

Planning Proposal Request

Dee Why Town Centre – Site B

Residential use at Level 1

12 February 2018

Meriton Property Services Pty Ltd

ABN 69 115 511 281

Karimbla Constructions Services (NSW) Pty Ltd

ABN 67 152 212 809

Level 11 Meriton Tower
528 Kent Street, Sydney NSW 2000

Tel (02) 9287 2888

Fax (02) 9287 2835

meriton.com.au



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1 Introduction

1.1 Overview

This Planning Proposal has been prepared to initiate the preparation of an amendment to the Warringah Local Environmental Plan 2011 (WLEP 2011) to permit residential units on the first floor of the site with medical centres and offices permitted on the ground floor. The Planning Proposal relates to land known as Dee Why Town Centre "Site B" which comprises land at Pittwater Road, Howard Avenue and Oaks Avenue, Dee Why. The site is referred to as "Site B" throughout this report. The proposal seeks an amendment to Clause 7 of the LEP to allow greater flexibility in the land uses that may be developed on ground and at first floor level of Site B.

Hill PDA has confirmed that the commercial/business market in the Dee Why Town Centre has been weak for many years. Future leasing will be difficult to achieve as existing vacant floor space throughout the Dee Why Town Centre remains stubbornly vacant.

Over time business centre zonings have become more flexible to address market conditions, by not placing restrictions on where uses should be placed in a building. The most successful non-CBD centres with mixed use developments primarily have retail/business uses on the ground floor, with residential uses starting from Level 1. The Planning Proposal merely seeks to be consistent with other centres to ensure the Dee Why Town Centre can continue as a robust economic focus.

1.2 Proposed LEP Amendment

The proposal is for an amendment to the Dee Why Town Centre provisions contained in Part 7 of the LEP as they relate to the subject site (Site B) by removing the current prohibition on residential use at Level 1 of the development and permitting medical centres and offices at ground level.

1.3 Structure of the Report

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals." It includes the following:

- Description of the subject site and its context.
- Indicative site plan showing sufficient detail to indicate the effect of the proposal (concept plan at **Annexure A**).
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal.
- Summary of the justification of the proposal.
- Description of the community consultation process that would be undertaken by the proponent.

The Planning Proposal is accompanied by an economic justification report prepared by Hill PDA (**Annexure B**). This report has helped to inform the proposed LEP amendment to allow for greater flexibility in the mix of uses that may be developed at first floor level.

