

Statement of Environmental Effects

S4.55 Application

884-896 Pittwater Road, 9-17 Howard Avenue, 14-16 and
28 Oaks Avenue, Dee Why

Amend various conditions

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PREPARED BY

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1 Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) describes and considers a modification to Development Consent DA2016/0705 for the comprehensive redevelopment of land at 884-896 Pittwater Road, 9-17 Howard Street, 14-16 and 28 Oaks Avenue, Dee Why to accommodate a mixed use development. The site is known as Dee Why Town Centre %Site B+.

1.2 Background

Development Application DA2016/0705 to allow for the comprehensive redevelopment of the site for mixed use accommodated within two buildings was approved by the Sydney Planning Panel on 10 May 2017. The application involved the construction of:

- Construction of two buildings of 18 storeys and 16/17 storeys
- 350 residential apartments
- Three levels of basement car parking to accommodate 1,035 car parking spaces;
- Ground and first floor level retail and commercial floor space including a supermarket tenancy
- Child care centre for 130 children at first floor level
- New publicly accessible plaza

1.3 Purpose of the Modification

The subject application seeks to amend the timing for the satisfaction of the following conditions to facilitate the phased construction of the development and to ensure public safety:

CONDITION	DESCRIPTION	REQUIRED TIMING	PROPOSED TIMING
15c)	Basement car park ramp set at or above relevant Flood Planning Level	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant basement car park
54	Loading Dock Management Plan	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the first loading dock
55	Howard Avenue Delivery Dock	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the Howard Avenue Delivery Dock
56	Oaks Avenue Delivery Dock	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the Oaks Avenue Delivery Dock
57	Authorisation of Legal Documentation Required for On-site Stormwater Detention	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the final Occupation Certificate
59	Reinstatement of Kerb	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate

CONDITION	DESCRIPTION	REQUIRED TIMING	PROPOSED TIMING
60	Restriction as to User for On-site Stormwater Detention	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
61	Stormwater Disposal Tie to particular building . building B (last building to be occupied)	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
62	On-Site Stormwater Detention Compliance Certificate	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
77	Required Planting	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
82	Paving	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
83	Removal of all temporary structures/material and construction rubbish	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
84	Garbage and recycling facilities	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the garbage store
87	Fire Safety Matters	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant building
91	Access to Loading Facilities	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant loading dock
92	Speed Humps at Control Points	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant basement
94	Parking Allocation for Child Care Centre	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the childcare centre
95	Residential Stacked Parking	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant building
96	Disabled Car Parking Areas	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
99	Design Quality Statement On Completion	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate
100 c)	Section 138 Roads Act approval . Howard Avenue Traffic Median	Prior to the issue of any interim/final Occupation Certificate	Prior to the commencement of use of either of the Howard Avenue vehicle driveways
101	Binding Agreement	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate

CONDITION	DESCRIPTION	REQUIRED TIMING	PROPOSED TIMING
117	Allocation of Spaces	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the basement
118	Visitors Signs	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate

1.4 Structure of the Report

This Statement:

- Describes the site and its surrounding area;
- Details the nature of the proposed development; and
- Undertakes an assessment of the proposal under the heads of consideration in Section 4.15 (1) of the *Environmental Planning and Assessment Act, 1979*.

The conclusion is reached that the proposal is acceptable with regard to all relevant planning issues.

2 Site and Surroundings

2.1 The Site

2.1.1 Property Description

The site is known as 884-896 Pittwater Road, 9-17 Howard Street, 14-16 and 28 Oaks Avenue, Dee Why. **Figure 1** shows the general location of the site and **Figure 2** shows an aerial view of the site and its boundaries. The table below provides a list of the site details.

