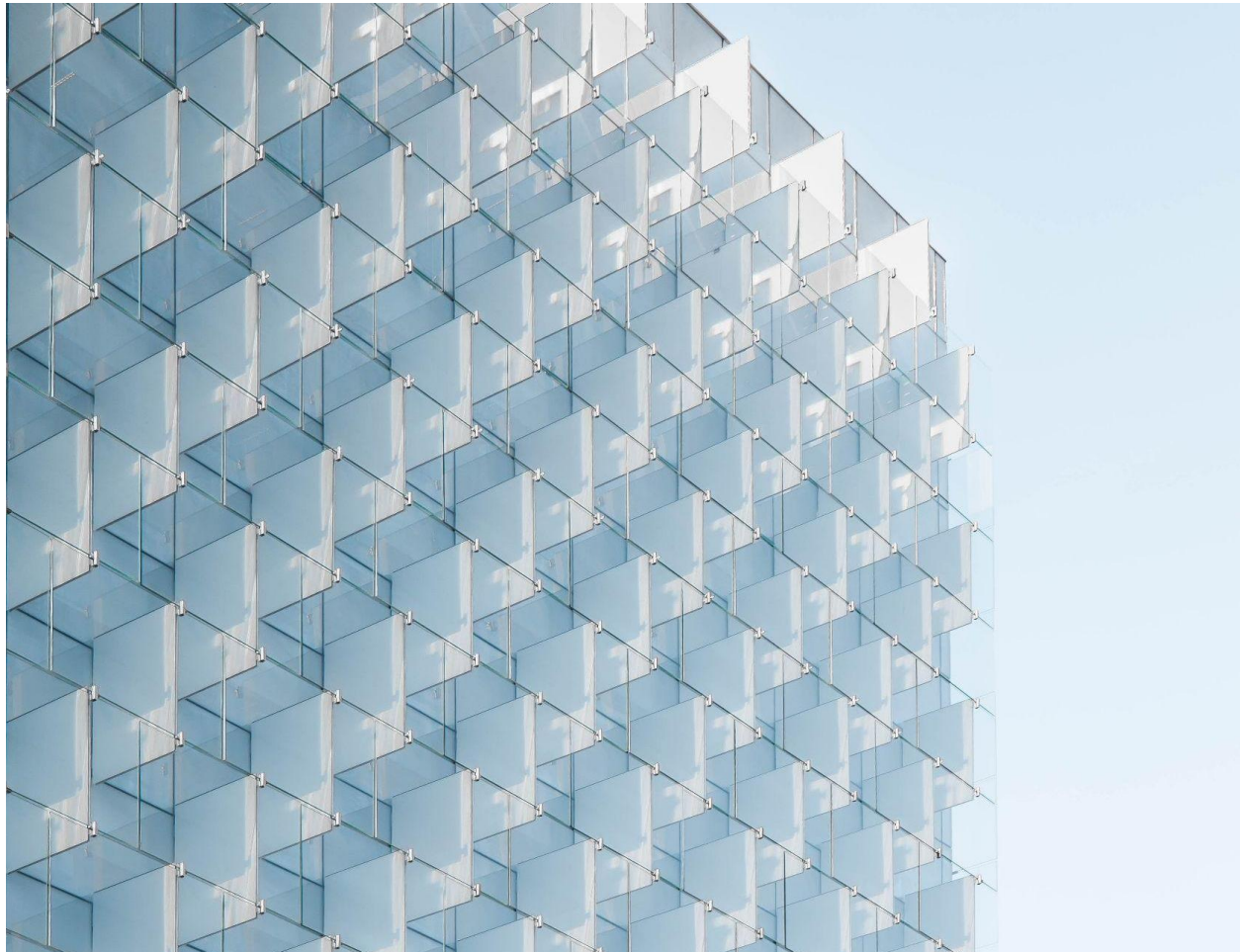


WILLOWTREE PLANNING



6 December 2021

Ref: WTJ21-619
Contact: Charbel Ishac



STATE OF ENVIRONMENTAL EFFECTS:

Proposed Extension of Hours of Operation

33 Oaks Avenue, Dee Why
Lots A & B DP 326907 and Lot 1 DP588603

—

Prepared by Willowtree Planning Pty Ltd
on behalf of Cornerstone Health C/- Y Squared Pty Ltd

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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning on behalf of Cornerstone Health C/- Y Squared Pty Ltd, and is submitted to Northern Beaches Council (Council) to support a Development Application (DA) for the proposed **extension of hours of operation** of Tenancy 9C at 33 Oaks Avenue, Dee Why (the Site). The Site is legally described as Lots A & B DP 326907 and Lot 1 DP588603.

The Site is zoned **B4 Mixed Use** pursuant to the *Warringah Local Environmental Plan 2011* (WLEP2011) and is located within Northern Beaches Local Government Area (LGA). The proposed development is permissible with development consent within the B4 zone and would be contextually appropriate. Furthermore, the proposed development does not include the provision for built form works and solely seeks an extension of operating hours in addition to the operational hours approved under CDC2021/0607 and is consistent with the objectives and provisions of the WLEP2011.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out.

The Structure of the SEE is as follows:

- **Part A** Preliminary
- **Part B** Site Analysis
- **Part C** Proposed Development
- **Part D** Legislative and Policy Framework
- **Part E** Likely Impact of the Development
- **Part F** Conclusion

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the Development Application be given.





PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Site subject to this DA is identified as 33 Oaks Avenue, Dee Why, and is legally described as Lots A & B DP 326907 and Lot 1 DP588603.

The Site is irregular in shape and exhibits an area of approximately 5,854m². The Site is zoned B4 Mixed Use and is subject to the applicable provisions of the WLEP2011. The works proposed under this Application pertain to Tenancy 9C which forms part of the larger Dee Why Market Shopping Centre.

In its existing state, the Site comprises a single level neighbourhood shopping centre with dual street frontage of approximately 79m to Oaks Avenue and 31m to Pacific Parade, to the north and south respectively.

The existing Site characteristics are depicted in **Figures 1-3** below.

