes |
| 4 – Density | <p>The site density is regulated by the statutory height control of 21 metres and the building controls contained within the WDCP 2011.</p> <p>As detailed later in this Report, the proposed Stage 2 development is generally consistent with the development controls of the WDCP 2011.</p> | Yes |
| 5 – Resource, Energy and Water | <p>The proposed Stage 2 development includes the demolition of all existing structures within the lot fronting Pacific Parade and excavation works to accommodate the new residential flat building. The Applicant has submitted a Waste Management Plan detailing the proposed disposal and recycling of demolition and excavation materials for this stage of the development.</p> <p>A BASIX Certificate for the proposed Stage 2 building has been submitted confirming compliance with sustainable water use, thermal comfort and energy efficiency.</p> | Yes |
| 6 – Landscape | <p>A landscaping concept for the site was considered as part of the assessment of DA2013/1519 and was found to be acceptable.</p> <p>As part of the proposed Stage 2 development of the site, the communal open space area between the Stage 1 and Stage 2 residential flat buildings will be completed. The interim landscaping treatments approved for Stage 1 as per DA2013/1519, can be replaced with final landscape outcomes including meandering path with feature and understorey planting, seating and hedging.</p> | Yes |

| Design Quality Principle | Assessment | Compliance |
|--|--|------------|
| | Similar to the Stage 1 building, the proposed Stage 2 apartments will also wrap around an open central courtyard, which includes timber deck walkways and smaller trees, shrubs and ground cover plantings. | |
| 7 - Amenity | As detailed later in this Report, the proposed Stage 2 building is generally consistent with the requirements of the RFDC, including requirements for solar access, visual and acoustic privacy, apartment layouts, private open spaces and natural ventilation. | Yes |
| 8 – Safety and Security | The proposed Stage 2 building provides passive surveillance of access points, common open space areas and public walkways through adjoining sites and the street. The proposed design includes secure access to the basement car parking area, which has direct access to apartments. CCTV and a security intercom system will also be provided to ensure all visitors are screened by the occupant before being granted access. | Yes |
| 9 – Social Dimensions and Housing Affordability | The provision of a mix of apartment sizes in this location is considered desirable due to the proximity of the site to major bus interchanges, Dee Why Town Centre, as well as the beach, public amenities and facilities. | Yes |
| 10 - Aesthetics | The proposed Stage 2 building is consistent with the design of the recently approved Stage 1. The proposed building exhibits a high standard of architecture and overall aesthetics, which would contribute positively to the Pacific Parade streetscape. The building provides a modern contemporary form with a well-considered use of materials and articulation to provide distinctive and strongly defined building elements, which is consistent with the quality of urban design envisaged for developments within the R3 Precinct bound by Sturdee Parade and Pacific Parade. | Yes |

Residential Flat Design Code (RFDC)

The RFDC is an assessment tool referenced in SEPP No 65 and contains development controls and best practice benchmarks for achieving the Design Quality Principles.

The Applicant submitted an RFDC Compliance Table prepared by Boston Blyth Fleming Pty Ltd (dated October 2014) stating how the proposed development complies with the Primary Development Controls of the RFDC. The RFDC Compliance Table has been reviewed and **Table 2** below provides an independent detailed assessment of the RFDC “Rule of Thumb” and “Control Checklist”.

Approval of the Concept Plan effectively set the building envelope for the Stage 2 residential flat building on the site and its relationship to the street, side boundaries and other buildings on the site. Accordingly the remaining matters to be assessed are those unrelated to the building envelope and focussed on the amenity and liveability of the building for its future residents.

The assessment demonstrates that Stage 2 of the proposal generally complies with the recommended development controls and best practice guidelines of the RFDC, as detailed in the Table below.

Table 2: Assessment of the SEPP 65 Residential Flat Design Code “Rule of Thumb” and “Control Checklists”

| Part 02 – SITE DESIGN | | |
|-----------------------|---|--|
| Site Configuration | | |
| Deep Soil Zones | A minimum of 25% of the open space area of a site should be a deep soil zone. | <p>Yes – Based on Stages 1 and 2 collectively, 1,703m² (or 31%) of the site is capable of accommodating deep soil landscaping. This is a 15% increase to the deep soil zones provided for under DA2013/1519, and is a result of the proposed reduction to the Stage 2 basement car park. The proposed deep soil zones include both communal and open space areas.</p> <p>The proposed landscaping schedule for Stages 1 and 2 provides for deep soil landscaping within the setback to the eastern boundary, within the central communal open space area and within the private courtyards fronting Sturdee Parade and Pacific Parade.</p> |
| Open Space | The area of communal open space required should generally be between 25 and 30% of the site area. | <p>Yes – Collectively, Stages 1 and 2 provide for approximately 1,770m² (or 32%) of communal open space. This includes the two (2) internal courtyards, the open space area separating the two residential buildings, and the open space area within the setback to the eastern boundary.</p> |
| | The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² ; the minimum preferred dimension in one direction is 4 metres. (See ‘Balconies’ for other private open space requirements) | <p>No, but acceptable – Of the 15 ground floor apartments proposed for Stage 2, only 6 provide 25m² of private open space. The remainder of the apartments, which are primarily located at the rear of the building, provide private open space areas of between 18m² - 24m². All have a minimum dimension of 4 metres in one (1) direction.</p> <p>The minor variations are acceptable in this instance given that the private open space areas back onto a central communal open space area. Further to this, Clause D2 of the WDCP 2011, only requires a total private open space area of 10m² with minimum dimensions of 2.5m for residential flat buildings. As Stage 2 complies with the requirements of the WDCP 2011, the proposed variations are reasonable.</p> |
| Safety | Carry out a formal Crime Risk Assessment for all residential developments of more than 20 new dwellings. | <p>No, but acceptable – The RFDC recommends that a formal Crime Risk Assessment be completed for all residential developments of more than</p> |

