

Statement of Environmental Effects

S96 (1A) Application

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

Extend excavation

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PREPARED BY

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1 Introduction

This Statement of Environmental Effects (SEE) describes and considers a modification to Development Consent DA2015/0612 at 884-896 Pittwater Road, 9-17 Howard Street, 14-16 and 28 Oakes Avenue, Dee Why. The site is known as Dee Why Town Centre "Site B". The proposed works involves excavating part of the site an additional 600mm to allow for more car parking on the site.

The construction of new buildings is not proposed by this application.

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 79C (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 and a site survey is included at **Annexure 1**.

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. Excavation of the site has now commenced.

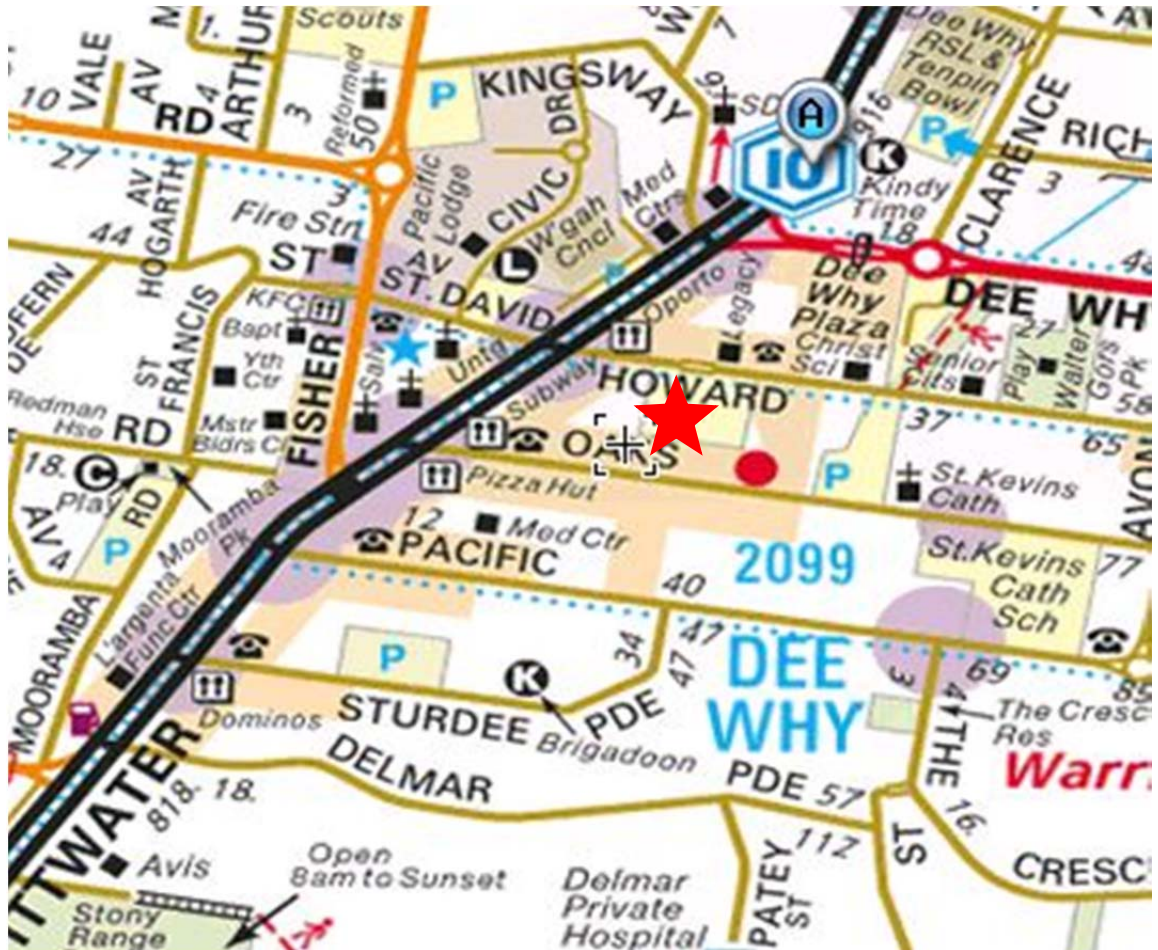


Figure 1: Location of subject site marked with red star



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

2.1.3 Planning History

Development consent (2015/0612) for excavation was granted by Council on the 22 December 2015.

Demolition approval (2014/0805) was issued by Warringah Council on the 9 September 2014.

2.1.4 Ground Conditions

It is relevant to note that a site auditor has been appointed to review all contamination aspects of the project.

2.2 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 some emerging residential flat buildings.

On Howard Avenue, adjoining the site to the east is a residential flat development as shown in **Figure 3**.

On Pittwater Road, adjoining the site to the south is a mixed use (ground floor retail and apartments above) building shown in **Figure 4**.

On Oaks Avenue, on adjoining land to the east is a laneway and building containing a medical centre as shown in **Figure 5**.

A written advice has been provided to determine the appropriateness of further excavation by Coffey Environmental Australia Pty Ltd (refer to **Annexure 3**).