2 Land to which the Planning Proposal applies

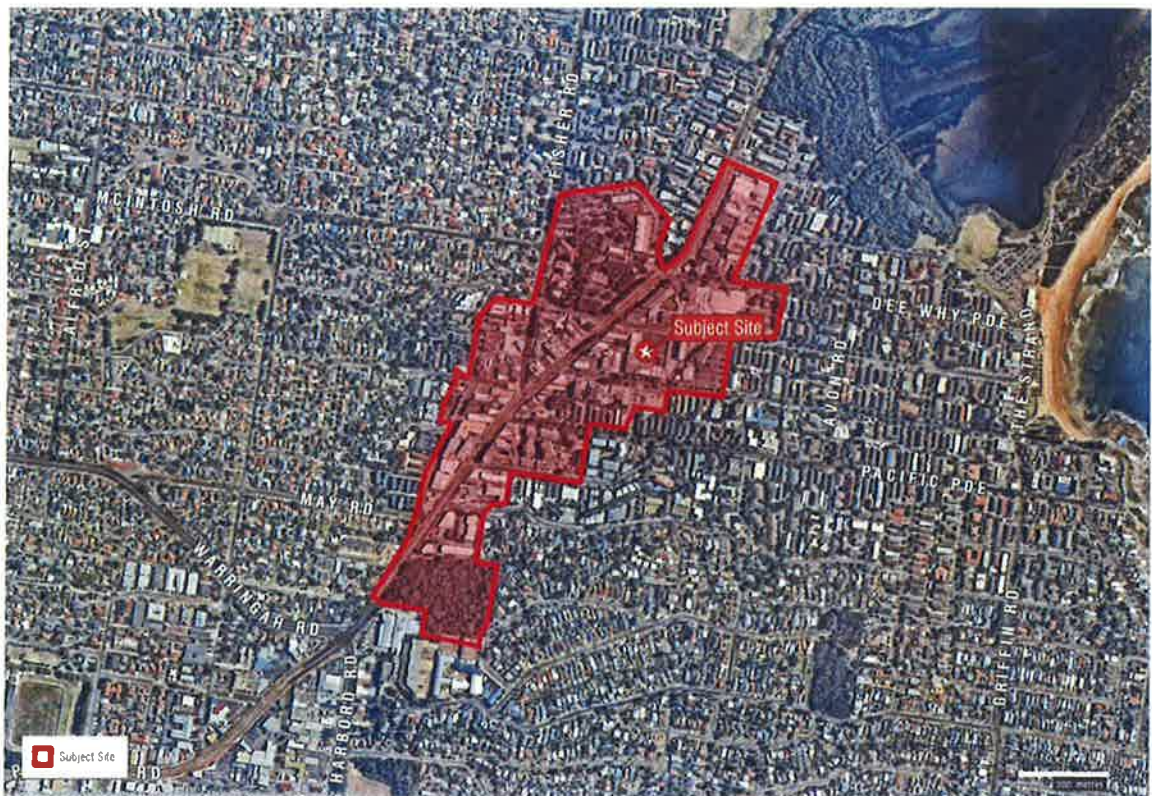
2.1 Site Location

The site comprises land bound by Howard Avenue, Oaks Avenue and Pittwater Road within the suburb of Dee Why in Sydney's Northern Beaches region, in the Warringah Local Government Area (LGA). Dee Why is located approximately 16km north of the Sydney CBD.

The site forms the western part of the defined boundary of the Dee Why Town Centre (as illustrated in **Figure 1** below). It has direct frontage to Pittwater Road which is the main north-south arterial road running through the Warringah and Pittwater LGAs. Dee Why Town Centre comprises a linear centre which extends along Pittwater Road. The site is situated at the northern end of the town centre directly adjacent to its central spine (Pittwater Road).

Dee Why Town Centre is identified in strategic planning policy at the State and local level as being well positioned for urban renewal. It benefits from good access to existing road and public transport services available on Pittwater Road. It has strong connections with Brookvale and the planned new Strategic Centre at Frenchs Forest, which is under construction for a new public / private hospital and health related precinct.

FIGURE 1 – SITE LOCATION



The site is irregular in shape with frontages to Pittwater Road, Howard Avenue and Oaks Avenue. It has a total site area of approximately 14.5 hectares.

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

2.2 Surrounding Context

The site is located at the heart of Dee Why and forms an integral part of the town centre, it provides a range of facilities and services and is within convenient walking distance of the facilities available within the wider town centre. The immediate surrounds include a range of building forms which are predominantly new and old style multi-storey mixed-use residential buildings.

Dee Why town centre is characterised by older style commercial buildings generally 2 to 3 storeys in height with retail uses at ground level and residential from Level 1.

2.3 Planning History

DA2017/0705 was approved on 10 May 2017 and allows for the following development:

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

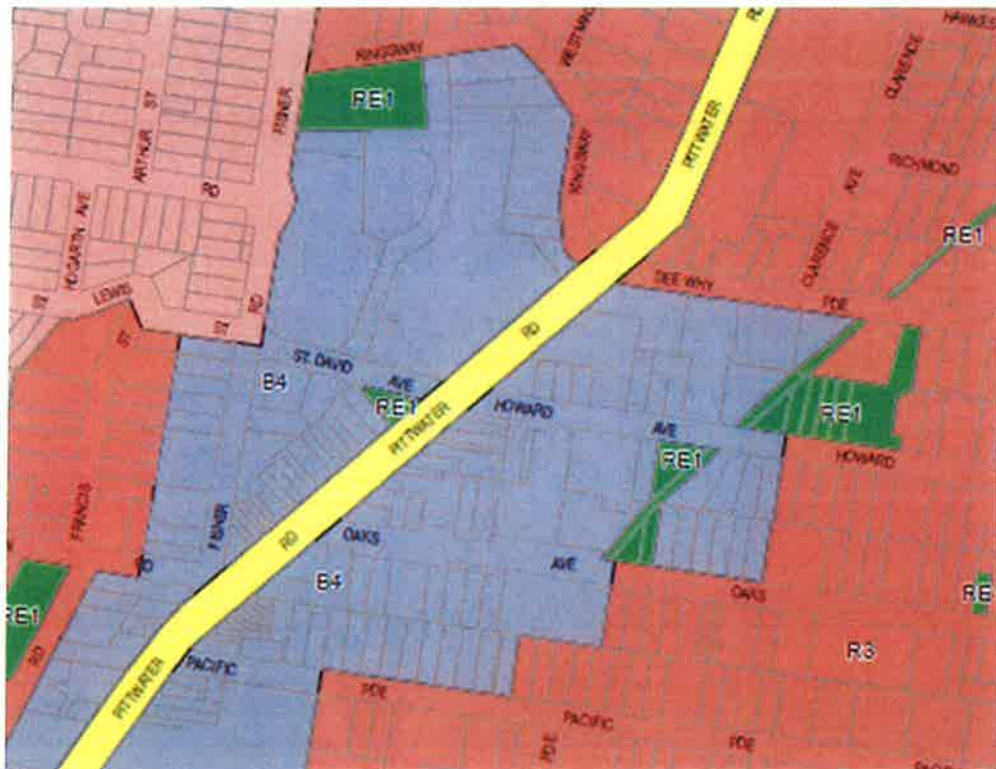
Construction has commenced and is at an advanced stage. A number of tenants have been secured for the ground floor tenancies within both the western and eastern buildings. There has however, been little market interest in the office tenancies at Level 1. As a result we have investigated opportunities for alternative land uses for this space resulting in 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 have residential on Level 1.

2.4 Planning Context

2.4.1 Existing Planning Controls

The Warringah Local Environmental Plan 2011 (WLEP 2011) is the relevant planning instrument for the site. Under WLEP 2011 the site is zoned B4 Mixed Use. A plan showing the existing zone is provided in **Figure 2** below.

Figure 2: LEP Zoning



Clause 7.12 prohibits residential, medical centres and offices to be located on the ground floor. This clause is to be amended to allow medical centres and offices on the ground floor like any other metropolitan centre and residential starting on Level 1.

The Planning Proposal seeks to amend Clause 7.12 to address this anomaly.

3 Proposed LEP Amendment

3.1 Part 1 - Objectives or Intended Outcomes

This Planning Proposal has been prepared to amend Clause 7.12 of the LEP to allow greater flexibility in the potential land uses that may be developed within the approved building envelope of the Dee Why Town Centre Site B development. Under the Planning Proposal, residential accommodation will continue to be prohibited at ground floor but will be permissible at Level 1, as well as permitting medical centres and offices at ground 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 uses to activate the adjacent public domain. Once gazetted the new LEP will allow residential development at Level 1 and medical centres/offices at ground level as proposed by this application.

3.1.1 Indicative Concept Plan

An indicative concept plan has been prepared that describes the anticipated extent of residential use at Level 1 that we envisage for the site. The indicative scheme presented provides for a total of approximately nine additional residential units at Level 1 of the approved western tower. The final yield and dwelling mix would be subject to detailed planning at Development Application stage.

Figure 3: Indicative Concept Plan



The concept for the site builds on the existing approved building envelope for the Dee Why Town Centre Site B. The changes proposed involve the conversion of space previously identified for commercial use (under the original DA (DA2017/0705) and subsequently for a childcare centre (under DA2017/0646) to residential use.