| | | |
|-------------------|---|--|
| | | <p>20 new dwellings.</p> <p>Whilst a formal Crime Risk Assessment was not submitted with the Application, the proposal provides for secure entries and the passive surveillance of the public domain from both the ground level and upper level residential apartments.</p> <p>The Application was referred to the NSW Police. As no comments were received within 21 days, it is assumed there are no objections or other requirements.</p> |
| Visual Privacy | Refer to building separation minimum standards. | <p>Yes – Building separation was assessed as part of DA2013/1519 and is not relevant to the assessment of the Stage 2 building. Nonetheless, the proposed Stage 2 building is considered to provide reasonable levels of visual privacy externally and internally during the day and night.</p> |
| Pedestrian Access | Identify the access requirements from the street or car parking area to the apartment entrance. | <p>Yes – The proposed Stage 2 building incorporates clearly defined and activated building entrances from both the street and basement car parking areas.</p> |
| | Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum. | <p>Yes – Subject to appropriate conditions of consent.</p> |
| | Provide barrier free access to at least 20 percent of dwellings in the development. | <p>Yes – An Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated 16 September 2014 notes that the proposed Stage 2 building design provides for 100% barrier free/'visitable' access to the entry and doorways of all apartments.</p> |
| | Generally limit the width of driveways to a maximum of six metres. | <p>Yes – The proposed driveway has a maximum width of 6.5 metres.</p> <p>The non-compliance is minor and does not warrant refusal of the Application.</p> |
| | Locate vehicle entries away from main pedestrian entries and on secondary frontages. | <p>Yes – There is no secondary road frontage for the Stage 2 allotment. The proposed Stage 2 vehicular entry will be from the Pacific Parade frontage adjacent to the eastern boundary.</p> <p>The proposed access arrangement is considered to be appropriately located and clear of the main pedestrian entry.</p> |

Part 03 – BUILDING DESIGN

Building Configuration

| | | |
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| Apartment Layout | <p>Single-aspect apartments should be limited in depth to 8 metres from a window. The back of a kitchen should be no more than 8 metres from a window.</p> <p>Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).</p> | <p>Yes – The layout of the proposed apartments comply with the recommended requirement for the back of the kitchen to be within 8m of a window. The proposed kitchens are generally at the rear of large open plan living areas and receive good natural light and ventilation.</p> |
| Apartment Sizes | <p>If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability:</p> <ul style="list-style-type: none"> ▪ 1 bedroom apartment 50m² ▪ 2 bedroom apartment 70m² ▪ 3 bedroom apartment 95m² | <p>Yes – Council has not standardised apartment sizes.</p> <p>The proposed development complies with the suggested minimum apartment sizes for affordable housing.</p> |
| Balconies | <p>Provide primary balconies with a minimum depth of 2m.</p> | <p>Yes – The proposed Stage 2 design provides for balconies or winter gardens for all upper floor apartments. The proposed minimum depth of these areas comply and mostly exceed the 2m recommended standard.</p> |
| Ceiling Heights | <p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL):</p> <ul style="list-style-type: none"> • <i>2.7 metres minimum for all habitable rooms on all floors,</i> • <i>2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.</i> | <p>Yes – Ceiling heights of 2.7m are proposed.</p> |
| Ground Floor Apartments | <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p> | <p>Yes – Each of the proposed Stage 2 apartments on the ground floor level are provided with private open space in the form of a terrace/courtyard.</p> |
| | <p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> | <p>Yes – Each of the proposed ground floor apartments are accessed via the proposed internal/central courtyard as a security measure. Those apartments that have a street frontage to Pacific Parade have a secondary access provided through the private terraces/courtyards, and secure gate access to the street frontage.</p> |

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| | | <p>This design approach is considered reasonable in activating the street frontages and providing secure access to apartments.</p> <p>The DA includes an Access Report, prepared by Accessibility Solutions (NSW) Pty Ltd (dated 16 September 2014). This Report demonstrates that all of the proposed Stage 2 apartments provide 100% visitability in terms of wheelchair access to the entry doorways to the apartments. Further to this, there will be 2 apartments, which will be adaptable in accordance with AS4299.</p> |
| Corridors | In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. | Yes – Double loaded corridors occur off a single lift core above Level 4. All cores and corridors serve less than 8 dwellings. |
| Storage | <p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • Studio apartments – 6m³ • One bedroom apartments – 6m³ • Two bedroom apartments – 8m³. | Yes –The basement level car parks also include individual and shared storage areas for residents. The proposed storage arrangements comply with the minimum recommended rates. |
| Building Amenity | | |
| Acoustic Privacy | Provide a high level of amenity by protecting the privacy of residents both within the apartments and in private open space. | <p>Yes – An Acoustic Assessment prepared by Acoustic Logic dated 16 September 2014, was submitted with the DA. The Assessment identified the main environmental noise sources, which may have an impact on the site (mainly traffic noise from Pacific Parade) as well as noise sources from the proposed development, which may have an impact on adjoining residential developments (mainly mechanical plant serving the site, tenants using the proposed underground car park, and operation of the garbage loading areas).</p> <p>A suitable condition is recommended for the development to be carried out in accordance with the recommended acoustic measures identified in the Assessment.</p> |
| Day Light Access | Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable. | <p>Yes – It is noted that the site is within a planned high density urban environment. Therefore, a minimum of 2 hours of direct sunlight between 9am and 3pm mid-winter is considered to be acceptable.</p> <p>Of the 103 proposed Stage 2 apartments, 80 (or 78%) receive a minimum of 2 hours of direct sunlight</p> |

