



Meriton Tower
L11, 528 Kent St
Sydney NSW 2000
Tel: (02) 9287 2888
Fax: (02) 9287 2777
meriton.com.au

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Mr Stuart Withington
Manager Planning Panel Secretariat
Sydney Region North
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

BY EMAIL

Dear Mr Withington

REZONING REVIEW REQUEST – DEE WHY TOWN CENTRE “SITE B”

Further to the submission of our Rezoning Review Request of 1 May 2018, this letter sets out our justification for a review of the application in accordance with the requirements of “A Guide to Preparing Local Environmental Plans” (August 2016).

1. Site Details

The Planning Proposal relates to a 14.5 hectare site known as Dee Why Town Centre “Site B” which comprises land at Pittwater Road, Howard Avenue and Oaks Avenue, Dee Why (“the site”). It forms the western part of the defined boundary of the Dee Why Town Centre and is commonly referred to as “Site B.”

The site comprises the following lots:

TABLE 1 – PROPERTY DESCRIPTION AND EXISTING DEVELOPMENT

ADDRESS	LOT/DP
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

2. Proposal Details

The Planning Proposal has been prepared to initiate the preparation of an amendment to the *Warringah Local Environmental Plan 2011* (WLEP 2011) to permit residential use at first floor level of the approved Dee Why Town Centre Site B development. Clause 7.12 of WLEP 2011 prohibits residential use at ground and first floor levels of land identified as Dee Why Town Centre Sites A and B. An amendment to Clause 7.12 is sought to allow greater flexibility in the land uses that may be developed at first floor level within Site B, specifically to allow residential use. Under the Planning Proposal, residential use would continue to be prohibited at ground floor level.

The intention of the amendment is to allow the development of the site in a way that is responsive to market demand and land use suitability, while still preserving the certainty that the ground floor of the development is retained for a mix of employment uses to activate the adjacent public domain.

3. Background

DA2017/0705 was approved on 10 May 2017 and allows for the following development on Dee Why Town Centre Site B:

"Construction of a Mixed Use Development comprising retail, commercial and residential uses and a child care centre."

Construction in accordance with the above consent has commenced and is at an advanced stage. A number of tenants have been secured for the ground floor retail tenancies. There has however, been little market interest in the office tenancies at Level 1 of the development. As a result we have investigated opportunities for alternative land uses for this space resulting in the submission of a DA for a second childcare centre, approved under DA2017/0646 (13 October 2017). This second childcare centre occupies the majority of the first floor of the western building. To date we have been unable to secure an operator for this second childcare centre and now seek to allow for residential apartments on Level 1 in its place.

The Planning Proposal was lodged with Northern Beaches Council on 13 February 2018. At a meeting on 17 April 2018 Council resolved not to proceed with the Planning Proposal Request. A copy of Council's resolution has been included with our "Review Request" as lodged with the Department on 1 May 2018 (Annexure 2). We believe that Council's reasons for opposing the Planning Proposal Request are based on a misunderstanding of the details of the proposal. In particular, Council has suggested that the proposal would allow for an additional 80 residential dwellings to be constructed on the site. However, as clearly identified in our Planning Proposal Request, we are only seeking to convert approximately 1,178sqm of commercial floorspace to residential use. This would allow for approximately nine (9) residential units as shown in the indicative concept plan that accompanies the Planning Proposal Request, and not 80 unit as implied by Council. The level of analysis provided with the Planning Proposal Request is commensurate with the nature and scale of the change of use proposed. As discussed in the Planning Proposal, the impacts (traffic and economic) associated with the conversion of 1,178sqm of commercial floorspace to residential use would be negligible.

Importantly, the site would continue to provide approximately 13,000sqm non-residential floorspace which will accommodate a full line supermarket, 159 space childcare centre, specialty retail, dining, gymnasium and other commercial uses sufficient to maintain its role as a town centre. The additional residential floorspace proposed represents a minor reduction in the existing non-residential floorspace (8%), this equates to approximately 2% of the overall GFA for the development as a whole.

4. Justification

An assessment of the Planning Proposal against the relevant criteria set out in "A Guide to Preparing Local Environmental Plans" (August 2016) is provided below.