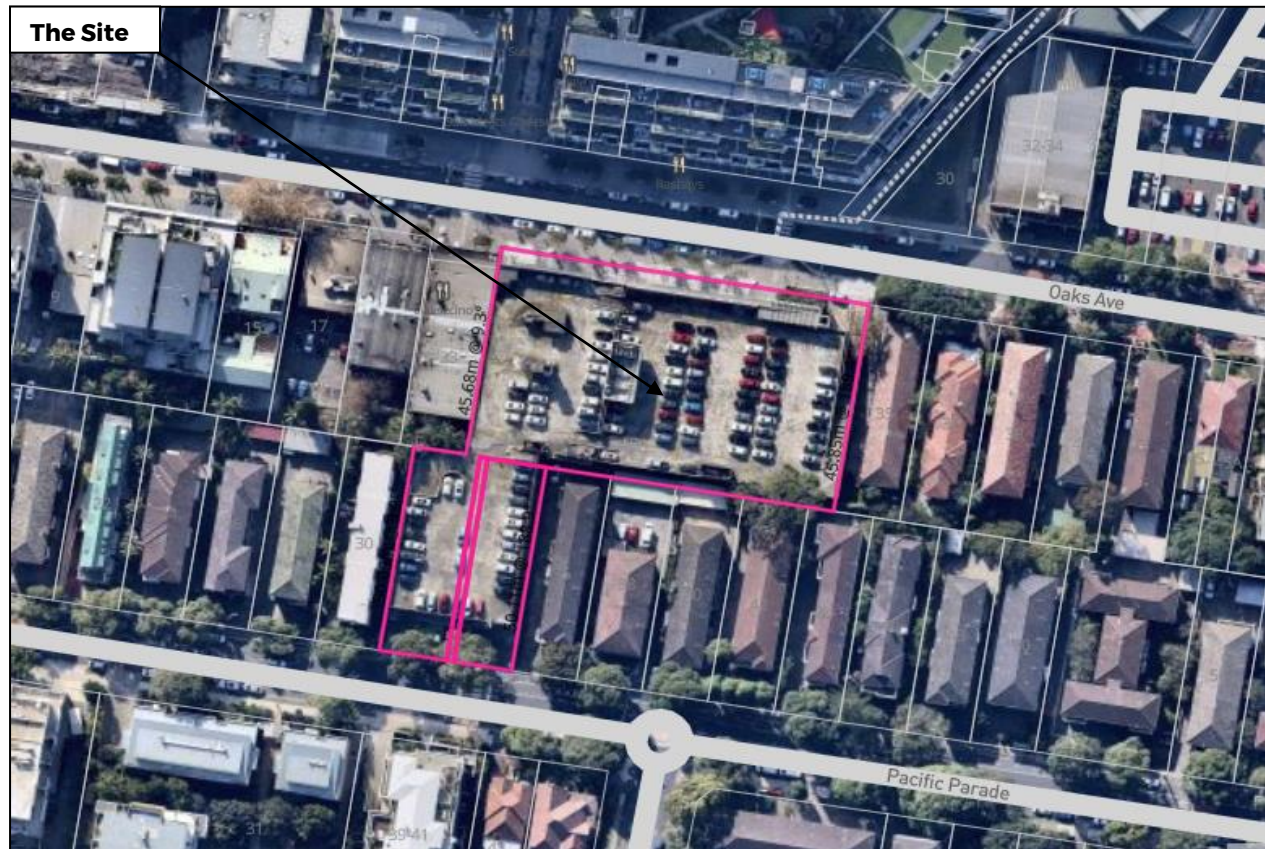


Figure 1. Aerial Map of Site (Source: Nearmaps, 2021)





Figure 2. Cadastral Map of Site (Source: Nearmaps, 2021)



Figure 3. View of Site from Oaks Avenue (Source: Google Street View, 2021)



2.2 SITE CONTEXT

The Site is located in the suburb of Dee Why within the Northern Beaches LGA and is situated approximately 14km northeast of the Sydney Central Business District (CBD).

The Site context exhibits a commercial and retail character, being surrounded by similar two (2) storey buildings with active ground floor uses comprising of food and drink premises, retail shops and office suites. Further the Site is also surrounded by residential land uses and a seven (7) storey mixed use development located across the Site.

The Site is highly accessible via public transport, within close proximity to bus routes. The surrounding bus network is available along Pacific Parade, Howard Avenue and Pittwater Road providing connectivity to the immediate locality, as well as the wider Sydney Metropolitan Area.

The surrounding local context is illustrated in **Figure 4** below.

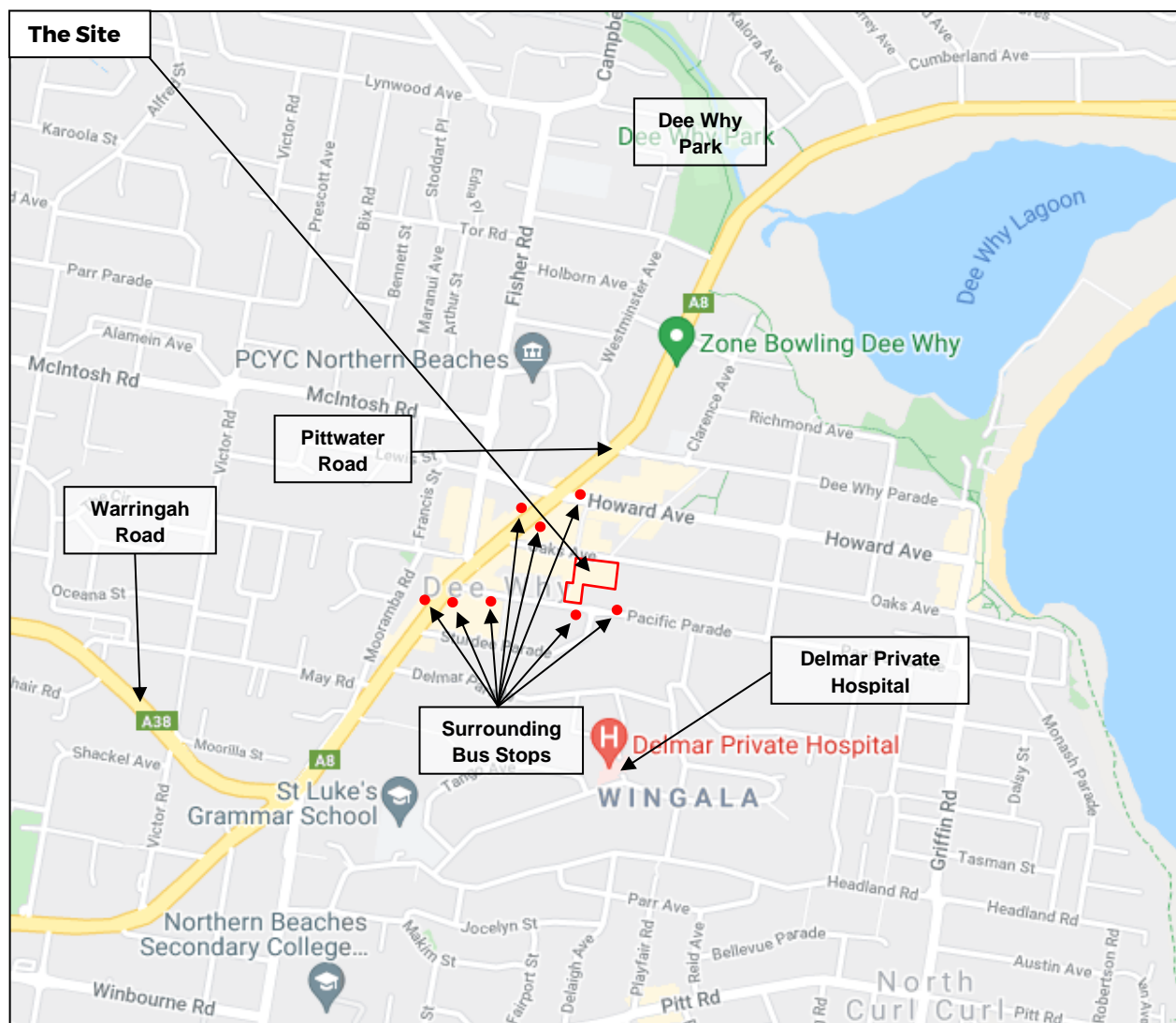


Figure 4. Site Context Map (Source: Nearmaps, 2021)





2.3 DEVELOPMENT HISTORY

Table 1 outlined below includes a summary of the DAs relating to the Site that have been determined or are under assessment.

