

Statement of Environmental Effects

Development Application

Dee Why Town Centre "Town Square"

Two Kiosks and associated outdoor seating

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1 Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Karimbla Construction Services (NSW) Pty Ltd and is submitted to Northern Beaches Council in support of a Development Application (DA) which seeks consent for the construction of two (2) custom built kiosks to trade as small-scale retail premises within the western side of the approved Town Square and the provision for temporary outdoor seating areas.

The approved Town Square is situated within the Dee Why Town Centre and forms part of Registered Lot 2 DP 1241568, 888 Pittwater Road, Dee Why. The site is referred to as "Town Square" throughout this report.

This Statement of Environmental Effects will address the proposal in the context of the applicable planning legislation and policy:

- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan 2011 (Warringah DCP 2011)
- Part G1 of Warringah DCP 2011.

This Statement of Environmental Effects describes the site, its surrounding area and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A ACT).

This report should be read in conjunction with the supporting documentation attached in **Annexures 1 - 6**.

2 Site and Surroundings

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).

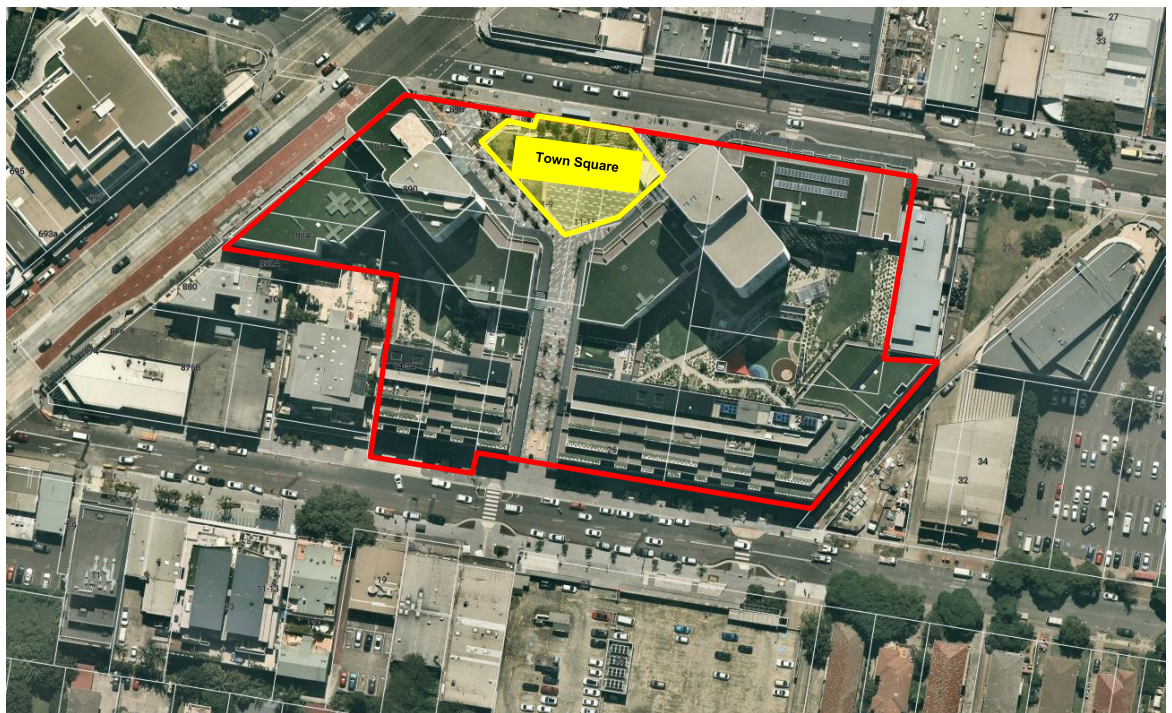


FIGURE 1: SITE MAP

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. The construction of the mixed-use development is completed.

2.2 Site Description

The site subject of this application is the approved Town Square (as highlighted in yellow in **Figure 1** above).

The Town Square is irregular in shape, is approximately 2,259 sqm in area and is situated within the Dee Why Town Centre. The Town Square forms part of registered Lot 2 DP 1241568, 888 Pittwater Road, Dee Why (Refer to **Annexure 1** for Registered Stratum Subdivision Plan).

An easement exists in the Town Square and is registered under DP1248292. The purpose of the easement is to create the Town Square beneficiary rights for Council, to use the area within the easement boundaries for 30 days of the year for events (Refer to **Annexure 2** for the Registered Easement Plan)

2.3 Surrounding Context

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.