The site will continue to provide primarily residential uses complemented by retail and commercial facilities at ground and Level 1.

3.2 Part 2 – Explanation of the provisions that are to be included in the proposed instrument

3.2.1 LEP Amendments

Clause 7.12 within WLEP 2011 is to be amended as follows (deleted text shown in ~~strikethrough~~, new text shown in **bold**):

"7.12 Provisions promoting retail activity

- (1) *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.*
- (2) *Development consent must not be granted to development in the Dee Why Town Centre unless the consent authority is satisfied that:*
 - a. *The ground floor level of buildings on Sites A and B will not be used for any of the following (other than the provision of access to any of the following):*
 - i. *Residential accommodation,*
 - ii. ~~*Medical centres,*~~
 - iii. ~~*Office premises, and*~~
 - b. ~~*The first floor level of buildings on Sites A and B will not be used for residential accommodation (other than the provision of access to such accommodation).*~~
 - b. The first floor level of buildings on Sites A and B may be used for residential accommodation.***
 - c. *d. (Repealed)"*

3.2.2 Proposed land use zoning

No changes are proposed to the existing zoning that applies to the site. All land uses envisaged for the site are permissible within the current zoning.

3.2.3 Height and FSR Controls

No changes are proposed to the existing height and FSR control maps that accompany WLEP 2011.

3.2.4 Relationship to Existing Local Planning Instrument

The WLEP 2011 will continue to apply to the site. The LEP will be amended by a site specific LEP amendment in accordance with this Planning Proposal.

4 Part 3 – Justification for the Planning Proposal

4.1 Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

Yes. An economic report prepared by Hill PDA concludes a lack of demand for new commercial floorspace within the site.

All business and retail uses including shops, restaurants, cafes, medical centre and businesses will occupy the full extent of the ground floor of the development commensurate with the site's central Town Centre position. Additional retail together with business and community uses, including a new childcare centre, will be located on the first floor level.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Residential use is currently prohibited at Level 1 of Dee Why Town Centre Site B with medical centres and offices prohibited on ground level. An amendment to Clause 7.12 is therefore required.

4.2 Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The site is located with the North subregion as identified by *A Plan for Growing Sydney* and is within the Brookvale-Dee Why Strategic Centre, see **Figure 4**. The Plan identifies a projected dwelling target of 464,500 new dwellings by 2036 and a job target for the centre of 23,000-26,000 for the region. The Northern Beaches has a 5 year dwelling target of 3,400 to 2021.

Figure 4 Brookvale-Dee Why Strategic Centre



Actions for the Brookvale-Dee Why Strategic Centre are as follows:

- a. *Maintain the mix of uses so that Brookvale-Dee Why continues to perform strongly as a well-balanced, self-sustaining combined centre*
- b. *Encourage and support improvements to Warringah Mall and better integrate it with the fabric and life of Brookvale-Dee Why*
- c. *Recognise and enhance the economic and employment opportunities along Pittwater Road and encourage revitalisation along the commercial strip*
- d. *Promote walking, cycling and public transport to Warringah Mall, the Brookvale industrial area and Dee Why*
- e. *Encourage the establishment of new, innovative and creative industries in the Brookvale industrial area*
- f. *Encourage new lifestyle and entertainment uses to activate local streets in Brookvale-Dee Why*
- g. *Improve connections between Brookvale-Dee Why and the Northern Beaches Hospital at Frenchs Forest*

The proposal will not undermine the implementation of these actions.

The following directions contained in the Plan are of relevance to the proposal

- Direction 2.1: Accelerate housing supply and local housing choices: The proposal involves an increase in housing supply within a strategic centre. New housing will be delivered within the short term as part of the ongoing development of the Dee Why Town Centre Site B project.
- Direction 2.3: Improve housing choice to suit different needs and lifestyles. The direction identifies a shortage of apartments in the outer areas of the city affecting the capacity for people to buy or rent a home. Increasing the supply of smaller homes is supported. The proposal will contribute new smaller homes to the locality.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Yes. The proposal is consistent with the *draft Northern Beaches Community Strategy Plan 2017-2018* which identifies housing affordability as a major concern for the community.