TABLE 1. DEVELOPMENT HISTORY	
Application ID	Description
Mod2021/0885	Modification of Development Consent DA2021/1314 granted for Construction of business identification signage (Submitted: 18/11/2021)
DA2021/1314	Construction of business identification signage (Submitted: 05/08/2021)
Mod2021/0488	Fit-out of existing retail shop and use as shop for Independent living Specialist - CDC/PDE-2103A (Submitted: 09/07/2021)
CDC2021/0607	First use and internal fitout to tenancy 1 as a medical centre. - Ref 7138 (Submitted: 05/07/2021)
Mod2021/0399	Fit-out of existing retail shop and use as shop for Independent living Specialist - CDC/PDE-2103 (Submitted: 16/06/2021)
CDC2021/0536	Fit-out of existing retail shop and use as shop for Independent living Specialist - CDC/PDE-2103 (Submitted: 16/06/2021)
CDC2020/0845	Alterations of shops (to split into two tenancies) and Fitout (no alteration to ceiling fire services) - 00069389 In dee why town centre (Submitted: 06/11/2020)
CDC2020/0494	Change of use to Fruit and Vegetable Shop - 200035/01 (Submitted: 31/07/2020)
DA2020/0829	Use of premises as a recreation facility (indoor) & food and drink premises (Submitted: 27/07/2020)
CDC2020/0412	Reconfiguration to two (2) commercial tenancies including sanitary facilities, upgrade of fire, electrical, plumbing and mechanical services CDC 5495 (Submitted: 02/07/2020)
CDC2020/0305	Fitout of an existing retail tenancy - 20000185/01 (Submitted: 15/05/2020)
DA2020/0011	Use of existing carpark for a car wash facility (Submitted: 09/01/2020)
CDC2018/0582	Internal fitout of Woolworth Supermarket - CDC1423 - 69.1 - 01 - 2018 - AED Group (Submitted: 03/07/2018)
CDC2017/0729	Change of Use from Hair Salon to Grocery Store & Associated internal fitout - shop 7 (Submitted: 13/11/2017)
CDC2016/0885	Use and fit out as a health and beauty salon (Submitted: 06/12/2016)
CDC2015/0216	Private SEPP - Change of use to hair salon and ancillary fit out (Submitted: 14/05/2015)
CDC2013/0163	Private SEPP Sushi Bar Woolworths Dee Why (Submitted: 30/04/2013)
DA2011/1340	Signage (Submitted: 14/10/2011)
DA2011/1145	Demolition works and alterations and additions to a shop (Submitted: 01/09/2011)
DA2011/1142	Fitout and use of premises as a shop and signage (Submitted: 01/09/2011)
DA2010/1977	Alterations and additions to an existing building and signage (Submitted: 03/12/2010)





DA2010/1791	Signage (Submitted: 29/10/2010)
DA2010/0489	Signage (Submitted: 26/03/2010)
CDC2009/0049	Private LEP - Fitout and use for a bakery (Submitted: 14/10/2009)
CDC2009/0047	Fitout & use for a seafood shop (Submitted: 12/10/2009)
CDC2009/0041	Food Shop Fit-Out (Submitted: 28/07/2009)
CDC2009/0017	Private LEP - Cafe' fitout (Submitted: 27/03/2009)
DA2009/0308	Change of use of office premises to a gymnasium and associated signage (Submitted: 18/03/2009)
DA2008/1446	Fitout and use for a shop (Butcher) (Submitted: 13/10/2008)
Mod2008/0292	Installation of a lift & refurbishment of the external facade *** 08/10/08 - Phil Lane to allocate description. (Submitted: 02/10/2008)
DA2008/1149	Fitout and use for a shop (Deli) (Submitted: 06/08/2008)
DA2008/1148	Fitout and use for a shop (Fruit and vegetable market) (Submitted: 06/08/2008)
CDC2008/0042	Council (Submitted: 29/07/2008)
CDC2008/0041	Council (Submitted: 29/07/2008)
CDC2008/0033	Private (Submitted: 09/07/2008)
Mod2008/0184	Relocation of lift and external facade changes (Submitted: 19/06/2008)
DA2007/1259	Installation of a lift & refurbishment of the external facade (Submitted: 18/12/2007)
DA2007/0051	Infill Existing Parapet and Additional Signage (Submitted: 29/01/2007)
DA2002/1761	Installation of Boom Gates and Associated Signage and Introduction of Parking Fees to Existing Carpark - Dee WHY Shopping Centre (woolworths) \$830 Advt.Fee - Paid 29/11/02; (Submitted: 19/11/2002)
DA2000/5398	Two External Signs (Submitted: 27/12/2000)
DA2000/4486	Existing Centre Pacific Parade Side Mall Combine Existing Five Retail Vacant Shops for GO LO Discount Retail & Half Mall Walkway Combine Existing Two Vacant Retail Shops for Loading Goods Store Shops 7 & 8, (Submitted: 16/06/2000)
DA1999/2274	Tenancy Fitout for Liquor Shop - Transputa PTY Limited DATE TYPE NOTE 16/12/1999 Final Not OK FINAL/OK-CERTIFICATES ETC AS PER APPROVED CONSENT ARE OUTSTANDING-BLDE R ADVISED -WILL PROVIDE ASAP (Submitted: 07/07/1999)
DA1999/1424	Alterations to Woolworths Supermarket - Transputa PTY Ltd (Submitted: 25/02/1999)
BA5002/2926	Add N (Submitted: 01/09/1993)
BA5002/0236	Add N (Submitted: 11/08/1992)
BA5001/7998	ADD Boomgate/Booth N (Submitted: 25/11/1991)
BA5001/7535	ADD Laundromat N (Submitted: 15/10/1991)
BA5001/5697	ADD Partition Walls N DATE TYPE NOTE 25/02/1994 Final Inspected by: BG Notes: SATISFACTORY (Submitted: 30/04/1991)





PART C PROPOSED DEVELOPMENT

3.1 OVERVIEW

Development Consent is sought to extend the hours of operation of the existing medical centre known as 'Our Medical Dee Why' operating at the Site. The following objectives have been identified as forming the purpose of the proposal, including:

- Encouraging ongoing employment opportunities as well as health services to the locality.
- Promoting an economically sustainable development and reinforcing the status of an employment-generating development that positively contributes to the objectives of the B4 Mixed Use zone.
- Ensuring the proposal is suitable regarding traffic, parking, and acoustic controls.
- Ensuring development which is compatible with surrounding development and the local context.
- Support established B4 Mixed Use land uses; and
- Supports the ongoing operational efficiencies of the Site as approved under CDC2021/0607 for the purposes of providing health services to the surrounding community and wider locality.