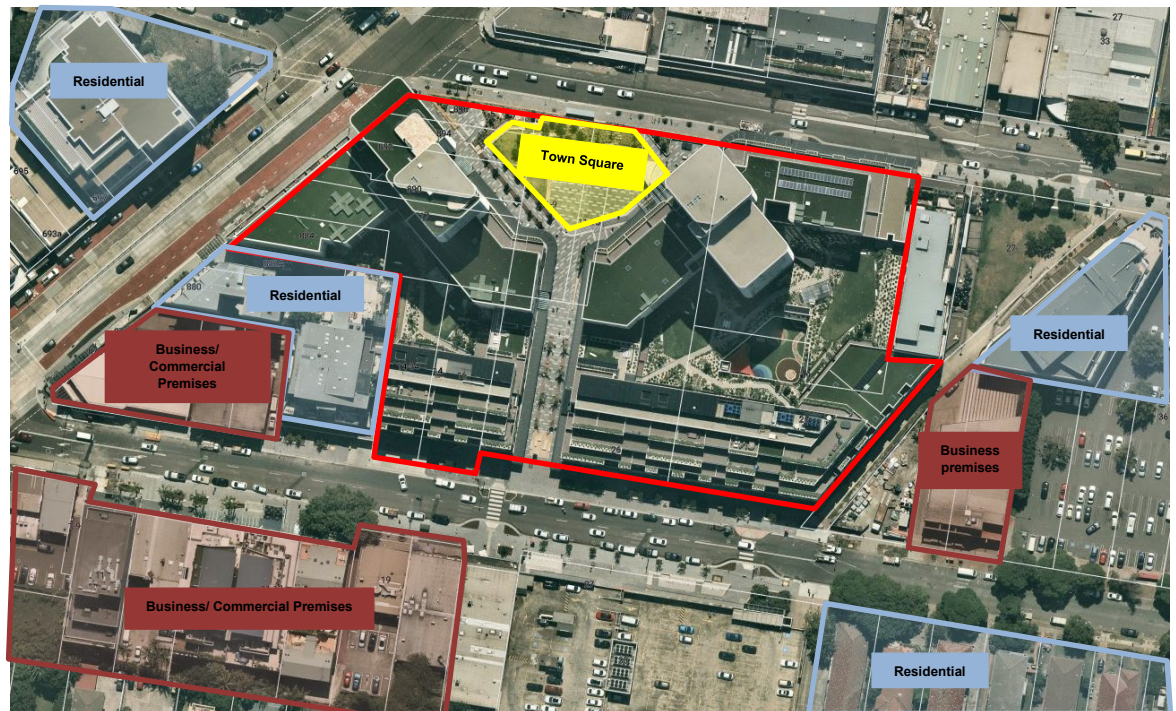


FIGURE 2: SITE ANALYSIS MAP

2.4 Planning History

2.4.1 Existing Consent

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 with 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

3 Description of Development Proposal

3.1 Overview

This application is seeking approval for the construction of two (2) custom built kiosks to trade as small-scale retail premises within the western side of the approved Town Square in DA2016/0705.

3.2 Use

Consent is sought for use of the custom-built kiosks to trade as small-scale retail premises. No cooking will be undertaken on site (beyond the use of a grill and a toaster) but there will be food preparation, storage and packaging.

The proposed kiosks will be leased to a private operator; ideally one that specialises in take away coffee and convenience pre-prepared goods.

3.3 Operational Details

The proposed kiosks will operate as a small-scale retail premises, on a daily basis (7 days a week), within the hours of 6am to 11pm. These proposed hours are consistent with the maximum hours of operation for the Town Square in the Approved Landscape Concept Plan prepared by Arcadia Landscape Architecture.

Staffing details will be provided to Council, once an operator has been signed.

3.4 Proposed Kiosks

The proposed kiosks will be approximately 3 metres in height and 17 sqm in size (6m x 2.7m). The proposed structure will include a door (2.4m x 1m), window opening (1.45m x 4.1m) and a weather protection awning that will form part of the structure.

Each kiosk will be equipped new counters, prep bench, double sink, refrigerator, storage areas, cash register and kitchen equipment including a coffee machine, hot food cabinet, cake display, microwave and sandwich press. Moveable outdoor furniture will include seating & tables and umbrellas.

The kiosk has the benefit of being a standalone structure, therefore cosmetic treatment that is consistent with external finishes of surrounding developments has been proposed.

The proposed kiosks will be connected to services including water supply and electricity and will incorporate adequate area for storage of general waste and recycling bins for day to day waste.

3.5 Waste Management

An adequate, regular cleaning program will be enforced to ensure the tenant and the designated seating zones are kept clean and free of all food container and spillages at all times.

All waste products will be safely disposed of by a waste contractor who will regularly dispose of the commercial. All waste will be stored in the designated waste storage area.

The storage area must be enclosed and have a smooth impervious floor for sufficient cleaning/hosing down of surfaces. Any excess building waste will either be recycled, disposed of thoughtfully and taken offsite.

A Waste Management Plan has been submitted as part of the application. Refer to **Annexure 5**.

3.6 Signage

Signage does not form part of this Development Application.

4 Environmental Planning Assessment

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

4.1.1 Overview

In accordance with the provisions of the Environmental Planning and Assessment Act 1979, the following planning instruments are relevant to the proposed development:

- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

The application of the above controls is discussed in the following section of this SEE.

The matters referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 are considered below

4.1.2 Warringah Local Environmental Plan 2011

The site is situated within the boundaries of the Warringah Local Government Area (LGA) and is subject to the relevant provisions of the *Warringah Local Environmental Plan 2011* (WLEP2011) as detailed below.