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| | | between 9am and 3pm mid-winter. |
| Aspect | Limit the number of single aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. | No, but acceptable – Of the 103 proposed Stage 2 apartments, 30 (29%) are considered to have a southerly aspect, which is a function of the orientation and width of the allotment. The design does provide for high windows to the north, which will receive light, but no direct sunlight. The number of south facing apartments is considered acceptable given the orientation of the allotment. |
| Natural Ventilation | Building depths, which support natural ventilation typically range from 10 to 18 metres. | Yes – The proposed Stage 2 building does not exceed the recommended depth of 10-18m given the central courtyard which facilitates cross ventilation. |
| | Sixty percent (60%) of residential units should be naturally cross ventilated. | Yes – All of the Stage 2 apartments are naturally cross ventilated. |
| Building Performance | | |
| Waste Management | Supply waste management plans as part of the development application submission as per the NSW Waste Board. | Yes – Council's Waste Management Officers support approval of the Stage 2 proposal subject to conditions. |
| Water Conservation | Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris. | Yes – Subject to appropriate conditions of consent. As stated in the BASIX Certificate, a central water tank of 30,000L is proposed to collect run-off from 700m ² of roof area of the Stage 1 and 2 buildings. This water will be utilised for the irrigation of the communal landscaped areas on site. |

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Draft State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The Department of Planning and Environment (**DP&E**) has recently exhibited amendments to State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (known as Draft Amendment No. 3). These amendments were accompanied by a proposed draft 'Apartment Design Guide – Tools for Improving the Design of Residential Flat Development', which will replace the current Residential Flat Design Code.

The key changes of relevance to this Application are identified and addressed below:

- The 10 Design Quality Principles have been consolidated into nine (9) new Principles. The new Principles are largely the same, however the two (2) existing 'Scale' and 'Built Form' Principles have been combined into a new 'Built Form and Scale' Principle. As detailed earlier in this Report, the built form and scale of the Stage 2 building was assessed as part of DA2013/1519 and was found to be acceptable. This however, was subject to the deletion of

Level 7 and compliance with the maximum 21 metre height control. As the Stage 2 building has been re-designed to comply, it is considered to have an appropriate built form and scale that is in- keeping with the development within the surrounding area.

- The numeric requirements for matters such as building separation, building depth, solar access and ceiling height remain the same. As detailed in the assessment of the RDFC (**Table 2** above), the proposed Stage 2 building is consistent with these matters.
- The draft Apartment Design Guide introduces the opportunity for developers to provide one of the specified 'Acceptable Solutions' as an alternative to the relevant Performance Criteria (primary development controls). The Acceptable Solutions largely replicate the existing Better Design Principles and Rule of Thumb of the current RFDC. However, there are additional and/or amended numerical standards proposed to be applied. Those of relevance to the proposal are identified and addressed in the **Table 3** below:

Table 3: New and Amended Controls under the Draft Apartment Design Guide

| Proposed in the Draft Apartment Design Guide | | | Change from the RFDC | Compliance | | | | | | | | | | | | | | | |
|---|---------------------------------|---------------------|--|--|---------------------|-----------------------------|-----------------|----|---|-----|------|----------------------------------|-----|----|--|--|----|--|---|
| <u>Deep Soil Zones:</u> <table><tr><th>Site Area</th><th>Deep Soil Zone (% of Site Area)</th><th>Minimum Dimensions</th></tr><tr><td>Less than 650m²</td><td>7% consolidated</td><td>-</td></tr><tr><td>650m² - 1,500m²</td><td>10%</td><td>3m</td></tr><tr><td>Greater than 1,500m²</td><td>15%</td><td>6m</td></tr><tr><td>Greater than 1,500m² and significant tree cover</td><td>20%</td><td>6m</td></tr></table> | | | Site Area | Deep Soil Zone (% of Site Area) | Minimum Dimensions | Less than 650m ² | 7% consolidated | - | 650m ² - 1,500m ² | 10% | 3m | Greater than 1,500m ² | 15% | 6m | Greater than 1,500m ² and significant tree cover | 20% | 6m | Changes the existing control of 25% of the open space area being deep soil zone. | Yes – Based on Stages 1 and 2 collectively, 1,703m ² of the site is capable of accommodating deep soil landscaping. |
| Site Area | Deep Soil Zone (% of Site Area) | Minimum Dimensions | | | | | | | | | | | | | | | | | |
| Less than 650m ² | 7% consolidated | - | | | | | | | | | | | | | | | | | |
| 650m ² - 1,500m ² | 10% | 3m | | | | | | | | | | | | | | | | | |
| Greater than 1,500m ² | 15% | 6m | | | | | | | | | | | | | | | | | |
| Greater than 1,500m ² and significant tree cover | 20% | 6m | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| <u>Visual Privacy:</u> <p>Unimpeded space is provided in front of windows and balconies to ensure visual privacy is achieved. Separation distances from buildings to the side and rear boundaries are:</p> <table><tr><th>Site Area</th><th>Habitable Rooms and Balconies</th><th>Non-habitable Rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Separation distances between buildings on the same site are double the above requirements.</p> | | | Site Area | Habitable Rooms and Balconies | Non-habitable Rooms | Up to 12m (4 storeys) | 6m | 3m | Up to 25m (5-8 storeys) | 9m | 4.5m | Over 25m (9+ storeys) | 12m | 6m | Existing controls defer to the ‘Primary Development Controls’ and provide standards for building-to-building. New Standards provide separation distances from building-to-boundary. | No, but acceptable – Building separations were assessed as part of DA2013/1519 and were found to be acceptable. | | | |
| Site Area | Habitable Rooms and Balconies | Non-habitable Rooms | | | | | | | | | | | | | | | | | |
| Up to 12m (4 storeys) | 6m | 3m | | | | | | | | | | | | | | | | | |
| Up to 25m (5-8 storeys) | 9m | 4.5m | | | | | | | | | | | | | | | | | |
| Over 25m (9+ storeys) | 12m | 6m | | | | | | | | | | | | | | | | | |
| <u>Apartment Layout:</u> <ul style="list-style-type: none">▪ Studio Apartment – 35m²▪ 1 Bedroom Apartment – 50m²▪ 2 Bedroom Apartment – 70m²▪ 3 Bedroom Apartment – 95m² | | | Introduces a new minimum apartment size for studio apartments. | Yes – The proposed studio apartments are 44m ² . | | | | | | | | | | | | | | | |