3.2 OPERATIONAL DETAILS

Operational details of the proposal are further identified in **Table 2** below.

TABLE 2. OPERATIONAL DETAILS	
Component	Proposed
Nature of Use	Existing medical centre
Hours of operation	<div>Existing:<ul style="list-style-type: none">▪ Monday to Friday – 7.00 am to 10.00 pm▪ Saturday, Sunday and public Holidays – 7.00 am to 8.00 pm<div>Proposed:<ul style="list-style-type: none">▪ Monday to Friday – 7.00 am to 10.00 pm▪ Saturday, Sunday and public Holidays – 8.00 am to 10.00 pm</div></div>





PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 STATUTORY PLANNING FRAMEWORK OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development in accordance with the EP&A Act. The statutory planning framework relevant to the proposed development includes:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the principle planning and development legislation in New South Wales. Pursuant to Part 4, the proposal is considered local development.

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 3** below.

TABLE 3. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The relevant Environmental Planning Instruments (EPIs) applicable to the proposed development are addressed in Section 4.5-4.6 .
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no proposed EPIs that have been subject to public consultation which are relevant to the Site or proposal.
Section 4.15(1)(a)(iii) any development control plan, and	The relevant sections of the <i>Warringah Development Control Plan 2011</i> (WDGP2011) have been considered in Section 4.8 .
Section 4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	There are no Voluntary Planning Agreements (VPA) applicable to the Site.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in Section 4.3 of this SEE.
Section 4.15(1)(b)-(c)	Refer to Part E of this SEE.





Pursuant to Part 4, Section 4.5(d) of the EP&A Act, the consent authority for the proposal is the Council of the area in which the development is to be carried out. Therefore, Northern Beaches Council is the Consent authority for the proposal.

4.2.2 Section 4.46 of the EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines ‘integrated development’ as matters which require consent from Council and one or more authorities under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

Pursuant to Section 4.46 of the EP&A Act the proposed development does not constitute integrated development.

4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Clause 50 and Part 1 of Schedule 1 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:

(1) A development application:

(a) be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and

This DA includes all relevant information approved by the Planning Secretary and in accordance with the NSW Planning Portal guidelines.

(b) contain all of the information that is specified in the approved form or required by the Act and this Regulation, and

This DA shall be accompanied with all the relevant consultant reports as required under the Act and Regulation. This includes the appropriate application form provided by Northern Beaches Council which has been completed and utilised in the preparation of the DA.

(c) be accompanied by the information and documents that are specified in Part 1 of Schedule 1 or required by the Act and this Regulation, and

This DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner’s consent, supporting documents including Site Plan and Statement of Environmental Effects.

(d) be lodged on the NSW planning portal.

This DA shall be lodged via the NSW Planning Portal.





Further, the proposal does not trigger 'Designated Development' pursuant Schedule 3 of the EP&A Regulation.

4.4 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act, 2016) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act, 2016 is to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ESD. The BC Act 2016 is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation 2017).

Part 7 of the BC Act provides that a proposed development may not be approved by the relevant authority if it is "likely to affect threatened species or ecological communities, or their habitats".

The Site is not identified as having Biodiversity Value on the 'Biodiversity Values Map and Threshold Tool'. Further, no built form works are proposed under this DA. Accordingly, the proposal is not considered likely to significantly affect threatened species and accordingly does not require further assessment under Part 7 of the BC Act.

4.5 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) provides for certain proposals, known as Traffic Generating Development, to be referred to the Transport for NSW (TfNSW) (formally the NSW Roads and Maritime Services) for concurrence.

Under Clause 104 of SEPP Infrastructure, referral may be required for 'Traffic Generating Development'. Schedule 3 lists the types of development that are defined as 'Traffic Generating Development'.

Pursuant to Schedule 3, 'Any other purpose' development triggers referral to the NSW RMS, where:

- 200 or more motor vehicles per hour, for a site with access to a road (generally); or
- 50 or more motor vehicles per hour, for a site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)

The proposed development is solely for the purpose of extending the hours of operation of the existing medical centre and does not seek to intensify the existing operations. Therefore, referral to TfNSW under Schedule 3 of the SEPP Infrastructure is not warranted on this occasion.

4.6 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The WLEP2011 is the primary Environmental Planning Instrument (EPI) that applies to the Site.

The relevant provisions of WLEP2011 as they relate to the subject Site are considered below:





4.6.1 Zoning and Permissibility

The Site is located within the **B4 Mixed Use** zone under the provisions of the WLEP2011. **Table 4** outlines the developments consistency and compliance with the relevant development standards and controls under WLEP2011.

TABLE 4. WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011	
Requirement	Application to Proposed Development
Clause 2.3 – Zone objectives and Land Use Table	<i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>
B4 Mixed Use Centre	
B4 Mixed Use zone – Objectives of the zone	<ul style="list-style-type: none"> ▪ <i>To provide a mixture of compatible land uses.</i> ▪ <i>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.</i> ▪ <i>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.</i> ▪ <i>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.</i> ▪ <i>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.</i> ▪ <i>To encourage site amalgamations to facilitate new development and to facilitate the provision of car parking below ground.</i> <p>The proposal is consistent with the objectives of the B4 Mixed Use zone as it will support the viability and continued operation of the Site as a health services facility for the purposes of a medical centre being 'Our Medical Dee Why' that serves the needs of the local and wider community, whilst not giving rise to any adverse amenity impacts on residents or occupiers of existing development in the locality. The Site is surrounded by commercial and retail land uses and is therefore compatible with the surrounding context.</p>
Permitted without consent	<i>Home-based child care; Home occupations</i>
Permitted with consent	<i>Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities;</i>





	<p><i>Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4</i></p> <p>Medical centres are permitted with consent within the B4 Mixed Use zone.</p>
Prohibited	<p><i>Advertising structures; Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies</i></p>

The existing use of the Site is defined under the WLEP2011 as a **medical centre**, being:

premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note—Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

Accordingly, the continued use of the tenancy subject to this DA as a **medical centre** is permissible with consent within the B4 zone.