Land Title	Address
Lot 1, DP 307937	896 Pittwater Road, Dee Why
Lot 3, DP 307937	896 Pittwater Road, Dee Why
Lot A, DP 416469	894 Pittwater Road, Dee Why
Lot 1, DP 504212	892 Pittwater Road, Dee Why
Lot 10, DP 231418	890 Pittwater Road, Dee Why
Lot 11, DP 231418	888 Pittwater Road, Dee Why
Lot A, DP 339410	884 Pittwater Road, Dee Why
Lot 7, Section 16, DP 8172	9 Howard Avenue, Dee Why
Lot 1, DP 209503	11 Howard Avenue, Dee Why
Lot 1, DP 212382	15 Howard Avenue, Dee Why
Lot 2, DP 212382	17 Howard Avenue, Dee Why
Lot A, DP 371110	14 Oaks Avenue, Dee Why
Lot B, DP 371110	16 Oaks Avenue, Dee Why
Lot 3, DP 212382	28 Oaks Avenue, Dee Why

2.1.2 Existing Development

The site was previously occupied by a mix of non-residential buildings that have been demolished. DA2016/0705 for the construction of a new mixed use development including a shopping centre was approved on 10 May 2017. Construction has commenced and is at an advanced stage.

2.1 Surroundings

The surrounding area comprises the Dee Why Town Centre. It consists of a mix of land uses with a focus on small scale retail and commercial development with newer residential flat buildings occurring on the western side of Pittwater Road.

