

Statement of Environmental Effects

S4.55 Application

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

Delete condition 5 – bond amount

24 April 2018

PREPARED BY

Meriton Property Services Pty Ltd
ABN 69 115 511 281

Karimbla Constructions Services (NSW) Pty Ltd
ABN 67 152 212 809

Level 11 Meriton Tower
528 Kent Street, Sydney NSW 2000

Tel (02) 9287 2888
Fax (02) 9287 2835

meriton.com.au



Contents

1	Introduction	1
1.1	Overview.....	1
1.2	Relevant Background.....	1
1.3	Purpose of the Modification.....	2
1.4	Structure of the Report.....	2
2	Site and Surroundings.....	3
2.1	The Site	3
2.1	Surroundings	3
3	Proposed Modification	5
3.1	Reason for the Modification	5
3.2	Proposed Modification.....	5
3.3	Proposed Works.....	5
4	Section 4.55 Assessment.....	6
4.1	Environmental Impact.....	6
4.2	Extent of Modification	6
5	Environmental Planning Assessment.....	7
5.1	Section 4.15(1)(a)(i): Environmental Planning Instruments	7
5.2	Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments	7
5.3	Section 4.15(1)(a)(iii): Development Control Plans.....	7
5.4	Section 4.15(1)(a)(iiia): Planning Agreements	7
5.5	Section 4.15(1)(a)(iv): Regulations	7
5.6	Section 4.15(1)(b): Likely Impacts.....	7
5.7	Section 4.15(1)(c): Suitability of the Site	7
5.8	Section 4.15(1)(d): Submissions	7
5.9	Section 4.15(1)(e): The Public Interest	8
6	Conclusion.....	9

Annexure 1: Paid Bond Amounts

1 Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) describes and considers a modification to Development Consent DA2017/0576 for the fitout and use of a childcare centre at 884-896 Pittwater Road, 9-17 Howard Street, 14-16 and 28 Oaks Avenue, Dee Why. The site is known as Dee Why Town Centre "Site B".

1.2 Relevant Background

1.2.1 DA2015/0612 Excavation

DA2015/0612 for drainage and stormwater management works and installation of shoring walls and bulk excavation was approved on 22 December 2015.

1.2.2 DA2016/0705 Mixed Use Development

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 consent includes provision for a childcare centre at Level 1 of the eastern building. Internal fit out details were not included within DA2016/0705. Accordingly, a separate application seeking consent for the internal fit out of the childcare centre was subsequently lodged with Council (DA2017/0576).

The childcare centre is to be located at the first floor level of the approved eastern building with a street frontage to Oaks Avenue. It forms an integral component of the overall Dee Why Town Centre Site B development.

1.2.1 DA2017/0576 Childcare Centre Fit Out

DA2017/0705 did not include fit out details for the childcare centre. Accordingly, a subsequent DA for consent for the use and fit out of the childcare centre located at the first floor level of the development's eastern building as shown on the approved plans for DA2016/0705 was submitted with Council. .

The application (DA2017/0576) sought approval for the use and fit out of the childcare centre and included the following details:

- Capacity for a maximum 159 children (age group breakdown specified below)
- Internal play areas totalling 513.75sqm
- Outdoor play areas totalling 1,113sqm
- Office, reception area and administration room
- Amenities including toilets, laundry, bottle preparation, cot, and nappy change room and kitchen.

The DA was approved on 2 August 2017 subject to conditions.

1.3 Purpose of the Modification

The subject application seeks to delete Condition 5 of DA2017/0576 which specifies requirements for the provision of a bond amount of \$10,000 to cover against potential damage to council assets during the construction process. Identical conditions have been applied to DA2015/0612 and DA2016/0705 (conditions 6 and 8 respectively). The required bond amounts for these DAs have been paid in accordance with the relevant conditions (refer to **Annexure 1**). The childcare fit out works approved under DA2017/0576 are being undertaken in conjunction with the overall development of the site as approved under DA2016/0705. Condition 5 of DA2017/0576 duplicates the requirements of Condition 6 of DA2015/0612 and Condition 8 of DA2016/0705 resulting in multiple bond amounts being required to be submitted and held by Council for the same purpose.

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 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.

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.