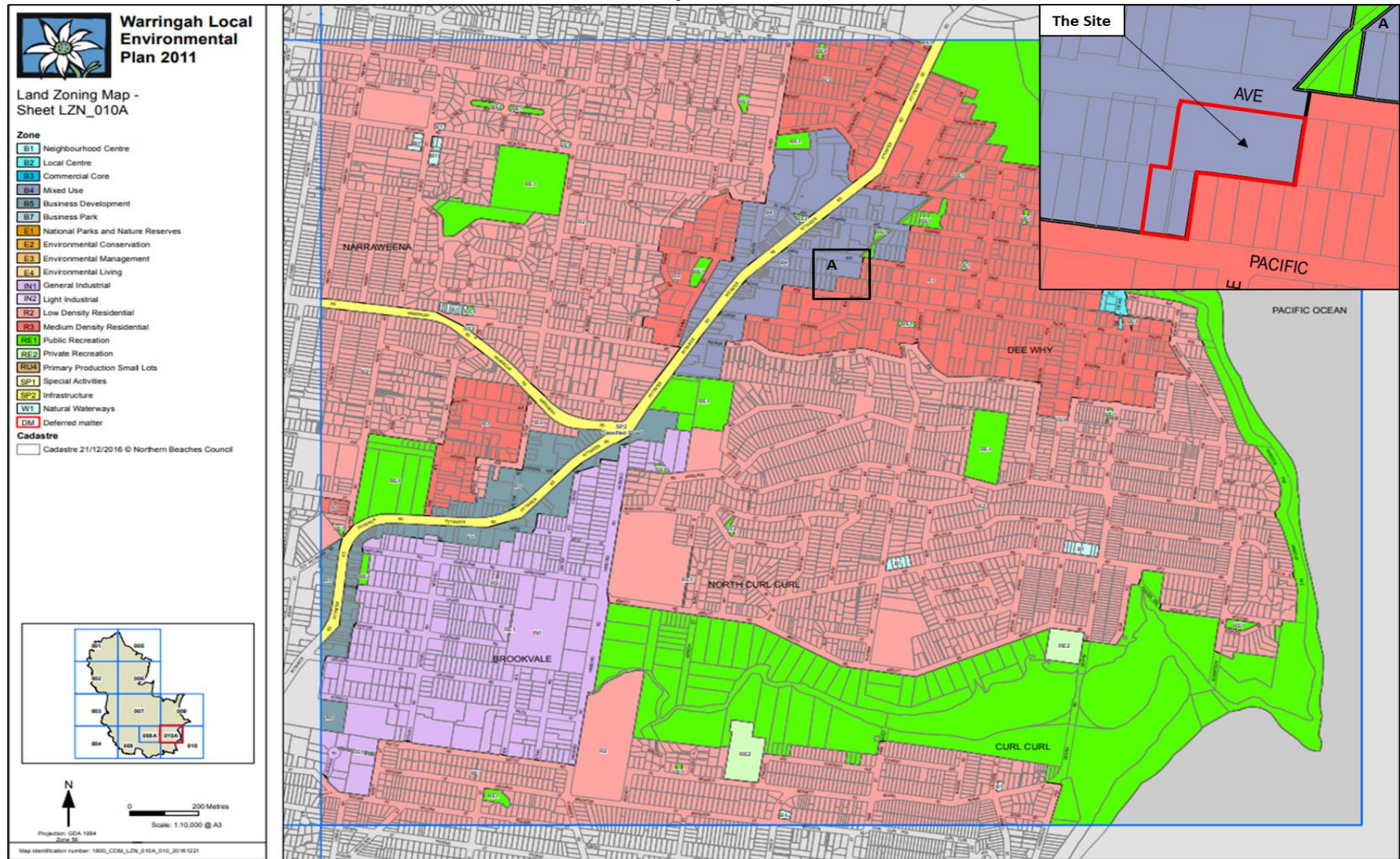




Table 5 outlines the developments consistency and compliance with the relevant development standards and controls under WLEP2013.

TABLE 5. DEVELOPMENT STANDARDS	
Clause	Comment
Clause 4.1 – Minimum Lot Size	The Site is not subject to a minimum lot size pursuant to the WLEP2011. Furthermore, the proposed development does not seek consent for any subdivision. Therefore, further assessment under Clause 4.1 is not considered warranted.
Clause 4.3 – Height of Buildings	The Site is subject to a maximum building height of 16m and 24m pursuant to the WLEP2011 as illustrated in Figures 6-7 below. The proposed development is solely for the extension of hours of operation. Therefore, further assessment under Clause 4.3 is not considered warranted.
Clause 4.4 – Floor Space Ratio	The Site is subject to a maximum FSR of 1.8:1 and 3.4:1 pursuant to the WLEP2011 as illustrated in Figure 8 below. The proposed developed does not seek consent to alter the existing FSR. Therefore, further assessment under Clause 4.4 is not considered warranted.
Clause 5.10 – Heritage	<p>The Site is not identified as a Heritage Item or located within a Heritage Conservation Area (HCA) pursuant to the WLEP2011. However, the Site is located within the vicinity of two (2) Heritage Items of local significance being I45 (St Kevin's Catholic Church) and I47(House) as illustrated in Figure 9 below.</p> <p>The proposed development is solely for the extension of hours of operation of the existing medical centre and does not seek consent to amend the existing built form or façade.</p> <p>Therefore, further assessment under Clause 5.10 is not considered warranted.</p>
Clause 6.2 – Earthworks	No Earthworks are proposed on the Site.



Proposed Extension of Hours of Operation
33 Oaks Avenue, Dee Why (Lots A & B DP 326907 and Lot 1 DP588603)

