

# Statement of Environmental Effects

S4.55 Application

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

Amend various conditions – Streetscape plans

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## PREPARED BY

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# 1 Introduction

## 1.1 Overview

This Statement of Environmental Effects (SEE) describes and considers a modification to Development Consent DA2016/0705 for the comprehensive redevelopment of land at 884-896 Pittwater Road, 9-17 Howard Street, 14-16 and 28 Oaks Avenue, Dee Why to accommodate a mixed use development. The site is known as Dee Why Town Centre "Site B".

## 1.2 Background

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
- 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

## 1.3 Purpose of the Modification

The application seeks to modify DA2016/0705 to provide greater clarity in terms of the nature and extent of streetscape upgrade works to be undertaken in the vicinity of the site. Conditions 22, 43, 47 and 72 require works to be carried out in accordance with streetscape upgrade plans for the Dee Why Town Centre prepared by Tract (the landscape architects engaged by Council to prepare landscape plans for the public domain improvement works for the Dee Why Town Centre). However, as currently worded the requirements of the conditions are unclear and ambiguous as:

- No date or reference numbers are provided clarifying which version of the streetscape upgrade plans are relevant.
- Conditions 22 and 72 refer to the Tract plans "approved with the Development Application." However, no Tract streetscape plans were approved with, or at the same time as the development application. The Tract streetscape plans did not form part of development application DA2016/0705. They have been prepared on behalf of Council by consultants engaged by Council. The plans have not been subject to any formal approvals process.

The application is strongly in the public interest as it removes any ambiguity as to which streetscape plans are relevant and thereby provides greater certainty as to the nature and extent of public domain streetscape works that are to be implemented by the developer under the consent, and prevents unreasonable delays to the completion of public domain works associated with the project.

## 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.

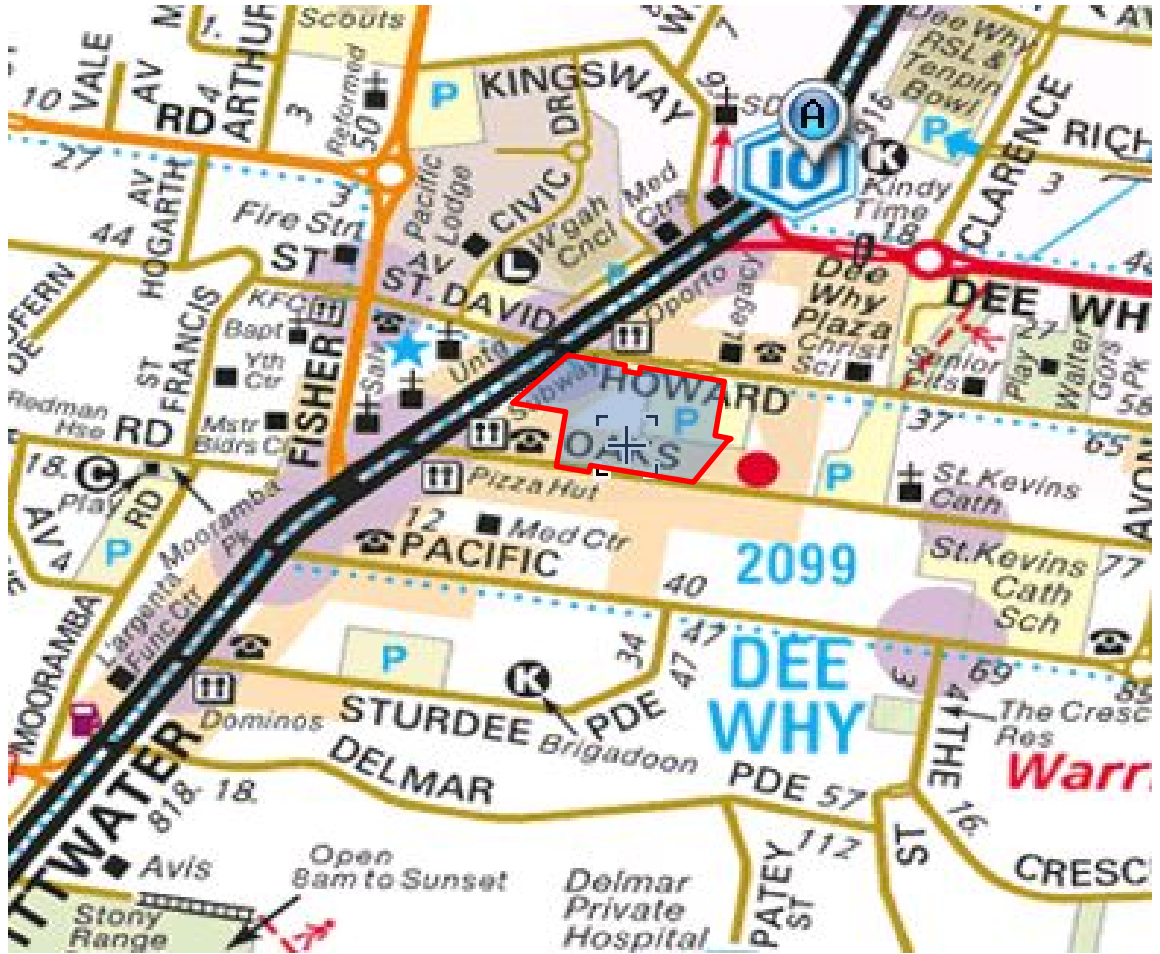


Figure 1: Location of subject site marked with red star



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 amend various conditions to make more specific reference to the relevant Dee Why Town Centre streetscape plans that are to be referred to by the developer in undertaking public domain improvement works in the vicinity of the site. This is strongly in the public interest as it provides greater certainty in relation to the streetscape upgrade works that will be provided by the developer as part of the consent.