Zoning and Permissibility

The subject site is located within the B4 Mixed Use zone pursuant to the *Warringah Local Environmental Plan 2011*. An extract of the Land Zoning Map is included as Figure 3.

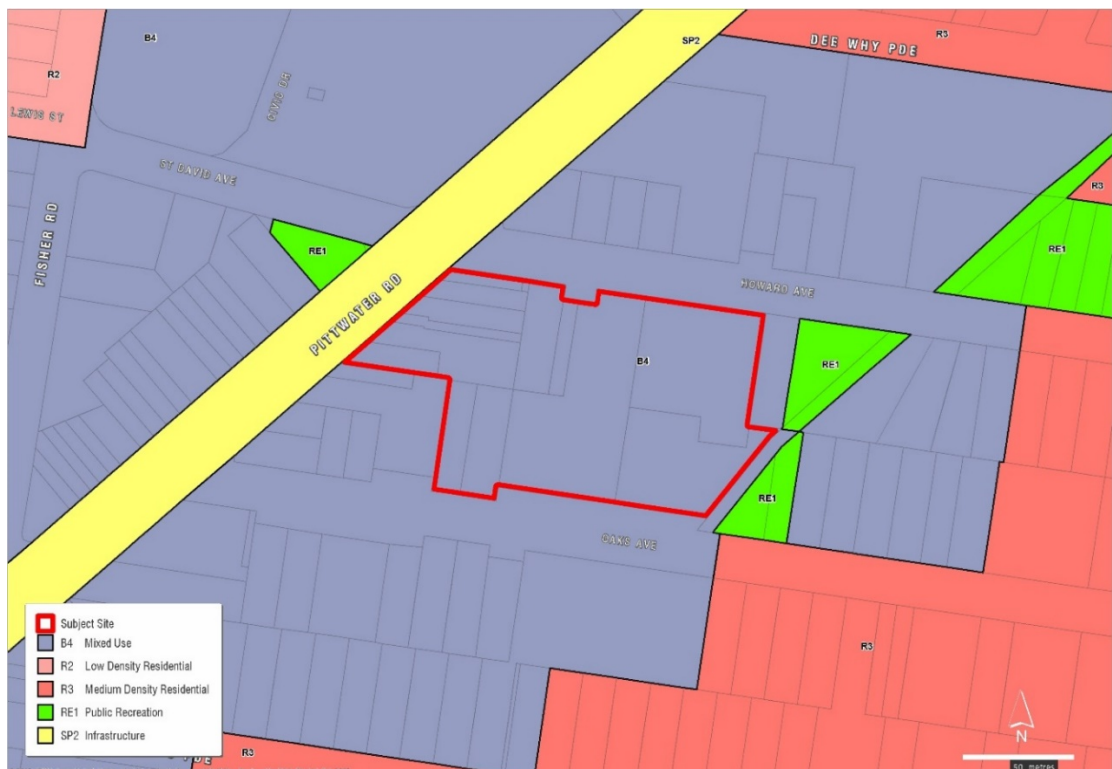


FIGURE 3: ZONING MAP

The objectives of the B4 Mixed Use zone are:

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

Under the *Warringah Local Environmental Plan 2011*, the proposed use would be defined as:

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like

'Kiosks' are permissible with consent in the B4 zone. The proposed use is consistent with this land use definition and the zone objectives as:

- The proposed use will sell a range of convenient products such as pre-packaged foods, coffee and light refreshments.
- The kiosk will not adversely impact on the Town Square or the amenity of the neighbourhood as the context of the use is within the approved mixed-use development and is distanced from residential dwellings and other sensitive noise receivers.
- The small-scale nature of the use will not be detrimental to the primary purpose of the Town Square which is to provide a flexible and adaptable open space. The proposal will aid in activating the space, maximise opportunities for social interaction and encourage resident and visitor occupation of the square.
- The use and location of the kiosk will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land as the operating area is within a permeable portion of the Town Square. The size of the seating area is not large enough to alter the receiving environment.

Overall, the proposal is considered to be consistent with the objectives of the B4 zone as it provides for additional retail uses within the approved public domain area which is compatible with the approved mixed use development; provides for a high level of pedestrian amenity and public usage; ensures the effective treatment of public/ private interface to minimise impacts on the surrounding residential amenity and encourages the ongoing active use of the approved Town Square space.

4.1.3 Relevant Provisions

Clause 4.3 – Height of Buildings

The WLEP 2011 does not prescribe a maximum building height for the site. The proposed kiosk is 3.06 metres in height.

Clause 4.4 – Floor Space Ratio

The proposed kiosks will be approximately 17 sqm each in size. The additional floor space for a kiosk use is considered negligible and does not add bulk and mass to the Town Square site.

Clause 5.4 - Controls Relating to Miscellaneous Permissible Uses

In accordance with Clause 5.4 (6) of WLEP 2011, development for the purposes of a kiosk is permitted, however the gross floor area must not exceed 50 square metres.

The proposed kiosks are 17 sqm each in area; therefore, they do not exceed 50 sqm and are compliant with Clause 5.4.