The *Warringah Economic Development 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 quantum of commercial floorspace proposed to be replaced by residential uses is extremely minor and will not impact on the overall vitality and viability of the Town Centre. As identified in the Economics Report at **Annexure 3**, demand for commercial floorspace within Dee Why Town Centre is low.

The proposal will not have any adverse impact on the *Dee Why Town Centre Masterplan 2013*. The form of development approved on the Dee Why Site B site remains unchanged with all works being contained within the approved building envelopes.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified below.

Table 2: Consistency with State Environmental Planning Policies

POLICY	DETAILS
SEPP65 Design Quality of Residential Flat Buildings	SEPP65 provides a statutory framework to guide the design quality of residential apartment developments. The development concept has been designed to facilitate future detailed building design in accordance with SEPP65 and the accompanying Apartment Design Guide. Amenity controls within SEPP65 will guide the appropriate siting and design planning of future buildings.
SEPP (Buildings Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. BASIX compliance will be documented at the development application stage.
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across NSW. Proposed units and medical centre/business uses remains consistent with this SEPP.
Development Near Rail Corridors and Busy Roads – Interim Guideline	Proposed units and medical centre/business uses remains consistent with this SEPP.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The Planning Proposal has been assessed against the applicable s.117 Ministerial Directions and is consistent with each of the relevant matters as outlined below.

Table 3: Consistency with s.117 Directions

DIRECTION	COMMENT
1.1 Business and Industrial Zones	Permitting medical centres and offices at ground floor will improve the consistency of this direction.
1.2-1.5	Not applicable
2.1-2.4	Not applicable
3.1 Residential Zones	The proposal will broaden the range of housing choices and provide ample opportunity for good urban design. The site is located within Dee Why Town Centre and local services such as shops and public transport are located in close proximity.
3.2-3.3	Not applicable
3.4 Integrating Land Use and Transport	The proposal is consistent with the direction for the following reasons: <ul style="list-style-type: none"> The site supports the principle of integrating land use and transport. The site is within the Dee Why Town Centre and residents will have direct access to a range of shops and facilities. The site's proximity to public transport will provide opportunities for residents to access the site and reduce reliance on private vehicles.
3.5-3.6	Not applicable

DIRECTION	COMMENT
4.1-4.4	Not applicable
5.1-5.8	Not applicable
6.1 Approval and referral requirements	This is an administrative requirement for Council.
6.2 Reserving land for public purposes	This is an administrative requirement for Council.
6.3 Site specific provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the Warringah LEP 2011.
7.1 Implementation of the Metropolitan Plan	Not applicable

4.3 Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The Planning Proposal will not have any impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Site investigations have been undertaken to assess the suitability of the site for additional residential use. The key findings of the analysis are provided below:

- **Traffic:** A traffic impact assessment has been undertaken by Traffix which describes the existing local traffic context, including access and the potential traffic implications of the proposed concept. A copy of their report is attached at **Annexure 2**. In summary, the traffic analysis indicates that:
 - Adequate parking can be accommodated within the site to meet the needs of the proposed development.
 - No additional traffic generation is expected to occur.
- **Residential amenity:** The Indicative Concept Plan has been developed with regard to the requirements of SEPP65 and the accompanying Apartment Design Guide. The development could achieve an acceptable level of internal amenity for future residents (i.e. solar access, natural ventilation and privacy).
- **Sustainability:** The concept has been designed to ensure that building massing and orientation can facilitate future BASIX compliance.
- **Noise:** The site is affected by road noise. Mitigation measures can be incorporated as required to address noise to future residential uses. The principle of residential use has already been established with residential uses approved at Levels 2 and above of the Dee

Why Town Centre Site B site. Specific measures to address noise impacts to new residential apartments would be investigated at Development Application stage.