| <p><u>Balconies and Private Open Space:</u></p> <ol style="list-style-type: none"> 1. Primary private open space at ground level or similar space on a structure has a minimum area of 16m² and a minimum dimension in one direction of 3m. 2. Primary balconies are provided for all apartments with the following minimum area and depth according to apartment size: <table border="1" data-bbox="188 651 671 853"> <thead> <tr> <th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr> </thead> <tbody> <tr> <td>1 Bedroom Apartment</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 Bedroom Apartment</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ Bedroom Apartment</td><td>12m²</td><td>2.5m</td></tr> </tbody> </table> | Dwelling Type | Minimum Area | Minimum Depth | 1 Bedroom Apartment | 8m ² | 2m | 2 Bedroom Apartment | 10m ² | 2m | 3+ Bedroom Apartment | 12m ² | 2.5m | <p>Previous control requires a minimum depth of 2 metres for all apartments.</p> <p>Additional numeric controls, which did not previously exist.</p> | <p>Yes – All of the ground floor apartments provide between 18m² - 25m² of private open space in the form of a courtyard. All have a minimum dimension of 4 metres in one (1) direction.</p> <p>All of the upper level apartments provide private open space in the form of a winter garden or balcony. These areas range in size from 10m² - 86m² and have a minimum depth of 2m.</p> |
|--|------------------|---------------|---------------|---------------------|-----------------|----|---------------------|------------------|----|----------------------|------------------|------|--|---|
| Dwelling Type | Minimum Area | Minimum Depth | | | | | | | | | | | | |
| 1 Bedroom Apartment | 8m ² | 2m | | | | | | | | | | | | |
| 2 Bedroom Apartment | 10m ² | 2m | | | | | | | | | | | | |
| 3+ Bedroom Apartment | 12m ² | 2.5m | | | | | | | | | | | | |

Warringah Local Environmental Plan 2011

The following reviews the Application against the relevant sections of the Warringah Local Environmental Plan 2011 (**WLEP**):

| The fundamentals | |
|---|--|
| Definition of proposed development: (ref. WLEP Dictionary) | Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing. |
| Zone: | R3 Medium Density Residential Zone |
| Permitted with Consent or Prohibited: | Permitted with Consent |
| Objectives of the Zone | |
| <p>Objectives of Zone:</p> <ul style="list-style-type: none"> ▪ To provide for the housing needs of the community within a medium density residential environment. ▪ To provide a variety of housing types within a medium density residential environment. ▪ To enable other land uses that provide facilities or services to meet the day to day needs of residents. ▪ To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah. ▪ To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces. <p>The proposed Stage 2 development is considered to be consistent with the objectives of the zone for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposal is for housing in the form of residential flat buildings within the R3 Medium Density Residential Zone. ▪ The proposal comprises a mix of 1 and 2 bedroom apartments. A number of the proposed apartments are 'Adaptable'. ▪ No other land uses are proposed within the residential flat building. ▪ Landscaped planting within common areas is to be provided. | |

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| <ul style="list-style-type: none"> Details of the design include a range of quality materials, articulation and good amenity outcomes for residents within the proposed residential flat buildings. An attractive streetscape presentation is provided to the public domain. | | | |
| Principal Development Standards: | | | |
| Standard | Permitted | Proposed | Complies |
| Minimum subdivision lot size: | N/A | As per DA2013/1519, the proposed Stage 2 development will be sited on the consolidated allotment fronting Pacific Parade. | Not Applicable |
| Height of Buildings: | 21 metres. | 21 metres. | Yes |
| Relevant Miscellaneous and Additional Local Provisions | | | |
| Provision | | Comment/Compliance | |
| Preservation of Trees or Vegetation | | <p>The removal of trees from within the site and adjoining road reserves was assessed as part of DA2013/1519. The assessment noted 64 trees to be removed (61 trees on site and 3 trees within the road reserves), and 9 trees to be retained (4 trees on site, 3 on adjacent allotments and 2 trees within the road reserves). The removal of the trees was found to be acceptable subsequent to the implementation of the detailed landscaping scheme.</p> <p>A number of Conditions are recommended to ensure that the 5 trees proposed to be retained within or within close proximity to the consolidated Pacific Parade allotment are protected throughout all phases of the Stage 2 development.</p> | |
| Earthworks | | <p>The proposed excavation for the Stage 2 basement is considered appropriate in the context of concealing car parking and mechanical plant, and will not result in adverse impacts on the quality of the existing environment.</p> <p>The Geotechnical Investigation prepared by JK Geotechnics Pty Ltd, dated 16 September 2014, did not identify any subsurface or groundwater conditions that would prevent construction of the Stage 2 residential flat building or basement.</p> <p>Recommended conditions of consent will ensure the proposed earthworks would not adversely impact on the quality of the surrounding existing environment.</p> | |
| Flood Planning | | <p>The Draft Dee Why Flood Study has not identified the site within the 1 in 100 year floodplain, but it is affected by the Probable Maximum Flood. A small portion of the north western corner of the Stage 2 development site is affected by the Flood Planning Level, being the 100 year flood level plus 0.5m freeboard (21.25m AHD).</p> <p>Council's Natural Environment Unit have reviewed the Stage 2 proposal, and have determined that the proposed development complies with the relevant flood related development controls outlined in the WLEP and Part E11 – Flood Prone Land of the WDCP.</p> <p>The Natural Environment Unit have recommended approval subject to conditions.</p> | |
| Development on Sloping Land | | <p>The site is located within the Landslip Risk Area A – Slope <5.</p> <p>The Geotechnical Investigation prepared by JK Geotechnics</p> | |

