

Application No: PLM2014/0150

Meeting Date: 18 November 2014

Property Address: 9, 11, 15 and 17 Howard Avenue, Dee Why;
14, 16 and 28 Oaks Avenue, Dee Why: and
884- 896 Pittwater Road, Dee Why

Proposal: Redevelopment of Dee Why Town Centre (Site B) for Mixed Use Development

Attendees for Council: Steve Findlay – Planning and Assessment Manager
Lashta Haidari – Senior Development Planner
Julie Edwards – Development Planner
Ruth Robins – Group Manager for Community Services
John Heptonstall - Project Engineer in Natural Environment Unit
Michael Haynes - Sustainable Urban Planning Manager
Theo Zotos – Senior Strategic Planner
Joe Zappavigna - Traffic & Road Safety Manager
Rezvan Saket - Traffic Engineer
Robert Barbuto - Development Engineering Manager
Adrian Turnbull - Coast & Waterways Manager
Duncan Howley - Floodplain Management Officer
Lisa Hughes - Environmental Health Coordinator
James Montgomery - Environmental Investigations Officer
Ray Creer - Waste Services Officer
Andrew Ho - Waste Project Officer

Attendees for applicant: Walter Gordon – Meriton Group
Alexia Constantaras – Meriton Group
David Hoy – Urbis Pty Ltd
Danielle Pinkerton – Urbis Pty Ltd
Niall Durney – Crone & Associates
Farhad Haidari – Crone & Associates
Anthony Mclandsborough – AT & L
Troy Eyles – Brown Consulting
Alex Longley - Arcadia Landscape
Jason Rudd – GTA Consultants

General Comments:

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.





Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.



WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

The following sections refer to clauses within the WLEP 2011 which are considered to be relevant. However, you are advised to review the WLEP 2011 and any amendments in the process and address any other matters which may become relevant as the design process progresses.

The fundamentals	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Mixed Used Development (comprising of residential, retail and commercial) Childcare Centre Medical Centre
Zone:	B4 Mixed Use
Permitted with Consent or Prohibited:	<p>Permitted with consent (subject to the gazettal of the Planning Proposal)</p> <p><u>Note:</u> Part 7 of the Warringah LEP 2011 contains Prescriptive controls as to the location of permissible uses within the building envelope.</p> <p>The proposed scheme falls outside the current controls as stipulated in Part 7 of WLEP 2011. The current Planning Proposal (which is awaiting gateway determination) seeks to amend Part 7 of WLEP 2011 to permit the current proposal.</p> <p>Accordingly, Council strongly advises that no Development Application is lodged until such time that the gazettal of the Planning Proposal allows the current proposal to be approached under WLEP 2011.</p>

Objectives of the Zone
<p>The objectives of the B4 Mixed Use zone are as follows:</p> <ul style="list-style-type: none"><i>To provide a mixture of compatible land uses.</i> <p><u>Comment:</u> The documentation provided at the meeting suggests that the development could consist of the following mix:</p> <ul style="list-style-type: none">30.8% x 1 bedroom (i.e. 133 apartments);53% x 2 bedroom (i.e. 229 apartments);16.2% x 3 bedroom (i.e. 70 apartments);8,000m² of retail space (excluding the supermarket)225m² of supermarket space1,172m² of commercial space852m² child care centre1,042m² - Medical Centre



Objectives of the Zone

It is acknowledged that a future Development Application could feasibly alter this mix depending on the outcome of the Planning Proposal. Notwithstanding, the above options are considered to provide an acceptable mix of compatible land uses.

- ***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:

Because of its location, the site is well serviced by public transport routes along Pittwater Road. Additionally, the close proximity of the site to commercial/retail centres and Dee Why Beach will encourage walking and cycling.

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

Comment:

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

The Dee Why Town Centre Master plan aims to realise the vision of the Strategy and the successful integration of this development into the vision of the Master plan, which will reinforce the role of Dee Why as the major centre in the sub-region.

In this regard, the design of the development should carefully consider its potential impact upon the development potential of the neighbouring site with a view to facilitating future development which is consistent with the visions of the Master plan.

- ***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 information provided at the meeting does not include the fine detail which would contribute towards the creation of active street fronts. Rather, information provided establishes the layout of the buildings which will provide the framework for the finer detail which will be considered in a Development Application.

Notwithstanding, the layout of the building along the street frontages indicates that the development will be capable of creating active street frontages and environments that are interesting and appropriate to human scale. Plans accompanying the Development Application are to include details of how the facades of the development will be appropriately articulated to address the surrounding private and public domains. Balconies are to be included on all street



Objectives of the Zone

facing elevations to facilitate active street frontages and visual interest.

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

- ***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 provides an appropriate mix of housing and retail/commercial/childcare uses which complement the land use pattern of the Dee Why Town Centre.

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

Comment:

The proposal includes parking below ground and includes the consolidation of the core of the town centre which will include publicly accessible areas linked to surrounding business and retail premises.

WLEP 2011 - Part 7 Local Provisions

Part 7 contains local provisions that relate to the Dee Why Town Centre including a number of specific development controls for this site which reflect the scheme approved under DA2007/1249 (Stage 1 Consent).

The current scheme lodged for the purposes of the pre-lodgement is a significant departure from the local provisions as contained in Part 7 of WLEP 2011. However, it is important to acknowledge that a Planning Proposal (PEX2014/0004) has been lodged with Council that has proceeded to the Department of Planning for a Gateway Determination, following its consideration at Council's meeting of 25 November 2014.