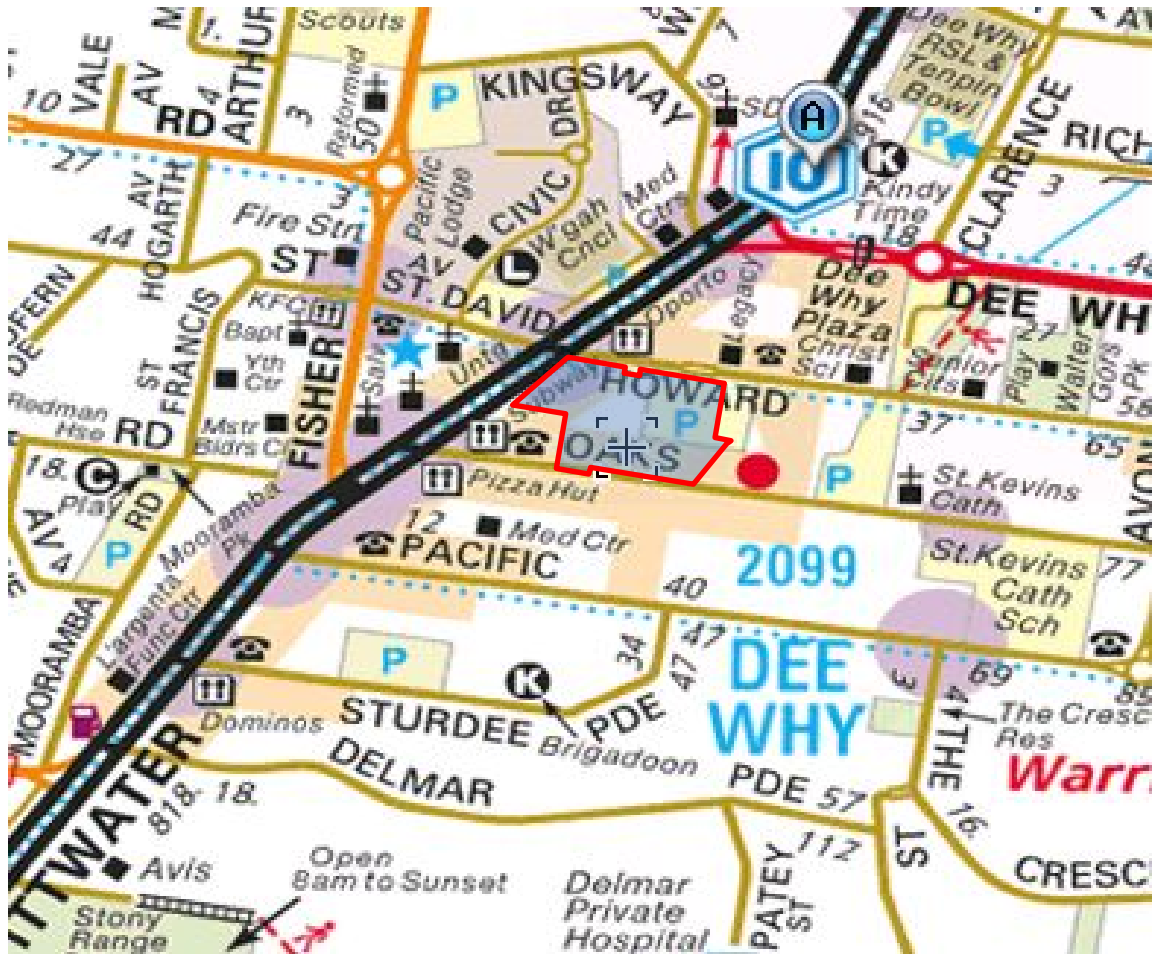


Figure 1: Location of subject site marked with red star



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 eliminate the need for duplicate bond amounts to be paid in respect of potential damage to public infrastructure during construction works under the relevant development consents for the site, being:

- DA2015/0612 Drainage and stormwater management works and installation of shoring walls and bulk excavation approved 22 December 2015; and
- DA2016/0705 Construction of a mixed use development comprising retail, commercial and residential uses and a child care centre approved 10 May 2017.
- DA2017/0576 Childcare centre fitout approved 2 August 2017.

The following bond amounts have already been paid to Council:

- \$10,000 Security Bond as required under Condition 6 of DA2015/0612 (excavation); and
- \$10,000 Security Bond as required under Condition 8 of DA2016/0705 (main buildings).

The deletion of Condition 5 of DA2017/0576 is sought to eliminate the need for a further bond amount for the same purpose, noting that all works approved under DA2016/0576 are proceeding in conjunction with the main development of the site as approved under DA2016/0705 and will be finalised prior to completion of the works associated with that DA.

3.2 Proposed Modification

The proposal involves the deletion of Condition 5 in its entirety.

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 modification involves the deletion of condition 5 to remove the need for duplicate security bond amounts to be submitted for the Dee Why Town Centre "Site B" development.

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/2017/0576. 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 or to the internal fit out of the childcare centre contained within that development as approved under DA2017/0576. 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 social infrastructure in the form of a childcare centre.

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 delete condition 5 of DA2017/0576.

The proposal satisfies the relevant heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act, 1979*.

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
April 2018

Annexure 1: Paid Bond Amounts