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| | Pty Ltd, dated 16 September 2014, did not identify any subsurface or groundwater conditions that would prevent construction of the proposed Stage 2 development. |
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DEVELOPMENT CONTROL PLANS

Warringah Development Control Plan 2011

The following provides consideration of the Application against the relevant sections of the Warringah Development Control Plan 2011 (**WDCP**):

| Part A Introduction | |
|----------------------|---|
| Control | Comment/Compliance |
| A.6 Parts of the DCP | <p>Yes – This section of the DCP requires the proposed development to:</p> <ul style="list-style-type: none"> ▪ Generally satisfy all applicable requirements of the WLEP. ▪ Meet the general and individual section objectives of the WDCP. ▪ Comply with the built form controls (objectives and requirements) contained in Part B of the WDCP. ▪ Comply with the relevant objectives and requirements in Part C Siting Factors, Part D Design and Part E - The Natural Environment of the WDCP. ▪ Comply with the relevant objectives and requirements for the specified area in Part G of the WDCP. |
| A.7 Notification | <p>Yes – The subject Application was notified in accordance with the requirements of Part A.7 of the DCP.</p> |

| Part C: Siting Factors | |
|---------------------------------------|---|
| Control | Comment/Compliance |
| C2. Traffic, Access and Safety | <p>Yes – A Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd (dated 16 September 2014), was submitted which addressed the potential traffic impacts associated with the proposed Stage 2 development.</p> <p>Vehicular access to the proposed development is located away from the public pathway and main pedestrian entry fronting Pacific Parade so as to minimise the potential for conflict.</p> |
| C3. Parking Facilities | <p>No, but acceptable – residential flat buildings shall provide:</p> <ul style="list-style-type: none"> ▪ 1 space per 1 bedroom dwelling ▪ 1.2 spaces per 2 bedroom dwelling ▪ 1 visitor space per 5 units or part of dwellings. <p>Based on the above rates, a total of 107 resident and 21 visitor car parking spaces are required for Stage 2 (128 spaces). The proposed development provides 134 spaces with 18 of the spaces provided in a tandem configuration. Each set of tandem spaces is required to be allocated to one unit only.</p> <p>This means that of 9 of the two-bedroom units will be provided with two spaces each, which reduces the available parking for the other residents and visitors to 116 spaces. Based on the above rates, there is a requirement for 117 spaces to be provided for the remaining residents and visitors. This represents a shortfall of one (1) parking space.</p> <p>This minor shortfall is considered to be acceptable and does not</p> |

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| | warrant refusal of the Application. Further to this, the management of the parking for visitors can be provided via suitable conditions of consent. |
| C3(A) Bicycle Parking and End of Trip Facilities | <p>No, but acceptable – Residential accommodation containing 3 or more dwellings shall provide:</p> <ul style="list-style-type: none"> ▪ 1 bicycle parking space per dwelling, and ▪ 1 visitor bicycle parking space per 12 dwellings. <p>Based on the above rates, a total of 112 bicycle spaces would be required for the Stage 2 development. The rate of bicycle parking was queried by the Applicant's traffic engineer as part of DA2013/1519, where it was agreed by Council that resident bicycle parking would be provided at the rate of 1 space per 2 dwellings.</p> <p>At the rate of 1 space per 2 dwellings, a total of 52 bicycle spaces would be required. A total of 57 defined bicycle spaces are proposed to be provided within the basement levels as part of the Stage 2 development. An additional 10 bicycle spaces are proposed to be provided at the ground level on the eastern side of the Stage 2 garbage loading area.</p> <p>Based on the above, the proposal is considered to be acceptable.</p> |
| C4. Stormwater | <p>Yes, subject to conditions – A new inter-allotment stormwater drainage system through the Stage 2 Pacific Parade site for the benefit of the Stage 1 Sturdee Parade site was approved as part of DA 2013/1519.</p> <p>Council's Development Engineers have raised no objection to the proposed development subject to compliance with recommended conditions.</p> |
| C5. Erosion and Sedimentation | <p>Yes, subject to conditions – Appropriate conditions associated with the management of erosion and sedimentation are recommended.</p> |
| C6. Building over or adjacent to Constructed Council Drainage Easements | <p>Yes, subject to conditions – Refer to C4 and C5 above. Minimum floor levels have been set for buildings adjacent to the overland flow path.</p> |
| C7. Excavation and Landfill | <p>Yes, subject to conditions – Appropriate conditions associated with the management of excavation and landfill works are recommended.</p> |
| C8. Demolition and Construction | <p>Yes, subject to conditions – The Applicant has provided details within a submitted Waste Management Plan prepared by Elephants Foot Waste Compactors Pty Ltd, regarding the management of demolition and construction waste.</p> <p>Council's Waste Management Officers have raised no objection to the proposed development subject to compliance with recommended conditions.</p> |
| C9. Waste Management | <p>Yes, subject to conditions – The Applicant has provided details of operational waste management within a separate Waste Management Plan prepared by Elephants Foot Waste Compactors Pty Ltd.</p> <p>Council's Waste Management Officers have reviewed the proposal and recommend approval subject to conditions.</p> |