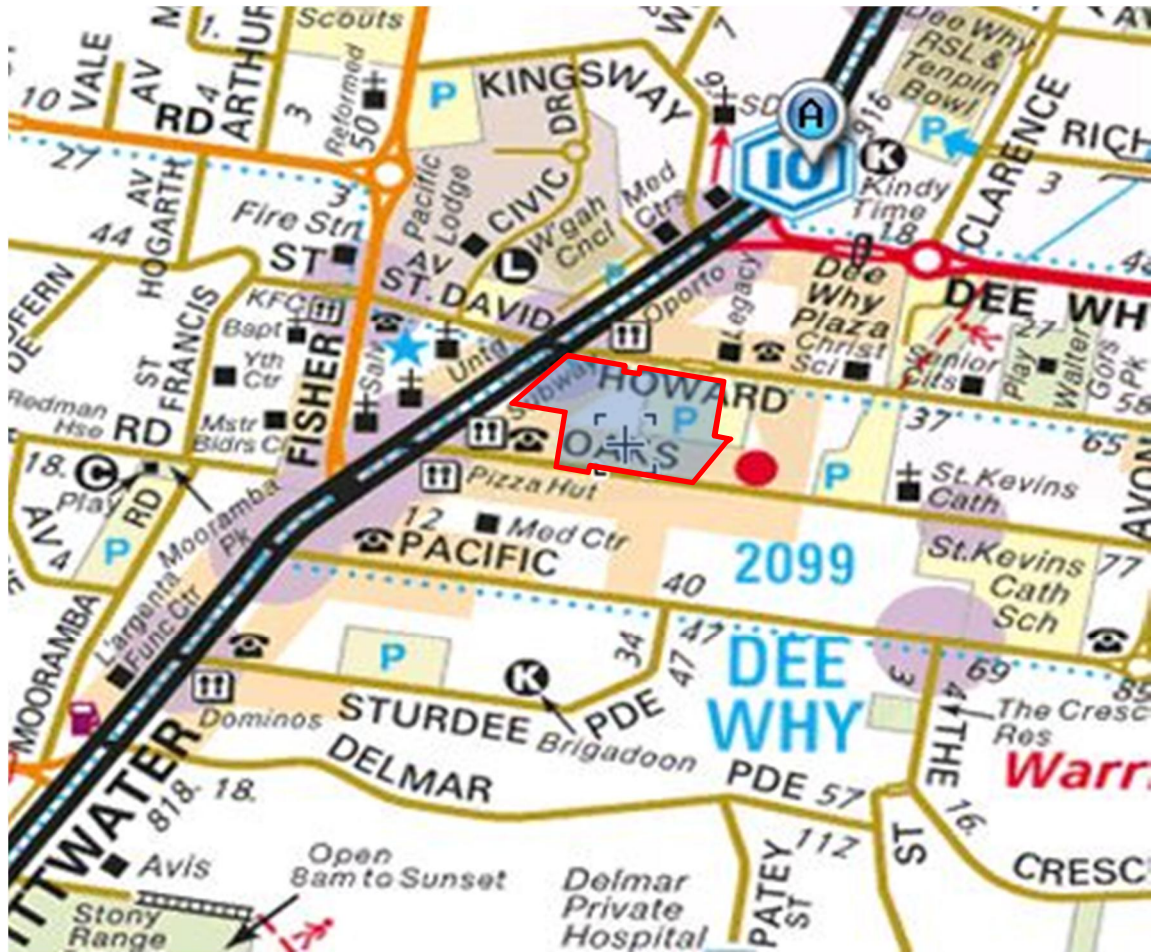


Figure 1: Location of subject site marked with red star



Figure 2: Aerial view of subject site - outlined in red

3 Proposed Modification

3.1 Reason for the Modification

The intention of the modification is to allow for a change in the timing for the completion of various condition requirements to facilitate the phased construction of the development and to ensure public safety as summarised below. The changes seek to link relevant conditions to specific phases of the development. As currently worded various conditions must be satisfied prior to the issue of the first interim Occupation Certificate; this does not allow sufficient flexibility for the construction of a development of this scale.

REF.	DESCRIPTION	REQUIRED TIMING	PROPOSED TIMING	REASON
15c)	Basement car park ramp set at or above relevant Flood Planning Level	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant basement car park ramp	The development comprises two separate basement entry points (1) Building C; (2) Building D. Building C will be completed and operational prior to completion of Building D. The condition currently prevents occupation of Building C until the basement entry of Building D has been completed and ramp levels have been verified by the PCA.
54	Loading Dock Management Plan	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the first loading dock	The development comprises two separate loading docks (1) Building B; (2) Building D. Building C will be completed and operational prior to completion of either Building D or B. The condition currently prevents occupation of Building C until the loading dock management plan has been finalised.
55	Howard Avenue Delivery Dock	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the Howard Avenue Delivery Dock	The development comprises two separate loading docks (1) Building B; (2) Building D. Building C will be completed and operational prior to completion of either Building D or B. The condition currently prevents occupation of Building C until the loading dock management plan has been finalised. It is appropriate to link the condition to the Occupation of the relevant loading dock.
56	Oaks Avenue Delivery Dock	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the Oaks Avenue Delivery Dock	The development comprises two separate loading docks (1) Building B; (2) Building D. Building C will be completed and operational prior to completion of either Building D or B. The condition currently prevents occupation of Building C until the loading dock management plan has been finalised. It is appropriate to link the condition to the Occupation of the relevant loading dock.

REF.	DESCRIPTION	REQUIRED TIMING	PROPOSED TIMING	REASON
57	Authorisation of Legal Documentation Required for On-site Stormwater Detention	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the final Occupation Certificate	Stormwater detention works are being progressively completed and will not be finalised until the development has been fully completed. The condition currently prevents occupation of any building until all stormwater detention works have been finalised. The condition needs to be linked to final occupation to enable occupation of individual buildings.
59	Reinstatement of Kerb	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	The condition cannot be satisfied until final occupation as construction will be ongoing until this time.
60	Restriction as to User for On-site Stormwater Detention	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	Stormwater detention works are being progressively completed and will not be finalised until the development has been fully completed. It is appropriate to link the condition to the final occupation certificate.
61	Stormwater Disposal	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	Stormwater detention works are being progressively completed and will not be finalised until the development has been fully completed. It is appropriate to link the condition to the final occupation certificate.
62	On-Site Stormwater Detention Compliance Certificate	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	Stormwater detention works are being progressively completed and will not be finalised until the development has been fully completed. It is appropriate to link the condition to the final occupation certificate.
77	Required Planting	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	The condition cannot be satisfied until final occupation as construction will be ongoing until this time. The placement of work zones across the development site prevents the full landscaping strategy to be implemented until the development is finalised.
82	Paving	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	This area is being used as a work zone (in agreement with Council), and will continue to be used as such for the duration of the construction process. It is therefore appropriate to link the condition to the final occupation certificate.
83	Removal of all temporary structures/material and construction rubbish	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	The condition cannot be satisfied until final occupation as construction will be ongoing until this time.

