

# 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 9 and amend condition 13

17 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](http://meriton.com.au)



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# 1 Introduction

## 1.1 Overview

This Statement of Environmental Effects (SEE) describes and considers a modification to Development Consent DA2017/0815 for the stratum subdivision of land at 884-896 Pittwater Road, 9-17 Howard Street, 14-16 and 28 Oaks Avenue, Dee Why into two lots.

## 1.2 Background

Development Application 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. Construction of the development has commenced.

Development Application DA2017/0815 to allow for the stratum subdivision of the site into two lots (to separate the areas associated with residential and non-residential uses within the development) was subsequently lodged with Council and was approved on 26 October 2017.

## 1.3 Purpose of the Modification

The subject application seeks to delete condition 9 and amend condition 13 of DA2017/0815.

## 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 (1) of the *Environmental Planning and Assessment Act, 1979*.

The conclusion is reached that the proposal is acceptable with regard to all relevant planning issues.

## 2 Site and Surroundings

### 2.1 The Site

#### 2.1.1 Property Description

The site is known as 884-896 Pittwater Road, 9-17 Howard Street, 14-16 and 28 Oaks Avenue, Dee Why. **Figure 1** shows the general location of the site and **Figure 2** shows an aerial view of the site and its boundaries. The table below provides a list of the site details.

| 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 and is at an advanced stage.

### 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.

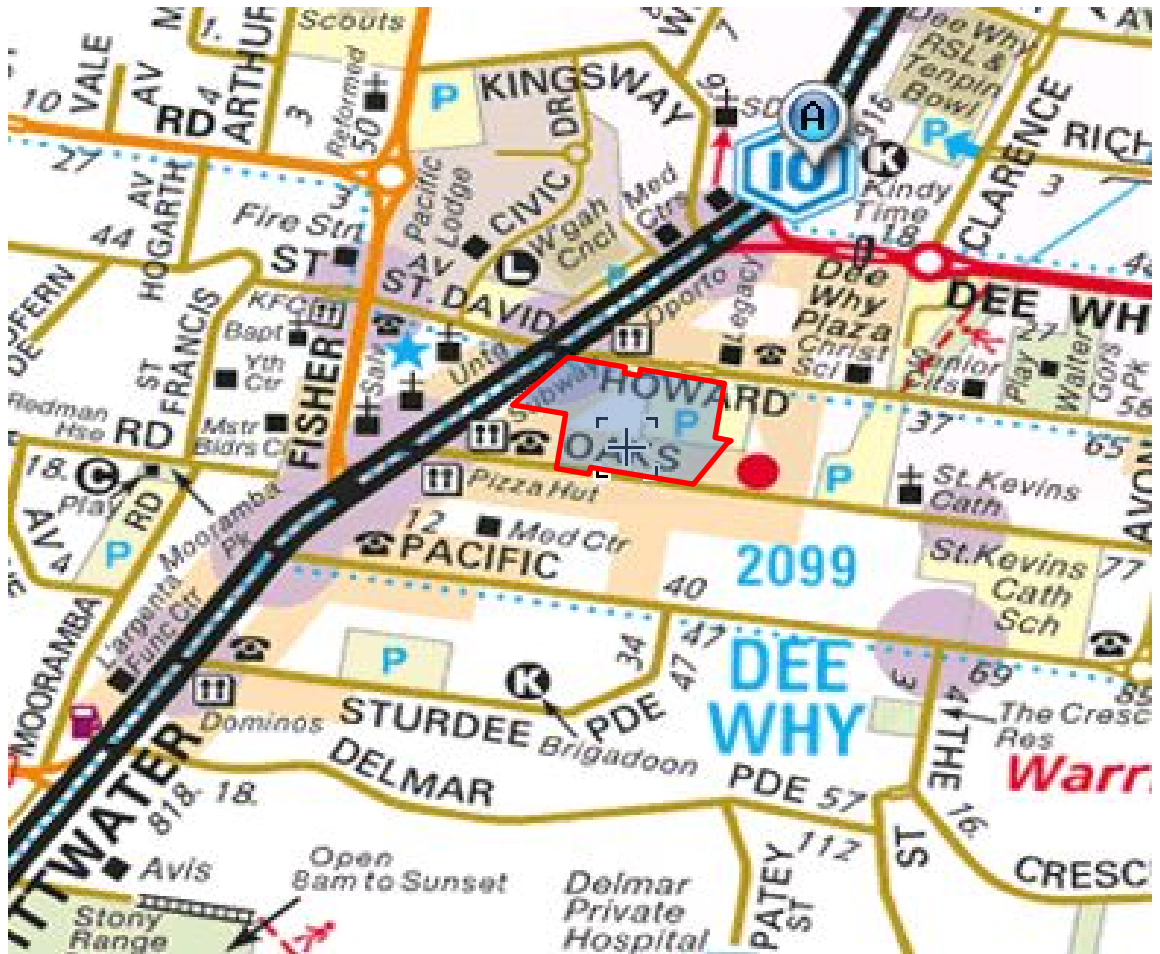


Figure 1: Location of subject site marked with red star



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 allow for the deletion of condition 9 and 13 of the consent to facilitate the phased construction of the development as follows:

##### **9. Release of Stratum Subdivision Certificate**

The condition prevents the staged occupation of the development as proposed. The condition is proposed to be deleted in its entirety.

##### **13. Title Encumbrances**

The condition is proposed to be amended to limit its application solely to those easements, rights of carriageway, positive covenants and restrictions as to user which specifically benefit Council, noting that the development includes numerous other easements etc. that affect other parties.

#### 3.2 Proposed Modification

The proposed modification involves an amendment to the following conditions:

~~Strikethrough~~ denotes text to be deleted, new text shown in **bold**:

##### ~~**9. Release of Stratum Subdivision Certificate**~~

~~To enable the lodgement of the final plan at the NSW Land and Property Information Department the Stratum Subdivision Certificate shall not be issued until the Interim/Final Occupation Certificate for the approved development DA2016/0705 has been issued.~~

##### **13. Title Encumbrances**

All easements, rights of carriageway, positive covenants and restrictions as to user **that benefit Council** as indicated on the plans and **as** required by this consent are to be created on the title naming Northern Beaches Council as the sole authority empowered to release or modify.

*Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.*

#### 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 modifications involve changes to various conditions, specifically in relation to the timing for the completion of the requirements of these conditions.

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 DA2017/0815. 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. The proposal will not alter the architectural character, appearance or function 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 housing opportunities.

### 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 allow for the deletion of condition 9 and an amendment to condition 13 of DA2017/0815 to facilitate the construction and occupation of development approved under DA2016/0705.

The proposal satisfies the relevant heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act, 1979*. It is considered that the proposal provides an appropriate response to the planned development of the site and will assist in the orderly and economic development of the land.

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**