| Part D: Design | |
|-------------------------------|---|
| Control | Comment |
| D2. Private Open Space | <p>Yes – The WDCP prescribes the following private open space (POS) requirements:</p> <ul style="list-style-type: none"> Multi-dwelling housing (not located at ground floor); residential flat buildings and shop top housing – A total of 10m² with minimum dimensions of 2.5m. <p>The proposed development complies with the minimum requirements.</p> |
| D3. Noise | <p>Yes, subject to conditions – The development proposed complies with the requirements of this Clause as follows:</p> <p>Car Park</p> <p>The proposed car park includes two levels of basement parking. The entrance to the basement car park is located near to the eastern boundary of the site potentially impacting on residences within the apartment buildings to the east.</p> <p>The Acoustic Assessment prepared by Acoustic Logic Pty Ltd dated 16 September 2014, the predicted noise levels generated by car park movements will be within recommended levels at this building.</p> <p>Garbage Truck</p> <p>The proposed garbage loading areas is also located near to the eastern boundary of the site.</p> <p>Garbage collection generally occurs once a week during the early morning with trucks travelling at low speeds.</p> <p>According to the Acoustic Assessment prepared by Acoustic Logic Pty Ltd dated 16 September 2014, the predicted noise levels generated by garbage collection are within recommended levels to dwellings within the building to the east.</p> <p>Mechanical Plant</p> <p>Detailed plant selection for the proposed development has not been completed. Detailed acoustic review shall be undertaken at the Construction Certificate stage. Satisfactory levels will be required to be achieved at that stage through appropriate plant selection and location.</p> |
| D6. Access to Sunlight | <p>Yes – Of the 103 proposed Stage 2 apartments, 80 (or 78%) receive a minimum of 2 hours of direct sunlight between 9am and 3pm mid-winter. This outcome is consistent with the recommendations of the RFDC as assessed above.</p> <p>This aspect was assessed with the Concept Plan approval which confirmed the proposed Stage 2 residential flat building will not generate a significant overshadowing impact on these adjoining properties.</p> |
| D7. Views | <p>Yes – In accordance with Condition No. 1(b) of Consent 2013/1519, Level 7 of the proposed Stage 2 building has been deleted in its entirety and the height of the lift overrun has been reduced to comply with the 21 metre maximum height control.</p> <p>As the aim of Consent Condition No. 1(b) was to improve the reasonable view sharing opportunities to the upper level apartments in Building 3 of the Dee Why Grand development. It is considered that the proposed Stage 2 building is compliant with the provisions of this Clause.</p> |
| D8. Privacy | <p>Yes – The proposed development complies with this Clause as:</p> <ul style="list-style-type: none"> Living areas, habitable rooms and windows have been orientated towards private open space areas or to the street |

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| | <p>frontages to limit overlooking.</p> <ul style="list-style-type: none"> ▪ The proposed design and 'stepping' of the rear façades of the development will limit the potential for upper level apartments to directly overlook the private open space areas of the lower apartments. ▪ Landscaping elements proposed within the central corridor between Stages 1 and 2 will limit the potential for direct overlooking of the private open space areas of the ground floor apartments. ▪ Where there is a potential for the overlooking of adjoining residential developments, privacy screens have been proposed. |
| D9. Building Bulk | <p>Yes – The bulk of the proposed Stage 2 residential flat building was assessed as part of DA2013/1519 and has subsequently been reduced so as to ensure consistency with Council's prescribed height controls. The Stage 2 proposal is therefore considered to be compliant with the provisions of this Clause.</p> |
| D10. Building Colours and Materials | <p>Yes – A schedule of colours and material finishes has been submitted with the Application. The schedule is the same as that approved for the Stage 1 building under DA2013/1519.</p> <p>The proposed colours and materials will be sympathetic to, and will complement the surrounding natural and built environment.</p> |
| D11. Roofs | <p>Yes – The proposed Stage 2 development complies with the requirements of this clause. In particular:</p> <ul style="list-style-type: none"> ▪ The height of the lift overrun is compliant with the 21m prescribed height control and is not considered to detract from the architectural appearance of the building, or the overall appearance of the roof. ▪ The roof design complements the roof pitch and forms of the other existing residential flat buildings in the streetscape. ▪ The proposed pitch of the roof is relatively flat and as such, will not create excessive glare and/or reflection. |
| D12. Glare and Reflection | <p>Yes – The use of the adjustable horizontal glass louvers on the façade adjoining Pacific Parade are not expected to generate a significant glare impact to adjoining and adjacent properties.</p> <p>The development proposed therefore complies with the requirements of this Clause.</p> |
| D13. Front Fences and Front Walls | <p>Yes – This DA proposes a 1.8m high boundary screen to the Pacific Parade frontage comprising of a 1.2m high rendered block wall with 600mm high, horizontal railing fence. The proposed boundary screen will provide adequate amenity for residents, ensure casual surveillance of the public domain and create visual interest to the streetscape.</p> <p>Based on the above, the proposed fence complies with the requirements of this Clause.</p> |
| D14. Site Facilities | <p>Yes, subject to conditions – The development includes a separate garbage and recycling enclosure on the ground floor level.</p> <p>Those dwellings that are required to have landscaped open space can be provided with adequate open air clothes drying facilities, which are suitably screened.</p> |
| D18. Accessibility | <p>Yes – The DA includes a BCA Assessment Report, prepared by City Plan Services Pty Ltd (dated 17 September 2014) and an Access Report, prepared by Accessibility Solutions (NSW) Pty Ltd (dated 16 September 2014). Both reports demonstrate that the proposed Stage 2 development achieves compliance with the</p> |