The Planning Proposal seeks a number of amendments to WLEP 2011 development standards, which include:

- Modify the building height control over certain portions of the site, however no change is proposed to the overall maximum building height.
- Introduce the flexibility to utilise Level 1 and 2 of the proposed development for residential purposes.
- Introduce the flexibility to utilise the ground floor of the proposed development for a range of commercial uses including offices, medical centres and the like.
- Introduce leniency to provide a finished ground floor level above the footpath level as determined by flood planning requirements.



It is noted that the proposed scheme follows the amendments proposed under the Planning Proposal, therefore it is important that a Development Application is not lodged, until such time that the Planning Proposal is gazetted.

Part 6 Relevant Additional Local Provisions	
Applicable Provisions	Comment
6.3 Flood Planning	<p>The site is located with an identified Flood Planning area and is therefore subject to satisfying the requirements of this clause.</p> <p>Council's Environment Officer (Floodplain Management) has provided comments, which are included in the referral section of the notes. These comments are required to be satisfactorily addressed.</p>
6.4 Development on Sloping Land	<p>The proposed development area of the site is located within Landslip Area B, as detailed in Council's Landslip Risk Map.</p> <p>As excavation is proposed to accommodate the basement car park, a Geotechnical Report will be required to be provided with the Development Application to confirm that the locations, areas and depths of the basements are both appropriate and achievable with respect to their particular geological and topographical circumstances and provide for the protection of Councils Road Reserves and private properties.</p>
6.7 Residential Flat Buildings in Zone B4 Mixed Use	<p>Clause 6.7 imposes a prohibition on the location of dwellings at the ground floor level where residential flat buildings are proposed within the B4 Mixed Use zone.</p> <p>The development, as presented at the meeting, does not include any dwellings at ground level.</p>

Warringah Development Control Plan 2011 (WDCP 2011)

Consideration of proposal against Warringah Development Control Plan 2011

Part C: Siting Factors	
Control	Comment
C2. Traffic, Access and Safety	<p>A comprehensive Traffic Report is required to be provided which examines the access/egress arrangements of the development given the proposed basement carpark and driveway crossings on Oaks Avenue and Howard Avenue.</p> <p>Importantly, the report is to have regard to the</p>

	<p>traffic generation against that assumed in the recent GHD Traffic Model, which was updated on 13 October 2014. It appears that the 'one-way' road network illustrated under Option 2a2 will at least partly need to be implemented to ensure a satisfactory level of traffic movements and flow.</p>
C3. Parking Facilities	<p><u>Traffic Report</u> A comprehensive Traffic Report prepared by a suitably qualified person is required to be submitted with the Development Application which addresses the requirements of Clauses C2 and C3.</p> <p>In the preparation of this, you are encouraged to liaise with Council's Traffic Engineer to discuss and resolve any traffic related matters prior to the lodging of a Development Application. Please contact Joe Zappavigna on 9942 2300.</p> <p><u>Dewatering and tanking</u> With regards to the construction of the basement car parking areas, the proposal will intersect the water table and require temporary construction dewatering. The basement car park is to be tanked to prevent the need for a pumping system to be operated continuously for the life of the development, to make the structure safe, trafficable and habitable.</p> <p>The proposal will be Integrated Development under Section 91 of the EPA Act, as it requires a permit under the Water Management Act 2000, therefore a cheque for \$320 is to be provided with the Development Application.</p> <p><u>Loading and unloading facilities</u> The general location of Facilities for the loading and unloading of service, delivery and emergency vehicles are to be approximate to the size and nature of the development. On-site facilities are to be screened from public view and designed so that vehicles may enter and leave in a forward direction. Full details will be required to be submitted with the Development Application.</p> <p><u>Car parking</u> Compliant off-street car parking is to be provided within the subject property boundaries having regard to land use, hours of operation, availability of alternative parking in accordance</p>



	<p>with Appendix 1 under the WDCP for Dee Why Town Centre.</p> <p>The Traffic Report is to address parking compliance.</p>
C3 (A). Bicycle Parking and End of Trip Facilities	<p>Give the unique location of the site, being the Dee Why Town Centre and public recreation areas such as Dee Why Beach, the provision of bicycle parking facilities is to be provided as required by this clause.</p>
C4. Stormwater	<p>Council's Development Engineer has provided the comments with regards to stormwater management and is included in the referral section of the notes.</p> <p>You are advised to liaise with Council's Development Engineering section (contact Robert Barbuto on 9942 2111) to identify and resolve any stormwater drainage matters prior to the lodging of a Development Application.</p>
C6. Building over or adjacent to Constructed Council Drainage Easements	<p>Given the location of the basement car park, the location of any Council easements is to be examined and, if found to be within close proximity to the development, the layout of the affected structure(s) is to be adjusted to accommodate the easement(s).</p> <p>You are encouraged to liaise with Council to discuss impacts upon Council's assets and easements. Stormwater Assets Engineer Dean McNatty can be reached on 9942 2111.</p> <p>The detail of any Council easements is to be included on a survey diagram to accompany the Development Application.</p>
C7. Excavation and Landfill	<p>Landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties.</p> <p>Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties. Details are required to be submitted with the Development Application.</p>
C8. Demolition and Construction	<p>A Construction Management Plan will be required dealing with construction access, parking, storage, stockpiling, security fencing,</p>