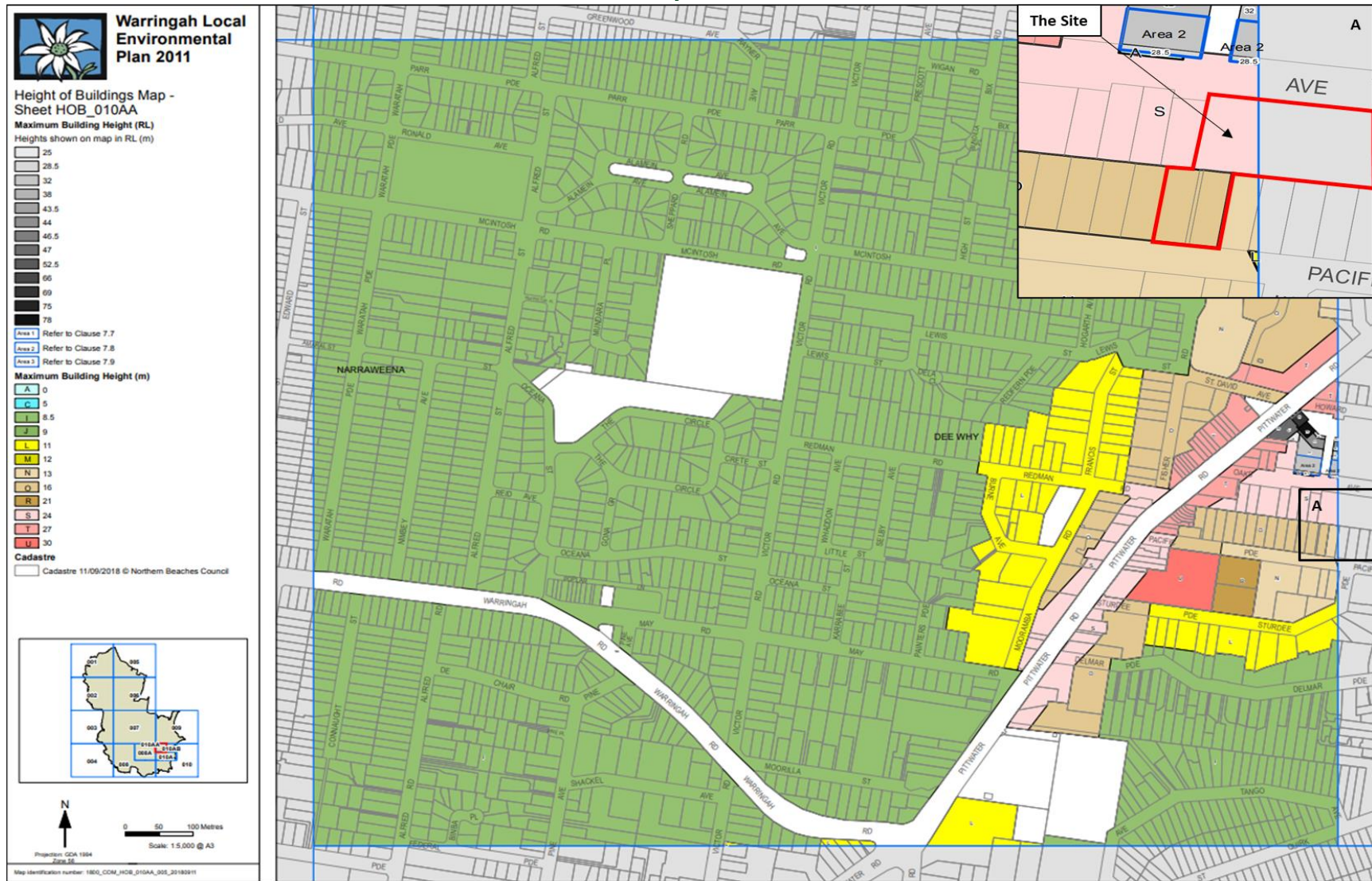


Figure 6. WLEP2013 Flood Planning Map - HOB_016 (Source: Legislation NSW, 2021)

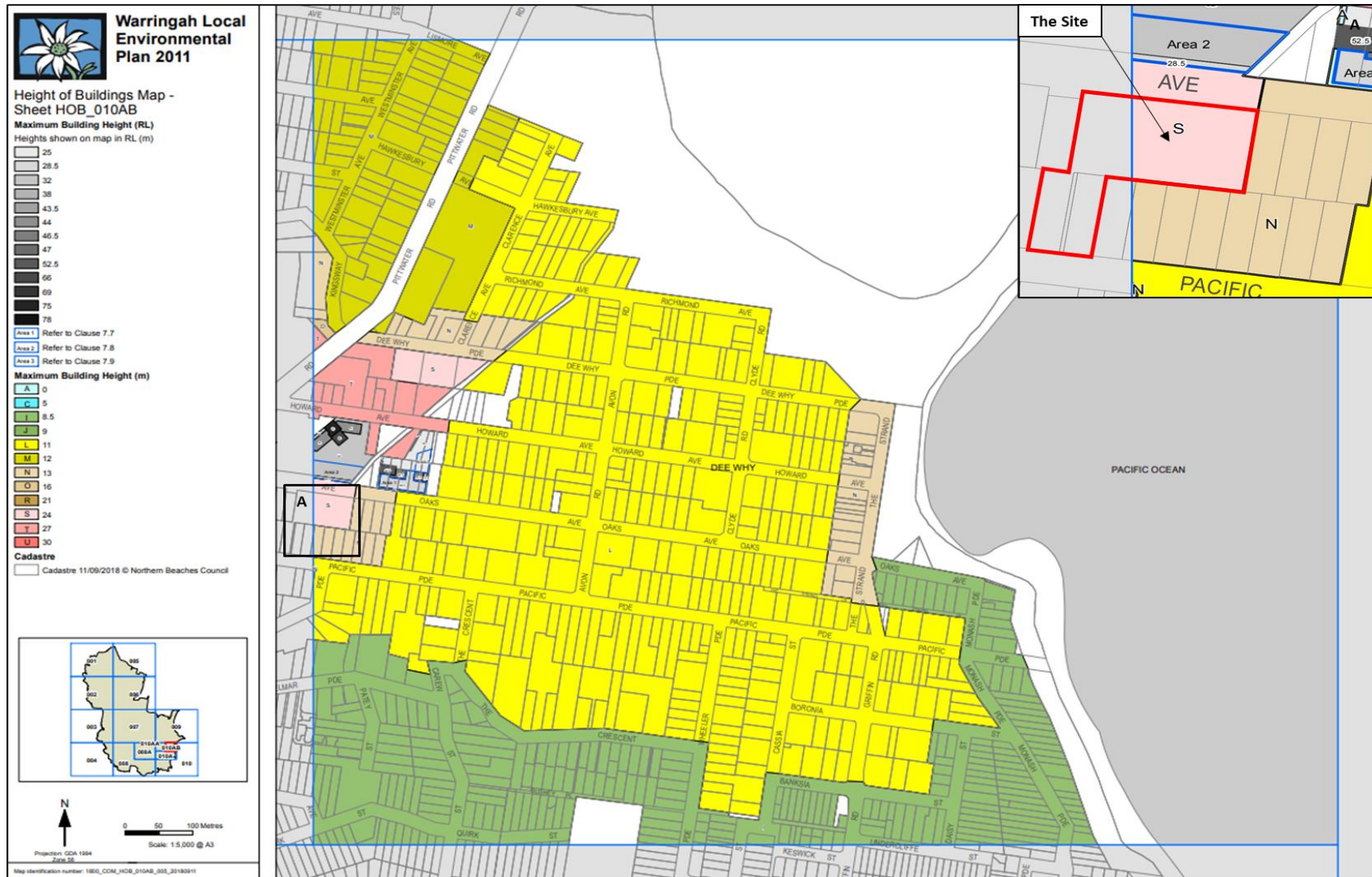
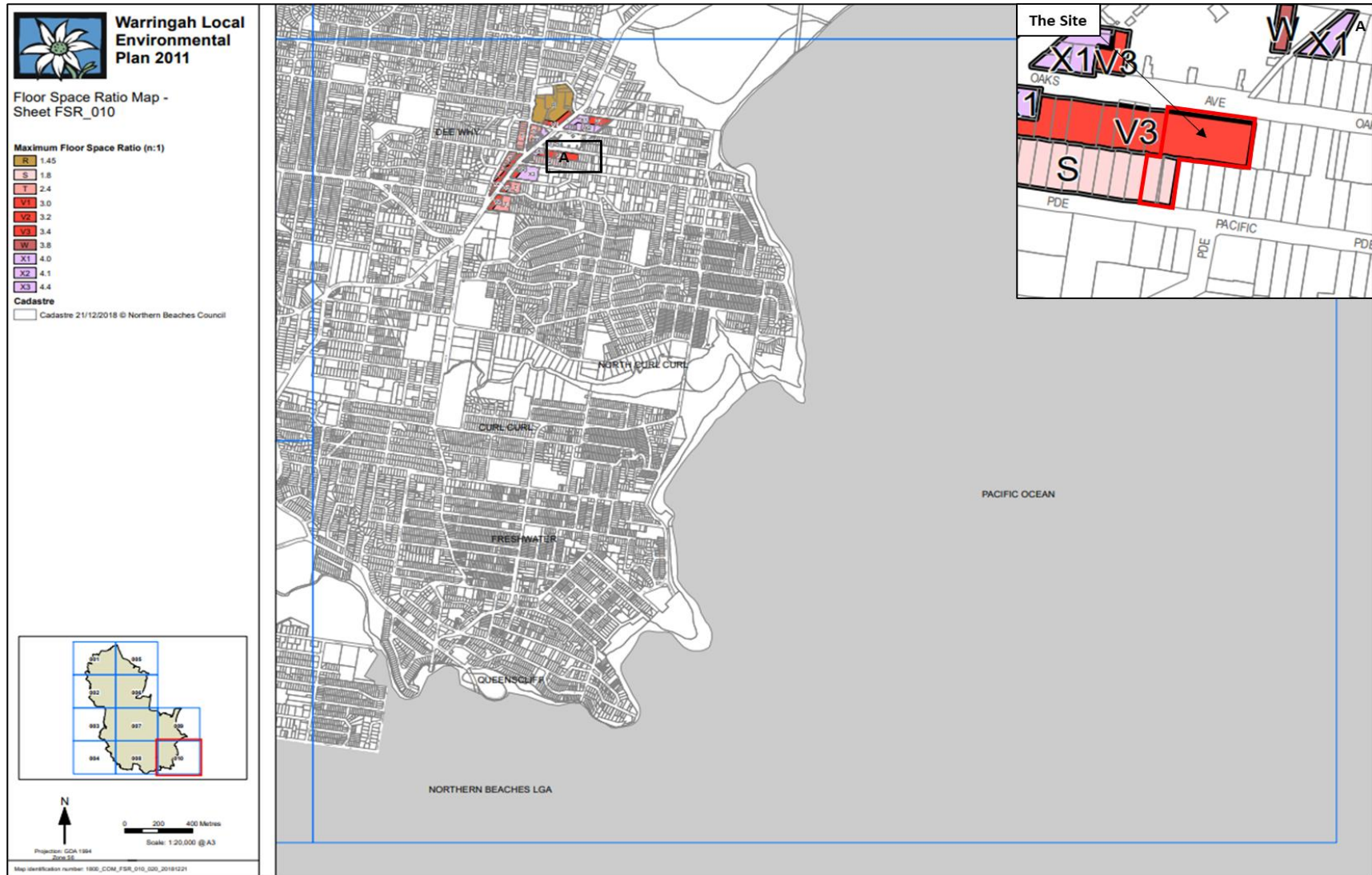