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| | requirements of this Clause. |
| D19. Site Consolidation in the R3 and IN1 Zone | <p>Yes – Condition No. 59 of DA 2013/1519 requires consolidation of the subject allotments into one (1) allotment, and re-subdivision of the consolidated allotment to create two (2) equally sized allotments of 2,731m² (one fronting Sturdee Parade and the other fronting Pacific Parade), prior to the issue of any interim / final Occupation Certificate.</p> <p>The proposed Stage 2 development is to be sited entirely on the allotment fronting Pacific Parade.</p> <p>A Deferred Commencement condition is recommended to ensure that the Pacific Parade allotment is registered with the NSW Land and Property Information in order to activate the consent.</p> |
| D20. Safety and Security | Yes – Refer to the RFDC assessment above. |
| D21. Provision and Location of Utility Services | Yes – The site has adequate access to utility services including, water, sewage, gas, telecommunications and electricity. The proposed development therefore complies with the requirements of this Clause. |
| D22. Conservation of Energy and Water | Yes – The subject Application includes a BASIX Certificate for the units within the proposed development which demonstrates compliance with the requirements of this Clause. Water infiltration has also been enhanced by permeable paving and decking in landscaped areas. |

| Part E: The Natural Environment | |
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| Control | Comment/Compliance |
| E1. Private Property Tree Management | <p>Yes, subject to conditions – A landscaping plan has been submitted, which provides for an effective landscape presentation to Pacific Parade and to the internal communal open space area.</p> <p>The 5 existing trees to be retained will be secured through the provision of appropriate procedures that are to remain in place throughout all phases of the Stage 2 development. These procedures will be ensured via a number of recommended conditions.</p> <p>Council's Landscape Officer has reviewed the proposal and has recommended approval subject to conditions.</p> |
| E2. Prescribed Vegetation | <p>Yes – The landscaping plan includes the planting of a number of native tree species, including <i>Banksia integrifolia</i> (Coastal Banksia), <i>Banksia serrata</i> (Old Man Banksia), <i>Tristaniopsis laurina</i> (Water Gum) and <i>Eucalyptus haemastoma</i> (Scribbly Gum).</p> <p>The Stage 2 proposal is therefore considered acceptable.</p> |
| E6. Retaining unique environmental features | Yes – The site does not contain any distinctive environmental features, such as rock outcrops or remnant bushland. |
| E10. Landslip Risk | Yes, subject to conditions – The Geotechnical Investigation prepared by JK Geotechnics Pty Ltd, dated 16 September 2014, did not identify any subsurface conditions that would prevent construction of the proposed development. |

| Part G: Special Area Controls | |
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| Control | Comment/Compliance |

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| G2. R3 Medium Density Residential bound by Sturdee Parade, Pacific Parade and land zoned B4 Mixed Use | |
| G2.1 - The area will remain primarily a medium density residential area. The scale of development at the street frontage is not to be overbearing, and is to be consistent with the scale of existing nearby residential buildings when viewed by pedestrians on either side of Pacific or Sturdee Parades. | Yes –The Stage 2 building has been re-designed to comply with Condition No. 1(b) of Consent DA2013/1519 and is in keeping with the scale of development within the surrounding area. |
| G2.2 - Within the central part of the block, the height of building may be greater. | Yes – As per the discussion at G2.1 above, the Stage 2 building complies with the 21 metre maximum height control. |
| G2.3 - The design and arrangement of buildings are to recognise and preserve existing significant public views (from parks, streets, etc.) and significant views from private properties. | Yes – As a result of the location of the site and intervening topography and urban development, there are no significant public views that will be affected as a result of the Stage 2 development. As per the discussion at G2.1 above, the height of the proposed Stage 2 building has been reduced to minimise the impact to the scenic coastal views currently afforded to apartments within Building 3 of the Dee Why Grand development. The proposal is therefore considered to be consistent with the provisions of this Clause. |
| G2.4 - Buildings are to be articulated and modulated to reduce the apparent building mass and reflect the existing pattern of development in the street. The streetscape and public domain shall incorporate consistent building setbacks being free of any structures, vehicle parking areas or site facilities other than driveways, letterboxes and fences. | Yes – The proposed Stage 2 development is appropriately sited, modulated and articulated to reduce massing and bulk and to express the existing and preferred medium density residential environment of the G2 Precinct. |
| G2.5 - Future development will address public streets, create visual interest and enable the establishment of substantial landscaping in the spaces between buildings. | Yes – The proposed Stage 2 development exhibits a high standard of architecture and overall aesthetics, which would contribute positively to the streetscape of Pacific Parade. The proposal provides a modern contemporary form with a well-considered use of material articulation and modulation to provide a distinctive and strongly defined building element, which complements the quality of the urban design envisaged for the G2 Precinct. |
| G2.6 - Development is to be designed to enclose and define mid-block open spaces connected by open space linkages both within the block and to and from the surrounding public street system. | Yes – The mid-block open space links to the central open courtyard in both the Stage 1 and Stage 2 buildings and to the public pedestrian path adjacent to the Dee Why Grand development. The eastern pathway (and garbage truck access) also provides linkages to Sturdee and Pacific Parades. |
| G2.7 - Site amalgamation will be encouraged to facilitate new development and car parking is to be provided below ground, using shared driveways where possible. The upgrading of existing buildings will be encouraged to give them a more contemporary and attractive appearance. | Yes – Refer to the discussion at Clause D19 above. |
| G2.8 - Building height is to fall within an envelope defined by a sight line taken from 1.5m above ground level at the footpath on the opposite side of the street, intersecting with the maximum street frontage height and on to where that line intersects with the maximum allowable height. | Yes –The proposed Stage 2 building is consistent with the building height envelope as defined by this Clause. |