REF.	DESCRIPTION	REQUIRED TIMING	PROPOSED TIMING	REASON
84	Garbage and recycling facilities	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant garbage store	The development includes separate waste storage rooms in Buildings A, B and C, and bulky goods room in Building D. These buildings will be completed and occupied at different times. The condition as currently worded prevents this phased approach. It is appropriate for the condition to be linked to the occupation certificate for the relevant waste room.
87	Fire Safety Matters	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant building	While the first part of the condition states that the requirements of the condition are to be met %at completion of all works+as currently worded the condition must be satisfied prior to the completion of the first occupation certificate. This prevents the phased occupation of the development. It is appropriate to link the condition to the occupation certificate for each relevant building.
91	Access to Loading Facilities	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant loading dock	The development comprises two separate loading docks (1) Building B; (2) Building D. Building C will be completed and operational prior to completion of either Building D or B. The condition currently prevents occupation of Building C until the loading docks have been completed, and similarly would prevent the occupation and use of the Building D loading dock prior to completion of the Building B dock and vice versa.
92	Speed Humps at Control Points	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant basement	The condition cannot be satisfied until final occupation as construction will be ongoing until this time. Any work undertaken prior to completion would need to be revisited due to potential damage caused by construction activity. Implementation of these measures would also potentially hinder the construction process.
94	Parking Allocation for Child Care Centre	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the childcare centre	It is appropriate for the condition to be linked to the occupation certificate for the childcare centre.
95	Residential Stacked Parking	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the relevant building	The condition as currently worded would require completion of all basement levels prior to occupation of any building. It is relevant to link the condition to each individual residential building.

REF.	DESCRIPTION	REQUIRED TIMING	PROPOSED TIMING	REASON
96	Disabled Car Parking Areas	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	The disabled parking spaces are distributed throughout the basement areas. The condition as currently worded would require completion of all basement levels prior to occupation of any building. It is relevant to link the condition to the issue of the final occupation certificate.
99	Design Quality Statement On Completion	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	The condition cannot be completed until the issue of the final occupation certificate. As currently worded the condition prevents phased occupation as all building would need to have been fully completed to satisfy the condition.
100 c)	Section 138 Roads Act approval . Howard Avenue Traffic Median	Prior to the issue of any interim/final Occupation Certificate	Prior to the commencement of use of either of the Howard Avenue vehicle driveways	While the application under Sections 138 and 139 of the Roads Act may be lodged prior to the first occupation certificate it is not considered appropriate to complete the traffic median works prior to final occupation as this will potentially hinder construction activity and may result in additional work given the potential for damage to the median strip by construction vehicles.
101	Binding Agreement	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	The condition currently requires agreement from external parties (Council and Transport for NSW). This has the potential to cause significant delays to the issue of the first occupation certificate. It is considered appropriate to link the condition to the issue of the final occupation certificate.
117	Allocation of Spaces	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Occupation Certificate for the basement	The condition as currently worded would require completion of all basement levels prior to occupation of any building. It is relevant to link the condition to the issue of the final occupation certificate.
118	Visitors Signs	Prior to the issue of any interim/final Occupation Certificate	Prior to the issue of the Final Occupation Certificate	It is appropriate to link the condition to the issue of the final occupation certificate.

3.2 Proposed Modification

The proposed modification involves an amendment to the following conditions:

~~Strikethrough~~ denotes text to be deleted, new text shown in **bold**:

15. Flood

c) Basement Car Parking

*The basement car park must have a ramp with a crest set at or above the relevant Flood Planning Level. All potential basement water access points, including fire stairs, shall be protected from flooding up to the relevant Flood Planning Level. A registered surveyor report is to be prepared certifying that the driveway crests are above the flood planning level. Details are to be provided to the PCA prior to the issue of ~~the any interim/final~~ Occupation Certificate **for the relevant basement car park.***

54. Loading Dock Management Plan

A Loading Dock Operational Management Plan shall be submitted to Council detailing the daily operation of the loading docks, including the following:

- a) Location of the loading bays, truck routes and size of vehicles that are permitted at the loading docks.*
- b) Servicing arrangements, including hours of operation, frequency and types of deliveries and information regarding the transport of goods within the development.*
- c) Management procedures including details of the loading dock manager, loading dock booking arrangements, induction, driver responsibilities, complaints management systems and monitoring.*
- d) The procedure for vehicles with a greater height than 3.6m requiring use of the Howard Avenue loading dock, and internal circulation map for the transport of goods from this loading dock to the residential, retail and commercial tenancies (including the buildings fronting Oaks Avenue and Pittwater Road).*

*Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** Occupation Certificate **relevant loading dock.***

55 Howard Avenue Delivery Dock

Vehicles servicing the site from the Howard Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.*
- b) All deliveries to the premises shall be made to the loading bay provided.*
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby streets.*
- d) No vehicle over 15m long shall access the driveway to the delivery dock off Howard Avenue.*
- e) No other movements other than left-in and left-out permitted at the access driveway to the loading dock fronting Howard Avenue. A suitable raised non-mountable median island shall be installed to physically restrict unpermitted movements into/out of the driveway. Relevant plans and engineering details of the median island shall be submitted to Council for approval prior to installation.*

*Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** Occupation Certificate **for the Howard Avenue Delivery Dock.***

56 Oaks Avenue Delivery Dock

Vehicles servicing the site from the Oaks Avenue Delivery Dock shall comply with the following requirements:

- a) All vehicular entries and exits shall be made in a forward direction.
- b) All deliveries to the premises shall be made to the loading bay provided.
- c) All vehicles awaiting loading or unloading shall be parked on-site and not on adjacent or nearby streets.
- d) No vehicle over 8.8m long and 3.6m high shall access the access driveway. Appropriate regulatory and warning signs shall be installed to indicate the available to the loading dock entrance clearance prior to the loading entrance.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** Occupation Certificate **for the Oaks Avenue Delivery Dock**.

57 Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as Executed Plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineer's certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ **the** final Occupation Certificate.

59 Reinstatement of Kerb

All redundant laybacks and vehicular crossing shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ **the** final Occupation Certificate.

60 Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ **the** final Occupation Certificate.

61 Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ **the** final Occupation Certificate.

62 On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a work-as-executed drawing certified by a registered surveyor and

overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ **the** final Occupation Certificate.

77 Required Planting

Trees shall be planted in accordance with the following schedule:

No. of Trees Required	Species	Location	Pot Size
All trees and palms	As indicated on Landscape Plans – Ground Level, drawing numbers 201 and 202, Rev. B dated 14.01.2016 prepared by Arcadia Landscape Architecture	As indicated on the Landscape Plans	As indicated on the Landscape Plans

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ **the** final Occupation Certificate.

82 Paving

Paving shall be installed over the sewer easement on the eastern side of Block C (Building 1), between the eastern elevation of the building and Council's Triangle Park in accordance with Council's Dee Why Town Centre Streetscape specification.

Details demonstrating compliance are to be submitted to the PCA prior to the issue ~~any interim/~~ **the** final Occupation Certificate.

83 Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ **the** final Occupation Certificate.

84 Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** Occupation Certificate **for the relevant garbage or recycling room.**

87 Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as

per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

91 Access to Loading Facilities

The applicant is to provide a signal system at the entry to the loading docks to indicate that a respective loading dock is in use.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** Occupation Certificate **for the relevant loading dock**.

92 Speed Humps at Control Points

Speed humps shall be provided at all control points within the property to reduce approach vehicle speeds. Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~the any interim/final~~ Occupation Certificate.

94 Parking Allocation for Child Care Centre

Twenty four (24) car parking spaces are to be provided for the Child Care Centre and located close to the elevator with direct access to the child care centre facility. The car parking spaces shall be conspicuously signposted with operation times and days, with line marking to restrict its use for the Child Care Centre pick up / drop off activities during its operation times.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** Occupation Certificate **for the childcare centre**.

95 Residential Stacked Parking

Stacked car parking spaces are to be assigned to the same residential unit (each stacked module to one apartment only).

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the** Occupation Certificate **for the relevant building**.

96 Disabled Car Parking Areas

The development shall provide a total of eleven (11) disabled non-residential car parking spaces in compliance with AS2890.6.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/final~~ **the final** Occupation Certificate.

99 Design Quality Statement On Completion

The Project Architect and Landscape Architect are to provide a Design Verification Statements which confirm that the completed development meets the design qualities of the approved development, including the architectural design, colours, materials and finishes and landscape treatment as contained in the consent and conditions.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ the final Occupation Certificate.