- **Visual impact:** No changes to the approved building envelope are envisaged. The proposed change of use of floorspace at Level 1 would have a negligible impact on the external appearance of the development.

Overall, it is considered that the site will not result in any significant environmental effects that would preclude the LEP amendment.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The key issues to be balanced in weighing the social and economic impacts of the proposal are considered to be:

- **Economic impact:** The proposal will not impact on the vitality or viability of the Town Centre. The ground floor of the site, together with the majority of the first floor space will be retained for employment generating uses.
- **Social impact:** The proposal provides opportunities for additional housing within the short term. Medical centres and offices at ground levels provides equitable access to those services that is permissible in other mixed use zones.
- **Social infrastructure:** Adequate social infrastructure exists to meet the needs of the proposal. Section 94 payments will be payable with respect to the future redevelopment of the site (secured through the development application process for the site). These funds will contribute towards the provision of new social infrastructure within the locality.

4.4 Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

Yes. The site is served by existing utility services and is located to allow incoming residents to capitalise on the wide range of infrastructure and services existing and planned within the area.

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.

Q11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal. It is acknowledged that the Northern Beaches Council will consult with relevant public authorities following the Gateway Determination.

5 Part 4 – Mapping

No changes to the existing LEP maps are proposed.

6 Part 5 – Community Consultation

Clause 57 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Infrastructure Guidelines "A Guide to Preparing Local Environmental Plans."

It is anticipated that the public exhibition would be notified by way of:

- A public notice in the local newspaper.
- A notice on the Northern Beaches Council website.
- Written correspondence to adjoining and surrounding landowners.

7 Part 6 – Project Timeline

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided below.

Table 5: Project timeline

STAGE	DATES
Consideration by Northern Beaches Council	February 2018
Planning Proposal referred to Department of Planning and Environment for Gateway Determination	April 2018
Gateway Determination by Department of Planning and Environment	June 2018
Commencement and completion of public exhibition	July 2018
Consideration of submissions and consideration of the proposal post-exhibition	August 2018
Date of submission to the Department of Planning and Environment to finalise the LEP	November 2018

