

23 Fisher Rd, Dee Why

Warringah Local Environmental Plan 2011 – existing controls

Table 1 – Summary of Key Controls under WLEP 2011

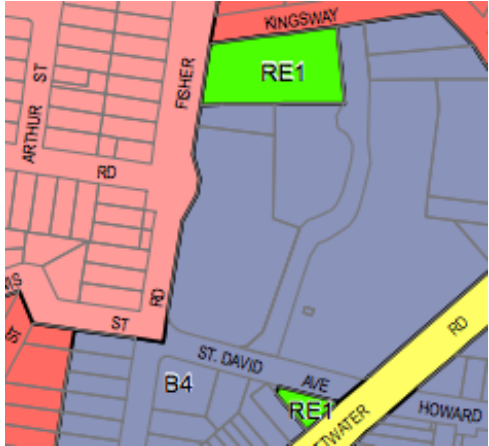
Clause/Standard	Provisions	Compliance
<p>Zoning</p>	<p>The site is zoned B4 - Mixed Use</p>  <p>Objectives of the zone:</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible 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. 	<p>Complies</p> <p>Residential flat buildings and commercial premises are permitted with consent.</p> <p>The proposed uses provide a compatible mix of residential and non-residential uses which responds appropriately to context of the site and is consistent with the zoning objectives.</p>

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	<ul style="list-style-type: none"> • 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. <p>Permitted with consent Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4</p>	
<p>4.1 Minimum subdivision lot size</p>	<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,</p> <p>(b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,</p> <p>(c) to protect the integrity of land holding patterns in rural localities against fragmentation,</p>	<p>Complies</p> <p>No minimum lot size is stipulated by the LEP however the subdivision proposed is considered to be generally consistent with the objectives of the LEP.</p> <p>The proposed subdivision will provide for subdivision of land containing Pacific Lodge and not be inconsistent with land in the surrounds. The subdivision is also</p>

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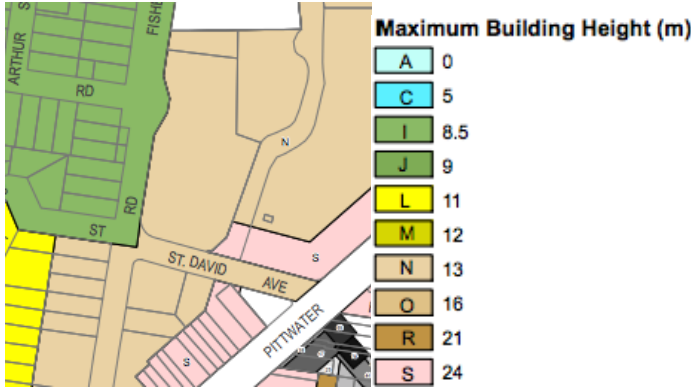
Clause/Standard	Provisions	Compliance
	<p>(d) to achieve low intensity of land use in localities of environmental significance,</p> <p>(e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,</p> <p>(f) to protect and enhance existing remnant bushland,</p> <p>(g) to retain and protect existing significant natural landscape features,</p> <p>(h) to manage biodiversity,</p> <p>(i) to provide for appropriate stormwater management and sewer infrastructure</p>	<p>proposed in order to protect the heritage fabric of the building and landscaping.</p>
<p>4.3 Height of Building</p>	<p>The site is subject to a maximum building height of 13m.</p> 	<p>Does not comply</p> <p>The proposal will slightly encroach the maximum building height control of 13 metres. This is addressed within the SEE and Clause 4.6 variation statement provided in Appendix 9 of the SEE.</p> <p>In summary, it is considered that the variation is justified given the context and topography of the site, the enhancement of the design which the variation allows, the minor numerical extent of the variation and the lack of adverse impacts which will result.</p>
<p>4.4 Floor Space Ratio</p>	<p>N/A.</p>	<p>N/A.</p>