Figure 7. WLEP2013 Acid Sulfate Soils Map - ASS_016 (Source: Legislation NSW, 2021)



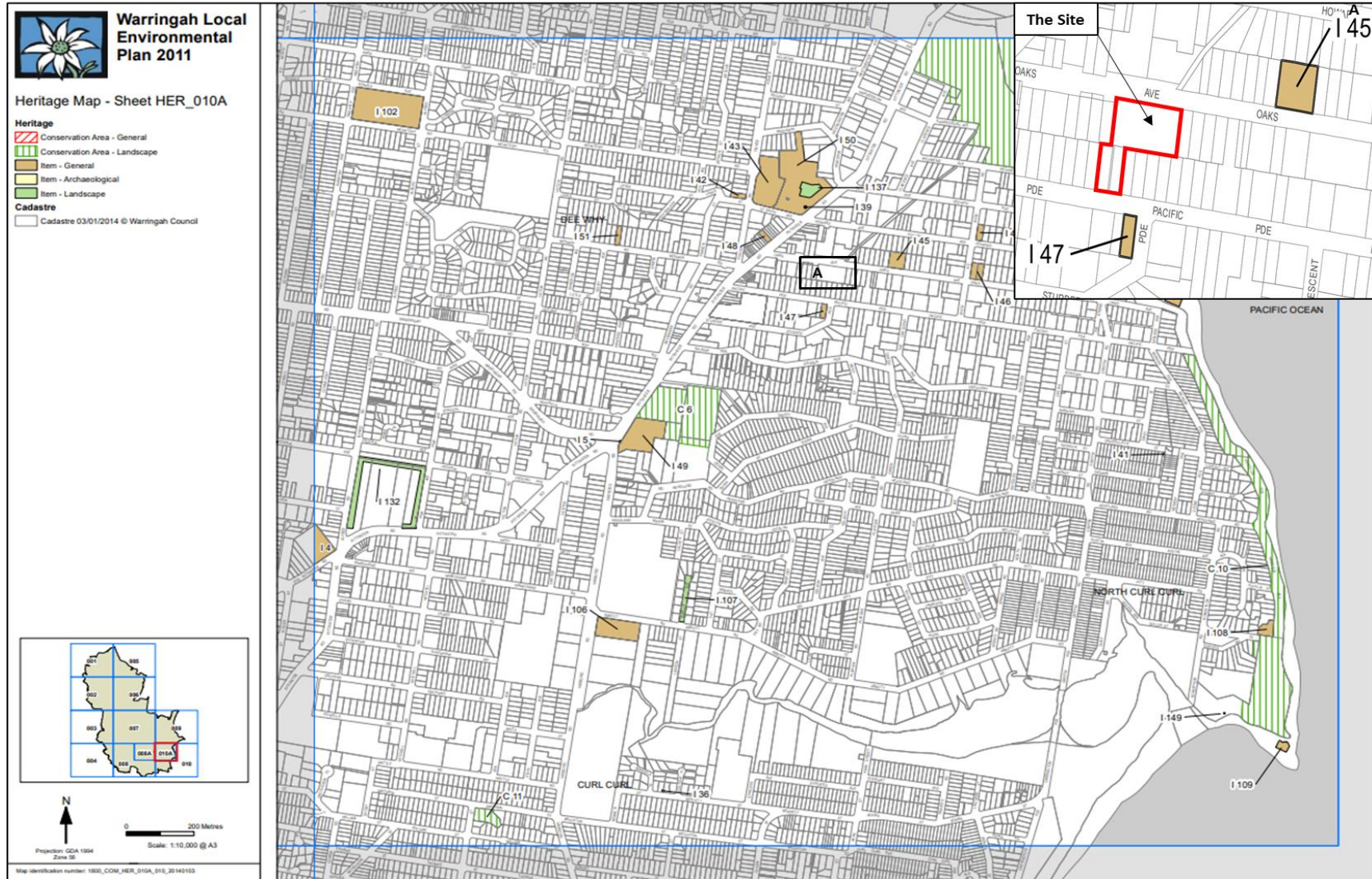


Figure 9. WLEP2011 Heritage Map - HER_010A (Source: Legislation NSW, 2021)





4.7 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Site.