	<p>sediment and erosion management, work zones required, crane locations, dust minimisation, noise minimisation etc. Development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonable to the occupants.</p>
C9. Waste Management	<p>Waste storage and collection facilities for the residential component and the non-residential component must be separate and self-contained, so that they can efficiently operate without conflict and reduce the potential for adverse amenity impacts from one use upon the other use.</p> <p>Commercial tenants must be prevented from using the residential waste storage and collection facilities.</p> <p>Furthermore to the above, Council's Waste Service section has provided the following comments:</p> <p>1) Off-street Waste Collection Area</p> <p>Waste Management has serious concerns with the design of this area. The entry to the residential parking basement Level 1 is via the waste collection area. Waste collection vehicle access to the waste loading area will require the trucks to reverse against, and then turn 90 degrees across, the flow of traffic. When leaving the waste loading area the trucks will be required to turn blindly across and against the flow of traffic entering the Level 1 basement from Oaks Ave.</p> <p>Council's Waste Management Section cannot support this design proposal. These two traffic flows (residential access and waste collection) should be separated.</p> <p>It is to be noted that retail and commercial garbage is to be collected from this location. Council will require guarantee access to the waste loading zone and not be expected to queue up with other waste collection trucks.</p> <p>2) There is no bulky goods storage room shown on the plans. This room needs to be adjacent to the waste loading zone.</p> <p>Details demonstrating compliance with the</p>



	above comments and the requirement of Clause C9 of WDCP 2011 including the required 'Waste Management Plan' are to be submitted with the Development Application.
Part D: Design	
Control	Comment
D1. Landscaped Open Space and Bushland Setting	A plan is to be included with the Development Application which clearly identifies areas allocated for deep soil landscaping (as defined in the WDCP). The plan is to include calculations linked to shaded areas which identify the areas allocated for deep soil landscaping.
D2. Private Open Space	<p>The development is to provide private open space areas for each dwelling in the form of terraces and/or balconies with a minimum dimension of 2.5m and a minimum area of 10m².</p> <p>Each terrace and/or balcony is to be directly accessible from a living area and is to be located so as to avoid privacy impacts to other units within the development and to any surrounding residential development. As a rule of thumb, locate terraces/balconies away from bedrooms of neighbouring dwellings.</p>
D3. Noise	<p>The development is to ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants of the development.</p> <p>Because of its proximity to Pittwater Road, the development is to be designed to mitigate any adverse noise impacts to the dwellings within the building.</p> <p>An Acoustic Report is required to be submitted with the development application addressing the internal spatial arrangement of uses and potential impacts on surrounding residential development. In particular, the acoustic impact of the road noise (Pittwater Road), driveway and loading dock and the impact of the child care centre. The design of the development is to include measures which mitigate acoustic impact upon neighbouring residential land.</p>
D6. Access to Sunlight	The development is not to unreasonably reduce sunlight to surrounding properties.

	Shadow diagrams, certified by the architect, are to be provided which show the extent of shadow cast by the proposed building envelopes at 9.00am, Noon and 3.00pm on 21 June as well as the shadows cast over public domains (specifically the footpaths and shop fronts and any residential properties in Oaks Avenue as well as the shop-top housing developments adjoining the site to the west).
D7. Views	The development is to allow for the reasonable sharing of views. A detailed view analysis is to be provided from various points. In addition, view sharing is to be analysed in the Statement of Environmental Effects in accordance with the four part test outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140.
D8. Privacy	<p>Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.</p> <p>Particular regard is to be given to the impact of overlooking into the neighbouring residential properties and to the habitable rooms (including bedrooms) and balconies/terraces of proposed apartments.</p> <p>Similarly, particular attention is to be given to the building separation requirements under <i>State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)</i> to address privacy between apartments within the development.</p>
D9. Building Bulk	<p>In terms of scale, the design of the development is to be carefully considered in the context to surrounding development to achieve a scale commensurate within Dee Why Town Centre and its role as envisaged by the Dee Why Town Centre Masterplan.</p> <p>Therefore, the proposal is to include massing diagrams and modelling to demonstrate that the preferred design outcome has been carefully matched to form a sensitive relationship with the bulk, scale and spatial spread of development envisaged by the Dee Why Town Centre Master plan.</p> <p>The bulk and height of the development is to be diffused through detailed articulation to all</p>

	<p>facades and through appropriate application of materials and colours.</p>
D10. Building Colours and Materials	<p>The effective use of colours and materials complement the architectural articulation of the built form and, in order to express how the development will relate to its surrounding built and natural environment, colour photo montages are to be provided which conceptually show the facades of the development as viewed from the public and private domains.</p>
D11. Roofs	<p>The flat roof forms for both towers are considered to be appropriate given the elevated nature of the buildings, and given the architectural relationship the development will have to the predominantly flat roofed Dee Why Town Centre.</p> <p>In addition to the above, please note that Clause 7.10 of WLEP 2011 (2) (f) stipulates that no plant equipment shall be located on the roof tops of the two towers.</p> <p>Any plant or lift overrun shall be contained within the maximum building height stipulated by the WLEP.</p>
D14. Site Facilities	<p>Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:</p> <ul style="list-style-type: none"> • Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection; • Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers; • They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and <p>Mail boxes are to be incorporated into the external facade of the development adjacent to the residential lobby entrances. Alternatively, the mail boxes could be located within the residential lobby entrance to be made accessible via an unlocked outer door.</p>

D18. Accessibility	The siting (levels) and design (layout) of the development is to ensure that access will be made available to the public. Such access is to comply with the requirements of the Disability Discrimination Act 1992 of the Commonwealth and with Australian Standard AS 1428.2—1992, Design for access and mobility—Enhanced and additional requirements—Buildings and facilities.
D20. Safety and Security	A formal risk assessment, including the consideration of the ‘Crime Prevention Through Environmental Design’ principles will be required to be submitted with the Development Application.
D21. Provision and Location of Utility Services	The development is to provide for connection to all available utility services.
D23. Signs	Any signage proposed for the development must be included in the Development Application. Alternatively, a separate application for signage may be pursued later. If included in the Development Application, the Statement of Environmental Effects is to address the provisions of Clause 53, Schedule 4 and <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> .