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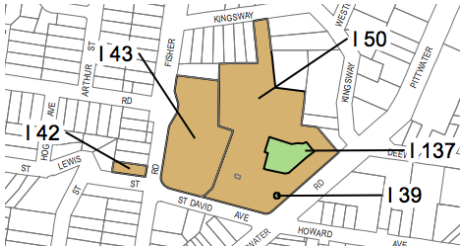
Clause/Standard	Provisions	Compliance
5.10 Heritage	<p>The site includes local heritage item I43 – Pacific Lodge, located in the centre of the site. The site is also adjoining to local heritage item I50 – Dee Why Public Library.</p>  <p>The map shows a residential street grid with several heritage items highlighted. I42 (Dee Why Fire Station) is a small green area on the left. I43 (Pacific Lodge) is a large orange area in the center. I50 (Dee Why Public Library) is a small orange area to the right of I43. I137 (Civic Centre landscaping) is a small green area to the right of I50. I39 (Former Chadwick House and garden) is a small orange area at the bottom center. Street names include Kingsway, Fisher, Arthur St, Kingsway West, Pitwater, St David Ave, Howard Ave, Lewis St, and St David Ave.</p> <ul style="list-style-type: none"> • I43 Pacific Lodge (salvation army) • I50 Dee Why Public Library - local significance • I137 Civic Centre landscaping - local significance • I139 Former Chadwick House and garden – local significance • I42 Dee Why Fire Station – local significance <p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> <p>(5) Heritage assessment The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p>	<p>Complies</p> <p>The impact of the proposed development on surrounding heritage significance has been considered and mitigation measures throughout design have been taken to ensure there no adverse impacts.</p> <p>The development application is accompanied by a Heritage Impact Statement and Conservation Management Plan located in Appendix 12 and Appendix 13, respectively.</p> <p>Furthermore, heritage impacts are assessed in 4.2.8 of the SEE.</p>

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	<p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	
6.1 Acid Sulfate Soils	N/A.	N/A.
6.2 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>Complies.</p> <p>The development application is accompanied by an Excavation and Fill plan provided in Appendix 2 of the SEE.</p> <p>To confirm the earthworks will not result in an adverse environmental impacts the following relating reports have also been provided including:</p> <p>A Preliminary Geotechnical Study attached in Appendix 16 of the SEE.</p> <p>A Stage 1 Environmental Site Assessment (contamination report) in Appendix 15 of the SEE.</p> <p>An Aboriginal Objects Due Diligence Assessment attached in Appendix 23</p>

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		A Stormwater Management Plan attached in Appendix 20.
6.3 Flood planning	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, and (b) is not likely to significantly adversely affect flood behavior resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 	<p>Complies</p> <p>The site is elevated and is not flood prone land.</p>
6.4 Development on sloping land	Area B – Flanking Slopes 5 to 25° and Area A Slope <5°	<p>Complies</p> <p>The preliminary geotechnical report located in Appendix 19 has been undertaken to support the development application and to assess the geotechnical stability of the site for the proposal. The geotechnical study provides that the proposal presents a low risk development and the site is</p>

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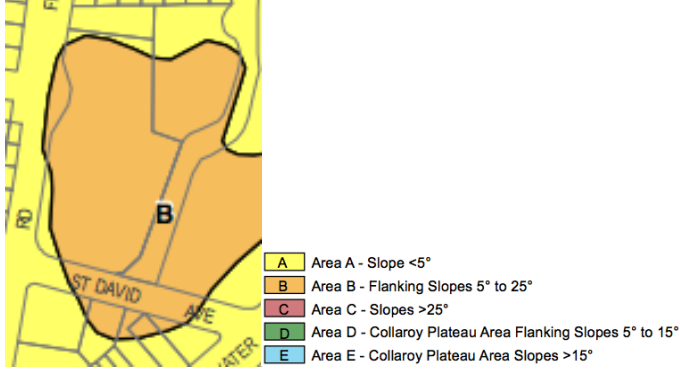
Clause/Standard	Provisions	Compliance
	 <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and (c) the development will not impact on or affect the existing subsurface flow conditions. 	<p>geotechnically feasible in relation to landslip.</p>
<p>6.7 Residential flat buildings in Zone B4 Mixed Use</p>	<p>Development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level.</p>	<p>Does not comply.</p> <p>The proposed development includes commercial space at the ground level of Building C fronting St. David Avenue and Civic Parade. Building A includes townhouse dwellings at ground level, however these dwellings are oriented</p>

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		<p>towards the northern boundary off a private driveway and do not front the street. The remainder of the building footprints are slightly elevated above ground level due to topography of the site. A Clause 4.6 Report has been prepared for the application to demonstrate residential dwellings at ground level in the northern aspect of the site are provide a stronger planning outcome and the variation is justified on reasonable environmental planning grounds. Refer to Appendix 9.</p>