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| G2.9 - Buildings at the street frontage are not to exceed 3 storeys. | No, but acceptable – The proposed Stage 2 development proposes 4 storeys to the Pacific Parade street frontage. This aspect of the Stage 2 development was assessed as part of DA 2013/1519, and was found to be acceptable as the buildings complied with the building envelope requirement. The incorporation of ground floor courtyards with a combination of winter-gardens and open balconies from Levels 1 to 3 provides a visual transition in the elevations, which creates the appearance of a 3 storey street frontage. |
| G2.10 - Lightweight structures that do not add to the visual mass of the building, such as pergolas and balconies, may penetrate the building envelope. | Yes – The winter-garden elements penetrate the building envelope by 450mm. These elements light-weight structures and have been incorporated to provide articulation in the façades without adding to the visual bulk of the building. |
| G2.11 - The minimum floor to ceiling height for all storeys is 2.7 metres. | Yes – The development proposed complies with the requirements of this Clause. |
| G2.12 - All buildings are to be setback 8 metres from the street kerb. | Yes – The development proposed complies with the requirements of this Clause. |
| G2.13 - Minor variations to this setback will be considered to allow buildings to be articulated with strong vertical and horizontal elements to reduce building mass and add visual interest. | Yes – Refer to G2.16 below. |
| G2.14 - The side boundary setback is 4.5 metres | No, but acceptable – This aspect of the Stage 2 development was assessed as part of DA2013/1519 and was found to be acceptable and the reduced 2.5m setback to the western boundary is acceptable given building separation if achieved by the pedestrian path adjacent to this boundary. |
| G2.15 - The minimum amount of landscaped open space on the land is 40% of the site. | Yes, subject to conditions – Based on Stages 1 and 2 collectively, the proposed development provides 2,193m ² , which equates to approximately 40.15% of the total combined site area. |
| G2.16 - Build-to-lines have been established to ensure future development defines the streets and public spaces. In this case the build to lines require that between 40-60% of the relevant building façade is to be built on this line (i.e. 8m from street kerb). | No, but acceptable – The proposed build-to-lines for the Stage 2 development were assessed as part DA2013/1519 and found to be acceptable. The proposed winter-garden elements encroach into the 8m street kerb setback by 450mm. The winter-garden elements comprise approximately 70% of the building façade. Therefore resulting in a 30-70% build-to-line. The proposed variation was found to be acceptable as it conforms to Clause G2.13, which permits minor variations to the setback control. |
| G2.17 - Lightweight structures that do not add to the visual mass of the building, such as pergolas and balconies, may also penetrate the build-to line. | Yes – Refer to G2.16 above. |
| G2.19 - The following controls are to apply: <ul style="list-style-type: none"> ▪ The preferred built form for the block is a perimeter block where buildings are oriented toward the street, enclosing semi-private spaces within the interior. ▪ The building wall addressing the street is to be articulated and fragmented into a module which is reflective of the nearby residential context. | Yes – Refer to G2.6 above. The proposed Stage 2 development completes a perimeter block with the building facing the street, and central common open space and central courtyards providing semi private spaces within the interior. The façades of the Stage 2 building addressing Pacific Parade are well articulated and modulated to reflect the built form of the adjoining medium density residential context. |

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| <p>G2.20 - In cases where sites are amalgamated, interior portions of the block may be built upon subject to the following provisions:</p> <ul style="list-style-type: none"> ▪ A distance of at least 9m is required between the rear façade of any building fronting a street and the façade of any building located within the central portion of the block. ▪ The siting of individual buildings within the buildable area in the central portion of the block must be guided by the controls applying to open spaces and access. Under no circumstances may development within the central portion of the block be comprised by a single tower. | <p>Not applicable.</p> |
| <p>G2.21 - Development proposals need to provide practical pedestrian/cycle circulation system through the central portions of the site/s, as well as to and from the surrounding streets and the Dee Why Hotel.</p> | <p>No, but acceptable – The objective of the pedestrian/cycle linkage through the central portion of the site was found not to be practical as part of DA2013/1519. This was due to the absence of any effective linkage to medium density sites to the east and topography.</p> <p>Based on Stages 1 and 2 collectively, an effective central landscape space and mid-block open spaces will be provided, which provide convenient pedestrian linkages from within the site to the public pathway that adjoins the western boundary of the site.</p> |

OTHER STATUTORY PROVISIONS

Warringah Section 94A Development Contribution Plan:

The proposal is subject to the application of Council's Section 94A Development Contributions Plans. As per Consent Condition Nos. 6 and 13 of DA2013/1519 a contribution of \$544,944.00, which was based on the total development cost of \$54,949,434.50 (Stages 1 and 2 collectively), was required to be paid in full prior to the issue of a Construction Certificate 1. Condition No. 6 also noted that the amount would be adjusted at the time of lodgement of the Stage 2 DA (if necessary) and according to the CPI (Sydney – All Groups Index).

A Quantity Surveyors report has been submitted with this Stage 2 Application to enable the Section 94A contributions to be assessed for all components of the Stage.

The report confirms that the Section 94A contributions imposed as part of Stage 1 DA is accurate and therefore no changes are required to be made to Condition No. 6 of DA2013/1519.

CONCLUSION

The site has been inspected and the Application assessed having regard to all documentation submitted by the Applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (State and Regional Development);
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 55 Remediation of Land;
- State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development
- Warringah Local Environmental Plan 2011;

- Warringah Development Control Plan 2011;
- Dee Why Town Centre Master Plan (July 2013);
- Warringah Section 94A Development Contributions Plan; and
- Other relevant adopted Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the Application as well as public submissions. The assessment concludes that the proposal does not result in any unreasonable impacts on surrounding and adjoining properties, subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP;
- Consistent with the zone objectives of the LEP;
- Consistent with the aims of the LEP;
- Consistent with the objectives of the relevant EPIs; and
- Consistent with the objects specified in section 5(a)(i) - (viii) of the Environmental Planning and Assessment Act 1979.

It is considered that the proposed Stage 2 development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION - APPROVAL

THAT the Sydney East Joint Regional Planning Panel grant Development Consent to DA No. 2014/1093 for the Construction of a Residential Flat Building (Stage 2) on Proposed Part Lot 103 in the Plan of Subdivision of Lots 8 & 9, 23-25 Section E DP 8270 and Lot 1 DP 776401, Nos. 18-22 Sturdee Parade and Nos. 23-29 Pacific Parade, DEE WHY NSW 2099, subject to the conditions in Schedule A.