Part 7 Dee Why Town Centre

Clause 7.11 of *Warringah Local Environmental Plan 2011* relates specifically to the Town Square and pedestrian connection within the Dee Why Town Centre. An assessment of the proposal against this clause is provided in the table below.

(1)	<p>The objective of this clause is to ensure that development within the Dee Why Town Centre will include a Town Square that will be the heart of the community and will contain attractive, useable open spaces that are interlinked by a secure network of pedestrian connections.</p>	<p>A Detailed Landscape Concept Plan of the "Town Square" was prepared by Arcadia Landscape Architecture in association with DA2016/0705 which sought approval for the construction of a mixed-use development comprising retail, commercial and residential uses and a child care centre.</p> <p>The intention of the Landscape Concept Plan was to guide the future use and development of the LEP nominated Town Square site, by creating a contemporary, functional and aesthetically pleasing adaptable space that would: seamlessly blend with the proposed built form; extend beyond the confines of the nominated town square area; encourage resident and visitor occupation of these areas and in doing so promote community activity and engagement and improve the amenity of the site.</p> <p>The key components of the approved Landscape Concept Plan include:</p> <ul style="list-style-type: none"> • A high-quality landscape design that utilises both hard and soft landscape materials and infrastructure to successfully integrate the Town Square with the proposed mixed-use development and surrounding neighbourhood; and to support context and create balance across the open spaces; • Creating a comfortable environment that prioritises site users and encourages safe and legible movement to, from, and within the site;
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		<ul style="list-style-type: none"> • A scheme that enables efficient and accessible circulation for users moving through the space and provides a visual and physical connection between the site and Howard Avenue with through pedestrian access to Oaks Avenue; • Designing a Town Square that will become highly activated, vital to the community and maximises opportunities for social interaction. This can be achieved by the arrangement of street and movable outdoor furniture associated with cafes and restaurants; • Create a new flexible transitional space that can be used for community gatherings and events, but also a place where people can meet and gather or get a cup of coffee on the way to work • Provide opportunities for a variety of uses/tenancies including: cafes and restaurants, food and beverage outlets, market stalls and pop up shops, kiosk and other local community initiatives; • Ensure the Town Square has access to sunlight whilst also providing adequate shelter and wind protection and considers the landscape as a composition to be viewed down upon from future residential apartments; and • Create a robust design made from simple materials, diverse planting and bold forms that can be managed and maintained. <p>Figure 4 below shows the approved Town Square Detail Plan.</p>
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FIGURE 4: APPROVED TOWN SQUARE PLAN

(2)	Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on Site B unless the consent authority is satisfied that the development will:		
(a)	<p>be consistent with the establishment and maintenance of a Town Square that addresses Howard Avenue and that will:</p> <ul style="list-style-type: none"> i) occupy all of the land shown as "Town Square" on the Key Sites Map, and ii) be a flexible, multi-use space that will be suitable to accommodate markets, entertainment and community events and serve as a meeting place for the general public, and iii) be surrounded by colonnades at its perimeter that will provide all weather access to the ground floor retail outlets, and iv) include landscaping throughout the space that provides an appropriate canopy of indigenous tree species to enhance its amenity, and 	<p>The proposed development is for the construction of two (2) custom built kiosks and the provision for temporary outdoor dining areas which is situated in land identified as Town Square on the key sites map.</p> <p>The proposed kiosks will be positioned towards the western side of the Town Square. The proposed location of the kiosks will not impact on the approved use of the Town Square and will exhibit design characteristics that will overall support the intention of that space. The proposal proposes the provision of suitable shared temporary outdoor dining areas which provide an attractive environment for users of the space; will act as an attractor to the square for people living and working within the precinct and will facilitate opportunities for community events, gatherings and interactions within square.</p> <p>Given the minor nature of the proposal, colonnades at the perimeter of each proposed kiosk are not considered necessary. The proposal will address microclimatic conditions</p>	Complies

		<p>by designing each kiosk to have an awning attached to the structure and the provision of suitable shading to the outdoor dining and seating areas. The weather protection and sun shading measures are considered appropriate given the minor nature of the proposal.</p> <p>Landscaping is a key component of Town Square and will contribute to the visual amenity and usability of the local area. The proposed kiosks will not impact on the existing landscape that surrounds the Town Square. It should be noted landscaping is already provided to outdoor dining and seating areas; this is considered adequate as it provides suitable amenity for the site.</p>	
(b)	include retail uses located at ground level at the perimeter of the Town Square that will provide opportunities for alfresco dining, casual seating and recreation	<p>The proposed kiosks will operate as a food and drink premises, on a daily basis (7 days a week), within the hours of 6am to 11pm, these operational details are consistent with the maximum hours of operation for the Town Square in the Approved Landscape Concept Plan prepared by Arcadia Landscape Architecture.</p> <p>The proposed kiosks will be leased to a private operator.</p>	Complies
(c)	ensure that residential accommodation situated above the Town Square will provide maximum visibility of the Town Square and bring life and vitality to the Town Square throughout the day,	<p>The proposed development proposes an appropriate small-scale retail use in an underutilised, accommodating space, "The Town Square".</p> <p>As the proposed operational area is within a large public domain area, there will be no impact on other commercial operations surrounding the development and it is considered to be adequately distanced from residential dwellings and other sensitive noise receivers.</p> <p>The operation of the kiosks within the Town Square will provide a convenient casual coffee and food option for local residents and visitors and in doing so promote community activity and engagement, which will increase the overall amenity of these space.</p>	Complies

