

**SYDNEY NORTH PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	2016SYE078
DA Number	DA2016/0705
LGA	Northern Beaches Council
Proposed Development	Construction of a Mixed Use Development including retail, commercial and residential uses and a child care centre
Street Address	9 Howard Avenue, 11 Howard Avenue, 15 Howard Avenue, 17 Howard Avenue, 14 Oaks Ave, 28 Oaks Avenue, 884 Pittwater Road, 888 Pittwater Road, 890 Pittwater Road, 892 Pittwater Road, 894 Pittwater Road, and 896 Pittwater Road, Dee Why
Applicant/Owner	Karimbla Properties (No.41) Pty Ltd
Date of DA lodgement	13 July 2016
Number of Submissions	12 Submissions
Recommendation	Approval (subject to conditions)
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development with a Capital Investment Value (CIV) of more than \$20 Million Total Cost of the Development is \$133 Million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy – Infrastructure 2011 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • Warringah Local Environmental Plan 2011 • Warringah Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Conditions of Consent • Attachment 2: Pre-Lodgement Meeting Notes • Attachment 3: Parking and Traffic Assessment by WSP Parsons Brinckerhoff (WSPB) • Attachment 4: Voluntary Planning Agreement
Report by	Andrew Pigott – Deputy General Manager, Planning & Community
Report date	12 April 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
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Conditions

Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes
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Executive Summary

This Report is an assessment of a Development Application (DA) for a mixed use development for the redevelopment of a large amalgamated site within the Dee Why Town Centre. The site is commonly referred to as 'Site B' in *Warringah Local Environmental Plan 2011* (WLEP 2011). The site is irregular in shape with a total site area of approximately 14,466m² and presently consists of 13 lots. The site is currently undergoing excavation and groundworks under a separate approval granted in 2015 (DA2015/0612).

The applicant is Karimbla Construction Services (NSW) Pty Ltd (also known as "Meriton").

The proposed development constitutes 'Regional Development' requiring referral to the Sydney North Planning Panel (SNPP) as it has a Capital Investment Value greater than \$20 Million (Actual is \$133 Million). Whilst Council is responsible for the assessment of the DA, the SNPP is the consent authority.

Dee Why is identified as a "Major Centre" in the Metropolitan Strategy and North East Subregion draft Subregional Strategy. The draft North District Plan, which was released in November 2016, reinforces the status of Dee why as a Strategic Centre and to fulfil this role, Dee Why must undergo significant urban renewal. The redevelopment of this large consolidated parcel of land provides a unique opportunity to revitalise and realise the potential of Dee Why Town Centre as a social and economic hub of the local community.

The proposal seeks to consolidate the existing fragmented land ownership and subdivision pattern of 13 allotments in order to develop a landmark site which is consistent with the intent of the applicable planning controls.

The former Warringah Council was commended for the considerable initiative it had shown in strategically planning for the Dee Why Town Centre. Specific investigations have included the Dee Why Urban Form Study, the Dee Why Town Centre Traffic Study and the Dee Why Town Centre Urban Design Review. The investigations and consultations have been assisted by the aforementioned Council studies, which have resulted in rezoning applications and the approval of a Stage One Development Application for the site (DA2007/1249).

It is important to note that on the 26 February 2009, the former Warringah Council granted consent to DA2007/1249 which consisted of the following:

“Stage 1 Development Application (Stage1 DA) for a concept mixed use development comprising residential, retail and commercial uses, including 3 storey street front office building fronting Pittwater Road, 7 storey mid-rise residential buildings, two residential tower buildings (one part 15/part 18 storeys and one of part 14/part 17 storeys), a publicly accessible “town square” and north-south pedestrian link, 5 levels of car parking (4 basement levels and 1 above ground level), a bus bay and vehicular access”

The current proposal is independent of the Stage 1 Consent, which is a valid consent and provides the framework in terms of the built form and envelopes on this site. The assessment of this proposal takes into consideration the fact that the site benefits from the Stage 1 Consent and concludes that the proposed development is considered to be of an appropriate scale, which is consistent with the applicable Planning Controls, without significant adverse impact on the amenity of adjoining land by way of views, overshadowing or loss of privacy.

The redevelopment of this consolidated parcel of land will significantly contribute to the establishment of the site as the core of the “Dee Why Town Centre” and will support the surrounding neighbourhood by virtue of providing additional housing needs and choice whilst providing facilities to meet the day to day needs of residents and the wider community.

A Voluntary Planning Agreement (VPA) offer was made to Council as part of the original rezoning of the site which proposes a number of tangible community benefits to be delivered as part of the redevelopment of this site. These benefits will be delivered through the development of the site under this application. The main benefit is the provision of a large and centralised Town Square. The Town Square will be a flexible, multi-use space which will accommodate a range of events to engage the community, including markets, entertainment, community events and as a meeting place. The Town Square will be the new heart of Dee Why and wider community.

Additionally, an all-weather, north-south pedestrian connection will be provided which will be a strong physical and visual link between Oaks Avenue and Howard Avenue. The link will strengthen the connections to the Town Square and enhance solar access and views through the site. The proposal also makes provision for a transport interchange to be provided on Pittwater Road, which will serve the future B-Line bus system.

A key benefit of this application is the amalgamation of the 13 existing irregular shaped allotments into a single lot which exhibits a practical configuration so as to develop a cohesive and unified development. The larger lot size allows for the establishment of a larger area of public open space and through-site link and a consistent and interconnected built form which could not be achieved if the lots were independently developed under the current WLEP 2011.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is an appropriate development for the subject site which will result in the provision of important amenities, businesses, housing and services within the locality.

Conclusion

The proposal provides an opportunity to redevelop the site with a mixed use building that is considered more responsive to the strategic intentions of the WLEP 2011 and associated planning controls that have been adopted for the site by Council.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs) and Council policies. The outcome of this assessment is detailed within this report.

Therefore, it is considered that the proposal has significant merit and is worthy of support.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the SNPP, as the consent authority, approve the proposal subject to conditions as contained within Attachment 1

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0705
Assessment Officer:	Lashta Haidari – Senior Planner
Land to be developed (Address):	Lot 7, DP 8172, 9 Howard Avenue, Dee Why Lot 1, DP 209503, 11 Howard Avenue, Dee Why Lot 1, DP 212382, 15 Howard Avenue, Dee Why Lot 2, DP 212382, 17 Howard Avenue, Dee Why Lot A, DP 371110, 14 Oaks Avenue, Dee Why Lot 3, DP 212382, 28 Oaks Avenue, Dee Why Lot A, DP 339410, 884 Pittwater Road, Dee Why Lot 11, DP 231418, 888 Pittwater Road, Dee Why Lot 10, DP 231418, 890 Pittwater Road, Dee Why Lot 1, DP 504212, 892 Pittwater Road, Dee Why Lot A, DP 416469, 894 Pittwater Road, Dee Why Lot 1, DP 307937, 896 Pittwater Road, Dee Why Lot 3, DP 307937, 896 Pittwater Road, Dee Why
Proposed Development:	Construction of a Mixed Use Development comprising retail, commercial and residential uses and a child care centre
Zoning:	B4 Mixed Use under WLEP 2011
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Sydney North Planning Panel
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Karimbla Properties (No41) Pty Ltd
Application lodged:	13/07/2016
Application Type:	Integrated
State Reporting Category:	Mixed
Notified:	1 st round of notification – 23 July 2016 – 25 August 2016 2 nd round of notification – 7 October 2016 to 8 November

	2016
Advertised:	23 July 2016 & 10 October 2016
Submissions:	12
Recommendation:	Approval
Estimated Cost of Works:	\$ 133,008,504.00

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the EP&A Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the EP&A Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone B4 Mixed Use
Warringah Local Environmental Plan 2011 - 6.3 Flood planning
Warringah Local Environmental Plan 2011 - 6.4 Development on sloping land
Warringah Local Environmental Plan 2011 - Part 7 Dee Why Town Centre
Warringah Development Control Plan - C2 Traffic, Access and Safety
Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - C3(A) Bicycle Parking and End of Trip Facilities
Warringah Development Control Plan - C4 Stormwater
Warringah Development Control Plan - C7 Excavation and Landfill
Warringah Development Control Plan - D3 Noise
Warringah Development Control Plan - D6 Access to Sunlight
Warringah Development Control Plan - D7 Views
Warringah Development Control Plan - D18 Accessibility
Warringah Development Control Plan - D22 Conservation of Energy and Water

SITE DESCRIPTION

Local and Regional Context

The subject site is located in Dee Why on Sydney's Northern Beaches and is upon land which has been identified for urban renewal at a state level.

The site is located approximately 16km north of the Sydney City Business District, is 800m west of the sea and is centrally located within the Northern Beaches.

Dee Why benefits from an existing arterial road, Pittwater Road, which runs north/south through the Northern Beaches. The road provides good access to public transport and infrastructure throughout the Local Government Area (LGA).

The site is bound by Howard Avenue to the north, Oaks Avenue to the south and Pittwater Road to the west. The site is further bound by shared boundaries between itself and several developed sites both to the east and south/west. Pittwater Road is the main north/south arterial road servicing the Northern Beaches and as such, the large frontage and dominant nature of the subject site are most noticeable from Pittwater Road.

Given the scale of the site and the existing road and public transport infrastructure which the site benefits from, the Dee Why Town Centre is ripe for redevelopment and has strong connections with other major development sites within the Northern Beaches including Brookvale and Frenchs Forest.

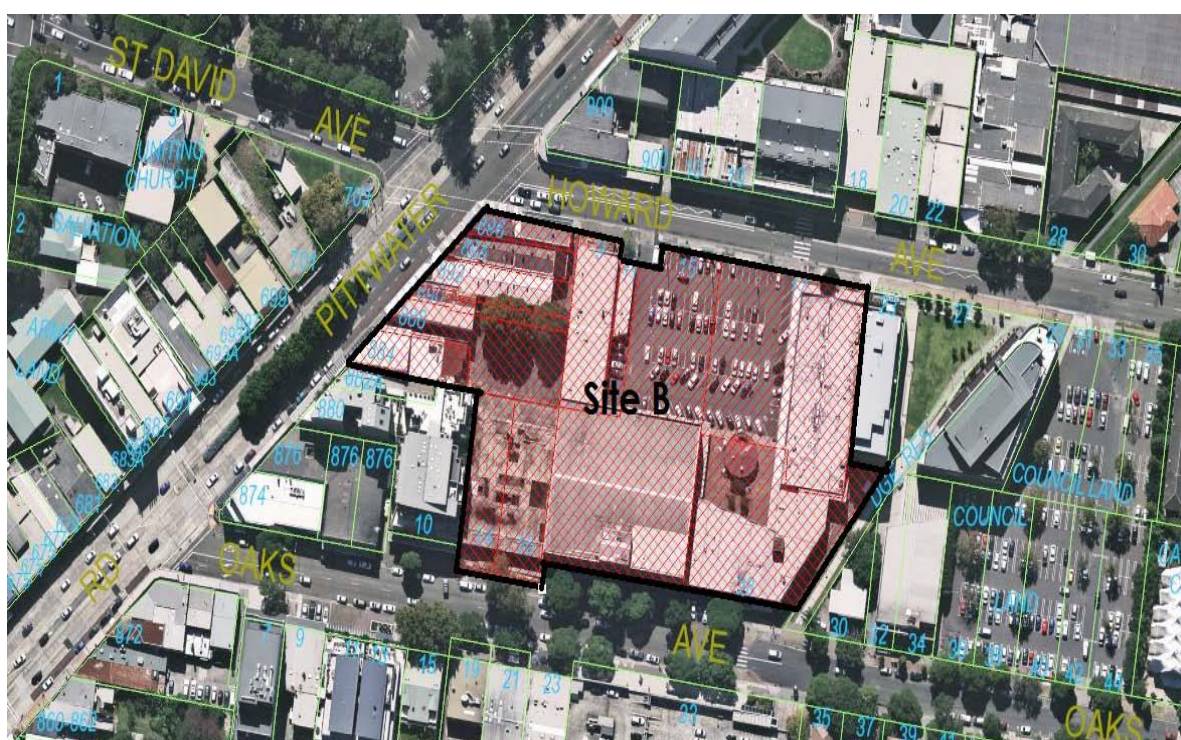


Figure 1 – Site Map

The Site

The site is known as 'Site B' of the Dee Why Town Centre in the WLEP 2011 and presently comprises of 13 individual allotments consisting of the following addresses and Deposited Plan (DP)/Lots:

LAND PARCEL ADDRESS	LEGAL DESCRIPTION
9 Howard Avenue	Lot 7, DP 8172
11 Howard Avenue	Lot 1, DP 209503
15 Howard Avenue	Lot 1, DP 212382
17 Howard Avenue	Lot 2, DP 212382

14 Oaks Avenue	Lot A, DP 371110
16 Oaks Avenue	Lot B, DP 371110
28 Oaks Avenue	Lot 3, DP 212382
884 Pittwater Road	Lot A, DP 339410
888 Pittwater Road	Lot 11, DP 231418
890 Pittwater Road	Lot 10, DP 231418
892 Pittwater Road	Lot 1, DP 504212
894 Pittwater Road	Lot A, DP 416469
896 Pittwater Road	Lots 1 and 3, DP 307937

The site is irregular in shape and is bound by Howard Avenue to the north, Oaks Avenue to the south and Pittwater Road to the west. The site is further bound by shared boundaries between itself and several other development sites both to the east and south-west.

The site has a total area of 14.466m².

The site is centrally located within the Dee Why Town Centre as defined in the Dee Why Town Centre Master Plan 2013 (DYTC Masterplan).

The existing topography of the site slopes from west to east, with a cross-fall of approximately 4m from the highest point on the south-western corner of the Pittwater Road frontage, to the lowest point at the north-eastern corner of the site on Howard Avenue.

Adjoining and Surrounding Development

The greater Dee Why Town Centre is a linear centre running along Pittwater Road which acts as a spine to the local area. The site is located towards the north of the Dee Why Town Centre area and is east of Pittwater Road. The existing development context comprises of older style commercial developments, generally two to three storeys in height, with retail uses at ground level and office or residential development on the floors above. Newer developments within the Dee Why Town Centre have been on larger amalgamated sites and achieve seven to nine storeys with a greater mix of land uses.

Adjoining the site to the north on the opposite side of Howard Avenue, to the west on the opposite side of Pittwater Road and the south on the opposite side of Oaks Avenue is a mixture of older retail and commercial office buildings and newer shop top housing developments. Land adjoining the site to the east comprises five storey shop-top housing developments, which front Howard Avenue together with a triangle shaped Council reserve and another five storey shop top housing development further to the east. Other land adjoining the site to the east comprises a Council drainage line/easement and a Council owned car parking site that is known as "Site A" under the WLEP 2011.

Dee Why Lagoon is located approximately 500m to the north of the subject site and Council's Dee Why office and Library are located on land diagonally opposite the site on the western side of Pittwater Road to the north-west.

RELEVANT BACKGROUND

The following is a brief history of the Dee Why Town Centre redevelopment process leading up to the lodgement of the current Development Application:

On 13 November 2007, Council resolved to prepare the Draft Local Environment Plan (Amendment No.21) under the provisions of WLEP 2000 for the Dee Why Town Centre that enabled the delivery of the Council owned Howard/Oaks Avenue carpark site known as “Site A” and the private venture site owned by Brookfield Multiplex known as “Site B”. It was also resolved to invite the proponents for Site A and Site B to submit staged Development Applications so that the public exhibition could include the draft LEP, supporting urban form and traffic studies and the concept designs of the proposed buildings to enable the community to comment on the proposals as a whole.

In February 2009, a Stage 1 DA (DA2007/1249) for Site B was approved for a mixed use development, including two slimline towers buildings (up to 18 storeys), podium style buildings to the street fronts of Pittwater Road, Howard Avenue and Oaks Avenue, a publicly accessible Town Square and pedestrian link. The approved application comprised a total floor area of 62,806m², which included 300 residential units, 33,400m² of retail, 4,200m² other business uses and 1,500 car parking spaces.

During this time, Council was developing the new standard instrument based Warringah Local Environment Plan 2011 (WLEP 2011). Site specific development standards that would ‘lock in’ the outcomes supported through the Development Application process were drafted and included within Part 7. The site-specific provisions included a detailed Height of Buildings Map that strictly enforced the building envelopes approved in DA2007/1249. Other provisions relate to the developments land use composition, design excellence, the requirement to maintain appropriate levels of solar access to Oaks Avenue etc.

The new Dee Why Town Centre Masterplan was developed after the original rezoning and approval of the Stage 1 DA and provided additional context for the site and the remainder of the Dee Why Town Centre, including a number of “Key Sites”, which could strategically provide public benefits and which have the potential for taller buildings. On 22 November 2011, Council resolved to commission a Masterplan for the Dee Why Town Centre through the engagement of external consultants, members from local businesses, landowners and community representatives.

The Draft DYTC Masterplan was presented to Council on 11 December 2012. On 6 August 2013, Council reviewed the findings of Community Engagement and adopted the Masterplan. The Masterplan reconfirmed Site B as the location for a publicly accessible town square and for the tallest built forms to be in the core area Dee Why Town Centre.