Figure 3: Development on Howard Avenue on adjoining land to the east



Figure 4: Existing mixed use building on Pittwater Road on adjoining land to the south



Figure 5: Existing laneway and commercial building on Oaks Avenue adjoining the east of the site

3 Proposal

3.1 Relevant Background

3.1.1 Stage 1 DA Approval

On 26 February 2009, Council granted consent to DA2007/1249 for the following:

Stage 1 Development Application for a concept mixed use development comprising residential, retail and commercial uses, including 3 storey street front buildings to Oaks Avenue and part of Howard Avenue, an 8 storey commercial office building fronting Pittwater Road, 7 storey mid-rise residential buildings, two residential tower buildings (one part 15/part 18 storeys and one of part 14/part 17 storeys), a publicly accessible "town square" and north-south pedestrian link, 5 levels of car parking (4 basement levels and 1 above ground level), a bus bay and vehicular access.

The site that is the subject of the above approval is shown in **Figure 6** below.



Figure 6: Site area of approval under DA2007/1249

The Stage 1 DA allows for "concept approval" only, further development applications are required for all physical works, including demolition and excavation, associated with the project.

3.2 Proposed Works

The proposed minor amendment is to increase the depth of excavated area by up to 600mm covering one third of the site. Undertaking the additional works will allow for extra car parking spaces within the basement and all for lift pits, footing pads and the like. The number of additional car parking spaces will be finalised with a future amended basement plan that applies to DA2016/0705, which is currently being assessed by Council. Development Application 2016/0705 consists the entire redevelopment of the site.

Amended plans are provided at **Annexure 2**. The excavation plans show the extent and depth of excavation proposed. No other change is proposed to the existing consent.

Noise from construction activities associated with the development shall continue to comply with the NSW Environment Protection Authority's *Environmental Noise Manual and the Protection of the Environment Operations Act 1997*.

4 Environmental Planning Assessment

4.1 Section 79C(1)(a)(i): Environmental Planning Instruments

4.1.1 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.

Clause 6.2 requires the consent authority to consider the following matters:

The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.

No change to drainage patterns / soil stability will arise from the minor change.

The erosion and sediment control measures approved under the original consent remain.

The effect of the proposed development on the likely future use or redevelopment of the land.

Additional excavation will ensure more car parking will take place on the site to address the current shortfall of car spaces in the basement.

The quality of the fill or the soil to be excavated, or both.

Excavation works are proposed to facilitate the creation of a future basement car park.

The minor additional excavation does not change the fill or soil to be removed from the site. A letter from Coffey Environments Australia Pty Ltd confirms no additional impact (**Annexure 3**).

The effect of the proposed development on the existing and likely amenity of adjoining properties.

No change to the amenity of adjoining properties will take place. The excavation will continue to be completed in the timeframe proposed in the original development application (6-8 months).

The source of any fill material and the destination of any excavated material.

Clean site certification will be obtained following completion of works (currently underway).

The likelihood of disturbing relics.

No change from the original DA approval. The potential for archaeological remains to be located within the site is considered to be low. The proposed development will take place on land that is highly disturbed. As a result there is considered to be little potential for archaeological findings.

The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Erosion and sediment control measures will continue to be implemented to manage water quantity and quality as required by the parent DA approval.

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

4.2 Section 79C(1)(a)(ii): Draft Environmental Planning Instruments

The site is not subject to a Planning Proposal to amend the existing site specific controls.

4.3 Section 79C(1)(a)(iii): Development Control Plans

4.3.1 Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 applies to the subject site. An assessment of the proposal against the relevant provisions of the DCP is contained in the table below.

DCP Provision	Assessment
C5 Erosion and Sedimentation	
1. <i>Erosion and sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur.</i>	No changes are proposed. On site measures will continue as required by the parent DA consent.
2. <i>Any erosion and sedimentation is to be managed at the source. Development that is likely to result in erosion and sedimentation is to be accompanied by a Soil and Water Management Plan which ensures minimum soil erosion and maintenance of the downstream water quality. The Plan is to be prepared in accordance with the Managing Urban Stormwater: Soils and Construction Handbook and is to provide details of the proposed method of on-site erosion and sediment control.</i>	Existing measures are in accordance with relevant guidelines.
C7 Excavation and Landfill	
1. <i>All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.</i>	Excavated material will be removed from the site in accordance with the relevant guidelines including the Updated Waste Classification Guidelines of the DECWW (2009).
2. <i>Excavation and landfill works must not result in any adverse impact on adjoining land.</i>	No change to what has already been approved.
3. <i>Excavated and landfill areas shall be constructed to ensure the geological stability of the work.</i>	No change to original approval. See submission from Coffey Environments Australia Pty Ltd (Annexure 3).
4. <i>Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.</i>	Appropriate erosion and sedimentation measures continue under the existing approval.
5. <i>Rehabilitation and revegetation techniques shall be applied to the fill.</i>	Not relevant, no fill.
6. <i>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.</i>	Not relevant, no fill.

4.4 Section 79C(1)(a)(iiia): Planning Agreements

No planning agreement is subject to the parent Excavation DA or this modification.

4.5 Section 79C(1)(a)(iv): Regulations

The modification has been made in accordance with the requirements contained in Clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000*.

4.6 Section 79C(1)(b): Likely Impacts

The modification will not have any adverse impacts than considered by Council with the parent DA approval. The minor variation continues to satisfy the relevant standards and existing mitigation measures.

4.7 Section 79C(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.

4.8 Section 79C(1)(d): Submissions

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

4.9 Section 79C(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, given the end result will create additional car parking spaces for the Dee Why Centre.

5 Conclusion

The modification seeks to increase the depth of excavation by 600mm for one third of the site. This will enable more car parking spaces to be provided on site.

The proposal satisfies the relevant heads of consideration under Section 79(C) of the *Environmental Planning & Assessment Act, 1979*.

Accordingly, the application should be recommended for approval.

Annexure 1: Site Survey

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