(d)	<p>incorporate and maintain a north-south Pedestrian Connection that will link the Town Square with Oaks Avenue that will:</p> <ul style="list-style-type: none"> i) occupy all of the land shown as "Pedestrian Connection" on the Key Sites Map, and ii) in conjunction with the Town Square, provide a strong physical and visual connection between Howard Avenue and Oaks Avenue ensuring a high level of permeability for the Dee Why Town Centre, and iii) provide a generous pedestrian and retail precinct, and iv) be lined by retail development, with double storey colonnades providing access on a 24 hour, 7 days a week basis, and v) be designed to ensure all weather access to ground level retail, food and beverage outlets, and vi) have a clear width of not less than 14 metres to ensure high levels of sunlight access and provide view lines through the development. 	<p>The Detailed Landscape Concept Plan submitted in association DA2016/0705 approved a north-south pedestrian connection which land identified as "Pedestrian Connection" on the Key Sites Map. The proposed kiosk will not interfere with the existing visual and physical connection between the site and Howard Avenue, through to Oaks avenue.</p> <p>The proposed development will activate the Town Square for extended hours of the day and night (consistent with retail uses surrounding the development) through injection of food and beverage uses to support the development.</p> <p>Whilst the proposal does not activate the street in a traditional way (retail tenancies built to the street alignment), it provides extensive outdoor seating and dining areas within the Town Square, which in turn facilitate activation of the public domain area and encourage the promotion of pedestrian movement and activity within the Dee Why Town Centre precinct.</p> <p>As mentioned briefly, the provision of colonnades at the perimeter of each proposed kiosk are not considered necessary. The proposal will address microclimatic conditions by designing each kiosk to have an awning attached to the structure and the provision of suitable shading to the outdoor dining and seating areas.</p>	Complies
(3)	Despite clause 4.3, development consent may be granted to the construction of a pedestrian footbridge, on the land shown as "Pedestrian Footbridge" on the Key Sites Map that provides a connection between the first floor level of buildings located within Site B, if the consent authority is satisfied that the footbridge:		N/A
(a)	will not adversely affect the incorporation and maintenance of the north-south Pedestrian Connection, and	Not applicable to this proposal.	N/A
(b)	will be constructed of light-weight and transparent material, and any visual impact of the footbridge will be minimised	Not applicable to this proposal.	N/A

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

There are no draft environmental planning instruments that apply to the subject site.

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

4.3.1 Warringah Development Control Plan 2011

The Warringah Development Control Plan 2011 applies to the proposal. Given the nature of the proposal being minor and small scale in nature and the type of use as a kiosk operation, there are limited applicable provisions in the DCP, as the DCP primarily sets the built form parameters for new buildings or external alterations.

The site is subject to the Warringah Development Control Plan 2011, specifically the following sections:

- Part B - Built Form Controls
- Part C - Siting Factors
- Part D – Design
- Part G – Dee Why Mixed-Use Area

In summary, in responding to the relevant provisions of the above Parts:

Chapter	Response	Compliance
C2 Traffic, Access and Safety	<p>The proposed kiosks will be positioned within the western side of the approved Town Square which only permits pedestrian access.</p> <p>The proposal will not generate any additional traffic or car parking demand as the kiosk is small scale in nature and most users would arrive by foot and obtain take away coffee or food.</p> <p>It should be noted that an existing visual and physical connection between the site and Howard Avenue, through to Oaks avenue exists. The proposed kiosks have been positioned and designed with intentions to activate the existing pedestrian link and will create a vibrant and active environment that promotes passive surveillance, improved amenity and pedestrian safety.</p> <p>It should be noted, the existing loading bays in the adjacent retail premises will be used to service the proposed kiosks and future events/uses of the Town Square.</p>	Complies

Chapter	Response	Compliance
C9 Waste Management	<p>As discussed in Section 3, the proposed kiosks will incorporate adequate area for storage of general waste and recycling bins for day to day waste.</p> <p>Given the kiosks will be leased out to a private operator, an adequate, regular cleaning program will be enforced to ensure the tenant and the designated temporary outdoor seating areas are kept clean and free of all food container and spillages at all times.</p> <p>All waste products will be safely disposed of by a waste contractor who will regularly dispose of the commercial.</p> <p>All waste will be stored in the designated waste storage area and any excess building waste will either be recycled, disposed of thoughtfully and taken offsite.</p> <p>Refer to Annexure 5 for Waste Management Plan.</p>	Complies
D3 Noise	<p>As discussed in Section 4, the proposed kiosks will not adversely impact on the Town Square or the amenity of the neighbourhood as the context of the use is within the approved mixed-use development and is distanced from residential dwellings and other sensitive noise receivers.</p>	Complies
D8 Privacy	<p>Landscaping is a key component of the proposal and will assist in ensuring a high level of visual and acoustic privacy and usability of the area is provided at all times.</p> <p>The proposal will utilise existing landscape treatment that has been integrated into the overall design of the kiosks. This treatment will be used to provide adequate screening; mitigate any privacy concerns that may arise and will be used to soften impacts of the proposed built form.</p>	Complies