On 15 January 2007, Karimbla Constructions Services (NSW) Pty Ltd (a Meriton company) purchased Site B from Brookfield.

Planning Proposal

PEX2014/0004

A Planning Proposal was lodged with Council on 23 May 2014 to amend the site-specific Planning Controls under Part 7 of WLEP 2011 as follows:

- Amending the Dee Why Town Centre provisions contained in Part 7 of the WLEP 2011 as they relate to Site B by removing the prohibition on residential use on Level 2 of the development; and

- Amending the Building Height Map to increase the podium height of the development from RL 31 to R32.

The WLEP 2011 (Amendments No.14) was gazetted on 22 April 2016.

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) offer has been made to Council which proposes a number of tangible community benefits (including a monetary contribution) to be delivered as part the redevelopment of this site. The offer was attached to the original Planning Proposal (Amendment No.21) and has been executed by Council on 6 April 2016.

Prelodgement Meeting

PLM2014/0150

A pre-lodgement meeting was held with the applicant on 18 November 2014 to discuss a proposal for redevelopment of Dee Why Town Centre (Site B) for Mixed Use Development.

A copy of the notes are attached to this report (refer to Attachment 2).

Related Development Applications

The site has been the subject of the following applications:

Demolition Consents

Development consents have been granted for demolition within the site:

- **DA2013/1501** was approved on 21 January 2014 for demolition of the partially completed buildings at 14 Oaks Avenue. The demolition of these buildings has been completed.
- **DA204/0805** was approved on 9 September 2014 for the demolition of the remaining buildings on the site. Demolition of these buildings has also been completed.

Excavation Consent

A Development Application (DA2015/0612) has been approved for excavation of the site and installation of shoring walls, including the relocation of the existing Council stormwater pipe which traverses the site. This DA was approved by Council on 22 December 2015.

This consent has been modified on a number of occasions, with the works relating to this consent having been substantially completed.

DA2016/0042 for Redevelopment of Site B (Previous DA)

A previous Development Application (DA2016/0042) for the redevelopment of Site B was formally lodged with Council on 19 January 2016 and was publicly exhibited from 1 February to 10 March 2016. At the time of lodgement, the site was subject to a Planning Proposal (PEX2014/0004) to amend the WLEP 2011.

The DA relied upon the gazettal of the WLEP 2011 Amendment (WLEP Amendment No.14) for the permissibility of the proposed residential use on Level 2. On 10 May 2016, Council wrote to the applicant requesting that the application be withdrawn on the basis of Clause 1.8A of WLEP 2011, which stipulates that a DA must be determined in accordance with the control that are applicable at the time of lodgement.

The above DA was withdrawn on 13 July 2016.

DA2016/0705 for Redevelopment of Site B (Current DA)

DA2016/0705 is the current DA and was formally lodged with Council on 13 July 2016 and replaced DA2016/0042 for an identical proposal. The new application was formally exhibited from 23 July to 25 August 2016.

Prior to the withdrawal of the previous DA2016/0042, a number of planning issues were raised by Council in a letter dated 8 July 2016. The letter included details of previously requested information that had not yet been provided by the applicant. This letter also requested that the application be withdrawn due to the number and extent of the issues and deficiencies in the application (particularly in relation to deficiencies in car parking for the development) and that any additional information required be lodged as part of a new application.

The applicant elected to provide a response and lodge additional information that included amended plans which resulted in an increase in the number of car parking spaces within the basement levels to address Council's concerns. As a result of the additional information and amended plans, the DA was publicly re-exhibited from 10 October to 8 November 2016.

During the assessment of the current application, the applicant has provided additional information and amended plans to address areas of deficiency and concern in relation to certain aspects of the development and to address concerns raised by the adjoining landowners. These amendments did not require any re-notification/advertising of the application as there were no changes proposed to the overall development scheme, however, details were provided to the objectors to ascertain their response.

PROPOSED DEVELOPMENT IN DETAIL

Pursuant to Clause 78A (1) of the EP&A 1979 (as amended) this application seeks consent for the redevelopment of Site B. The site presently consists of 13 allotments which are proposed to be consolidated post construction. In summary, the development application consists of the following components:

- Construction of two buildings being the eastern building ("Building 2" containing Blocks A and D) and the western building ("Building 1" containing Blocks B and C) (refer to figure 2);
- Three levels of basement car parking to accommodate 1035 car parking spaces;
- Ground and first floor level retail and commercial floor space;
- A child care centre for 130 children on the first floor level.

The two proposed buildings (Building 1 and 2) have three distinct architectural forms consisting of:

- A four storey podium level fronting Howard Avenue and the Town Square which follows through onto the Oaks Avenue frontage in the form of a Pedestrian Link;
- Six mid-rise buildings for residential use, varying from three levels (above the podium) to an eight level building fronting onto Pittwater Road;
- Two tower elements being the eastern tower (18 storeys) and the western tower (part 16/17 storeys) located on either side of the pedestrian link.

The development also includes the following:

- 2,500m² of publicly accessible Town Square pedestrian plaza fronting onto Howard Avenue (comprising of paving works, associated drainage, lighting, landscaping and street tree planting, outdoor furniture, and public artwork);
- A pedestrian link from Oaks Avenue to Howard Avenue, running through the Town Square (comprising of paving works, associated drainage, lighting, street planting, and landscaping works);
- Vehicular and service access (loading area and garbage facilities) from both Oaks Avenue and Howard Avenue;
- Provision for a new indented bus-bay within the road reserve of Pittwater Road;
- 2,482m² of retail Gross Floor Area (GFA);
- 7,026m² of commercial GFA;
- 4,225m² of supermarket space GFA;
- 2,369m² for a child care centre (indoor and outdoor on the first floor);
- TOTAL of 16,102m² of non-residential floorspace;
- 350 residential apartments; and
- Associated Landscape works.

Residential

The development proposes 350 apartments comprising of the following configurations:

Type of Unit	Number	%
1 bedroom apartment	73	20.9%
1 bedroom + study apartment	5	1.4%
2 bedroom apartment	152	43.4%
2 bedroom + study apartment	9	2.6%
3 bedroom apartment	100	28.6%
3 bedroom + study	11	3.1%

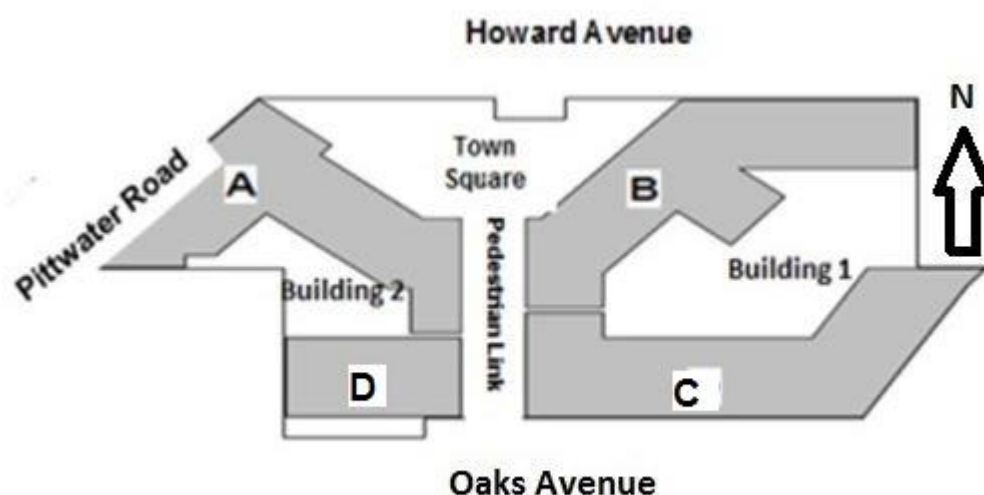


Figure 2 – Proposal Represented in Sectors (Referred throughout this Report)



Figure 3 - Western Tower (Building 2 - Block A) in foreground) and East Tower (Building 1 - Block B) in the background as viewed from the western side of Pittwater Road and Howard Avenue (Source: Crone Architects)



Figure 4 - Lower rise Shop Top Housing, with ground level shops (Block C and D) and Eastern Tower (Block B) in the background as viewed from Oaks Ave (Source: Crone Architects)



Figure 5 – East Tower (Building 1 – Blocks B and D) viewed from the proposed Town Square (Source: Crone Architects)

Excavation, Demolition and Groundwater

Site preparation works (including demolition, excavation, issues relating to groundwater and the relocation of drainage infrastructure) do not form part of this application, as these matters have been resolved under previous development consents, which have been enacted and works substantially completed.

Water Management

The stormwater system has been designed and modified to meet Council's requirements. Over flows will be connected to the authority stormwater main in accordance with the Council's requirements.

Sydney Water Section 73 applications will be made as required, subject to development consent.

Environmentally Sustainable Design (ESD)

An assessment of the building's ability to provide environmentally sustainable design features has been prepared and submitted to accompany the DA. The proposed development has been designed to comply with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) and Section J of the Building Code of Australia (BCA). A more detailed discussion on these matters is provided elsewhere within this report.

Infrastructure Services

The site contains adequate facilities which will be upgraded where necessary to cater for the proposed retail and residential development. Two new substations are required and have been incorporated within the proposed development.

Materials and Finishes

The development comprises of varying architectural elements to contribute to the aesthetic and visual massing of the buildings. The predominant finishes of the development will be concrete and glazing, particularly for the two tower elements.

These two finishes and the remainder of the development are further articulated by timber louvers, metal batten screens, varying precast concrete finishes, stonework and metal cladding.

A finishes board accompanies the application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The relevant matters for consideration under the EP&A Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any EPI	See the discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft EPIs	None Applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 (WDCP 2011) applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	Yes (Refer to discussion below this table).
Section 79C (1) (a)(iv) – Provisions of the EP&A Regulation 2000	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the DA. This documentation has been submitted.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the <i>Home Building Act 1989</i>. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the BCA. This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This matter may be addressed via a condition</p>

Section 79C 'Matters for Consideration'	Comments
	of consent.
<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><u>Environmental Impacts</u></p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the relevant sections in this report. In summary, the scale of the development is generally consistent with Council's vision for the Dee Why Town Centre. Overall, it is considered that the proposed development will make a significant contribution to the Dee Why Town Centre and can be accommodated on this site without any significant or adverse impacts on the local built or natural environments.</p> <p><u>Social Impacts</u></p> <p>The proposed development will result in a range of positive social impacts and these are generally aligned with the community's expectations for the Dee Why Town Centre.</p> <p><u>Economic Impacts</u></p> <p>The economic impacts of the development were considered and found to be acceptable during the assessment and determination of the Stage 1 approval for the site. It is noted that the proposed development results in a reduced commercial/retail floor area to that required under the original planning controls of Warringah Development Control Plan 2000 and approved under the Stage 1 consent (DA2007/1249). Essentially, the proposed development will not have any adverse economic impacts and is supportable from an economic impact perspective for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development is unlikely to impact adversely on the function and role of the retail area of the Dee Why Town Centre and other retail centres within the likely catchment of the development. The proposed development could have a synergistic effect in terms of attracting more customers to the Dee Why Town Centre retail area and the area generally; • There is sufficient growth in terms of expenditure capacity and population to accommodate the proposed expansion.
Section 79C (1) (c) – the suitability of the	There are no natural hazards or other site constraints that

Section 79C 'Matters for Consideration'	Comments
site for the development	are likely to have an adverse impact on the proposed development. The proposed development is considered suitable in the context of the locality, particularly in regard to height, bulk and scale, overshadowing, public domain improvements, traffic generation and movements, parking provision, site access, loading and unloading arrangements, waste management and the contribution the development will make to the streetscape and activity within the Dee Why Town Centre.
Section 79C (1) (d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Regulations 2000	See the discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public Interest	<p>The proposed development is considered to be in the public interest as it provides an opportunity for amalgamation and more efficient redevelopment of smaller remnant sites.</p> <p>The development will also contribute to significant public domain improvements and benefits for the public including the provision of a Town Square, north-south pedestrian connection and transport interchange as integral parts of an innovative, high-quality development that will assist in the transformation of Dee Why Town Centre into an attractive, vibrant town centre.</p> <p>The proposal will also contribute to the provision of additional housing within an existing and established urban locality. The redevelopment of the subject site will contribute to the growth and change within the Dee Why area by providing an increase in the local population and associated economic activity as envisaged by the Sydney Metropolitan Plan.</p> <p>The proposal has taken into account the applicable planning controls and any potential impact on the locality. Issues in relation to increased traffic and increase in demand for infrastructure services have been adequately addressed or will be mitigated as prescribed by the conditions of consent. Impacts on the amenity of adjoining/surrounding residential properties have been mitigated/managed through amended designs and suitable conditions of consent. Accordingly, the proposed development is considered to be in the public interest.</p>

Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) offer was made to Council which proposed a number of tangible community benefits (including a monetary contribution) to be delivered as part of the redevelopment of this site.

The VPA was executed by Council on 6 April 2016 which offered to provide the following community benefits:

1. Provision of Town Square Work on the Town Square Area

The Town Square works will involve the design, construction and embellishment of the Town Square area that is consistent with the requirements of WLEP 2011.

The Town Square will be available for public use at all times. In addition, Council will have a non-exclusive right to use the Town Square for 30 days (at its selection) per calendar year for community events.

2. Provision of Pedestrian Connection Work

The pedestrian connection work will be provided on the pedestrian connection area between the Town Square area and Oaks Avenue, with a minimum width of approximately 14m and will be designed as such that it will allow for natural light and an 'open to the sky' feel.

The pedestrian connection will be available to the public with a non-exclusive right to use the pedestrian connection area.

3. Provision of Bus Setback Work

The bus setback work will involve the design, construction and embellishment of the bus setback area on Pittwater Road.

4. Monetary contribution for new proposed road

The provision of a monetary contribution for the construction and dedication (by Council) of the new proposed road located to the east of the site bordering St Kevin's Church.

In addition, the developer must ensure the Town Square and pedestrian connection areas are managed and maintained.

As the developer has entered into the VPA, Council is exercising its right to condition the VPA as a condition of consent under Section 79C of the EP&A Act 1979.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

Due to the amended scheme, the Development Application, has been publically exhibited twice in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan 2011.

Public Exhibition 1

The Development Application was notified to 10340 land owners and occupiers for a minimum period of 30 calendar days commencing on 23 July 2016 and ending on 25 August 2016. Furthermore, an advertisement was placed in the Manly Daily on 23 July 2016 and notices were placed upon the site.

Public Exhibition 2

The amended Development Application was re-notified to the same 10340 land owners and occupiers plus the objectors in relation to the original exhibition for a minimum period of 30 calendar days commencing on 7 October 2016 and ending on 8 November 2016. Furthermore, an advertisement was placed in the Manly Daily on 10 October 2016 and a notices was placed upon the site

As a result of the public exhibition process council is in receipt of 12 submissions in total from:

Submission	Address
Mary Hill and Jane Notman	4/45 Howard Avenue, Dee Why
Richard Michell	11 Vale Avenue, Dee Why
Cleveland Rose	58 Delmar Parade, Dee Why
Brian Halstead	7 Crown Road, Queenscliff
Raymond Eilersen	48 Delmar Parade, Dee Why
Peter Checketts	22 East Esplanade, Manly
Denise Goddard	9/47 Sturdee Parade, Dee Why
Kate Young	8/10 Oaks Avenue, Dee Why
Karina Peatey	5/10 Oaks Avenue , Dee Why
David Martin	35/880 Pittwater Road, Dee Why
Wayne Moynham	8 Acacia Road, Seaforth
Craig Mott	9/23 Howard Avenue, Dee Why

The following issues were raised in the submissions received to this application. A comment on each issue is provided.

Insufficient provision of on-site car parking

Concerns have been raised regarding the short fall in commercial car parking including car parking for the child care centre on the site. There were also issues raised in relation to the car parking rate comparison between the site and the Dee Why Grand development, as they are different developments.

Comment:

This matter has been addressed elsewhere in the report (refer to detailed assessment under clause C3 – Parking Facilities of the WDCP 2011 of this report). In summary, the original shortfall in car parking has been assessed through a comprehensive analysis by the applicant's traffic consultant and the traffic consultant engaged by Council, including comparisons with similar types of development and usage characteristics. The proposal has now been determined to have sufficient car parking for both the residential and commercial components of the development.

Therefore, this issue should not be given determining weight.

Character of the area (overdevelopment)

Concerns have been raised that the development is inconsistent with the character of Dee Why, particularly with regards to the height of the proposed towers which will set a precedent within the Locality.

Comment:

The site is located within the Dee Why Town Centre and is addressed by the site specific controls within Part 7 of WLEP 2011 which allows development for up to 18 storeys in the form of two tower buildings within the core of the centre.

It is acknowledged that the proposed development would be significantly taller than existing and future surrounding development (however, it is noted that taller buildings maybe developed on “key sites” within the remainder of the Dee Why Town Centre), but in terms of urban design quality, the impacts of the proposed development has been found to be generally acceptable given that this remains a landmark development which does not establish a precedent for such tall buildings throughout the Dee Why Town Centre, the heights have already been determined within the height controls under the draft WLEP 2011 for the Dee Why Town Centre for the key site, which have the capacity for taller built forms.