Other Matters
<p>1. Voluntary Planning Agreement (VPA)</p> <p>At the meeting, the applicant indicated that the VPA negotiated during the assessment of the Stage 1 Consent (DA 2007/1249) will continue to apply to any subsequent DA lodged for this site, which will deliver the following;</p> <ul style="list-style-type: none"> • A town square that can be used for community and cultural events • A pedestrian connection between Howard and Oaks Avenue • A bus layback area along Pittwater Road • Monetary contribution towards the construction of a proposed new road between Howard and Oaks Avenue. <p>It was agreed at the meeting that if the applicant wished to revise the VPA this will be the subject of separate report to Council and will need to be publicly exhibited with the Development Application (30 days) and a revised Explanatory Note provided.</p> <p>2. Dee Why Town Centre Master plan</p> <p>Council adopted the Dee Why Town Centre Master Plan (Master Plan) in August 2013. The Master Plan is not considered as an environmental planning instrument under Section 79C of the</p>



Other Matters

EPA Act 1979; However, it provides a strategic planning direction for the Dee Why Town Centre. Therefore, the Master Plan must be addressed and considered in the design of the proposed development.

Importantly, the Master Plan seeks retain the need for a town square facing Howard Avenue as well as additional pedestrian linkages between Howard and Oaks Avenues. Accordingly, Site B was retained as a Key-Site under the Master Plan.

The Master Plan acknowledges that DA2007/1249 and WLEP 2011 provide relevant guidance for the built form for Site B.

Given the adoption of the Dee Why Town Centre Master plan, it is considered that the design of the development should carefully consider its potential impact upon the development potential of neighbouring sites with a view to facilitating future development which is consistent with the visions of the Master Plan.

This consideration should take into account the building separations required under State Environmental Planning Policy No. 65 with a view to achieving a balanced setback width to each property.

The landscaping treatment of the site is to be sensitively considered and is to include a large area of communal open space which is accessible to the occupants of the development and possibly to the community generally.

3. Childcare Centre

The outdoor play area for the proposed child care centre, located within the centre portion of the western tower has potential safety issues associated with it. Therefore it is recommended that the outdoor area be relocated to an area which is safe for children. The design and location of the outdoor play area should also be carefully considered and amended to avoid amenity impacts on the residential component of the development.

Referral Comments

Strategic Planning

Commercial floor space

The plans illustrate the provision of 11,401sqm of commercial floorspace which is 1,344sqm less than the 12,745sqm stipulated as the minimum requirement in the planning proposal currently being assessed. Child care premises are not defined as Commercial premises and thus not considered within the commercial floorspace calculations.

WDAP recently recommended that further economic justification shall be provided during the Planning Proposal process to justify the reduction in commercial floorspace (from that approved under DA2007/1249 down from 12,745sqm). Council shall ensure that the DA includes at least 12,745sqm of commercial floorspace noting that this requirement may change in response to the post Gateway assessment phase of the Planning Proposal.

Rooftop plant

Clause 7.10 of WLEP 2011 (2) (f) stipulates that no plant equipment shall be located on the roof tops of the two towers. As lift overruns appear to be unavoidable at the rooftop, these structures



Referral Comments

should be integrated into the building design.

Any plant or lift overrun shall be contained within the maximum building height stipulated by the WLEP.

It was mentioned that Council may seek, through a VPA, monetary contributions in lieu of the provision of on-site parking.

Sky-link pedestrian overpass

The proposed landing area on Level 1 shall be extended to provide access to a second retail tenancy.

Ground Floor Retail and flooding

Clause 7.3 of WLEP 2011 stipulates that retail premises shall be constructed at the same level as the footpath in order to provide the seamless integration between the key pedestrian areas and active ground floor uses. This is an important design outcome approved under DA2007/1249 however the flood planning level influences the ability to construct floor level tenancies at the desired level.

In the event a freeboard is required above the flood planning level, it is interpreted that WLEP 2011 Clause 4.6 permits an exception of the development standard regarding the ground floor level. Strategic Planning does not endorse a variation to Clause 7.3 however it may facilitate a compromise.

Traffic Engineer

Traffic Modelling

Traffic generally do not agree with the notion that the development could go ahead without the proposed one way improvements, particularly as the traffic generation from the site would represent a significant portion of the traffic increase in the Dee Why Town Centre. As the part of the proposal, the applicant needs to submit a Traffic Impact Study and identify the implications and improvements required to support the proposed development.

Traffic modelling is required to be submitted, including an analysis of additional traffic generation compared to the current generation, peak traffic movement cycles, and the necessary timing threshold for the delivery of the proposed link road and any other likely required upgrades to the local road network.