Chapter	Response	Compliance
D9 Building Bulk	<p>The bulk, scale, and design of the proposed kiosk responds well to the attributes of the site and is compatible with the Dee Why Town Centre Precinct.</p> <p>The proposed kiosks will be approximately 17 sqm each in size this is consistent with the maximum permitted GFA control of 50 sqm specified in the provisions of the WLEP 2011.</p> <p>Given the Town Square has an area of approximately 2,259 sqm, the additional 34 sqm is considered negligible and does not add bulk and mass to the existing Town Square area.</p>	Complies
D10 Building Colours and Materials	<p>The proposed kiosks have been designed with materials and finishes that effectively soften the built form, integrate the building into the surrounded landscape areas and are consistent with surrounding developments and wider Dee Why Town Centre Precinct.</p> <p>A material schedule is shown on the Architectural Plans in Annexure 3.</p>	Complies
D18 Accessibility	<p>The development will contribute to opportunities for increased accessibility, permeability and movement for pedestrian throughout the Town Square.</p>	Complies
D20 Safety and Security	<p>Crime Prevention Through Environmental Design (CPTED) has been incorporated in the proposed design.</p> <p>By locating two small-scale retail premises within the western side of the approved Town Square, the proposal will aid in promoting casual surveillance and activate the existing pedestrian link and surrounding public realm.</p> <p>It should be noted, the proposed kiosks are intended to be accessed by staff only and no public access will be permitted, in addition the proposed kiosks will be secure from access outside hours to prevent access by unauthorised persons.</p>	Complies
D21 Provision and Location of Utility Services	<p>The approved town square was approved with water and electricity connections. The proposed kiosks will be connected to services including water supply and electricity and will incorporate adequate area for storage of general waste and recycling bins for day to day waste.</p>	Complies

Chapter	Response	Compliance
D23 Signs	<p>Signage is not proposed as part of this application.</p> <p>All signage will be located on the kiosk as 'business identification signage' and therefore is an appropriate way to identify the kiosk. This will be addressed at a later stage.</p>	Complies

4.4 Section 4.15 (1)(a)(iia): Planning Agreements

The site is subject to a Voluntary Planning Agreement (VPA) negotiated by the former site owner and Warringah Council during the assessment of DA2007/1249. The VPA provides a mechanism for the delivery of the Town Square Works and the Pedestrian Connection Works.

In relation to this application, the VPA requires the developer to grant a right of way and other appropriate rights, providing the public with a non-exclusive right to use the Town Square Area 24 hours a day 7 days a week, subject to the Developer's right to use the Town Square for any other purpose associated with the Development (not inconsistent with the public right of way). The easement must contain provisions granting the Council the right to use the Town Square for 30 days (at its selection) per calendar year (subject to reasonable prior notice being given by the Developer) for any community events without any occupancy cost to Council.

On the 22nd November 2018 an Interim Occupation Certificate (NO. 1423-86-05-2018-IOC) was issued to Karimbla Construction Services (NSW) Pty Ltd confirming that the Town Square and Pedestrian Connection Works outlined in the registered VPA have been satisfactorily completed.

Therefore, the current application does not affect the commitments required by this agreement.

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

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

The kiosk operations will consider and comply with relevant legislation, codes and policies.

The proposed kiosk will ensure compliance with the Food Act 2003. The objectives of this Act include the following:

- (a) to ensure food for sale is both safe and suitable for human consumption,*
- (b) to prevent misleading conduct in connection with the sale of food,*
- (c) to provide for the application in this State of the Food Standards Code.*

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

Context and Neighbourhood Character

Dee Why Town Centre is being progressively being redeveloped into a high-density district centre, with approval being granted for several significant mixed-use developments, many of which are recently completed or under construction.

The proposed kiosks have been designed to respond to the characteristics of the site and the structure, shape and material has been selected as an appropriate response to the functional aspect of the Town Square, its relationship to the existing building and for its context both immediate and the surrounding development in the Dee Why Town Centre Precinct.

As demonstrated throughout the report, the proposed development provides an appropriate design solution for a currently underutilised space within the Dee Why Town Centre Precinct. The operation of the kiosks within the Town Square will provide a convenient casual coffee and food option for local residents and visitors and in doing so promote community activity and engagement, which will increase the overall amenity of these space. As such the proposal is considered to be consistent with the desired future character of the area.

Character of the Town Square

The proposed development represents a high-quality design that will make a positive contribution to the strategic importance of the Town Square.

The proposed development will assist in invigorating and revitalising the Town Square and maximise opportunities for community events, gatherings and interactions through the injection of two small – scaled kiosks.