The development, as proposed, is consistent with the planning controls underpinning, the urban design vision for the site and is capable of accommodating the additional height.

Therefore, this issue should not be given determining weight.

Amenity Issues relating to the Blade Wall

Concern has been raised by the owner of No. 5/10 Oaks Avenue that the proposal is inconsistent with the requirements of the WLEP 2011, particularly with regards to the impact of the proposed blade wall relating to Building D”.

Comment:

The submitted plans proposed a blade wall on a nil setback adjacent to the building at No. 10 Oaks Avenue, Dee Why. The building at No. 10 Oaks Avenue, Dee Why is a mixed use development that includes residential apartments below the ground level.

No. 5/10 Oaks Avenue has a direct interface with the proposed blade wall of Block D. The owners of the property lodged a number of submissions in response to the proposed development and also submitted a request for mediation with the applicant to resolve the issue and reduce the impact of the blade wall on their amenity.

Council’s review of the mediation request involved an assessment of the issues raised by the owner and potential visual impact on the property by way of the blade wall.

Council agreed that the blade wall would result in unreasonable visual impact on the adjoining property and recommended that the applicant enter into mediation with the owner to resolve the issues to the satisfaction of both parties.

The applicant agreed to mediation and a meeting was held on 10 November 2016.

The outcome of the mediation meeting is outlined below (refer to Mediation section of this report). In summary, the applicant amended the proposal to reduce the extent of the blade wall by stepping the wall off the eastern boundary adjoining no. 10 Oaks Avenue by 1.25m (refer to diagram below).

The increased set back of the wall reduces the extent of overshadowing and effectively reduces the perceivable visual bulk of the blade wall when viewed from the adjoining property. The amended design is considered to be satisfactory in addressing the specific concerns.

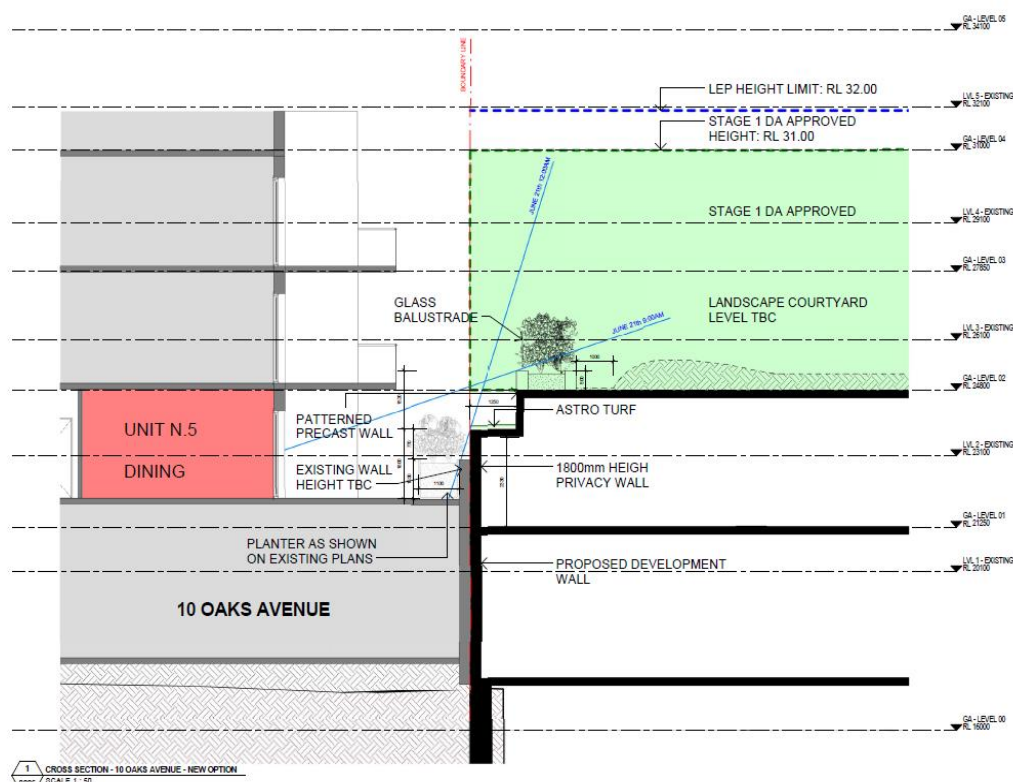


Figure 6 – Cross Section showing relationship of No. 5/10 Oaks Avenue and the ground and first floor level of Block D (source: Crone Architects)

Negative Impact on Property Values

Concern has been raised that the proposal will contribute to overdevelopment of units in Dee Why which has resulted in devaluation and a property slump and will negatively impact on the amenity and life style of the northern beaches.

Comment:

The residents claiming negative impacts on property values have submitted no documentary evidence to support such claims. Nevertheless, the Dee Why Town Centre has been identified as a Strategic Centre under the State Governments Metropolitan Plan for higher density for housing and this development is consistent with fulfilling that objective.

Further, property values are not a matter for consideration of the DA under Section 79C of the EP&A Act 1979.

Therefore, this issue should not be given determining weight

Community facilities within the Town Square

Concern was raised that the Town Square is a “Retail Plaza” and that it will not provide community benefit or ‘community based activities, like libraries, drop in centres, meeting rooms, sports halls etc.’ There was also a suggestion that Council as a result of the amalgamation should buy the site off the applicant and use it for community facilities and green space.

Comment:

WLEP 2011 does not contain any arrangements for community facilities on Site B within the Town Square. Council has made a strategic decision that community uses (library/civic buildings) will remain on the western side of Pittwater Road where the existing Civic Centre and Dee Why Library are situated.

The proposed Town Square is intended to provide a flexible, multi-use space which is suitable for market days (food, art and craft), as well as community events and a general meeting place. The Town Square will be used for a mixture of commercial and community uses. The space will form part of the development but will be publicly accessible 24 hours a day and seven days a week.

The applicant has entered into a VPA which incorporates a provision whereby the developer will grant a right of access and other appropriate rights, providing the public with a right to use the Town Square. The easement will contain provisions granting Council the non-exclusive right to use the Town Square for 30 days (at its selection) per calendar year for community events. The management of the Town Square, including regular and efficient maintenance, will be the responsibility of the developer.

The issue relating to Council purchasing the site is not a matter for consideration of the DA under Section 79C of the EP&A Act 1979.

Therefore, this issue should not be given determining weight.

Location of Driveways and Traffic congestion

Concern has been raised regarding the proposed location of the driveways next to the driveways of the adjoining residences at No. 10 Oaks Avenue. There is concern that the access driveways to the site will result in queuing and congestion as well as impact on the safety of residents and pedestrians.

Comment:

This matter is addressed elsewhere in the report (refer to detailed assessment under clause C2 – Traffic of the WDCP 2011 of this report). In summary, the proposed locations of the driveways and their design are found to be satisfactory with regards to the locations. The traffic concerns raised by respondents do not warrant amendments to the application or the refusal of the application.

Residential exceeds the commercial component of the development

Concern was raised over the developments focus on residential floorspace as opposed to commercial and the precedence this sets for high density mixed use development for the northern beaches. The submission also raised concern that the emphasis on residential units over commercial floor space does not comply with the directive of the Metropolitan Plan for Sydney which designates Dee Why/Brookvale as a Strategic Centre.

Comment:

Council has a responsibility to provide a suitable range and quantity of housing to meet the existing and future population's needs. It has been Council's policy to provide this housing in existing centres to optimise the use of services and infrastructure and promote more sustainable transport.

As a 'Major Centre', Dee Why specifically has a requirement to provide for increases in residential densities, whilst Brookvale is intended to provide more commercial spaces and employment generation.

The proposed land uses are consistent with the permissible uses under WLEP 2011 for the site. Therefore, this issue should not be given determining weight.

Glare and Reflection

Concern has been raised that the proposal does not comply with the requirements of the WDCP in regards to clause D12 Glare and reflection.

Comment:

The development is accompanied by a Schedule of Materials and Finishes which indicate that no colours or materials will be used which would result in unreasonable glare to either the public domain or neighbouring private property. Suitable conditions will also be imposed in this regard.

Loss of views and visual impact

Concern is raised that the scale of the development will have an adverse impact upon distant ocean and district views and the development will be an eyesore in the Dee Why townscape when viewed from surrounding properties, specifically from Nos. 5/10 Oaks Avenue and 9/23 Howard Avenue.

Comment

This matter has been addressed later in this report (refer to detailed assessment under clause D7 – Views of the WDCP 2011 of this report). In summary, the development, as proposed, fits within the set size, scale and shape of development envisaged by the WLEP 2011 – in particular Part 7 which includes controls specific to this site.

This issue does not warrant the refusal of the application.

Overshadowing

Concern is raised that the development will create unreasonable overshadowing to surrounding residential developments, being Nos. 10 Oaks Avenue and 23 Howard Avenue, Dee Why.

Comment

This matter has been addressed later in this report (refer to detailed assessment under clause D6 – Access to Sunlight of the WDCP 2011 of this report). In summary, the proposal will result in an extent of overshadowing on the adjoining residential developments. However, the overall extent of shadowing impact resulting from the proposal is not

unreasonable given the nature of the development and the configuration and location of the site within a dense urban town centre. The building design has been developed (and amended during the course of the assessment), to respond to this aspect of the impacts of the proposal by minimising the extent of potential overshadowing to a reasonable level.

This issue does not warrant the refusal of the application.

Privacy

Concern is raised that the development will result in unreasonable privacy impacts upon No. 9/23 Howard Ave, Dee Why.

Comment

This matter has been addressed later in this report (refer to detailed assessment under clause D8 – Privacy of the WDCP 2011 of this report).

In summary, the development (as amended) includes appropriate devices, such as screens and planters, which will limit any unreasonable overlooking opportunities into No.9/23 Howard Avenue, however, additional measures are recommended as conditions of consent to ensure the privacy impact is further minimised.

Impact on airflow

Concern is raised that the development will have an adverse impact upon airflow to neighbouring residential properties.

Comment

The impact upon airflow is not considered to be unreasonable given that the proposed building height and envelope is within the permitted controls and, considering the spatial separation inherent in the design (Town Square, pedestrian link and slimline towers) enables airflow throughout the site and the proposed buildings. Additionally, the development includes a landscape podium which enables north-east airflow through the building.

This issue does not warrant the refusal of the application.

Blocking of Air Vents of the adjoining development

Concerns have been raised that air vents to the car parking levels of shop-top housing building (which is on a nil setback to the proposal) No. 23 Howard Avenue, will be blocked by the development and the unknown ramifications of this relating to new vents having to be built.

Comment

This is a civil matter between the parties and not a matter for consideration for the DA under Section 79C of the EP&A Act, 1979.

This issue does not warrant the refusal of the application.

Missing Information

It is claimed that the documentation accompanying the development application omits major areas of concern, namely:

- Survey plan,
- Site analysis plan,
- Shadow diagrams,
- landscape plan, and
- Model and montage.

The adequacy of the SEE has also been questioned as the submissions believed it had not addressed the impact the proposal may have on the adjoining properties.

Comment:

The supporting documentation submitted with the development application describes the proposed development and provides information for Council to determine whether the proposal complies with all relevant controls. Council undertakes its own assessment of the proposal and considers the expert reports provided by the applicant. In this regard, the information provided by the applicant is not always agreed with or relied upon. Where Council cannot complete the assessment due to insufficient or inadequate information, the applicant may be requested to provide amended or additional details. The applicant has submitted all of the information that was requested during the assessment, to allow for the complete and proper assessment of the application.

Therefore, this issue should not be given determining weight

MEDIATION

As a result of the public exhibition periods, Council received one request for formal mediation. A review of the application revealed that mediation would be beneficial to the resolution of issues raised by the objectors to the application. Invitations to attend the publicly facilitated meeting and mediation (detailed below) were extended to all persons who made a submission.

On 10 November 2016, a mediation meeting was conducted. Council records indicate that two objectors, the applicant and the independent mediator were present for the meeting.

At the mediation meeting, the parties discussed the following matters:

Issues relating to No 5/10 Oaks Avenue, Dee Why

- Overbearing visual appearance of the 3m high wall along the boundary,
- Unreasonable impact on access to sunlight,
- Outlook and view unreasonably impacted upon,
- Privacy issues relating to being overlooked.

Issues relating to No. 9/23 Howard Avenue, Dee Why

- Unreasonable impact on access to sunlight,
- Privacy issues relating to the lack of physical separation to the terrace area and the adjoining apartments,
- Security issues,
- Air vents to the car parking at no. 23 Howard Avenue, being blocked by the development and the unknown ramifications of this relating to new vents having to be built.

As result of the mediation, the applicant agreed to provide the following amendments to the plans in an attempt to address the residents' concerns:

- Reduction in the size of the blade wall by stepping the wall off the eastern boundary with No. 10 Oaks Avenue;
- The introduction of a 3m wide non-trafficable area with the courtyard on level 2 below No. 9/23 Howard Avenue, and
- Unit B-02-13 and B-03-13 are pushed back to be line with the blank wall of No. 23 Howard Avenue.

Mediation did not address all of the concerns raised in the meeting and these matters have been addressed elsewhere in the report.

INTERNAL REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate stage.</i></p> <p>Building Assessment raise no objections to the proposal subject to conditions.</p>
Development Engineers	<p>The onsite stormwater detention and drainage concept plan are considered satisfactory. Water Quality treatment is being achieved by the installation of Stormwater 360 Filter system.</p> <p>In regard to the required road and footpath frontage works, conditions have been recommended requiring the applicant to reconstruct Councils footpath area and roadway in accordance with the Tract Dee Why Town Centre streetscape upgrade plans. Engineering Plans detailing the streetscape and road reconstruction works will require approval by Council under Sections 138 and 139 of the <i>Roads act 1993</i>.</p> <p>The Development Engineers raise no objections to the development subject to appropriate conditions.</p>
Environmental Investigations (Acid Sulphate)	<p>Environmental Investigations (Acid Sulphate) raise no objections to the proposal subject to conditions.</p>

Internal Referral Body	Comments
Environmental Investigations (Contaminated Lands)	This referral has been reviewed by the Environmental Investigations Officer. There are no objections to this referral subject to all the requirements and conditions contained within the Site Audit Statement No LBJ14/05, prepared by Geosyntec Consultants for the EPA.
Environmental Investigations (Industrial)	<p>Environmental Investigations recommends that the measures detailed in the acoustic report are adopted as conditions of consent.</p> <p>Environmental Investigations (Industrial) raise no objections to the proposal subject to conditions.</p>
Health and Protection (Food Premises, Skin Pen.)	<p>Separate approvals are required for the use, design, construction and fit out of the non-residential tenancies to be used as a food business.</p> <p>Health and Protection (Food Premises, Skin Pen.) has no objections to the proposal subject to conditions.</p>
Landscape Officer	<p>The plans indicate planting of a number of large trees, including Norfolk Island Pines within the Town Plaza (Town Square). The long term success of planting such large trees over the basement slabs is largely dependent on adequate soil volume and type to support the trees into maturity. Specific conditions regarding the adequacy of soil volume and type have been included in the recommended conditions.</p> <p>No objections to approval subject to conditions as recommended.</p>
Natural Environment (Flood)	<p>A number of the commercial floor levels and basement access points, including fire stairs, are below the Flood Planning Level which is not considered acceptable. It also appears that width of the overland flow path through the drainage easement to the east of the site is narrowing potentially exacerbating flooding in Oaks Avenue. However, these non-compliances and the resultant flood risk can be managed through conditions to be satisfied prior to the issue of the construction certificate.</p> <p>Natural Environment (Flood) has no objections to the proposal subject to conditions.</p>
Parks, reserves, beaches, foreshore	Parks, reserves, beaches, foreshore raise no objection to the proposed development.