100(c) Section 138 Roads Act approval – Howard Avenue Traffic Median

An application for works to be approved in Council's Roadway (Section 138 and 139 of the Roads Act 1993) is to be lodged to Council together with the approval fee (in accordance with Council's Fees and Charges) prior to the issue of the construction certificate. The Traffic Median reconstruction works are to be completed prior to the issue of ~~any interim/~~ the final occupation certificate.

101 A Binding Agreements

A binding agreement between the applicant, Council and/or Transport for NSW, is to be developed that ensures clearly defined responsibilities for streetscape maintenance (paving, lighting, furniture, transport information systems, etc.) within the Pittwater Road colonnade area. A similar agreement shall be established for the Oaks Avenue pedestrian footpath area (adjacent to the loading dock and parking entrance near 14-16 Oaks Avenue).

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ the final Occupation Certificate.

117 Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 453 spaces – Residential component
- 35 spaces – Residential visitors
- 523 spaces – Retail component
- 24 spaces – Child Care Centre

Car parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit/tenancy shall be line marked and numbered or signposted to indicate the unit/tenancy to which it is allocated.

Details demonstrating compliance are to be submitted to the PCA prior to the issue of ~~any interim/~~ the final Occupation Certificate.

3.3 Proposed Works

No physical works are proposed by this application.

4 Section 4.55 Assessment

The application has been assessed in accordance with the relevant requirements of Section 4.55 of the EP&A Act as set out below.

4.1 Environmental Impact

The potential environmental impacts of the proposed amendments are negligible and can be considered under the provisions of Section 4.55 of the EP&A Act.

The proposed modifications involve changes to various conditions, specifically in relation to the timing for the completion of the requirements of these conditions.

The physical appearance of the development will not be impacted in any way.

4.2 Extent of Modification

The proposed modifications will result in substantially the same development as originally approved under DA/2016/0705. The proposed modifications will not have any impact on the nature, scale, location or form of the approved buildings.

5 Environmental Planning Assessment

5.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

5.1.1 Warringah Local Environmental Plan 2011

Part 2 of the Warringah Local Environmental Plan 2011 (LEP) identifies that the subject site is zoned B4 Mixed Use.

There are no other clauses of the LEP that are particularly relevant in the assessment of the proposal.

5.2 Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments

Not applicable.

5.3 Section 4.15(1)(a)(iii): Development Control Plans

5.3.1 Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 applies to the subject site. The proposal does not affect compliance of the development with the relevant provisions of the DCP.

5.4 Section 4.15(1)(a)(iiia): Planning Agreements

None applicable.

5.5 Section 4.15(1)(a)(iv): Regulations

The modification has been made in accordance with the requirements contained in the *Environmental Planning and Assessment Regulation 2000*.

5.6 Section 4.15(1)(b): Likely Impacts

The Dee Why Town Centre %Site B+ development was approved under DA2016/0705. No changes are proposed to the built form approved under that DA. The proposal will not alter the architectural character or appearance of the approved buildings.

The proposed alterations will not result in any discernible environmental impacts.

Overall, the proposal will have a positive social and economic impact through the provision of a good quality mixed use development that will provide new housing opportunities.

5.7 Section 4.15(1)(c): Suitability of the Site

There are no environmental constraints on the site that would impede the modification or render it unsuitable for the site.

5.8 Section 4.15(1)(d): Submissions

Council will consider submissions at the close of the exhibition period.

5.9 Section 4.15(1)(e): The Public Interest

For the reasons set out in this Statement, it is considered that the public interest would be best served by approval of the modification under consideration, to remove any risk to private or public land holdings.

6 Conclusion

The modification is to change various conditions to allow for a variation to the timing for the completion of certain requirements.

The proposal satisfies the relevant heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act, 1979*. It is considered that the proposal provides an appropriate response to the planned development of the site and will assist in the orderly and economic development of the land.

The development is substantially the same as when originally approved for the purposes of Section 4.55 of the *Environmental Planning and Assessment Act* and will have no implications upon the public domain.

Accordingly, the application should be recommended for approval.

Meriton
March 2018