The proposal will promote the use of the existing pedestrian link which will ultimately improve pedestrian permeability through the site to the wider surrounding precinct and support active and passive surveillance.

Landscaping is a key component of the Town Square that contributes to the amenity, usability and overall appearance of the space. The application proposes to integrate the kiosks into the existing landscape areas of the site. The retained landscaped areas will assist in softening the appearance of the proposed built form, and overall will provide a better outcome that will increase the amenity for the site and its users and also the surrounding area.

In summary, the proposed use accords with the range of intended uses envisaged for the Town Square and will have no additional impact on the approved Town Square or pedestrian link than that envisaged for the site under DA2016/0705.

Surrounding Land Uses

The proposed development proposes an appropriate small-scale retail use in an underutilised, accommodating space, "The Town Square".

As the proposed operational area is within a large public domain area, there will be no impact on other commercial operations surrounding the development. The designated operating hours for the proposed kiosk (6am to 11pm on Monday to Sunday) are consistent with Approved Landscape Concept Plan prepared by Arcadia Landscape Architecture and will offer a unique, convenient coffee and food service to the residents and visitors in the surrounding area.

Therefore, it is considered that the proposed kiosks will have no significant impacts on surrounding land uses.

Built Form

The built form, appearance and finishes of the proposed kiosks has been designed to ensure that the design outcome responds well to the attributes of the site, is compatible with the Dee Why Town Centre Precinct and is consistent with the maximum permitted GFA control of 50 sqm specified in the provisions of the WLEP 2011

The proposed kiosks have been located on the western side of the approved Town Square where they can be accommodated, with minimal amenity and visual impacts, in order to provide for meaningful open space areas and pedestrian connections for residents and visitors.

The proposed kiosks have been designed with materials and finishes that effectively soften the built form, integrate the building into the surrounded landscape areas and are consistent with surrounding developments and wider Dee Why Town Centre Precinct.

Landscape

As discussed in Section 4 of the SEE, A Detailed Landscape Concept Plan of the "Town Square" was prepared by Arcadia Landscape Architecture in association with DA2016/0705; a key component of the plan includes: "A high-quality landscape design that utilises both hard and soft landscape materials and infrastructure to successfully integrate the Town Square with the proposed mixed-use development and surrounding neighbourhood; and to support context and create balance across the open spaces".

Throughout the design of the proposed kiosks, a key consideration has been the influence of the proposal on approved Landscape Scheme, the surrounding pedestrian environment, existing linkages to the Town Square and the provision of a highly activated transitional space that provides opportunities for a variety of uses and user groups.

As stated previously, the proposed kiosks have been located on the western side of the approved Town Square. The proposed design takes into consideration the site's context, particularly its natural setting as an entry into the Town Square from the existing pedestrian link and utilises passive techniques such as the inclusion of a weather protection awning and the placement of additional movable outdoor furniture to enhance comfort and usability of the space.

The proposed location benefits from existing landscape treatments and facilities (seats and shelter) and provides opportunities for landscaping to be integrated within the proposed built form without the removal of existing landscaping.

Amenity

The proposed kiosks have been located in underutilised, accommodating space within the Town Square. The proposal will directly contribute to enhancing the appearance, usability and amenity of the site as it will provide a small scaled use that aims to extend beyond the public domain, encourage residents and visitors to use the existing pedestrian link and in doing so promote activity and engagement, improve passive surveillance and pedestrian safety; overall an improvement in amenity of this space.

Therefore, it is considered the proposed kiosks will not result in any adverse amenity impacts on the surrounding developments within the locality that would be considered unreasonable in the surrounding setting.

Existing Pedestrian Link

As stated previously in the report, the proposed development will not interfere with the existing pedestrian link between the site and Howard Avenue, through to Oaks Avenue. The location of the proposed kiosks is considered an optimal outcome, given it is identified as the most suitable location within the Town Square that will provide a transitional space for pedestrian movements, as well as a place that people can meet and gather. It will also be flexible space that can be used for community events.

Whilst the proposal does not activate the street in a traditional way, the proposal seeks to activate an underutilised space at the same time encourage the promotion of pedestrian movement and activity within the Dee Why Town Centre precinct.

Overall the proposal will result in improved pedestrian permeability and accessibility on and around the site. The proposed kiosks will provide more incentive for residents and visitors to use the Town Square more frequently; and additional place for social interaction as well as support active and passive surveillance across the site and surrounding land uses.

Operation and Management

The operator of the kiosks will be responsible for managing any potential impacts that may arise as a result of the day-to-day operation of the use. The operator will ensure the following:

- The use will comply with any required statutory conditions;
- The operator will ensure the removal of any waste (including liquid waste) generated by the operation of the kiosks from the site and its surrounds;
- The existing loading bays in the adjacent retail premises will be used to service the proposed kiosks and future events/uses of the Town Square;
- Deliveries will be serviced by vehicles no larger than a van; and
- Ensuring noise from use is maintained at an acceptable level.

In light of these operational and management controls, the proposed development will operate with appropriate consideration of surrounding land uses.

Voluntary Planning Agreement

The Northern Beaches Council benefits from an easement for access and use of Town Square Area.