Internal Referral Body	Comments
Property Management and Commercial	Property Management and Commercial raise no objection to the proposed development.
Road Reserve	<p>Detailed requirements associated with street scape works and public domain areas within the development site and on the development interface will be included as conditions as part of an approval.</p> <p>Plans submitted indicating pedestrian refuges on the footpath between driveways represent a hazard to pedestrians and are not in keeping with the pedestrian thoroughfares proposed for Dee Why streetscape and should be removed. Alternate paving treatments developed in consultation with Council's designers shall be implemented to warn pedestrians of potential pedestrian/vehicle conflict zones.</p> <p>The proposed boom gate on the Oaks Avenue carpark exit within the pedestrian thoroughfare is not supported and should be relocated to the building facade alignment. The proposed landscape plans indicating community events such as concerts, markets and outdoor cinema be designed to ensure that any necessary equipment can be readily transported to the location</p> <p>Road Reserve's has no objection to the proposed development, subject to conditions.</p>
Strategic Planning - Urban Design	<p>The proposal achieves an improved solution in terms of movement networks and architectural form. The provision of a public plaza (Town Square) and facilities on the main pedestrian access routes is a positive outcome and the scheme invites public participation.</p> <p>Overall, the proposal is considered to meet the objectives and intent of the previous Stage 1 DA and to offer a generally improved outcome. The proposal is recommended for approval.</p>
Waste Officer	The amended plan submitted (WMP - Dee Why Town Centre Rev G, Nov16 on 22 Nov) is acceptable subject to conditions.
Water Management	<p>No objection to approval subject to conditions.</p> <p>The development satisfies the stormwater quality requirements of Council's planning controls/policy subject to compliance with conditions of consent as recommended.</p>

EXTERNAL REFERRALS

External Referral Body	Comments
Traffic Consultant	<p>WSP Parsons Brinckerhoff (WSPB) was engaged by Council to undertake a review of the Traffic and Parking issues relating to the proposed development.</p> <p>WSPB's assessment is attached to this report (refer to</p>

External Referral Body	Comments
	Attachment 3). In summary, WSPB has indicated that the proposed development can be supported on traffic and parking ground subject to conditions.
Ausgrid: (SEPP Infra.)	<p>The application was referred to Ausgrid under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure).</p> <p>Ausgrid provided their comments on 18 February 2016 in which no objection was raised subject to conditions.</p> <p>The conditions provided by Ausgrid may be included in a consent should this application be approved.</p>
Transport for NSW (Bus stops)	<p>The application was referred to the Transport for NSW (TfNSW) on 3 November 2016. TfNSW provided the following comments on 17 January 2017:</p> <p><i>“TfNSW has determined that the current colonnade design does not provide sufficient weather protection over the footpath for bus commuters. TfNSW requests that Karimbla provides a fixed awning to the building to provide weather protection for bus commuters. TfNSW seeks to work with Karimbla to design this awning, ensuring that the requirements of both parties are met.</i></p> <p><i>TfNSW notes that the B-Line bus stop design has the new footpath around the indented bus bay under the colonnade, which will be on private property”.</i></p> <p>Note: The requirements of TfNSW will be a condition of consent.</p>
NSW Police - Local Command (CPTED)	<p>The application was referred to the NSW Police for consideration and comment. In their response dated 18 February 2016, NSW Police advised that “given the nature of the development, we do not believe a Crime Risk Assessment and Crime Prevention through Environmental Design (CPTED) is required”.</p> <p>Notwithstanding the comments provided by NSW Police, an assessment of the development against the principles of CPTED has been conducted and is included in elsewhere in the report.</p>
Integrated Development - Department of Primary Industries – Water (DPI) (Permit for Temporary Construction Dewatering)	<p>The application was referred to the DPI as Integrated Development under s.91A (2) of the EP&A Act 1979. The DPI provided the following comments on 4 March 2016 and 7 November 2016:</p> <p><i>“DPI Water advises that, in addition to requiring development consent, parts of the development that intercept or extract groundwater are also required to be authorised under the Water Management Act 2000. The information requirements for such an authorisation are explicitly detailed in the NSW Aquifer Interference Policy—including the need for the applicant to provide a thorough hydrogeological assessment of the predicted impacts of the proposed development and calculations of the volumes likely to be extracted. As defined in that policy, such requirements apply to activities interfering with all aquifers, including low yielding and saline groundwater systems.</i></p>

External Referral Body	Comments
	<p><i>The proposed development is deemed to be an aquifer interference activity requiring an authorisation under water management legislation; therefore General Terms of Approval have been provided."</i></p> <p>The conditions provided by the DPI may be included in a consent should this application be approved.</p>
Concurrence - NSW Roads and Maritime Services (RMS) - (SEPP Infrastructure. Traffic generating development)	<p>The application was referred to the RMS for comment as traffic generating development under Schedule 3 of SEPP Infrastructure. The RMS provided their comments on 18 August 2016 and 18 October 2016 in which no objection was raised subject to conditions.</p> <p>The conditions provided by the RMS may be included in a consent should this application be approved.</p>
NSW Taxi Council	<p>The application was referred to the NSW Taxi Council on 10 March 2016.</p> <p>No response was received at time of writing this report.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, EPIs (State Environmental Planning Policies (SEPPs), Regional Environment Plans (REPs) and Local Environment Plans (LEPs)), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each EPIs (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies and State Regional Environmental Plans

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development does not constitute State Significant Development under State Environmental Planning Policy (State and Regional Development) 2011.

Of more relevance, Clause 20 of this policy cross-references Schedule 4A of the EP&A Act 1979 which identifies a range of developments that either due to their nature, scale, value, impact or location are deemed to be of regional significance and which, as a result, require that the SNPP become the consent authority.

In this regard, Schedule 4A (3) indicates that Development that has a capital investment value of more than \$20 million is regional significance. As indicated on the DA form and as confirmed by a quantity surveyors report accompanying the application, the proposed

development has a capital investment value of \$133,008,504.00. As such, the consent authority for the application will be the SNPP.

State Environmental Planning Policy 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers in determining when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

In response to these requirements, the applicant has submitted a Stage 1 – Environmental Site Assessment Report prepared by Coffey Geotechnics P/L dated 15 August 2014.

The report makes the following conclusions:

"The review of the site history indicates that, as at 2007, activities that could have resulted in the introduction of significant contamination to soil or groundwater beneath the site were unlikely to have been undertaken on the site. However, it is considered that contamination could potentially have been introduced to the site through:

- *Potential importation of contaminated fill material across the site;*
- *Leaching or weathering of hazardous building materials (such as asbestos in fibre cement sheeting lead paint etc.) from the former building materials (if Present) could also have been introduced to the site soils during demolition of the former structures; and*
- *Pesticides used beneath the building slabs and floorboards of the former structure.*

We recommend that soil and groundwater within the site be assessed as part of the Stage 2 ESA proposed to be conducted on the whole of Dee Why Town Centre Redevelopment site, following the demolition of existing buildings".

The application was also referred to Council's Environmental Health Officer who raised no objection to the proposal subject to conditions. Accordingly, based on the information submitted, the requirements of SEPP 55 have been satisfied and the land is considered to be suitable for the development subject to conditions.

State Environmental Planning Policy 64 - Advertising and Signage

State Environmental Planning Policy 64 - Advertising and Signage (SEPP 64) was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish. SEPP 64 applies to all signage and requires that development consent must not be issued unless the consent authority has had regard to the matters for consideration.

The development application does not include any proposed signage although indicative signage zones relating to the building have been shown on the final photo montages. In this regard, a condition of consent will be included in consent requiring that any signage will require a separate DA.

State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development

The residential component of the development is required to comply with State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65). The associated Apartment Design Guide (ADG) provides additional details and guidance for applying the nine design quality principles outlined in SEPP 65.

As per the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the EP&A Regulation 2000 requires the submission of a Design Verification Certificate from the building designer at lodgement of the development application. This documentation has been submitted.

Clause 28 of SEPP 65 requires that in determining a development application for consent to carry out development to which SEPP 65 applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- a. The advice (if any) obtained from the design review panel, and*
- b. The design quality of the development when evaluated in accordance with the design quality principles, and*
- c. The ADG.*

DESIGN REVIEW PANEL

Northern Beaches Council does not have an appointed Design Review Panel.

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built

features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The site is located within the Dee Why Town Centre which is undergoing significant contextual change through the gazettal of, and proposed amendments to, the WLEP 2011 and the adoption by Council of the Masterplan.

The local area on and around the site has been disturbed through historical development within the Dee Why Town Centre and there is little context remaining in terms of key natural features. However, it is acknowledged that the coastline to the east and surrounding escarpment to the south, west and north remain as key natural features.

The development will be seen from the coastline and the escarpment to varying degrees. For instance, the visual impact would be of a lesser degree from the lower lying Dee Why Beach than from the higher vantage points of the Dee Why South, Narrabeena and Cromer/Collaroy ridgelines, which look across and down onto the site.

The physical separation of each of these key natural features is such that visual impact is not considered to unreasonably impact upon or alter their respective contexts. Due to the established nature of the Dee Why Town Centre, the development represents an evolving and combined contextual relationship between the key built features (i.e. the Dee Why Town Centre) and the afore-mentioned key natural features.

As noted above, the future character of the Dee Why Town Centre (and by implication, the immediate surrounding area) is undergoing significant historical change which is occurring at a wholesale level. The development is the largest in the Dee Why Town Centre and it will establish the predominant character of the area and set standards for other developments to follow.

The design of the development responds well to the envisaged qualities and identity of the Dee Why Town Centre (as expressed by the DYTC Masterplan) in that it provides large and connective open areas such as the Town Square which will be accessible to the public. These open areas are framed by podium level development which will ensure that human scale is maintained at the street level and adjacent sites.

The design response of the development is considered to be appropriate, as envisaged by WLEP 2011 and the Masterplan. The proposal satisfies this principle.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation 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 height, bulk and scale of the development are significantly greater than other development which exists around the site. However, the proposed height, bulk and scale is considered to be entirely consistent with the desired future character of the Dee Why Town Centre, as envisaged by the amended WLEP 2011 and the supporting DYTC Masterplan.

The effective locating and manipulating of building elements, such as towers, podiums and ground level access ways, results in an appropriate built form for the site which visually and functionally relates to its surrounds and responds to the future of Dee Why as an evolving Strategic Centre as identified in the Greater Sydney Commission publication the 'Draft North District Plan' (November 2016).

The incorporation of the Town Square and through-site link provides a seamless transition between the public and private domain and contributes towards the character of the streetscape while offering enhanced internal amenity and outlook, particularly from the lower podium level apartments.

The built form and scale of the development is considered to be appropriate, as envisaged by WLEP 2011, the DYTC Masterplan and that the proposal satisfies this principle

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The planning controls under WLEP 2011 and the WDCP 2011 do not specify a maximum housing density for the zone. The density is gauged by how the development responds to the Design Quality Principles of SEPP 65, the Desired Future Character of the area contained in the Masterplan and the relevant controls contained within the WLEP 2011 and the WDCP 2011.

This assessment has found that the development as proposed achieves a satisfactory level of compliance and consistency with these controls that are applicable to the subject site. As discussed previously in this report, the Dee Why Town Centre is subject to transition commensurate to its role as a Major Centre of the north-east sub-region as defined in the Metropolitan Plan for Sydney 2036. In this regard, the proposed density is not considered to be contrary to the future regional context, the availability of infrastructure, public transport, community facilities and environmental quality.

Accordingly, it is considered that the proposal satisfies this principle.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling

reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

The proposed design solution is consistent with this principle, particularly through the orientation and design of the units (solar access and ventilation), the choice of construction materials to reduce heating and cooling costs, the capture of stormwater to provide for irrigation to landscaping and the selection of appropriate planting/landscaping (Refer to Landscape Plan – Town Plaza Plan, Arcade Detail Plan and Level 2 Podium Detail Plan).

A comprehensive analysis of the development has been undertaken in order to meet BASIX requirements and solar amenity. The BASIX report confirms that a range of design measures are adopted to ensure that the development is environmentally sustainable including the reduction of potable water use, effective thermal performance and the appropriate selection of materials.

Accordingly, it is considered that the proposal satisfies this principle.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment:

The landscape design of the development is a feature of the proposal and will improve the aesthetics of the streetscape, enhance the public domain and provide a sustainable urban environment for the general community and residents within the development.

The landscaping component of the proposal has been considered as an integral part of this development. Internally, the development provides for large communal landscape space at podium level providing an outlook for residents. In addition each apartment has a balcony of generous depth that has been located to maximise light and views, whilst maintaining privacy.

Further landscaping is provided throughout the development on terrace-like areas scattered on varying facades and levels of the two towers. These terrace-like areas allow for plantings that will be visible from surrounding areas and will contribute to softening the visual bulk of the development. The landscaping in these areas will present a living and active element to the façade that provides visual interest through the establishment of vegetation.

The development also provides a new Town Square and pedestrian link between Howard Avenue and Oaks Avenue which will enhance connectivity, provide for street activation and contribute to the principles of CPTED as discussed elsewhere in this report. The Town

Square and pedestrian link has been architecturally designed landscape treatment throughout to provide visual relief from the surrounding built form and as such, creates usable and enjoyable spaces throughout the thoroughfare.

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. These conditions have been included in the recommendations of this report.

Accordingly, it is considered that the proposal satisfies this principle.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

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

Comment:

The development has been assessed against the various amenity requirements of the ADG where it has been found that the development is capable of complying with the relevant Rules of Thumb. It is considered that the design provides a good level of amenity for future occupants, with the majority of apartments having a more than satisfactory level of sunlight access and cross ventilation.

Given the shape of the site and the subsequent limitations in designing within the envelope prescribed by the site specific controls, it is considered that the level of access to natural ventilation is reasonable in this instance.

Accordingly, it is considered that the proposal satisfies this principle.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The proposed development is considered to be satisfactory in terms of the creation and structuring of the significant new public spaces and facilities for residents and visitors. The public domain design eliminates places which might conceal undesirable activities or

persons.

The configuration and location of the proposed buildings achieves adequate levels of casual surveillance through the appropriate placement of balconies, windows and pedestrian access within the development and to adjoining streets, which maximises overlooking of the street and the communal spaces within the site. The relationship of the residential towers to the Town Square and pedestrian link will provide acceptable levels of security and casual surveillance.

The proposal was referred to NSW Police for consideration under the principles of CPTED. The NSW Police have adopted the recommendations included in the CPTED assessment provided by the applicant. The recommendations as contained within the assessment can be included as a condition of consent, should the application be approved.

The proposal is considered to adequately achieve safety and security for future occupants of the development providing good casual visual surveillance of the street and the private domain.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community.

The provision of a mix of apartment sizes in this location is considered desirable due to the site's close proximity to a major bus interchange, commercial facilities and other opportunities within the Dee Why Town Centre and being within walking distance to the beach, public amenities and facilities.

The development provides a reasonable mix of apartments and includes active street front uses in the form of a public plaza (Town Square), retail and restaurants/cafe premises on the ground floor level which is considered to contribute to the social context by encouraging and providing for social interaction and engagement.

Accordingly, it is considered that the proposal satisfies this principle.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

The proposed development would contribute positively to the streetscapes of Dee Why Town Centre. The design incorporates a substantial use of glazing, recessed balconies, architectural framing devices and a variety of materials and textures which are integrated and will provide a visual 'uplift' of this site and this portion of the Dee Why Town Centre.

The building provides a modern and contemporary form with a well-considered use of physical and material articulation and modulation to provide a distinctive and strongly defined corner element to the Pittwater Road and Howard Avenue intersection. The quality of urban design would provide for the rejuvenation of a significant amalgamated site within Dee Why Town Centre which would provide further impetus for redevelopment and enhancement of the Dee Why Town Centre streetscape.

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The development responds aesthetically to the environment and context, contributing in an appropriate manner to the desired future character of the area.

Accordingly, it is considered that the proposal satisfies this principle.

APARTMENT DESIGN GUIDE

SEPP 65 also requires consideration of the ADG prepared by NSW Department of Planning and Environment in 2015. The ADG includes development controls and best practice benchmarks for achieving the design principles of SEPP 65.

The following table sets out the proposal's compliance with the ADG:

Criteria / Guideline	Comments
Part 3 Siting the Development	
Site Analysis Does the development relate well to its context and is it sited appropriately?	Consistent A context plan is provided to accompany the application. The layout is consistent with the WLEP 2011 for the site. The built form responds to the street conditions and neighbouring new site

	<p>configuration, including the Master Plan.</p> <p>The building form and character reflects the changing context anticipated by the WLEP 2011 for the Dee Why Town Centre.</p>										
<p>Orientation</p> <p>Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?</p>	<p>Consistent</p> <p>The proposal activates the street by providing the Town Square and Pedestrian link, while maximising the solar access through apartment orientation.</p>										
<p>Public Domain Interface</p> <p>Does the development transition well between the private and public domain without compromising safety and security?</p> <p>Is the amenity of the public domain retained and enhanced?</p>	<p>Consistent</p> <p>The proposed development is considered to be satisfactory in terms of the creation and structuring of the significant new public spaces and facilities for both residents and visitors.</p> <p>The public domain design eliminates places which might conceal undesirable activities or persons.</p>										
<p>Communal and Public Open Space</p> <p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none">1. Communal open space has a minimum area equal to 25% of the site;2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid-winter).	<p>Consistent</p> <p>The proposed development provides a total of 17% of the site area of communal open space for the residents of the development in the form of podium terraces.</p> <p>In addition, the development will also provide 2,250sqm (15.5% of the site area) of publicly accessible Town Square pedestrian plaza fronting Howard Avenue.</p> <p>The majority of the Town Square should receive a minimum of four hours of sunlight in mid-winter. However, the communal open space will not receive the adequate sunlight because of the location of the proposed towers, which is acceptable given the prescribed building envelope.</p>										
<p>Deep Soil Zones</p> <p>Deep soil zones are to meet the following minimum requirements:</p> <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>Less than 650m²</td><td>-</td><td rowspan="3">7%</td></tr><tr><td>650m² – 1,500m²</td><td>3m</td></tr><tr><td>Greater than 1,500m²</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7%	650m ² – 1,500m ²	3m	Greater than 1,500m ²	6m	<p>Satisfactory on Merit</p> <p>The proposed development does not provide any deep soils zone, owing to the location of the site within the town centre and the need to provide for the car parking requirements within the basement levels. However, the development incorporates suitable landscape areas within the Town Square, and within podium terrace areas.</p> <p>In addition, the development provides for</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)									
Less than 650m ²	-	7%									
650m ² – 1,500m ²	3m										
Greater than 1,500m ²	6m										

Greater than 1,500m ² with significant existing tree cover	6m		effective stormwater / treatment management measures to facilitate drainage and water flow which have been supported by Council's Development Engineer and the Flood Prone Land section of Council's Natural Environment Unit, subject to conditions.												
Visual Privacy Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table><tr><th>Building height</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>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>			Building height	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	Consistent The building separation controls for this site, which are prescribed under the site specific controls in the WLEP 2011, are consistent with maintaining the integrity of the controls under the ADG. Additionally, conditions have been included in this report which relate to protecting the amenity of the adjoining developments.
Building height	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													
Pedestrian Access and entries Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify? Large sites are to provide pedestrian links for access to streets and connection to destinations.			Consistent The development provides level pedestrian access to all floor levels from the basement car parking area.												
Vehicle Access Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?			Consistent The proposed vehicular access has been assessed by Council's Traffic consultant and Roads & Assets team who have raised no objections to the proposal, subject to conditions.												
Bicycle and Car Parking For development in the following locations: <ul style="list-style-type: none">On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; orOn land zoned, and sites within 400m of			Consistent An assessment of car parking provision, having regard to WDCP 2011 and location of the site, has been undertaken. In summary, the amount of car parking is sufficient for the development, as addressed elsewhere in this report.												