Access Driveways

1. Traffic modelling of entry and exit points needs to be undertaken to determine satisfactory operation of the intersection of the driveways and the public road.
2. The number of entry and exit driveways and their configurations needs to be determined from traffic modelling.
3. The location of the access driveways needs to be considered in respect to the new link roads between Pacific Parade and Oaks Avenue (Woolworths Lane), and Oaks Avenue and Howard Avenue (Church Lane).
4. Consider combining the access driveway with proposed signals at the intersection of Woolworths Lane and Oaks Avenue.
5. The design of the entry and exit driveway should have regard to intersection analysis, which the applicant needs to provide as part of the Traffic Impact Study. The design of the driveway crossing could consider a separated entry and exit to minimise conflict

Referral Comments

points, including pedestrians. The design of the driveway is to be in accordance with the Australian Standards and will require a 1-3 m separation. The opportunity of combining the driveway with proposed signalised pedestrian crossings or intersections should be considered as this could provide walk phases for pedestrians

6. The proposed loading dock exit to Howard Avenue alongside the general access driveway to Howard Avenue is not supported. These must be separated for safety and operational reasons.

Loading Docks

1. Loading facilities should be adequate for the development. It appears that only two loading bays are proposed, which is not considered adequate.
2. Heavy vehicle access to the loading bays should be separated from normal traffic and located where they cause the least amount of conflict, particularly with pedestrian traffic.
3. Access to loading docks should be separated from general traffic.
4. The number and size of loading bays needs to be suitably located to service both sections of the development.
5. Loading bays for removalist vehicles need to be provided for both residential towers.

Car Parking Provision

1. Parking is to be provided in accordance with the DCP requirements particularly in relation to residential units. All residential units must have a car parking space allocated.
2. Parking requirements for retail and other uses could be somewhat relaxed as long as the proposal provides for Peak Parking Accumulation for the site as a whole. Such a proposal would need to be backed up by detailed parking accumulation data and graphs for the different land uses, which can demonstrate the “cumulative” peak parking demand. This would also need to consider additional uses (intensification of land uses) post DA, which would increase parking demand. In other words, if parking was to be relaxed there should be a buffer to cater for subsequent changes such as e.g. Doctors surgeries, medical centres, restaurants, café etc.
3. Car parking allocation for the different land uses needs to be identified on the plans

Car Park Layout

1. The proposed car park layout seems confusing and hard to read. The layout of the car park is to be convenient and easily read by drivers.
2. The connectivity of the car park to the road network should include the ability of drivers to be able to enter and exit without having to “go around the block” via the one way roads and Pittwater Road. In other words, two way connections should be considered to allow a spread of traffic and greater choice to enter and leave the site.

Construction Traffic Management

A Construction Management Plan needs to be developed and submitted with the Development Application addressing such things as:

- Access to site for different stages of excavation and construction
- Consider provision of onsite crane for deliveries of materials during construction
- The need for on street Work Zones
- Parking provision for construction workers



Referral Comments

- Proposed truck routes and access to site.

Traffic Noise

The design of residential units needs to include traffic noise attenuation measures for example double glazing of windows.

Warringah Projects Manager for Dee Why Town Centre Public Infrastructure Upgrades

1. **Traffic Design** – Noting a meeting held with Council's Planner, Traffic Engineers, Warringah Projects and GTA consultants acting for Meriton, held on 17/9/14. At this meeting, the need to signalise the intersections in the proposed one-way section of Howard and Oaks avenue due to RMS requirements for two lanes, one-way roads was discussed. Arising from this, the intersection with the proposed laneway to Pacific Parade from Oaks is proposed to become a signalised intersection. The potential for Meriton to use this signalised intersection with their exit/entry points in Oaks was discussed. Noting that there will be no left turn from this laneway to Oaks, the proposed car entry point at the western end of Oaks can only be accessed from Pittwater Road. There appears to be no reflection of this discussion in the proposed plans.
2. **Streetscape Interface** – Noting that Council is currently developing design plans for the Dee Why Town Centre Public Infrastructure Upgrades, details of the proposed works interfacing or within Council property and works within the Town Square, corridor link from Oaks to Howard and Bus Bay in Pittwater Road, need to be submitted to allow for comments on the connection with design being developed by Council.

Noting also that Collaboration on these areas is essential and despite previous attempts to engage in these discussions, there has yet been a formal response from the Applicant.

Detailed consideration of the integration of Council Design and the proponents Design elements will include (but not be limited to) Place definition, Design Themes, Design consistency, Consistency of physical levels, Colour palates, material palates, furniture, public art, lighting etc. It is noted that the Stage 1 consent included such requirements and others, and requires this to be contained within a "Public Domain Works Plan". Noting also in the Stage 1 consent the requirement that "Consultation is to be undertaken with Council prior to and during the preparation of this plan".

Environmental Investigation and Environmental Health

Environmental Investigation and Environmental Health requires the following matters to be addressed in any Development Application submitted to Council.

1. An Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to Council for review.
2. Hazardous Substances Management Plan (HSMP) shall be submitted. The HSMP must satisfy the requirements of Chapters 6 & 8 of the Occupational Health and Safety Regulation 2001 and Australian Standard AS2601 – The Demolition of Structures.



Referral Comments

3. Submit a Stage 2 Detailed Investigation in accordance with the Contaminated Lands Management Act 1997, SEPP 55 and "Sampling Design Guidelines for Contaminated Sites", 1995 NSW EPA.
4. A Remedial Action Plan is to be prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997.
5. Where contamination is identified in the Stage 2 Detailed Investigation, a validation report issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work specifying that the site is safe for its intended use.
6. The proposal is for four storeys of basement levels. It is highly likely that the development under the ground will be lower than the water table. Details are to be provided on how this will be managed and any initial and ongoing maintenance required.
7. Should food shops be proposed to take up tenancies in the retails space, the applicant must demonstrate that all food premises will have the ability to comply with all relevant aspects of the Australian Standards 4674 (Design, Construction and Fit out of Food Premises). These considerations must include waste storage areas and any proposed grease traps and the tenant's ability to practically access these facilities.
8. A Soil and Water Management Plan shall be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The Soil and Water Management Plan shall be prepared and implemented by the person(s) supervising the works on site and must be in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004), and include:
 - a. Planned stages of excavation and building;
 - b. The slope of the land;
 - c. Location of all pits, waterways and drains on and nearby the site;
 - d. Location of washdown and storage of material areas;
 - e. Proposed erosion and sediment controls and their location;
 - f. Sediment control basin locations and volume;
 - g. Covering materials and methods;
 - h. A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
9. Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council.
10. Erosion and sediment control techniques are to be in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). An erosion and sediment control plan in accordance with these guidelines must be submitted.
11. Details are to be submitted that an appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. All internal walls of the garbage storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded



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and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Physically separated commercial and residential waste storage rooms that are designed so they are easy to clean, suitably ventilated and managed to prevent pests shall be provided within the premises for the storage of all garbage bins and recycling containers and all other waste and recyclable material generated by this premises. The commercial and residential garbage rooms must be adequately labelled.

12. Separate mechanical ventilation systems (where required) should be provided for proposed car parks, garbage areas, chute rooms, bathrooms, and kitchens (commercial) as per Australian Standard 1668.2.

13. An odour report must be provided by an appropriately qualified and practicing consultant detailing the following:

- Location of all discharge points; including the car park, bin rooms, commercial kitchen exhausts and any other exhaust system outlets.
- Type of odours treated
- Details of any enhancement to mechanical ventilation required
- Nearest sensitive receivers and impacts
- Meteorological conditions of the site
- Direction of discharge
- Hours of operation for all odour source areas
- Potential pollutants
- Impact assessment
-

Reporting must be in accordance with the EPA Assessment and Management of Odour from Stationary Sources in NSW - 2006

14. Provide Certification from a suitably qualified person certifying that all of the mechanical ventilation systems at the site will comply with Australian Standard 1668.2.

15. An Acoustic Report prepared by an appropriately qualified or accredited person shall be submitted demonstrating that all sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB (A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA Industrial Noise Policy guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

- In the acoustic report you must also consider the impact of noise to the adjacent residences for late night deliveries, waste collections and vehicle movements. Please consider the location of car parks, deliver docks, garbage collections points and any area that may be designated as a vehicle waiting bay (for example, several trucks may be waiting to use the loading docks. Where will they stand to wait?)

16. The Acoustic report shall also cover all aspects of the child care centre, including the location and use of outside play areas.

17. Concerns in relation to the air quality and contaminants have been raised in regards to the proposed childcare centre's proximity to the main road. This should be considered in

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any contamination report regarding air quality.

18. Details of the associated plant room and chemical storage area associated with the pool are to be provided. Please include the following:

- Location of any plant
- Any possible noise impacts
- Location of any mechanical ventilation discharge points
- Location of the chemical storage room and any bunding proposed.

Urban Designer

1. The main vehicular traffic entry points are now from Oaks Avenue and exit points at Howard Avenue. That is a positive development consistent with GTA's traffic plan Option 2A-2 and reducing the impact on the new road at Council Car Park. Please note the entry and exit for the western loading zone are from Oaks Avenue. The traffic report has not been submitted yet. We will need Council traffic engineer's comments on this issue.
2. The entry point to the residential lobby core D2 on Oaks Avenue side is located next to the truck and car access. This is not desirable and potentially dangerous.
3. The sky bridge landing point depends on the outcome of the Cobalt DA. A set of lift and stairs have been provided to channel pedestrian down to the ground floor retail. It will be desirable if the upper level around this vertical core is activated with shopfronts/ community facilities as well.

Natural Environment Section

Flooding

1. The previous Multiplex Town Centre development approval was conditioned on the basis that all flooding in the Dee Why CBD would be reduced to top of kerb levels in the 1 in 100 year ARI storm event. However, flood mitigation schemes to achieve this outcome was shown to be cost prohibitive. Council has subsequently found that the most appropriate outcome is to reduce flooding hazard to vehicles and pedestrians, rather than achieve a "flood-free" town centre.
2. Council has determined that the most effective option for reducing flood hazard is to install a new pipe in Oaks Avenue. The flood hazard in the vicinity of the proposed development will be reduced to "low risk". This means that while the flood situation will be safer than current levels, flooding in the area is still likely to occur. It is important to note these works are not expected to be completed until late 2015/early 2016, and that the 2015/16 budget has yet to be adopted by Council.
3. Accordingly, any application submitted prior to the completion of these works would need to be assessed against the current flood situation and satisfy the flood related development controls outlined in LEP 2011 and DCP 2011.
4. Council is in the process of reviewing its approach to managing some aspects of flood risk,

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and this review is likely to impact on some flood controls in the Dee Why Town Centre. In particular, Council is preparing a Floodplain Risk Management Plan which will be completed in mid-2015 and will make recommendations for setting development controls that are appropriate for the flood risk. In addition, Council is reviewing how it manages more low risk “overland flow” flooding. This may reduce a number of flood-related requirements. This review will be completed in early 2015 and will then trigger modifications to the LEP and DCP.

5. It is strongly recommended that the impacts of the development are to be modelled using Council's XP-SWMM hydraulic model. The modelling is to be undertaken by a suitably qualified hydraulic engineer experienced in using the XP-SWMM program.