8 Conclusion

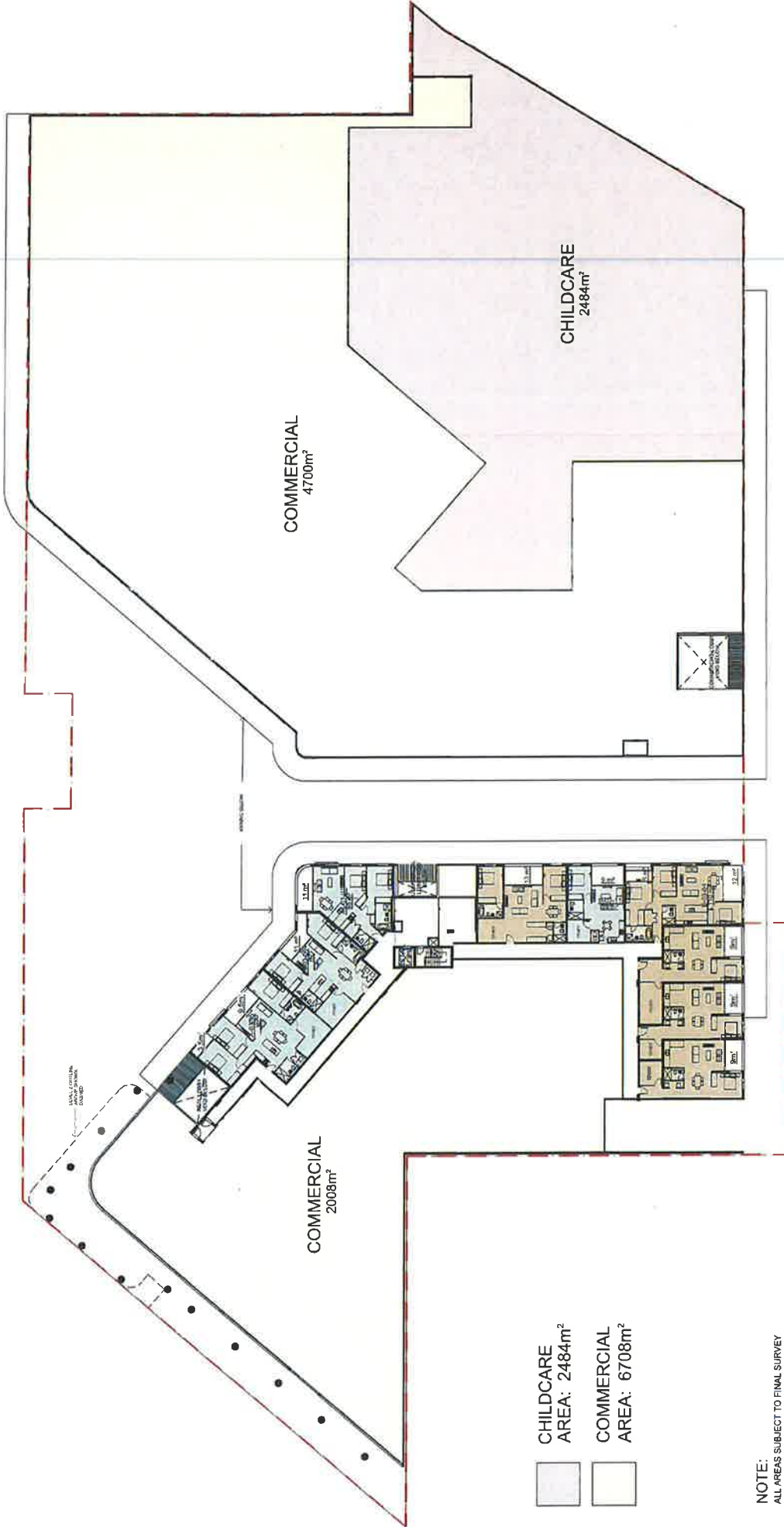
The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including "*A Guide to Preparing Local Environmental Plans*" and "*A Guide to Preparing Planning Proposal*." It sets out the justification for the proposed LEP amendments applicable to the subject site to allow for residential use at Level 1 of the Dee Why Town Centre Site B.

We request that Northern Beaches Council favourably consider this Planning Proposal and that Council resolve to forward it to the Department of Planning and Environment for Gateway Determination in accordance with the *Environmental Planning and Assessment Act, 1979* to prepare the necessary LEP amendment.

The Planning Proposal will allow for all types of non-residential uses at ground floor that is found in most mixed use zones in metropolitan centres.

The Planning Proposal seeks to permit residential on Level 1 that is also consistent with other mixed use zones in town centres.

Annexure 1: Concept Plan



CHILD CARE
AREA: 2484m²

COMMERCIAL
AREA: 6708m²

NOTE:
ALL AREAS SUBJECT TO FINAL SURVEY

Quality Assurance System
Audited By:

COMPASS PARTNERS PTY LTD (FORMER)

We warrant that the drawings together with any other information, including the information on the drawings, are true and correct and that we have no knowledge of any other information that may affect the accuracy of the drawings.

Drawn By: [Signature]
Date: [Date]

Key Plan



Building Engineer
Mechanical Engineer
Electrical Engineer
Hydraulic Engineer

Client
Mellon Group
Level 11, Mellon Tower
528 Kent St. Sydney 2000

Project
DEE WHY TOWN CENTRE

Drawing Title
GA LEVEL 01

Scale 1:250
Date 19/04/17
Drawn By: [Signature]
Checked: H.A.

DEVELOPMENT APPLICATION
Project No
CA 3103

Drawing No
0008

Rev
K