<p>land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	
Part 4 Designing the Building	
Amenity	
<p>Solar and Daylight Access</p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter; • A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. 	<p>Satisfactory on Merit</p> <p>The proposal achieves compliance with the 70% requirement of the ADG but does not achieve the requirement, which requires that 15% of apartments receiving no direct sunlight. 19% of the proposed apartments will receive no direct sunlight, this variation is largely consequent of the orientation of the site and the set built form.</p> <p>The ADG identifies that in some circumstances achieving the design criteria may not be possible on all sites as with the current proposal.</p> <p>Despite the non-compliance with this numerical control, the development satisfies the objective of clause 4A-1 of the ADG as follows:</p> <ul style="list-style-type: none"> • The development satisfies the primary control for solar access being that 72% of the total units receive a minimum of two hours of solar access in mid-winter between 9am and 3pm; • Future residents would have access to ground level communal open space areas that receive high level of solar access in mid-winter.

<p>Natural Ventilation</p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by:</p> <ul style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed; Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line. 	<p>Consistent</p> <p>Three hundred and twenty eight (328) units (93%) are cross naturally cross ventilated.</p> <p>No apartments exceed the 18m requirement.</p>												
<p>Ceiling Heights</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="212 965 831 1794"> <thead> <tr> <th colspan="2">Minimum ceiling height</th></tr> </thead> <tbody> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> <tr> <td>Non-habitable</td><td>2.4m</td></tr> <tr> <td>For two storey apartments</td><td>2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.</td></tr> <tr> <td>Attic spaces</td><td>2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.</td></tr> <tr> <td>If located in mixed used areas</td><td>2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.</td></tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For two storey apartments	2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.	Attic spaces	2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.	If located in mixed used areas	2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.	<p>Consistent</p> <p>The floor to ceiling heights of the apartments within the development meet the minimum 2.7m as required by the ADG.</p>
Minimum ceiling height													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For two storey apartments	2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.												
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If located in mixed used areas	2.7m for main living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area.												
<p>Apartment Size and Layout</p> <p>Apartments are required to have the following minimum internal areas:</p> <table border="1" data-bbox="212 1944 831 2045"> <thead> <tr> <th>Apartment type</th><th>Minimum internal area</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>35m²</td></tr> </tbody> </table>	Apartment type	Minimum internal area	Studio	35m ²	<p>Satisfactory on Merit</p> <p>7 out of the 350 units (2%) apartments within the complex fall below the minimum internal areas when assessed against the criteria/guideline of the control.</p>								
Apartment type	Minimum internal area												
Studio	35m ²												

1 bedroom	50m ²	Each variation to the control is considered negligible (1m ² - 3m ²) and that the proposed apartment sizes are satisfactory in this circumstance given the large balconies and communal open spaces available to residents. The variation to the control will not have any unreasonable or detrimental impacts upon the residents, other occupants, the community or the environment.
2 bedroom	70m ²	
3 bedroom	90m ²	

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

Habitable room depths are limited to a maximum of 2.5 x the ceiling height.

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space).

Living rooms or combined living/dining rooms have a minimum width of:

- 3.6m for studio and 1 bedroom apartments;
- 4m for 2 and 3 bedroom apartments

The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.

<p>Private Open Space and Balconies</p> <p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>Consistent</p> <p>All apartments within the development comply with the minimum balcony area and depth.</p>
Dwelling Type	Minimum Area	Minimum Depth														
Studio apartments	4m ²	-														
1 bedroom apartments	8m ²	2m														
2 bedroom apartments	10m ²	2m														
3+ bedroom apartments	12m ²	2.4m														
<p>Common Circulation and Spaces</p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Satisfactory on Merit</p> <p>The proposed development includes access to all floors via a lift. The internal corridors marginally exceed the ADG requirements for the number of units accessed (less than eight) and design for amenity. A maximum of 9 -12 units are located on each floor, with each building being served by two corridors off the central lift, avoiding multiple entries off a common corridor.</p> <p>The proposal is acceptable with respect to the requirements of the ADG for internal circulation.</p>															
<p>Storage</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m²</td></tr><tr><td>1 bedroom apartments</td><td>6m²</td></tr><tr><td>2 bedroom apartments</td><td>8m²</td></tr><tr><td>3+ bedroom apartments</td><td>10m²</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	<p>Consistent (subject to condition)</p> <p>The proposed building includes resident storage areas for all units within the building and as well as within the basement levels.</p> <p>A condition of consent is recommended to ensure the proposed storage areas are allocated in accordance with the size requirements of the ADG for the respective units.</p>					
Dwelling Type	Storage size volume															
Studio apartments	4m ²															
1 bedroom apartments	6m ²															
2 bedroom apartments	8m ²															
3+ bedroom apartments	10m ²															
<p>Acoustic Privacy</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms</p>	<p>Consistent (subject to condition)</p> <p>An acoustic assessment which considers both internal and external noise sources including surrounding traffic noise, noise emissions associated with traffic generated by activities on site, noise associated with mechanical plant and noise generated by the proposed child care centre use has been submitted. The acoustic assessment found that noise generated by the development will</p>															

	<p>comply with all relevant standards.</p> <p>The assessment recommends certain acoustic treatments be implemented to ensure internal noise levels comply with relevant Australian Standards.</p>
<p>Noise and Pollution</p> <p>Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.</p>	<p>Consistent</p> <p><u>Noise</u></p> <p>The development has been designed in a manner to minimise impacts of external noise and to mitigate noise transmission, as discussed elsewhere in this report.</p> <p><u>Pollution</u></p> <p>The completed development is unlikely to impact adversely on air quality or alter the microclimate of the area.</p> <p>No details regarding dust control relating to the construction have been provided. These details will be required to be submitted as a condition of consent.</p>
Configuration	
<p>Apartment Mix</p> <p>Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.</p>	<p>Consistent</p> <p>The development proposes a mix of one, two and three bedroom apartments. Given the town centre location array of land uses, it is considered that the development has the capacity to accommodate numerous residents who have opportunities to live, work and leisure within the same district. Further to this, the apartments proposed will offer a different housing type and affordability to that of detached housing which is generally seen throughout the Northern Beaches.</p>
<p>Facades</p> <p>Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.</p>	<p>Consistent</p> <p>The development responds to the existing topography of the site and the overall scale of the development is considered to be appropriate given the context of the site and its relationship to the DYTC Masterplan.</p> <p>The visual massing and bulk of the development is considered satisfactory by virtue of the significant articulation, stepping and terracing of which the design presents. Most notably is the proposed Town Square and pedestrian link that acts as the focal point of the design.</p> <p>The design consists of well composed horizontal and vertical elements that contribute to aiding the proportion of the building through visual manipulation - i.e. deep setbacks of balconies and portions of the building to provide a 'break' from the massing.</p>

	The development is respectful of the surrounding residential character through the massing and as such, it is considered that the facade treatment is appropriate to enhance the streetscape and character of the area.																				
Roof Design Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Test whether the roof space can be maximised for residential accommodation and open space.	Consistent The proposed roof includes elements of clerestory windows and ventilation mechanisms. The roof design will facilitate the retention of rainwater for re-use, as assessed by Council's Development Engineers. The proposed clerestory windows will allow for natural lighting to penetrate into core spaces of the apartments that would otherwise rely on artificial lighting. The roof space is not readily accessible and cannot be used to serve the residential accommodation.																				
Landscape Design Was a landscape plan submitted and does it respond well to the existing site conditions and context.	Consistent Landscape plans have been submitted with the application, providing detailed plans for the landscape treatment of the town square and podium level courtyards. The landscape plans have been designed to act as integral part of the redevelopment of the site and will respond to the site and its Town Centre location.																				
Planting on Structure When planting on structures the following are recommended as minimum standards for a range of plant sizes: <table><tr><th>Plant type</th><th>Definition</th><th>Soil Volume</th><th>Soil Depth</th><th>Soil Area</th></tr><tr><td>Large Trees</td><td>12-18m high, up to 16m crown spread at maturity</td><td>150m³</td><td>1,200mm</td><td>10m x 10m or equivalent</td></tr><tr><td>Medium Trees</td><td>8-12m high, up to 8m crown spread at maturity</td><td>35m³</td><td>1,000mm</td><td>6m x 6m or equivalent</td></tr><tr><td>Small trees</td><td>6-8m high, up to 4m crown</td><td>9m³</td><td>800mm</td><td>3.5m x 3.5m or equivalent</td></tr></table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m crown	9m ³	800mm	3.5m x 3.5m or equivalent	Consistent There is no minimum landscaped open space provision required under the WDCP 2011 for such development within the zone. This is due to the dense urban environment and envisaged character of development in Dee Why Town Centre, which is abutting mixed development (shop top housing or retail/office) development sites. Due to the urban context within which this site is located, minimal landscaping has not nor could be provided at ground level. The development provides for large communal landscape space at podium level and further landscaping is provided throughout the development on terrace-like areas scattered on varying facades and levels of the two towers. In addition, landscaping is also provided within the proposed Town Square and pedestrian link.
Plant type	Definition	Soil Volume	Soil Depth	Soil Area																	
Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent																	
Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent																	
Small trees	6-8m high, up to 4m crown	9m ³	800mm	3.5m x 3.5m or equivalent																	

	spread at maturity				
Shrubs			500-600mm		
Ground Cover			300-450mm		
Turf			200mm		
Mixed Use Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.					Consistent The site is close to public transport and has ready access to services and amenities. It is well located in terms of providing for additional retail floor space and residential accommodation. The proposed development appropriately utilises existing infrastructure whilst expanding the retail offer and providing new residential accommodation on a well located and serviced site.
Awning and Signage Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development. Signage must respond to the existing streetscape character and context.					Consistent The proposal includes awnings above the new ground floor in addition to the cantilevered design of the development. The DA does not propose any signage and as such, this clause is not considered in the assessment of this application. It is noted that the retail premises located on the ground floor of the development will require signage in the future, and this will be subject to future development applications or be exempt development under the provision of State Environmental Planning (Exempt and Complying Development Codes) 2008.
Performance					
Energy Efficiency Have the requirements in the BASIX certificate been shown in the submitted plans?					Consistent A BASIX certificate report has been prepared for the development. The BASIX certificate confirms that required targets for water, thermal comfort and energy efficiency will be met.
Water Management and Conservation Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?					Consistent Water management and conservation through the means of retention of stormwater for reuse has been assessed as compliant by Council's Development Engineers and further, compliance with the supplied BASIX Certificate has been conditioned. Areas of landscaping are located throughout the site, and these areas will allow for natural water infiltration into the ground.
Waste Management					Consistent (subject to condition)

Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and recycling.	It is proposed to service the various components of the development using private contractors and Council's waste officer has commented on the proposed method of waste management. The applicant has addressed the identified shortcomings in the proposed method of waste collection and storage and it is considered that the amended scheme is acceptable subject to conditions.
Building Maintenance Incorporates a design and material selection that ensures the longevity and sustainability of the building.	Consistent The application includes a Schedule of Materials and Finishes which ensures the longevity and sustainability of the building.

STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT

Clause 30 of SEPP 65 "Standards that cannot be used as grounds to refuse development consent or modification of development consent" states that:

1. *If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those*
2. *matters:*
 - a. *If the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the ADG;*
 - b. *If the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the ADG;*
 - c. *If the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the ADG.*

Note: *The BCA specifies minimum ceiling heights for residential flat buildings.*

Comment:

The DA is not being refused pursuant to any of the standards listed within Clause 30 of SEPP 65.

3. *Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:*
 - a. *The design quality principles, and*
 - b. *The objectives specified in the ADG for the relevant design criteria.*
4. *To remove doubt:*
 - a. *Subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and*
 - b. *The design criteria specified in subclause (1) are standards to which clause 79C (2) of the EP& A Act 1979 applies.*

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

Comment:

The proposed development has been the subject of a detailed review in relation to these provisions of the ADG. It is concluded that the development generally complies with the design quality principles and meets the objectives and criteria/guidelines specified within the ADG.

SEPP (Building Sustainability Index: BASIX) 2004

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposed development. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

SEPP (Infrastructure) 2007

Clause 45

Clause 45 of the SEPP Infrastructure requires the Consent Authority to consider any DA (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.

The application was referred to Ausgrid under clause 45(2) of SEPP Infrastructure.

Ausgrid provided their comments on 18 February 2016 in which no objection was raised subject to conditions. The conditions provided by Ausgrid may be included in a consent should this application be approved.

Clause 102

Clause 102 applies to residential development adjacent to a road corridor or freeway with an annual average daily traffic volume of more than 40,000 vehicles and which the consent authority considers would be likely to be adversely affected by road noise or vibration. The RMS, which was previously known as RTA, has published traffic volume maps for NSW ('Traffic Volume Maps for Noise Assessment for Building on Land Adjacent to Busy Roads'). The noise assessment for the development is indicated on Map 12 as mandatory under Clause 102 of the SEPP Infrastructure.

Clause 102(2) also requires the consent authority to consider any guidelines that are issued

by the Director-General for the purposes of this clause and published in the Gazette. The supporting guidelines (as published by The Department of Planning in 2008) guide development adjacent to railway lines and along motorways, tollways, freeways, transit ways and other 'busy' roads. For new residential developments, internal noise levels of 35 dB (A) have been set for bedrooms during the night-time period and 40 dB (A) for other habitable rooms.

Clause 102(3) prohibits the consent authority from granting consent to residential development adjacent to a road corridor or freeway unless it is satisfied that appropriate measures will be taken to ensure that the above-mentioned LAeq levels are not exceeded. As the site is located adjacent to Pittwater Road which has volume in order of 47, 000 vehicles per day, this Clause applies to the proposed development.

In this regard, the applicant has submitted an acoustic report (prepared by Acoustic Logic, dated 13 January 2016). In summary, the acoustic report recommends design measures to minimise the acoustic impact of the traffic on residential development.

Therefore, the subject application is considered to satisfy the provisions of Clause 102 subject to a condition to be included in the draft consent to adopt the recommendations of the acoustic report in the design of the proposed development.

Clause 106

Pursuant to Clause 106(1) (a) the clause applies to new premises of the relevant size or capacity. (2) In this clause, "relevant size or capacity" means: *"in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3"*.

Clause 106 'Traffic generating development' of the SEPP Infrastructure requires the application be referred to the RMS within seven days, and take into consideration any comments made within 21 days, if the development is specified in Schedule 3 of the SEPP Infrastructure.

Schedule 3 of SEPP Infrastructure 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 of 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)	Proposal	Referral Required
Apartment or residential flat building	300 or more dwellings	75 or more dwellings	350 Units	Yes
Parking	200 or more motor	50 or more motor vehicles	1035	Yes

	vehicles			
Shops and commercial premises	4,000m ²	1,000m ²	13,733m ²	Yes
Any other purpose (child care centre)	200 or more motor vehicles		24 spaces	No

The development also proposes a new crossover onto Oaks Avenue and Howards Avenue which is within 90m of Pittwater Road, a classified road (Arterial Road).

The application was referred to the RMS who provided their comments on 18 August 2016, and 18 October 2016 in which no objection was raised subject to conditions.

The conditions provided by the RMS are included in the draft consent conditions.

STATE REGIONAL ENVIRONMENTAL PLANS

There are no SREPs applicable to the site.

LOCAL ENVIRONMENTAL PLANS

Warringah Local Environment Plan 2011

The WLEP 2011 is applicable to the development.