A. Strategic Merit Test

CRITERIA	RESPONSE
Consistent with the relevant district plan, including any draft plan released for public comment.	<p><i>A Metropolis of Three Cities – The Greater Sydney Region Plan</i></p> <p>Consistent with the preceding Strategies for the Greater Sydney region, the plan identifies Brookvale-Dee Why as a Strategic Centre. The strategic centre connects with the Harbour CBD via the B-Line bus network, a key bus interchange for which is located directly adjacent to the subject site.</p> <p>The Plan reiterates the need for new housing, and specifies that a minimum 36,250 new homes will be required each year (725,000 additional homes over the next 20 years). The North Region has a short term housing supply target of 25,950 new dwellings (period 2016-2021). Objective 10 of the Plan supports more housing in the right location, being those locations that capitalize on existing infrastructure and maximise investment in new infrastructure. The proposal would directly contribute to the housing target for the region, albeit in a small way. New residential units could be delivered in the short term as part of the ongoing development of the Dee Why Town Centre Site B project. Importantly, new housing can be delivered without compromising the employment function of the town centre noting the limited area proposed to be released for residential purposes (1,178sqm). Approximately 13,000sqm of dedicated non-residential floorspace will remain, which will include provision of a full line supermarket, 159 childcare centre, specialty retail, dining, gymnasium and other commercial uses. This is sufficient for the site to maintain its role as a town centre. Importantly, the proposal would not prevent future use of the space proposed to be converted to residential use for commercial/retail uses should the opportunity arise.</p> <p>The Plan identifies 34 strategic centres. It supports "co-location of a wide mix of land uses, including residential" within these centres. The Plan further comments that "A balance is required in providing adequate mixed use or residential zoned land around a commercial core that allows new residential development to benefit from access and services in centres." In effect, strategic centres are supported as mixed use locations.</p>

CRITERIA	RESPONSE
	<p>The proposal is entirely consistent with this approach, providing a reasonable balance between the provision of employment generating floorspace (which include a mix of retail, commercial and childcare uses) and residential uses.</p> <p>Dee Why is not identified as a commercial office precinct within the Plan.</p> <p><i>North District Plan</i> The Plan identifies the 5 year housing supply target for the Northern Beaches LGA as 3,400 new dwellings. The Dee Why Town Centre Site B project is already making a significant contribution to the delivery of this target, providing new housing in the "right location" being within walking distance of facilities and services available within the strategic centre. The proposal would further contribute to meeting this target, albeit in a small way.</p> <p>The Plan identifies Dee Why as a mixed use area. The proposal does not derogate from this; the site would continue to accommodate a mix of uses including circa 13,000 of non-residential floorspace.</p>
Consistent with a relevant local strategy endorsed by the Department.	<p><i>Warringah Economic Development Plan</i> The Plan acknowledges that Brookvale-Dee Why is the major town centre for the region and is a key future retail, mixed use and office employment centre for Warringah. The proposal does not undermine this function noting that the quantum of commercial floorspace proposed to be replaced by residential uses pursuant to the Planning Proposal is extremely minor (1,178sqm of the approved 14,126sqm non-residential floorspace approved in the Dee Why Town Centre Site B development (8%)) and as such will not impact on the overall vitality and viability of the Town Centre. Within the subject site alone close to 13,000sqm of floorspace will remain available for employment generating uses (identified for retail, commercial and childcare uses).</p> <p><i>Dee Why Town Centre Masterplan 2013.</i> The proposal will not have any adverse impact on the Masterplan. The form of development approved on the Dee Why Site B site remains unchanged with all works being contained within the approved building envelopes.</p>
Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	As identified in the Economics Report that accompanied the Planning Proposal Request, demand for commercial floorspace within Dee Why Town Centre is low with ongoing pressure from other commercial centres in the locality which include Warringah Mall, the emerging Health and Education precinct at Frenchs Forest and Mona Vale and Manly Strategic Centres further reducing demand for commercial floorspace.
Presumption against a request that seeks to amend LEP controls that are less than 5 years old.	N/A

B. Site Specific Merit Test

CRITERIA	RESPONSE
Natural environment.	There are no environmental constraints that would render the site unsuitable for the proposal.
Existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal.	<p>Residential use is already established within the wider Dee Why Town Centre, including residential use at first floor level. Numerous properties in the immediate vicinity of the site already include residential uses at first floor level. With the exception of Dee Why Town Centre Sites A and B, residential use is generally permitted at first floor level within the locality and is evident within recently completed developments on adjoining properties.</p> <p>New residential uses at first floor level would form an extension of approved residential use within the Dee Why Town Centre Site B development. Residents would have access to the site's recreational facilities that will be available to new residents of the approved units within the residential towers above. As shown in the illustrative concept plan that accompanied the Planning Proposal Request, residential use can be successfully integrated into the approved development at Level 1 without compromising the functionality of the podium, with this part of the development being maintained primarily for employment uses.</p>
Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	<p>A range of established services are available within close proximity of the site, including health, education and emergency services networks with additional infrastructure planned to support the ongoing development of the Dee Why Town Centre including bus interchange improvements immediately adjacent to the site associated with B-Line, and the enhancement of the public realm.</p> <p>Given the nature of the proposal, indicatively involving the creation of an additional nine (9) units, no added pressure on existing services and infrastructure is anticipated.</p>

5. Conclusion

In conclusion, we believe that the proposal is justified when assessed against the relevant strategic and site-specific merit criteria set out in "A Guide to Preparing Local Environmental Plans" (August 2016) and accordingly request that the Department forward the Rezoning Request to the Panel for further consideration.

If you require further information please do not hesitate to contact me on (02) 9287 2629. We look forward to receiving a positive determination in due course.

Yours faithfully

KARIMBLA CONSTRUCTION SERVICES (NSW) PTY LTD

Walter Gordon

PP

Walter Gordon

Head of Planning and Development