Biodiversity

A significant roost site of the Eastern Bentwing Bat is known to occur within the main stormwater box culvert / trunk drain located within the drainage reserve immediately east of the proposal. The Eastern Bentwing Bat is listed as Vulnerable under the NSW *Threatened Species Conservation Act 1995*. It is understood that the proposal will require a new stormwater connection into the main trunk drain which is utilised as a roost by the bats. On this basis, an assessment of significance in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* will be required for submission as part of the development application. It is noted that the occurrence of the majority of bats utilising the drainage system is seasonal. The assessment of impacts upon this species must be prepared by and appropriately qualified ecologist, preferably with expertise in microbats.

The proposal will require excavation, soil disturbance and flood mitigation works in proximity to Council's drainage system which flows directly into Dee Why Lagoon. Dee Why Lagoon is a declared Wildlife Refuge under the *National Parks and Wildlife Act 1974* and is known habitat for numerous threatened species and communities listed under both the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The proposal must include provision for mitigation of any potential changes in water quality and or hydrology downstream of the proposal. Where changes in water quality and or downstream hydrology are predicted, further consideration and assessment of threatened species and communities located downstream will be required, including provision of appropriate mitigation measures.

Council has substantial background information on Dee Why Lagoon and on the bat roost within the Dee Why drainage system. Further background information is available on request to Council's Senior Environment Officer – Biodiversity.

Catchment – Creek and Lagoon

The Meriton site is 600m upstream of Dee Why Lagoon which is an area of environmental significance.

The Meriton site is also less than 500m upstream of a natural creek that feeds into Dee Why Lagoon.

Stormwater quality and quantity leaving the site both during construction and post construction must be managed in accordance with an approved:

- Soil and Water Management Plan



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- Stormwater Management Plan (in accordance with Warringah Development Control Plan 2011 - cl. C4 – Stormwater)

Riparian and Water Quality

Stormwater Quality

Stormwater quality measures will be required in accordance with cl. C4 – Stormwater of the Warringah Development Control Plan 2011. The stormwater quality targets are outlined in the Northern Beaches Stormwater Management Plan 1999 (Table 5.1, pg. 37).

To demonstrate compliance with the relevant stormwater performance targets, the applicant shall provide a model preferably MUSIC or by an equivalent, widely accepted model or methodology.

Should MUSIC be used, modelling shall be undertaken in accordance with draft [NSW Water Sensitive Urban Design Guidelines](#) unless alternative modelling parameters are justified on the basis of local studies. Details of the modelling of those elements, parameters and assumptions used, along with all data files, must be provided to Council.

Groundwater Management

As the development is proposing 4 levels of car parking below ground level, it is expected that the water table will be intercepted. As such the development is classified as Integrated Development and will require concurrence from the NSW Office of Water under the *Water Management Act 2000*.

The applicant shall provide with the Development Application, a geotechnical report prepared by a suitably qualified engineer in accordance with the [Groundwater Management Handbook](#) (Sydney Coastal Councils Group, 2006).

If dewatering is required (during/post construction), groundwater must be discharged to the nearest stormwater pit in accordance with Council's [Auspec1 Design Manual](#). Discharge to the kerb and gutter will not be accepted.

Contaminated and polluted groundwater will not be permitted to be discharged to the stormwater system and must be disposed of in accordance with the requirements of the *Contaminated Land Management Act 1997* and *Protection of the Environment Operations Act 1997*.

Acid Sulfate Soils

Although the site located outside of the acid sulfate soils planning area, due to the depth of excavation and recent geotechnical advice an acid sulphate investigation must be undertaken. If actual or potential acid sulphate soils are encountered, an Acid Sulphate Soils Management Plan must be prepared in accordance with [ASSMAC Guidelines](#) (1998).

Soil and Water Management Plan

A Soil and Water Management Plan prepared by a suitably qualified engineer must be submitted to Council with submission of the development application. The plan shall be prepared in accordance with [Landcom's Managing Urban Stormwater: Soil and Construction Manual](#) (2004).



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Development Engineering

The existing flood characteristics and risks have been identified through the Dee Why South Catchment Flood Study 2013.

The 900mm Council stormwater pipe running through the site will need to be relocated to the Pittwater Road/Howard Avenue road reserves and upsized accordingly (by the developer) in accordance with Councils current policy, "building over or adjacent to Councils stormwater drainage lines and easements". The previous Multiplex consent condition proposed a contribution of \$300,000 to achieve this and the contribution will need to be reviewed in relation to CPI.

In addition to the above comments, Meriton has advised that the Council stormwater line running through the site was not a 750mm line as shown on Councils asset register but a 450mm RCP line from Pittwater Road and becoming a 600mm near Councils box culvert located under the pedestrian link running between Oaks and Howard Ave.

As stated before in the previous PLM notes this line will need to be decommissioned and reverted north along Pittwater Road and down Howard Avenue to connect into Councils existing box culvert, by the developer, in accordance with Council's current policy, "Building over or adjacent to Councils stormwater drainage lines and easements".

Councils initial modelling indicates the size of this upgraded line should be a 900mm RCP line. This would need to be confirmed by hydraulic modelling to be undertaken by the developer, and it is advised that Councils XP SWMM model be used to complete this design.

Referring also to the previous Stage 1 development consent (DA 2007/1249) the minimum following documentation and works will be also required as part of the proposed development application:

1. Infrastructure –Roads and Footpath Works

The Development Application is to be accompanied by engineering plans for the full road reconstruction in Oaks and Howard Avenues, including kerb and gutter reconstruction, associated street stormwater drainage and inlet pits, line marking, traffic signage etc.

Full width paving and associated streetscape works will be required to be constructed along the Howard and Oaks avenue frontages.

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

The roadwork's and associated street stormwater works will be required to be commenced after Council completes the Dee Why CBD stormwater drainage upgrade works in Oaks avenue.