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
Aims of the LEP?	Yes
Zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	
Land Use Table	Yes
Part 4 Principal development standards	
4.3 Height of buildings	Not Applicable (refer to Clause 7.6)
Part 5 Miscellaneous Provisions	
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
5.10 Heritage conservation	Yes
Part 6 Additional Local Provisions	
6.2 Earthworks	Yes
6.3 Flood planning	Yes

Clause	Compliance with Requirements
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.6 Height of buildings	Yes
7.8 Site B Oaks Avenue above podium elements	Yes
7.10 Allowance for external ancillary plant and roof access	Yes
7.11 Town Square and pedestrian connections	Yes
7.12 Provisions promoting retail activity	Yes
7.13 Mobility, traffic management and parking	Yes

Zoning and Permissibility

The subject site is zoned B4 Mixed Use under WLEP 2011. The proposed uses are defined as “Shop Top Housing, Office Premises, Retail Premises, and Child Care Centres” which are permitted uses with consent in B4 Mixed Use zone. However, additional provisions which restrict land uses within the Dee Why Town Centre are contained within Part 7 of the WLEP 2011.

The site is identified as “Site B” on the Key Sites Map and is therefore subject to the provisions of Part 7 – Dee Why Town Centre. Clause 7.12 restricts the uses within the future buildings as follows:

Ground Floor Level: Residential Accommodation, Medical Centres and Office Premises are prohibited.

Level 1: Residential Accommodation is prohibited.

The proposed development does not contain these uses within the Ground Floor and Level 1 of the development.

Accordingly, the proposed development is permissible with consent.

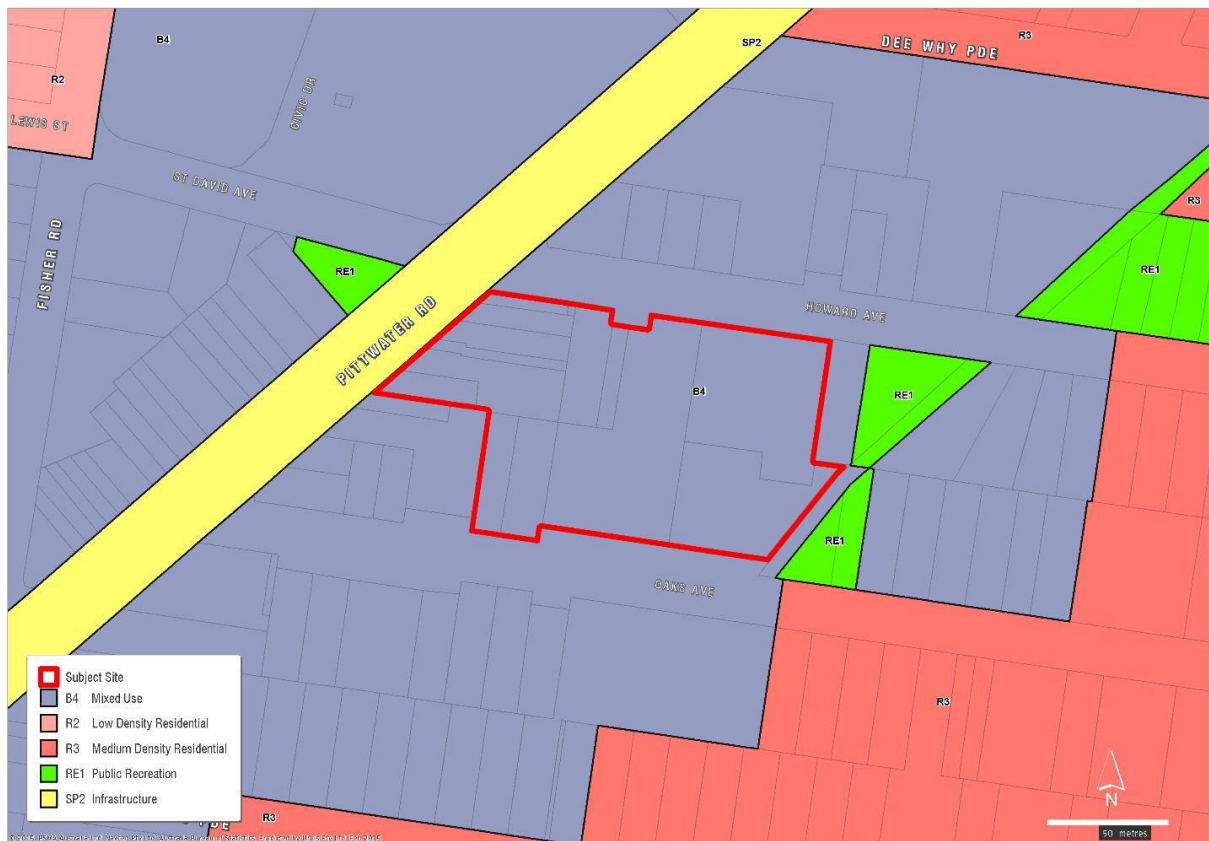


Figure 7 – Site Zoning under WLEP 2011 (Site boundaries shown in red)

Zone Objectives

Clause 2.3(2) of the WLEP 2011 requires the consent authority to have regard to the zone objectives when determining a development application. The underlying objectives of the B4 Mixed Use zone and it how it relates to the proposed development is addressed as follows:

- *To provide a mixture of compatible land uses.*

Comment:

The development provides for a mix of uses consisting of retail, commercial office, childcare centre and residential. The uses accommodated within the development are considered to be compatible with the surrounding area of the Dee Why Town Centre.

The proposal 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 development provides housing retail and commercial floor space in the town centre which is easily accessible to public transport links. Additionally, the site is within walking and cycling distance to local parks, reserves and Dee Why Beach.

The proposal 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 development in this location is considered desirable due to the site's close proximity to major bus interchanges, commercial facilities and opportunities within the Dee Why Town Centre and being within walking distance to the beach and public amenities and facilities (including the library, the Northern Beaches Council Dee Why offices, and future PCYC development).

The development provides for a mix of apartments, retail and commercial premises and provides for a taller built form in the form of tower buildings in the core of the town centre. This is considered consistent with the objectives and intent of the Sydney Metropolitan Strategy and North East Sub-regional Strategy.

The proposal 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 being comfortable, interesting and safe.*

Comment:

The development contains commercial floorspace which will be suitable for retail premises, restaurants/cafes at the ground level, facing Oaks Avenue, Howard Avenue, and Pittwater Road, the Town Square and pedestrian link. The development provides appropriate activation at the street level, particularly given its location close to the bus stop and interfacing with streets and surrounding development.

The proposal satisfies this objective.

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

Comment:

The development includes retail and commercial premises at the ground floor level which contribute towards the commercial land use pattern within the Dee Why Town Centre.

The incorporation of housing at the upper levels contributes towards the growth of living space within the Dee Why Town Centre.

The proposal satisfies this objective.

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

Comment:

The development will require the amalgamation of 13 sites, which enables a more substantial and consistent scale of development that is more in keeping the vision established in the Masterplan.

The car parking is located within the basement carpark levels.

The proposal satisfies this objective.

Other relevant provisions of WLEP 2011

Considerations of the other provisions of the WLEP 2011 which are relevant to this application are addressed in the following table:

Clause	Comment	Complies
Clause 2.7 – Demolition	Demolition is not proposed as part of the subject application (approved in 2014 and completed).	N/A
Clause 5.10 Heritage	<p>The site is located in close proximity to a number of heritage items including:</p> <ul style="list-style-type: none"> • 691 Pittwater Road (Commonwealth Bank Building); • Dee Why Public Library; • Street Tree (Corner Pittwater Road and St David's Avenue); • St Kevin's Catholic Church. <p>The impact of the proposed development on the adjoining Heritage items has been investigated through the rezoning applications and the Stage 1 approval on the site. In summary, it was concluded that there will be no adverse impacts by the proposed development on the conservation values of these items.</p>	Yes (subject to conditions)
Clause 6.1 Acid sulphate soils	The site is not within an acid sulphate soils area on Council's Acid Sulphate Soils Hazard Map.	N/A
Clause 6.2 Earthworks	<p>This clause requires consent for earthworks and specifies the matters to be taken into consideration when granting consent.</p> <p>The earthworks for the formation of the basement levels was approved separately approved under DA2015/0612. However, detailed geotechnical and contamination assessments have been submitted with current application to ensure all relevant matters relating to the potential impact of the proposed any remaining earthworks on including surrounding development, contaminated soils, drainage and soil stability, etc. are addressed.</p>	Yes

	<p>The information provided by the applicant in relation to the geotechnical issues, prepared by Coffey Geotechnics Pty Ltd has been peer reviewed by GHD consultant engaged by Council. The initial peer review by GHD raised several issues and requested clarification regarding the minimisation of geotechnical risk to adjacent properties during the construction works.</p> <p>The applicant provided the additional information in response to the GHD concerns. GHD reviewed the additional information on 27 October 2016, raised no further objection to the proposed development on geotechnical grounds.</p> <p>Having regard to the peer review from GHD and subject to the imposition of relevant conditions of consent, it is considered that the proposed earthworks will not result in any unacceptable e impacts.</p>	
Clause 6.3 Flood Planning	<p>This clause applies to land below the flood planning level and requires consideration of flood impacts. The subject site is identified as flood prone land being affected by the Probable Maximum Flood levels. The land is identified as having a Medium Risk of Flooding.</p> <p>A flood risk assessment has been submitted with the application which identifies the recommended finished floor levels for the site and flood barrier protection at particularly locations.</p> <p>The flooding issues have been assessed by Council's Development Flood Engineer. A number of issues of concern were raised, however, advice has been provided that subject to the imposition of recommended conditions of consent, the proposal will meet the requirements of this control.</p>	Yes

Part 7 Dee Why Town Centre

Part 7 contains local provisions that relate to the Dee Why Town Centre including a number of specific development controls for this site. The specific controls as it relates to Site B are addressed as follows:

7.3 Objectives for development within Dee Why Town Centre

The objectives of this Part are as follows:

- a) *To create an attractive living centre that sustains the social, economic and environmental needs of its community and visitors.*
- b) *To ensure a balance between the provision of high quality housing with a mix of retail, business, employment, civic, cultural and recreational facilities.*
- c) *To ensure that development is consistent with the role of Dee Why as a major centre for the sub-region.*
- d) *To create a built environment that has unified and consistent building form that includes:*

- i. *Definition of street edges by the establishment of podiums to create walls of three and four storeys in height;*
 - ii. *Above podium level elements that step back to achieve adequate levels of natural sunlight and high levels of amenity to occupiers of the buildings, surrounding Development and the adjacent public domain;*
 - iii. *Two iconic slimline towers in the western part of the centre (Site B) and one smaller tower in the eastern part of the centre (Site A) that will largely provide for a transition in height from west to east; and*
 - iv. *Mid-rise elements that reflect the simple clarity of design displayed by the tower and podium elements.*
- e) *To ensure that taller buildings that are distributed across the Dee Why Town Centre from west to east provide a coordinated, modulated and varied skyline and that the towers are spatially separated to provide useable public spaces, including a Town Square.*
- f) *To achieve a pattern of development that reflects the underlying urban form in Dee Why with predominantly east-west orientated buildings and high levels of visual and physical permeability.*
- g) *To achieve good sunlight penetration to public spaces and Oaks Avenue.*
- h) *To ensure that development responds to the surrounding natural environment and protects the scenic qualities of Dee Why and its views and vistas.*
- i) *To establish ground floor levels that are occupied by retail uses that:*
 - i. *Are highly active, accessible to the street and create a lively ambience;*
 - ii. *Provide a mix of retail shops, cafes and restaurants at the edges of street, pedestrian areas and open spaces; and*
 - iii. *Are at the same level as the footpaths and provide opportunities for a generous promenade and distinctive street tree planting for shade and shelter.*
- j) *To accommodate additional employment opportunities, service functions and space for business, consistent with the role of Dee Why as a major centre, by providing at least two levels (including the ground floor) of development for non-residential purposes.*
- k) *To ensure that signage associated with the new development is of high quality, is innovative, coordinated and minimised to avoid visual clutter and will complement the overall urban design, streetscape and architectural quality and amenity of the Dee Why Town Centre.*
- l) *To ensure that development within the Dee Why Town Centre is designed to take account of, and be compatible with, the hydrological conditions associated with the Dee Why Lagoon South Catchment.*
- m) *To ensure that development within the Dee Why Town Centre positively contributes to the visual quality and pedestrian comfort of the public domain and provides a seamless integration between public and private spaces.*

Comment:

The proposed development is found to be consistent with the objectives of the control in that building forms proposed sit entirely within the building envelopes as envisaged by WLEP 2011. Specifically, the proposed development will:

- Promote the social and cultural well-being of the local community through a well-designed and appropriately scaled redevelopment of an important site within the Dee Why Town Centre.
- Create a gateway development incorporating a mix of uses and high-quality public domain spaces which will positively contribute to the urban renewal of Dee Why.
- Provide a scale and intensity that generally reflects what is envisaged for the Dee Why Town Centre in terms of urban renewal and enhancement within the DYTTC Masterplan.
- Deliver of a new Town Square, which will create a new public space in a central location in Dee Why.
- Deliver an improved pedestrian connection through the site which will increase pedestrian permeability through the Dee Why Town Centre, and connect with pedestrian links through surrounding street blocks.
- Facilitate the delivery of a new bus layback along Pittwater Road to contribute to the improvement in public transport along the Pittwater Road strategic bus corridor (B-Line).
- Provide compliance with the correlating control for solar access on the southern side of Oaks Avenue, opposite the site, as discussed later in this report.
- Provide the required amount of retail and commercial floor space which is considered to be viable and will generate new employment opportunities within the site.
- Delivery a broader supply of residential accommodation, which will improve affordability.
- Provide an arrangement of land uses and the scale of the development that are considered to be desirable in the Dee Why Town Centre and is consistent with the objectives and intent of the Sydney Metropolitan Strategy North East Sub-regional Strategy, and Draft North District Plan.

7.4 Development must be consistent with objectives for development and design excellence

This clause states that development consent must not be granted to development on land in the Dee Why Town Centre unless the consent authority is satisfied that the development is consistent with the objectives of this Part (addressed above under Clause 7.3 of this report) that are relevant to that development, and incorporates:

Requirement	Comment	Compliant
i. Stormwater management measures, including water sensitive urban design and ecologically sustainable development principles.	<p>A Site Stormwater Management Plan has been prepared for the proposed development, which aims to minimise the quantity of stormwater run-off from the site and to protect and enhance the existing natural drainage networks surrounding the site. The Stormwater Management Plan now includes an on-site detention (OSD) facility to be installed within the basement level.</p> <p>The OSD system also features a water quality cartridge system, which will achieve the pollutant reduction requirement by Councils Water Management Policy.</p>	Yes
ii. Innovative design solutions that minimise stormwater impacts, including stormwater quantity and	Appropriate measures have been incorporated into the proposal to ensure no adverse impacts occur on the downstream	Yes

<p>quality impacts, on the Dee Why Lagoon system.</p>	<p>catchment.</p> <p>The application has been assessed in detail by Council's Development Engineers in relation to the diversion of a Council drainage line that ran through the site and the onsite detention of stormwater and associated water quality management. Amended plans were required and the applicant submitted plans which eventually satisfied Council's requirements. Suitable conditions of consent have been provided and are included within the recommendation of this report.</p>	
<p>iii. Finished floor levels and basement car park entry levels that include adequate freeboards to protect against the entry of stormwater from the Council's street drainage system.</p>	<p>The Dee Why South Catchment Flood Study identified that the Dee Why CBD was affected by overland flow with depths in the range of 200-900mm in the 1 in 100 Year ARI storm event. These overland flow levels resulted in new buildings requiring elevated ground floor levels and basement driveway entry levels at or above the 1 in 100 Year ARI storm event levels.</p> <p>The finished floor levels of all commercial premises and residential lobbies are in the majority above the Flood Planning Levels. Where the finished floor levels cannot achieve this requirement then automated Flood Protection devices will be installed. The carpark water entry points are all at or above the Flood Planning levels.</p>	<p>Yes</p>
<p>iv. Continuous colonnades or pedestrian awnings on those parts of any building that are on the edges of streets or public spaces.</p>	<p>Awnings and colonnades have been provided above the new ground (retail) floor as required for the development.</p>	<p>Yes</p>

In addition to the above requirements, this control states that development consent must not be granted to development on Site B, at the Howard Avenue frontage, unless the consent authority is satisfied that the development will be lined by trees of distinctive coastal indigenous species. The trees are to provide landscape elements while not obscuring the views into and out of the Town Square from Pittwater Road or Howard Avenue and that Council is satisfied that the development exhibits design excellence.

Comment:

The landscape plans submitted with the application shows that Indigenous coastal species are proposed along the Howard Avenue frontage. The species proposed will not obscure the views into and out of the Town Square and it consistent with the requirement of this Clause.