4.8 NON-STATUTORY PLANNING FRAMEWORK OVERVIEW

4.8.1 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The WDCP2011 supplements WLEP2011 and provides a comprehensive framework for development in the former Warringah LGA. An assessment of the proposal against the relevant provisions of WDCP2011 has been undertaken however, it is noted that there are no controls in relation to hours of operation that apply in this instance.





PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

This DA seeks development consent to extend the hours of operation of the existing medical centre operating at the Site which was previously approved via complying development (CDC2021/0607). The proposed hours of operation result in an additional two (2) hours on Saturday, Sundays and public holidays however, the existing and proposed hours of operation continue to provide 103 operating hours per week. Furthermore, the former Woolworths trading hours located at the Site were 6.00am to 12pm 7 days.

The existing medical centre is permitted with consent within the B4 zone pursuant to the WLEP2011. The existing development and land uses adjoining and within close proximity to the Site comprise of similar operational hours which are of a variety of comparable land uses.

The proposed development is in relation to the extension of operating hours to Tenancy 9C at the Site, operating as 'Our Medical Dee Why'. As such, the proposed development would continue to compliment the existing medical centre and would visually integrate with the context and setting of the Site.

The proposed development supports the continued use of the tenancy for a medical centre and preserves the amenity of all surrounding tenancies. The proposed development would not exhibit any significant environmental impacts and would not adversely impact the amenity of any adjoining properties. No activities exist near the Site would prevent the development from being undertaken or successfully operating long term. Therefore, the proposed development is considered compatible with the Site context.

5.2 TRAFFIC & TRANSPORT

In accordance with the WDCP2011, car parking requirements for a medical centre should be provided at a rate of 4 spaces per 100m² of Gross Floor Area (GFA). Given the proposed development is solely for the purpose of extending the operating hours and does not seek to increase the existing GFA, the proposed development does not result in the requirement of any additional car parking spaces across the Site.

The Dee Why Market has approximately 118 cars spaces available which would include a surplus for the current tenancies on the Site given many users would utilise a number of services at each visit. This would ensure that there are sufficient spaces available to meet the demand of the current proposal.

Further, the proposal does not involve any changes to the existing access, parking and transport arrangements to the Site.

5.3 HOURS OF OPERATION

The proposal seeks consent under this DA to extend the hours of operation of the existing medical centre to the following:

Existing





- Monday to Friday – 7.00 am to 10.00 pm
- Saturday, Sunday and public Holidays – 7.00 am to 8.00 pm

Proposed

- Monday to Friday – 7.00 am to 10.00 pm
- Saturday, Sunday and public Holidays – 8.00 am to 10.00 pm

The Site forms part of a larger mixed-use precinct accommodating a variety of existing indoor recreation facility, supermarket and retail land uses which operate with similar extended hours as seen below:

- Anytime Fitness - 24 hours, 7 days;
- Grill'd - 11.00 am to 10.00 pm, 7 days;
- Woolworths – 7.00 am to 11.00 pm, 7 days; and
- Rashays – 8.00 am to 11.00 pm, 7 days

As mentioned in this SEE, the tenant, 'Our Medical Dee Why' provides health services facilities to meet the day to day needs of the local and wider community, whilst not giving rise to any adverse amenity impacts on residents or occupiers of existing developments within the locality. Therefore, the proposed hours of operation are consistent with the B4 zone and surrounding businesses.

5.4 NOISE

The Site is located within the B4 Mixed Use zone pursuant to the WLEP2011. The surrounding locality comprises of retail, supermarket, indoor recreation facility which operate with similar extended hours of operation. The Site is located within proximity of residential land uses located approximately 30m to the north of the Site.

The proposed development is solely for the purpose of extending the operating hours of the existing medical centre which was previously approved via complying development (CDC2021/0607) and does not result in any intensification of the operations. As stated above, the Dee Why Market has approximately 118 cars spaces available which would include a surplus for the current tenancies on the Site given many users would utilise a number of services at each visit. Further, the proposed development does not result in the intensification of the existing operations.

The proposed hours of operation result in an additional two (2) hours on a Saturday, Sunday and public holiday. Furthermore, the demand for medical services, number of doctors in attendance, and number of patients is significantly lower after 8pm every day of the week compared to other times of the day. Given the above and minor increase in hours of operation, the proposed development would not result in any adverse noise impacts as a result of the proposed hours of operation.

5.5 WASTE

The proposal is solely for the purpose of extending the operating hours of the existing medical centre and will not alter the existing operational waste management procedures and requirements. Therefore, it is considered unnecessary an additional Waste Management Plan (WMP) be prepared to accompany this proposal.





5.6 HERITAGE

The Site is not identified as a Heritage Item or located within a Heritage Conservation Area (HCA) pursuant to the WLEP2011. However, the Site is located within the vicinity of two (2) Heritage Items of local significance being I45 (St Kevin's Catholic Church) and I47(House - 45 Pacific Parade).

The proposed development is solely for the extension of hours of operation of the existing medical centre and does not seek consent to amend the existing built form or façade. Therefore, the proposal will not result in any adverse impacts with respect to heritage.

5.7 BUILDING CODE OF AUSTRALIA

The proposed development is solely for the extension of hours of operation of the existing medical centre. It is considered that the existing medical centre will maintain compliance with all relevant BCA requirements. An additional BCA Report is considered unnecessary to be prepared in support this DA.

5.8 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are anticipated to result from the proposed development. Rather, the proposal results in the extension of operating hours which will provide additional health services to the locality.

5.9 SUITABILITY OF SITE FOR DEVELOPMENT

The proposed development supports the continued functionality of the tenancy for a medical centre which is consistent with the zoning of the Site under WLEP2011 and the surrounding context. Accordingly, the Site is considered to be suitable for the development and is consistent with the aims and objectives of the B4 Mixed Use Zone.

5.10 SUBMISSIONS

No submissions have been received in relation to the proposed development at the time of writing. However, the applicant is willing to address any submissions, should they be received by Council.

5.11 THE PUBLIC INTEREST

The proposed development is in the public interest as it:

- Supports the continued use of the tenancy as medical centre within a well-established mixed use area and is consistent with the objectives of the B4 Mixed Use zone;
- Shall not create any measurable environmental or amenity impacts on the surrounding sites or public domain; and
- Supports a land use that is complimentary and compatible with the surrounding properties.

The proposal contributes to employment generating development in accordance with the aims and objectives of the WLEP2011 and WDCP2011. Therefore, the development is considered to be in the public interest.





PART F CONCLUSION

The purpose of this SEE has been to present the proposed extension of operating hours of Tenancy 9C at 33 Oaks Avenue, Dee Why and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the Site;
- The context of the Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act; and
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments.

The proposal is considered to warrant a favourable determination for the following reasons:

- It is permissible with development consent and consistent with the objectives of the B4 Mixed Use zone;
- It is appropriate within the context of the Site and surrounding locality;
- It represents a suitable and appropriate development as assessed against the relevant heads of consideration under Section 4.15 of the EP&A Act;
- The development shall not create any adverse amenity impacts on the surrounding sites or public domain; and
- In accordance with the relevant provisions of the WLEP2011 and WDCP2011, compliance is generally achieved.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