2. Management of Site Stormwater

The development application shall address the following:

- a. Provide a **Stormwater Management Plan** that detail on site stormwater detention (OSD) in accordance with Councils OSD technical specification.
- b. The stormwater management plan shall also demonstrate the provision of Water Sensitive Urban Design (WSUD) measures in accordance with Councils draft -



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“Water Sensitive Urban Design Policy and technical guidelines”.

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

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

Property Section

1. The walkway alongside Pittwater Roads needs to have an access easement or other perpetual legal agreement in place before DA is issued
2. The elevations along Pittwater Road appear to show windows opening from apartments into the airspace of Pittwater Road
3. The agreement on timing and dollars for the construction of the roadway through Site A needs clarification
4. There are 2 other easements which need to be clarified one off Pittwater Road the other adjacent to the walkway from Triangle Park
5. What other easements are necessary for Council services
6. What access is required to Council land for services/construction during the project.

Other Relevant Controls within WDCP 2011

Appendix 1 – Car Parking Requirements

The DCP parking requirement varies depending on the break-down of commercial uses and respective parking generation rates.

A comparison should be made between the current DCP Requirement and the draft parking schedule being administered under the Dee Why Town centre Planning Proposal (yet to obtain Gateway Determination). The proposed parking rates consider the differing peak times for commercial uses and multipurpose trips synonymous with town centre consumer behaviour.

Any shortfall in the parking requirement needs a compelling justification and Council may seek, through a VPA, monetary contributions in lieu of the provision of on-site parking.

Other Relevant Environmental Planning Instruments/SEPPs

You are advised that the following Environmental Planning Instruments apply to the development:

- SEPP No. 55 – Remediation of Land;
- SEPP No. 64 – Advertising and Signage (if required);
- SEPP No. 65 – Design quality of Residential Flat Development (including the Residential Flat Design Code);
- Draft SEPP 65
- SEPP (Infrastructure) 2007; and
- Warringah Local Environment Plan 2011.



Other Relevant Environmental Planning Instruments/SEPPs

- SEPP BASIX

Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au:

- Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140
- Stormwater drainage for low level properties PDS-POL 135
- Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130
- Common vehicular access to multiple properties: LAP-PL 310
- Development Applications relating to trading hours under the Liquor Act 1982: LAP-PL 610
- Vehicle access to all roadside development: LAP-PL 315

Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
- All information as required on the Development Application form checklist
- Site Analysis
- Site Survey (prepared by a registered Surveyor)
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - all relevant sections of WLEP 2011;
 - and other relevant Environmental Planning Instruments; and
 - The Dee Why Town Centre Master plan.
- Geotechnical Report
- Flood Risk Assessment Report
- Construction/Site Management Plan
- Access Report
- Building Code of Australia Report
- Acoustic Report to address different land uses and Clause 102 of SEPP (Infrastructure)
- Traffic and Parking Report
- Crime Prevention Through Environmental Design (CPTED) assessment
- Full SEPP 65 Assessment against the 10 Design Principles and the Rules of Thumb of the Residential Flat Design Code (this must be comprehensive and detailed, including graphical depiction of Access to Natural Light and Cross Ventilation for each residential unit).
- SEPP 65 Design verification statement from a qualified architect (Signed and dated).
- Architects Statement – addressing SEPP 65, the Dee Why Town Centre Master Plan and the Design Excellence provisions of WLEP 2011
- Model of the proposed development at a scale of 1:250 and which shows the topography, road alignments and surrounding development plus 3D sketch up and photomontages.
- Revised VPA and Explanatory Note (if required)
- Shadow diagrams (Certified)



Required Documentation

- View Impact Analysis
- Economic Assessment Report
- Photo montages
- Landscape Plan
- Sample Board of External Finishes
- Stormwater Management Plans
- Waste Management Plan
- Erosion and Sediment Control Plan
- BASIX Certificates
- Quantity Surveyors (QS) Report verifying the Cost of Construction
 - Integrated Development? (the basement must be tanked and a cheque for \$320 provided for the NSW Office of Water as an Integrated Referral)

Concluding Comments

These notes are in response to the presentation made by Crone Partners, Urbis, and Meriton Group for the redevelopment of Dee Why Town Centre (Site B).

The following plans and information was provided at the meeting and has been used in formulating these Notes:

- Architectural Plans prepared by Crone Partners (Revision C, dated 12 November 2014)

In principle, the development is considered to have merit but must be considered in its context to the relevant controls contained under the amendments to WLEP 2011 proposed under the Planning Proposal (which is awaiting gateway determination), the WDCP and the strategic vision contained within the Dee Why Town Centre Master plan.

Additionally, the development must give careful consideration to avoiding undue peripheral impact upon the development potential of the neighbouring properties in light of the wider scope and intent of the Master plan. In this regard, the design of the development, in particular the tower elements should be approached having regard to the building separation provisions of the Residential Flat Design Code.

The documentation submitted with the development application should demonstrate compliance with all relevant planning controls and the Dee Why Town Centre Master plan and take into consideration the advice provided by Council in these Minutes.

The application is subject to referral to the RMS under the provisions of SEPP (Infrastructure) 2007 as Traffic Generating Development.

You should be aware that Council will act as the assessment and reporting authority and the Joint Regional Planning Panel will act as the Consent Authority in this instance as the estimated cost of works will exceed \$20m.

Other Matters

- Requirement to Submit Correct, Clear and Accurate Information at Lodgement



Other Matters

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

- **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online. www.warringah.nsw.gov.au

- **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au