7.5 - Design excellence within Dee Why Town Centre

In determining whether development exhibits design excellence, the consent authority must have regard to the following matters:

Matters of Consideration	Comment
<p>a) Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.</p>	<p>The development exhibits a high standard of architecture which will contribute positively to the streetscapes within Dee Why Town Centre.</p> <p>The design incorporates a substantial use of glazing, recessed balconies, architectural framing devices and a variety of materials and textures which are integrated and will provide a visual “uplift” of this site and this portion of the Dee Why Town Centre.</p> <p>The building provides a modern and contemporary form with a well-considered use of physical and material articulation and modulation to provide distinctive and strongly defined corner elements. The quality of urban design would provide for the rejuvenation of a significant amalgamated site within the Dee Why Town Centre which would provide further impetus for redevelopment and enhancement of the town centre streetscapes.</p> <p>The height, bulk and scale of the proposed development are considered appropriate having regard to its location and visual impacts when viewed from vantage points beyond the site.</p>
<p>b) Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain.</p>	<p>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building.</p> <p>The proposal responds aesthetically to the environment and context, contributing to the desired future character of the area.</p>
<p>c) Whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency.</p>	<p>The proposed development has been designed to meet BCA energy efficiency requirements through the deemed-to-satisfy or Alternative Solutions Approach provisions of the BCA. The National Construction Code (NCC) BCA section J sets minimum energy performance requirements of all new development and covers building fabric and glazing thermal performance, air-conditioning, ventilation, lighting, power and hot water.</p>
<p>d) Whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.</p>	<p>The development is considered to be a satisfactory urban design response to the site's context, location and surrounding land uses, and is consistent with the outcome as envisaged in the Masterplan.</p>

	In this regard, suitable conditions have been included within the recommendation of this report to ensure the proposed qualities in the design (including architecture detailing and finishes) are carried through to the completion.
e) Whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.	Communal recreational facilities, including internal landscape courtyards, swimming pools, and a gym have been included within the proposed development that will provide social gathering for the residents of the development.

7.6 Height of buildings

For Site B, the maximum permissible building height is expressed with reference to the Australian Height Datum (AHD). The WLEP 2011 also stipulates that the specific location of the residential towers and building podiums cannot be varied by more than 2m in any horizontal direction.

To further re-enforce the relatively fixed nature of the building height controls, the ability to consider a development application outside of the building height standards is prohibited via a specific exclusion from WLEP 2011 Clause 4.6 *Exceptions to development standards*.

The specific aim of the height controls for Site B is to allow building forms and layouts to be designed which achieve the key amenity requirements including:

- To achieve good sunlight penetration to public spaces and Oaks Avenue.
- Limiting overshadowing of the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June.
- Creating a co-ordinated, modulated and varied skyline with towers that are separated to provide useable public spaces, including a Town Square.
- Consistency with the objectives for development and design excellence.

The height requirements relating to this site are stipulated in the Height Map below and the proposed heights are shown in red (Figure 8).

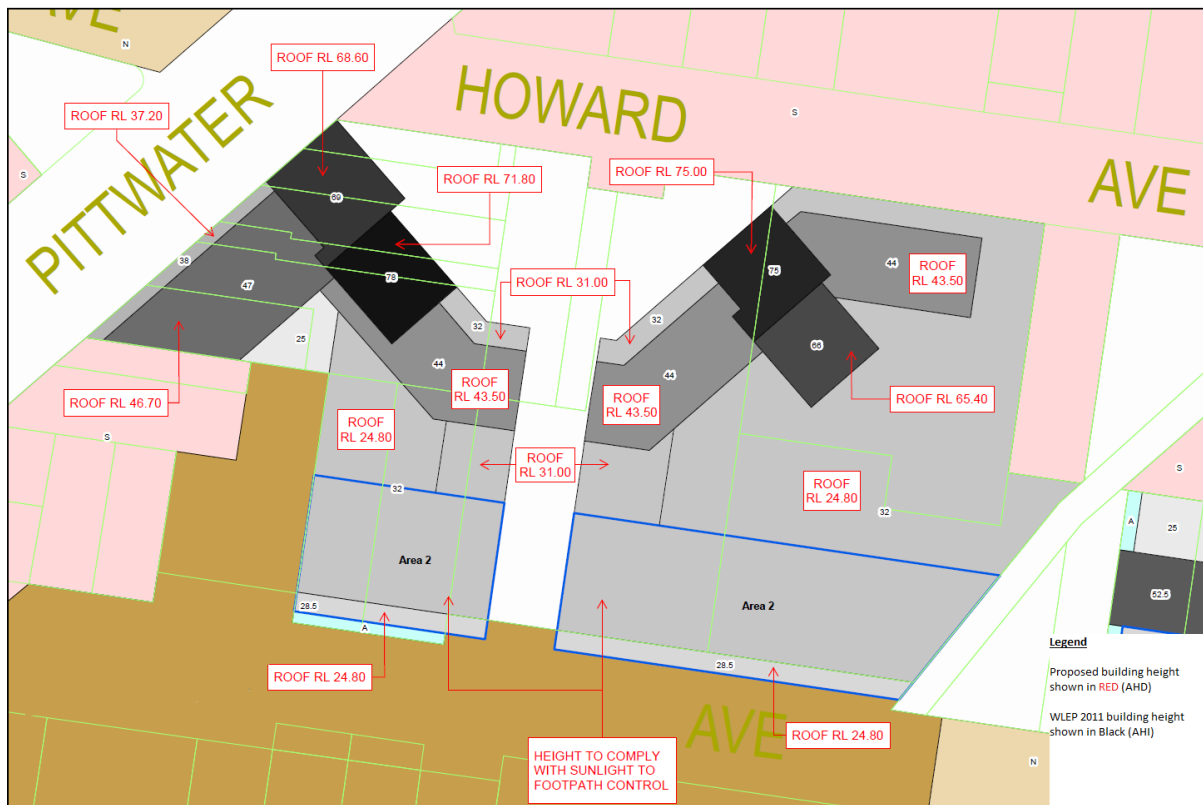


Figure 8 – Proposed Height of Buildings (Required Heights in Black & Proposed Heights in Red)

The proposed development is within the height control envelopes depicted on the WLEP 2011 height map and is found to be consistent with the specific aims of the control for the following reasons:

- The location of the towers are in accordance with the WLEP 2011 Heights Map in terms of their positioning;
- Development within Area 2 of the WLEP 2011 Height Map is modulated to ensure the overshadowing to Oaks Avenue is within the required limits;
- The proposed development complies with the correlating control for solar access on the southern side of Oaks Avenue, opposite Site B, and therefore satisfies the objective.

Furthermore, the development is consistent with the objectives of the controls that relate to design excellence.

7.8 – Site B Oaks Avenue above podium elements

This clause applies to buildings on land shown as “Area 2” on the Height of Buildings Map.

The objectives of this clause are as follows:

- *To allow buildings on land shown as “Area 2” on the Height of Buildings Map to have components above the height permitted by clause 4.3 (2) (the podium level),*
- *To control building bulk above the podium level on that land,*
- *To limit the depth of buildings and control the gross floor area above the podium level on that land,*
- *To ensure that there is an adequate separation between the above podium level buildings’ envelopes shown on the Height of Buildings Map for the towers and*

surrounding podium of the Howard Avenue side of the site and the buildings south of the rear building alignment of Site B,

- To limit overshadowing of the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June in any year,
- To allow design flexibility.

Requirement	Proposed	Compliant
Despite clause 4.3, development consent may be granted to the erection of a building on land shown as "Area 2" on the Height of Buildings Map that has a component above the podium level but only if:		
(a) The total GFA of the components of the buildings above the podium level does not exceed 3,800m ² .	The plans show buildings above the podium (Level 4 and above) level have a GFA of 3,797m ² .	Yes
(b) A minimum of 20% of the east-west length of Site B above the podium level comprises physical breaks or separation between buildings.	The physical break is through the provisions of two individual buildings (separation of up to 18m between the two building forms). In addition, Building 1 (western most building) is setback 12m from the eastern boundary. The physical breaks of the development equates to approximately 24%.	Yes
(c) Any component of the building above the podium level does not extend north beyond the Oaks Avenue rear building alignment line of Site B, being the line 27.5 m from the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A).	Upper Levels of the buildings with Area 2 are modulated and provide sufficient setback that are consistent with the requirement of this control.	Yes
(d) No less than two hours of sunlight is provided between 10am and 2pm to the footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6m from the property boundary on 22 June in any year.	Shadow diagrams demonstrate that the southern side of Oaks Avenue footpath will not be impacted by the proposal after 12pm.	Yes

7.10 - Allowance for external ancillary plant and roof access

This clause states that consent must not be granted to development unless the consent authority is satisfied that *'no external ancillary plant is located on the roof of the tall tower located on Site A or the two slimline towers on Site B'*.

This provision requires any rooftop structures to be designed to appear as part of, and not additional to the tower built form. The aim of this is to limit the visibility of unsightly structures and associated building silhouettes.

All rooftop plant and other equipment have been designed to meet the requirements of this clause and no equipment is located on the roof of the proposed towers.

In addition to the above, conditions have been imposed to ensure compliance with this clause is achieved.

7.11 – Town Square and pedestrian connections

The objective of this clause is to ensure that development within the Dee Why Town Centre

will include a Town Square that will be the heart of the community and will contain attractive, useable open spaces that are interlinked by a secure network of pedestrian connections.

The control requires that development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on Site B unless the consent authority is satisfied that the development will:

Requirement	Comment	Compliant
a) Be consistent with the establishment and maintenance of a Town Square that addresses Howard Avenue and that will:		
i. Occupy all of the land shown as "Town Square" on the Key Sites Map.	The proposed Town Square addresses Howard Avenue and is in accordance with the Key Site Map.	Yes
ii. Be a flexible, multi-use space that will be suitable to accommodate markets, entertainment and community events and serve as a meeting place for the general public.	The proposed Town Square is intended to be a flexible, multi-use space which is suitable for a range of public gatherings.	Yes
iii. Be surrounded by colonnades at its perimeter that will provide all weather access to the ground floor retail outlets.	Colonnades around the perimeter provide all weather access to shops and cafés, whilst the residences above contribute to the vitality of the area and improve safety through the provision of casual surveillance.	Yes
iv. Include landscaping throughout the space that provides an appropriate canopy of indigenous tree species to enhance its amenity.	The landscape plans submitted with the application shows that appropriate canopy indigenous tree species will be provided throughout the Town Square that will enhance the amenity of the space.	Yes
v. Include retail uses located at ground level at the perimeter of the Town Square that will provide opportunities for alfresco dining, casual seating and recreation.	The proposal incorporates ground floor retail premises fronting the Town Square and Howard Avenue. The retail premises will provide opportunities for alfresco dining areas that will contribute to the life of the street and the Town Square.	Yes
vi. Ensure that residential accommodation situated above the Town Square will provide maximum visibility of the Town Square and bring life and vitality to the Town Square throughout the day.	The residences above are designed to bring vitality to the area and improve safety through the provision of casual surveillance throughout the day.	Yes
b) Incorporate and maintain a north-south Pedestrian Connection that will link the Town Square with Oaks Avenue that will:		
i. Occupy all of the land shown as "Pedestrian Connection" on the Key Sites Map.	The proposed Pedestrian Connection is in accordance with the Key Site Map.	Yes
ii. In conjunction with the Town Square, provide a strong physical and visual connection between Howard Avenue and Oaks Avenue, ensuring a high level of permeability for the Dee Why Town Centre.	The north-south Pedestrian Connection will provide a strong visual and physical connection between Howard and Oaks Avenues and provide a high level of permeability for the Dee Why Town Centre as envisaged by WLEP 2011.	Yes
iii. Provide a generous pedestrian and retail precinct.	The proposed Pedestrian Connection will provide a strong visual and physical connection between Howard and Oaks Avenues. Retail uses are proposed to be orientated towards the through-site link.	Yes

iv.	Be lined by retail development, with double storey colonnades providing access 24 hour, seven days a week basis.	Retail uses are proposed to be orientated to the through-site link. Pedestrians are able to access the all-weather connection 24 hours, seven days a week.	Yes
v.	Be designed to ensure all weather access to ground level retail, food and beverage outlets.	Colonnades around the perimeter will provide all weather access to shops and cafés.	Yes
vi.	Have a clear width of not less than 14m to ensure high levels of sunlight access and provide view lines through the development.	The proposed pedestrian link has a clear width of 14m and is consistent with the WLEP 2011 Map.	Yes

7.12 - Provisions promoting retail activity

The objective of this clause is to promote retail activity on the ground and first floors of new buildings in the Dee Why Town Centre.

This clause imposes additional restrictions on the type of uses that may be accommodated within the development, specifically on the ground and first floor levels of the development.

The uses within the proposed development as they relates to the ground and first floor levels are consistent with the requirement of this clause in that there is no residential accommodation, medical centre, and office premises on the ground floor of the proposed development.

There is also no residential accommodation located on the first floor of the development.

7.13 - Mobility, traffic management and parking

The objective of this clause is to ensure improved vehicle access and circulation in the Dee Why Town Centre through good design and the management of traffic flows within the existing and new roads servicing the Dee Why Town Centre.

The DA was accompanied by a traffic assessment report which addresses the existing and future traffic flows within the Dee Why Town Centre. This assessment has been peer reviewed by WSP Parsons Brinckerhoff (WSPB) engaged by Council, which is addressed in detail under the WDCP section of report.

In summary, the proposed development is found to be acceptable with the regards to the requirements of this clause.

Warringah Development Control Plan 2011

The proposal has been considered against the provisions of the WDCP 2011. The table below is an assessment of the proposed development against the relevant provisions of the WDCP 2011.

Compliance Assessment Table

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction		
A.5 Objectives	Yes	Yes
Part C Siting Factors		
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
Part D Design		
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E1 Private Property Tree Management	Yes	Yes

Detailed Assessment

Clause C2 - Traffic, Access and Safety

An assessment of the traffic and parking impacts of the proposed development prepared by Traffix was lodged with the DA. That assessment was independently reviewed by WSPB on behalf of Council and it was found that there were a number of shortcomings of that assessment.

The applicant subsequently lodged revised assessment including greater details around traffic generation rates. WSPB has also reviewed that assessment and has provided a detailed assessment report on the impact of the proposed development on the surrounding road network (refer to Attachment 3).

In summary, WSPB found that the proposal is considered to be acceptable and not likely to result in any significant adverse impacts in respect to traffic or any significant reduction in road safety within the surrounding road network. Accordingly, the proposal is considered acceptable in respect to traffic and parking matters.

In addition to the above, the WSPB report provides a detail assessment of pedestrian safety, vehicular manoeuvring, and servicing arrangements (loading and unloading) of the development. WSPB has concluded that these aspects of the development are also found to be satisfactory subject to number of special conditions.

Based on the WSPB report, the proposed development is found to be satisfactory with regards to the requirements of this clause.

Clause C3 (A) - Bicycle Parking and End of Trip Facilities

The development is regarded as a 'High-Medium Security Level' under Column 1 of Requirement 4 in the DCP. The development is required to provide bicycle parking at a rate of one per dwelling.

The development provides 178 bicycle parking spaces for residential units, 15 spaces for residential visitors, and 15 spaces for retail uses. In addition, the development provides

sufficient facilities to store bicycles within the secure storage areas as well within each apartment.

The development is found to be satisfactory with the intent of the Clause.

Clause C3- Parking Facilities

An assessment of the car parking provisions, having regard to the requirements under WDCP 2011, the RMS Guide to Traffic Generating Development and the location of the site within the Dee Why Town Centre, has been undertaken and is detailed in the attached WSPB report (refer Attachment 3).

In summary, the proposed development provides on-site car parking for 1,035 vehicles of which 547 spaces are proposed to be allocated for non-residential uses (commercial) and the remaining 488 spaces are for residents and residential visitors.

The table below provides a breakdown of the various uses proposed as part of the current development together with an assessment of the car parking provisions based on the requirements of the WDCP 2011:

Land Use	Gross Floor Area (GFA) in m ² or No. of Apartments	WDCP Rate & Requirement	Parking Provided	Difference
Retail (including Supermarket) Ground Level	6,707m ²	409 (6.1 spaces per 100 m ² Of GLFA)	523 spaces	- 61 spaces
Commercial First Level	7,026m ²	175 1 space per 40 m ² GFA		
Child Care Centre	130 kids	32.5 (1 per 4 kids)	24	-8.5 spaces
Residential (1 bed)	78	78	488	+37.3
Residential (2 bed)	161	193.2		
Residential (3 bed)	111	109.5		
Residential Visitors	350 units	70 (1 per 5 units)		
Total		1,067.2	1,035	-33 (rounded up)

If car parking was to be provided strictly in accordance with the WDCP 2011, an additional 33 car parking spaces would be required for the retail/commercial component and the proposed child care centre.

In terms of Car parking for non-residential uses, WSPB determined that the required amount of 547 car parking spaces is adequate to cater for the development. The rate used to determine the appropriate car parking rate for the non-residential uses of the development was based on a Peak Parking Accumulation, which equated to a rate of one car parking space per 23.9m² of commercial/retail space. This specific rate was also adopted by the *Dee Why Grand* mixed use development.

Similarly, based on the WDCP 2011 requirements, the proposed 130 placement child care centre requires 33 car parking spaces. However, WSPB has allowed for a 25% reduction in car parking on the basis that the facility is located within a Town Centre and is part of a mixed use development, thus the peak parking requirement is reduced to 24 spaces. Further, on the basis that the proposed child care centre is proposed to operate on

weekdays (7am – 7pm), the 24 spaces could also be used for the non-residential uses after 7pm weekdays and during the weekend.