The proposed development proposes an appropriate small-scale retail use in an underutilised, accommodating space, "The Town Square". The proposed kiosks will be positioned towards the western side of the Town Square and will occupy a total of 34 sqm in space.

Under DA2016/0705, the Town Square was approved as a flexible transitional space that can be used for community gatherings and events, pedestrian movements, as well as a place that people can meet and gather. Given the nature of the proposal being minor and small scale in nature and the type of use as a kiosk operation, the proposed development is not considered to have any adverse impacts or interfere with the future use and functionality of the site.

If anything, the proposal represents an optimal utilisation of space that will significantly enhance the amenity and usability of the Town Square, which will support a strong sense of community.

Social and Economic

A small-scale kiosk will provide the following positive social and economic benefits on the immediate locality:

- The kiosk will provide employment through the creation of service jobs as well as other companies engaged to provide goods and services to the operation;
- Provision of an active use in part of the Public Domain has the ability to improve the safety in the park, particularly during weekends;
- The kiosk will create another potential 'meeting place', increased social interaction and activation of the Dee Why Town Centre precinct which in turn have the ability to improve community safety and social wellbeing;
- The use is small scale and will detract from a broader appreciation of the Town Square and its various attributes;
- The kiosk is not intended to be licensed (unless agreed to by Council) appealing to a more 'family friendly' demographic and lessening the potential for anti-social behaviour;
- The kiosk will improve the surrounding streetscape and encourages the ongoing active use of the approved Town Square space; and
- The proposed kiosks have been positioned and designed with intentions to activate the existing pedestrian link and will create a vibrant and active environment that promotes passive surveillance, improved amenity and pedestrian safety.

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

The proposal is suitable at the Town Square for the following reasons:

- The site is zoned B4 Mixed Use and "kiosks" are permissible with development consent in the zone. One of the key zone objectives is provide a mixture of compatible land uses. The proposal will successfully provide a land use in keeping with the zone objectives. The small-scale nature of the use will not be detrimental to the primary purpose of the Town Square which is to provide a flexible and adaptable open space.
- The proposal will aid in activating the space, maximise opportunities for social interaction and encourage resident and visitor occupation of the square.
- The proposed kiosk will not interfere with the existing visual and physical connection between the site and Howard Avenue, through to Oaks avenue. The proposed kiosks have been positioned and designed with intentions to activate the existing pedestrian link and will create a vibrant and active environment that promotes passive surveillance, improved amenity and pedestrian safety

- The kiosk will not adversely impact on the Town Square or the amenity of the neighbourhood as the context of the use is within the approved mixed-use development and is distanced from residential dwellings and other sensitive noise receivers.
- The use and location of the kiosk will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land as the operating area is within a permeable portion of the Town Square.
- Existing infrastructure is either sufficient for the proposed works or can be easily augmented to support the proposal

In accordance with the matters for consideration under Section 4.15C of the Act, an assessment of the site suitability has been carried out and concludes that the site is highly suitable for the proposed development.

4.8 Section 4.15 (1)(d): Submissions

Any relevant submissions will need to be considered by the relevant consent authority in the assessment and determination of the development application

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

The public interest is served by the proposal in the following ways:

- The proposed use accords with the range of intended uses envisaged for the public space and therefore does not result in any changes to the expectations of nearby businesses, residents or the wider public;
- The proposal will contribute to the diversity of offerings in the area, improving the social and recreational amenity of the area; and
- The proposal will provide a convenient casual coffee and food option for local residents and visitors.

It is acknowledged that any submissions arising from the public notification of the application will need to be assessed by Council, and if necessary, the applicant will provide a response to assist in the consideration of the matter.

5 Conclusion

It is concluded that the development proposal which seeks Councils consent for the construction of two (2) custom built kiosks to trade as small-scale retail premises within the western side of the approved Town Square and the provision for temporary outdoor seating areas is an appropriate and compatible form of development when assessed under headings of consideration of S.4.15 of the Environmental Planning and Assessment Act 1979, Warringah Local Environmental Plan 2011 (WLEP 2011) and Warringah Development Control Plan 2011 (Warringah DCP 2011).

The proposed kiosks will assist in invigorating and revitalising the Town Square located within the Dee Why Mixed-Use Area and will encourage residents and visitors to visit and utilise the Town Square more frequently. The operation of kiosk within the Town Square is considered a way to activate and encourage the ongoing active use of the approved Town Square space, provide increased connectivity to encourage pedestrian activity within and around the site and in doing so promote community activity and engagement and improve the amenity of the site.

This application has demonstrated that the Town Square an ideal location for development, having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered to be reasonable and appropriate and warrants favourable consideration.

Based on the foregoing review and the development plans submitted, it is recommended that Northern Beaches Council approve the development application subject to standard conditions appropriate to this form of development.

Annexure 1: Registered Stratum Subdivision Plan

Annexure 2: Registered Easement Plan

Annexure 3: Architectural Plans

Annexure 4: Perspective Drawing

Annexure 5: Waste Management Plan

Annexure 6: Cost Summary Report