This scenario has been assessed by WSPB who have no objection to this approach in relation to the proposed development. Therefore, on the basis that the site is located within Dee Why Town Centre and is in close proximity to public transport, a reduction in the car parking provision is considered reasonable and consistent with the intent of the original and subsequent Dee Why Town Centre Traffic study and as stipulated within WLEP 2011 and Masterplan.

Clause - C7 Excavation and Landfill

Excavation and Demolition do not form part of the subject application as this has previously been approved under separate DAs and is now largely completed.

Clause D3- Noise

An acoustic assessment which considers both internal and external noise sources including surrounding traffic noise, noise emissions associated with traffic generated by activities on site, noise associated with mechanical plant and noise generated by the proposed child care centre use has been submitted. The acoustic assessment found that noise generated by the development will comply with all relevant standards.

The assessment recommends that certain acoustic treatments be implemented to ensure internal noise levels comply with relevant Australian Standards. These have been included as conditions on the draft consent.

Clause - D6 Access to Sunlight

Site Specific Requirement

A key objective of the WLEP 2011 for the Dee Why Town Centre was to ensure that public open spaces, including existing footpaths, particularly on the southern side of Oaks Avenue, receive good sunlight access and to ensure a high level of amenity is provided throughout the entire year for shops and cafes, the public domain and residents.

Stemming from that objective is a building height control which states that “buildings must comply with the maximum height expressed in metres (AHD)” and that “no less than two hours of sunlight be provided between 10am and 2pm to the public footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6m from the property boundary in mid-winter (June 22)”.

The proposed development will overshadow parts of Oaks Avenue, however, the southern side of Oaks Avenue will not be overshadowed after midday, which complies with the requirements as stipulated in Part 7 of WLEP 2011.

Impact on the Adjoining Properties

Note: Clause 6A under SEPP 65 establishes precedence for visual privacy over the WDCP 2011, although it is also noted that Clause 6A only refers to the internal amenity of the proposed development and not the amenity of neighbouring properties.

Therefore, the development is also assessed against the requirements of clause D6 under the WDCP 2011 to evaluate how the development impacts surrounding properties. In this regard Clause D6 requires at least 50% of the required areas of private open space of

adjoining dwellings to receive a minimum of three hours of sunlight between 9am and 3pm on June 21.

23 Howard Avenue

No. 23 Howard Avenue is located on the eastern side of the proposed Block B (northern portion of Building 1). The existing building at No. 23 Howard Avenue accommodates retail premises at ground floor, car parking within Levels 1 and 2, and residential apartments at Levels 3 to 5. The residential units are either facing the east towards the Triangle Park or to the west overlooking the subject site.

The shadow diagrams submitted with the application show that the units that are facing the subject site (westerly direction), particularly on Level 3 will be impacted by overshadowing by the proposed development after 1pm and will continue to be overshadowed until 3pm. During the morning, the western elevation of the existing building at No. 23 Howard Avenue is overshadowed by the building itself and not the proposed development.

The extent of additional overshadowing is consistent with that resulting from the building forms approved under the Stage 1 DA and is considered reasonable.

10 Oaks Avenue (Also known as 880 Pittwater Road)

This building is “L” shaped located adjacent to the south/west corner of the subject site and is mixed use development. Proposed Block D (southern portion of Building 2) interfaces with the adjoining building, which is built to the property boundary at all levels.

The shadow diagrams submitted with the application indicate that units with private open spaces that are orientated towards the subject site will be impacted by the additional shadows during morning period. However, there will be no overshadowing impact as result of the proposed development after 1pm.

It is considered that the proposed development does not unreasonably overshadow the immediately adjoining properties, given that the building complies with the building envelope and height requirements set for this site under WLEP 2011 and these adjoining buildings are in very close proximity to Site B and consequently, a degree of overshadowing is inevitable and unavoidable.

Clause D7- Views

Long Distance views

Although a specific view analysis was not submitted with this application, a view analysis was undertaken as part of the original stage one DA and the recent Planning Proposal and is considered relevant to ascertain the view impact of this proposal. It is also worth noting, that the view analysis submitted is very limited in its scope (focusing on long distance views) and does not address properties immediately adjoining the site (short distance views).

It is acknowledged that the future buildings will have an impact on properties to the west/south-west that currently enjoy views over the site towards, Long Reef Headland and the ocean and properties to the south that currently have views towards Collaroy Escarpment and beyond. In order to preserve such views, the heights of the towers would have to be substantially reduced and well below the heights allowed under the current WLEP 2011.

The towers have been designed to be slender and slimline, which will have a much lesser impact on distant views. The public benefits proposed by the development at street level, including the Town Square, north-south pedestrian link and transport interchange were considered to be significant to the community and this resulted in the view impact outcome contained in this application.

View loss from 23 Howard Avenue

Concern was raised by the owner of No. 9/23 Howard Avenue, that the proposed development will result in view loss from the apartment. The views are towards the site in a westerly direction and consist of ridgeline and distant bushland. There are no water views or iconic views affected by the proposed development.

No. 23 Howard Avenue is a six storey building (or 19.5m when measured from existing ground level). In the context of the building heights permissible within the Dee Why Town Centre, six storeys is not considered to be a significant height when compared to the building heights envisaged by the WLEP 2011 for the subject site and wider Dee Why Town Centre site.

It is acknowledged that some western orientated units within No. 23 Howard Avenue may currently benefit from views across the site given the low scale nature of its former buildings and open carpark (two storey commercial buildings). However, for the subject site WLEP 2011 envisages more intensive development including towers up to 18 storeys in height for the subject site.

The proposed development must be considered in this context. Given the height of buildings permitted, view impacts from existing lower scale buildings surrounding the site, including No. 23 Howard Avenue, are inevitable and unavoidable.

Clause D8- Privacy

Clause D8 under the WDCP 2011 requires that the windows of a dwelling are to be located so they do not provide direct or close views (i.e. from less than 9m away) into the windows of other dwellings. Additionally, the clause also recommends that the windows of one dwelling are to be offset from the windows of adjoining dwellings to minimise the potential for overlooking.

The issue relating to internal privacy has been assessed under SEPP 65 and has been found to be acceptable. Assessments of the visual privacy on the neighbouring properties are as follows:

23 Howard Avenue

The development includes an open courtyard on Level 2 which is located 1m below the floor level of the units that are located on Level 3 of No. 23 Howard Avenue. In this regard, there is a potential for direct overlooking between the proposed apartments that face the open courtyard and the neighbouring apartments in the building at No. 23 Howard Avenue.

The applicant has responded to this issue by providing amended plans which include a 3m wide non-trafficable landscape buffer within the courtyard and the proposed Units B-02-13 and B-03-13 have been pushed back to be in line with the blank wall of No. 23 Howard Avenue. These changes are demonstrated in figure 9 below.

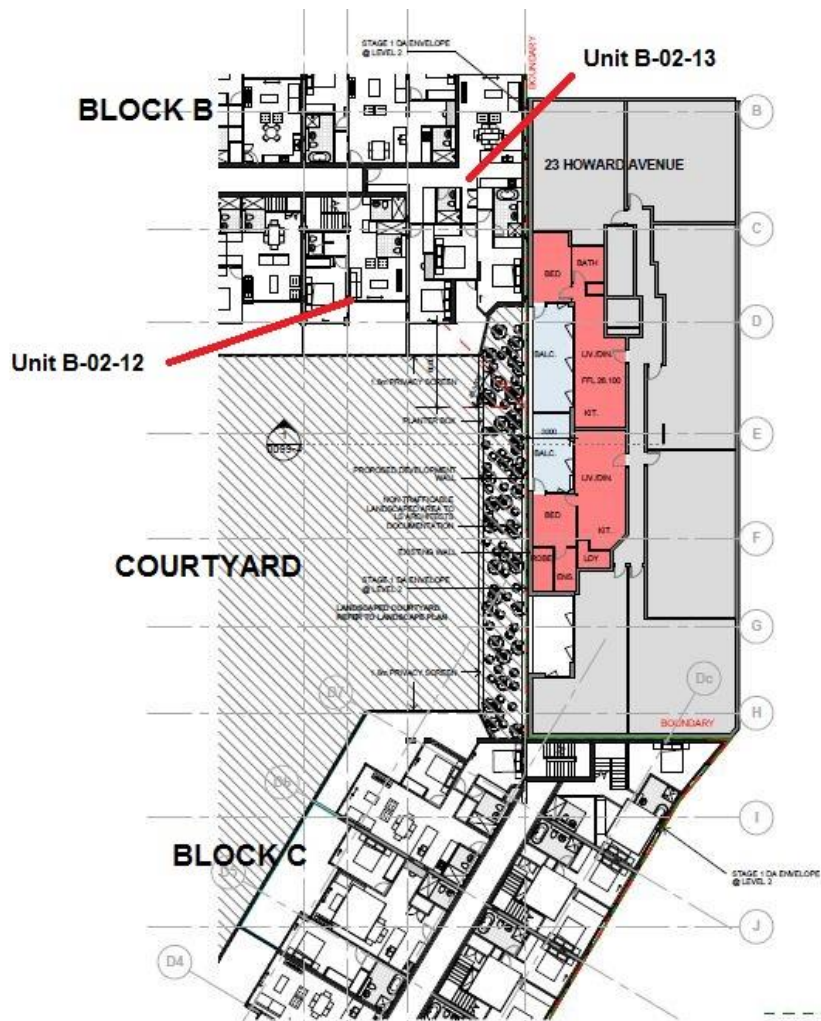


Figure 9 – Privacy relationship between proposed courtyard and units in No. 23 Howard Avenue (Source: Crone Architects)

Despite the amendments proposed, there is still concern that there will be a degree of overlooking between the developments. The following conditions are recommended to be included within the consent, to further minimise privacy concerns:

- The non-trafficable (landscaped) area on the eastern edge of the proposed courtyard is to be increased from 3m to 5m in width;
- The balcony of Unit B-02-13 facing the courtyard is to be deleted from the plans;
- A privacy screen is to be constructed along the eastern edge of the balcony facing the courtyard for Unit B-02-12. The privacy screen is to project forward into the courtyard by 500mm.

Therefore, subject to the above general conditions, the development is considered to achieve compliance with the privacy requirements of Clause D8 with regards to No.23 Howard Avenue.

10 Oaks Avenue/880 Pittwater Road

The western facade of the proposed Block D, which adjoins the neighbouring property, is a blank wall and therefore no overlooking to that building will occur as result of the proposed development.

The development is considered to achieve compliance with the requirements of Clause D8 with regards to No.10 Oaks Avenue/880 Pittwater Road.

Clause D9- Building Bulk

Clause D9 seeks to minimise the visual impact of development when viewed from adjoining Properties, streets, waterways and land zoned for public recreation purposes.

The site is located within the area defined by the DYTC Masterplan and WLEP 2011, which envisages two residential tower buildings (one of part 15/part 18 storeys and one of part 14/part 17 storeys), and the development is to include defined podium levels to provide for a more human scale and a better visual relationship with the public domain which surrounds the site.

The proposed development has been designed to provide slender towers, podium buildings and a public domain that is in a form and scale appropriate within its visual context and setting and its relationship with the Locality.

In this respect, and in the context of the DYTC Masterplan, it is considered that the combination of setbacks, materials and contemporary architectural elements used in the treatment of the facades, provides for an acceptable built form for the Dee Why Town Centre.

Accordingly, it is considered that the development, as proposed, satisfies the requirements of this clause.

Clause D18- Accessibility

An accessibility report has been submitted with the application and has been reviewed by Council's Building and Certification team, who has raised no objection to the proposed development. Whilst the report relies on significant detail being provided at the Construction Certificate stages, it concludes that the development has the ability to meet the requirements of the DDA, BCA 2015 including the Australian Standards for people with disability including AS/NZ 2890.6-2009, AS1428.1 Amendment 1, AS/NZ1428.4.1 2009 and elements of Australian Standards for people with disability.

Accordingly, it is considered that the proposal is acceptable in terms of accessibility subject to the imposition of standard conditions of consent.

OTHER MATTERS

Dee Why Town Centre Masterplan 2013

The DYTC Masterplan was adopted by Council to guide urban renewal of the greater Dee Why Town Centre.

The Masterplan defines the Dee Why Town Centre as having an area of 36ha which extends along Pittwater Road and includes areas referred to as Site A (Councils Howard/Oaks Avenue car park and adjoining sites) and Site B (the subject site).

The Masterplan recognised the extent of investigation and consultation undertaken with the community and key stakeholders in the preparation of the Stage 1 DA approval for the site. The Masterplan indicates the objectives for urban renewal of the Dee Why Town Centre and

are consistent with those achieved in the Stage 1 DA Approval. In a similar way, this proposal seeks to preserve the key objectives for the site which were developed through the extensive community consultation process undertaken for the original Rezoning and Stage 1 DA approval on the site.

Wind Impacts

The DA included a wind impact assessment which considered the likely impact of the proposed development on the local wind environment and in particular outdoor areas within and around the development. That assessment concluded that the wind impact of the proposed buildings is acceptable and that the proposed mitigation measures (which include additional landscaping and screens to balconies) will result in appropriate wind conditions ensuring that the proposed area of outdoor seating will meet the intended use, subject to the implementation of wind mitigation measures as per the recommendation of the report.

Active Frontages

The proposed buildings provide a highly active frontage to all three street frontages with retail at the Lower Ground Level extending the full width of the frontage along Pittwater Road. The Howard Avenue frontage is proposed to be largely occupied by the Town Square, which will also be highly active with retail/outdoor dining tenancies for the full length of the building frontages.

The Oaks Avenue frontage is fronted by three retail spaces and is broken up by the proposed pedestrian link which runs through the site. The Oaks Avenue façade is therefore not as active as Pittwater Road or Howard Avenue, but the elements comprising of the façade (lobby areas, a driveway entrance to the basement, loading dock and three substations) are required for the servicing of the proposed development and are therefore considered acceptable.

The final arrangement for the ground floor retail areas will be subject to further detailed design and approval. Further detail is also required in relation to wind mitigation measures, outdoor dining configuration as well as paving and public domain treatment. Accordingly, a condition of consent to this effect is imposed.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

The site has previously been cleared of all trees under separate demolition development consents and the issue in relation to the presence of Micro-bats in the stormwater culvert has been dealt with as part of DA2015/0612 (Excavation DA). It is therefore considered that the proposal will not result in any impact on threatened species, populations or ecological communities or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

A CPTED assessment has been undertaken for the proposed development. The assessment concludes that the overall development will improve surveillance of surrounding public areas by introducing new sources of natural surveillance. The CPTED assessment includes a number of recommendations and where appropriate, these may be adopted as conditions of consent.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 133,008,504		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 1,263,581
Section 94A Planning and Administration	0.05%	\$ 66,504
Total	1%	\$ 1,330,085

CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the EP&A Act, 1979, the provisions of relevant EPIs, including SEPP 55, SEPP 65, SEPP Infrastructure, WLEP 2011, the relevant codes and policies of Council, the relevant provisions of the WDCP 2011 and the DYTC Masterplan.

The proposed development represents a large mixed-use development on a key site within the Dee Why Town Centre, which will become an identifying landmark within the locality. The scale of the development is generally consistent with Council's vision for the Dee Why Town Centre which envisages tower building elements located deep within the block whilst maintaining more human scale buildings adjacent to the street edges.

The visual impact of the proposed tower designs has been assessed and found to be acceptable. The proposed towers incorporate strong vertical elements, articulation of facades through deeper recesses and use of a broad palette of materials and finishes.

The proposed development is assessed as being generally consistent with the applicable planning controls that apply to the site. The proposed development is found to be acceptable with regards to the traffic impacts, the number of car parking spaces within the basement levels, the servicing of the development, the treatment of the Town Square, Pedestrian Link, public domain interfaces, management of flooding constraints, stormwater management and provides a design that achieves compliance with the design principles and standards under SEPP 65 and the ADG.

In relation to the specific residents' concerns, the issues of shadow impacts, traffic impacts, adequate public benefits and non-compliance with the provisions of WLEP 2011 and SEPP 65 have been assessed and it is concluded that these objections have been satisfactorily addressed in the application and should not carry determining weight for the reasons discussed in the report. However, where appropriate the residents' concerns have been addressed by suitable conditions of consent, particularly in relation to amenity impacts on the affected properties.

Based on the detailed assessment contained in this report, it is recommended that the application be approved subject to the draft conditions detailed within Attachment 1 to the report.

RECOMMENDATION (APPROVAL)

That the Sydney North Planning Panel, as the Consent Authority pursuant to Clause 80(1) (a) of the EP&A Act 1979 (as amended), grant Development Consent to Development Application No. DA2016/0705 for Construction of a Mixed Use Development including retail, commercial and residential uses and a child care centre on land at No's 9, 11, 15, and 17 Howard Avenue, No's 14 and 16 Oaks Avenue and No's 884, 888 890, 892, 894 and 896 Pittwater Road, Dee Why (known as "Site B") subject to the conditions contained in Attachment 1.