Conditions 22, 43, 47 and 72 of DA2016/0705 require works to be undertaken in accordance with streetscape upgrade plans for the Dee Why Town Centre prepared by Tract (the landscape architects engaged by Council to prepare the landscape plans for public domain improvement works within the Dee Why Town Centre). Specific reference numbers and/or dates confirming the version of the plans that are relevant for the purposes of satisfying the conditions have not been identified within the consent. Moreover, conditions 22 and 43 make reference to plans "approved with the development application," but no such plans exist:

- The Tract streetscape plans did not form part of development application DA2016/0705 and the applicant has had no involvement in the preparation of these plans.
- The Tract streetscape plans have been prepared on behalf of Council by consultants engaged by Council.
- The Tract streetscape plans have not been subject to any formal approvals process.

For the purposes of progressing the construction engineering plans for our Dee Why Town Centre Site B development (as approved under DA2016/0705) and associated public domain works Council provided us with a set of preliminary streetscape plans prepared by Tract.

In consultation with Council we have based the design of critical infrastructure (underground services, street levels and the like) on the information contained within the above referenced plans. Construction of the Dee Why Site B development is rapidly reaching a stage at which we will be ready to commence the public domain improvement works. The relevant Section 138 approval has been issued to facilitate this. Consistent with the terms of the Section 138 approval, it is our intention to proceed with construction based on the information contained within the construction engineering plans prepared and endorsed by Council as referenced in **Table 1** below. Accordingly, we seek a modification to conditions 22, 43, 47 and 72 to delete reference to the Tract Streetscape Plans and to instead specifically include reference to the construction engineering drawings approved by Council in respect of the Section 138 application (conditions 43 and 47), thereby removing any doubt or uncertainty as to which plans are relevant to the consent and the associated works.

The relevant drawings are listed in **Table 1** below (all plans prepared by Woolacotts).

**Table 1: Schedule of engineering plans approved by Council in respect of the Section 138 application for the project**

REFERENCE NUMBER	TITLE	REVISION	DATE
<b>Road frontage and streetscape, Dee Why</b>			
C1	Standard notes and drawing list	P6	14.12.17
C2	Public domain civil works plan – Sheet 1	P4	14.12.17
C3	Public domain civil works plan – Sheet 2	P6	14.12.17
C4	Public domain civil works plan – Sheet 3	P6	14.12.17
C5	Public domain civil works plan – Sheet 4	P6	14.12.17
C6	Public domain civil works plan – Sheet 5	P6	14.12.17
C7	Public domain civil works plan – Sheet 6	P6	14.12.17
C8	Public domain civil works plan – Sheet 7	P6	14.12.17
C9	Howard Avenue cross sections	P4	14.12.17
C10	Howard Avenue boundary long section	P5	14.12.17
C11	Oaks Avenue cross sections	P4	14.12.17
C12	Oaks Avenue boundary long section	P5	14.12.17
C13	Pittwater Road cross sections	P4	14.12.17
C14	Civil works details - Sheet 1	P6	14.12.17
C15	Civil works details – Sheet 2	P4	06.12.17

### 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**:

#### **22. Submission of Engineering Plans**

*Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four copies of Civil Engineering plans for the design of road and footpath/streetscape construction works in Pittwater Road, Howard Avenue and Oaks Avenue which are to be generally in accordance with ~~the Tract Streetscape Upgrade works plans approved with the Development Application and Council's specification for engineering works – AUS-SPEC #1 and or Council's Minor Works Policy.~~*

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



#### **43. Footpath / Streetscape Upgrade Works**

The applicant shall reconstruct the footpaths in Pittwater Road, Howard Avenue and Oaks Avenue. The works shall be in accordance with the following:

- a) All footpath works are to be constructed in accordance with Council's minor works policy and the ~~Tract streetscape upgrade plans for the Dee Why Town Centre~~ **engineering plans approved by Council in respect of the Section 138 application for the project as detailed in Schedule 1.**

The works are also to include the construction of street furniture, bus shelters, street lighting, landscaping and signage.

- b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's policies and specifications.

Details demonstrating compliance are to be submitted to the PCA.

#### **47. Footpath Paving works Pittwater Road Frontage**

The pedestrian area beneath the colonnade fronting Pittwater Road is to be fully paved in accordance **with the ~~Tract Streetscape upgrade plans~~ engineering plans approved by Council in respect of the Section 138 application for the project (as required by Condition 72 below) as detailed in Schedule 1.** The works are to be designed and integrated with the specification and levels of the adjacent footpath area.

#### **72. Section 138 Roads Act Approval – Road and Streetscape Works**

- a) Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four copies of Civil Engineering plans for the design and construction of half road reconstruction works, kerb & gutter, footpath paving, street tree planting and garden beds, construction of bus shelters, street lights, street signage, pedestrian ramps and crossings, kerb blisters and associated drainage works (Pittwater Road, Oaks Avenue and Howard Avenue frontages) which are to be in accordance with the ~~streetscape upgrade plans prepared by Tract for the Dee Why Town Centre and approved with the Development Application, Warringah Public Spaces Design Guidelines and Council's specification for engineering works – AUS-SPEC #1 and or Council's Minor Works Policy.~~

Where kerb and gutter and road reconstruction works are required within the Pittwater Road frontage and Engineering Plans are to be approved by the Roads and Maritime Services and Transport for NSW.

The Engineering design plans are to include:

- i. Details of all public utility services which are to be located and detailed on the plan and cross sections. Utility services must be relocated at the applicant's expense if they are in conflict with the required engineering works.
  - ii. Removal of the indented car parking spaces in Oaks Avenue and reconstruction as road pavement.
  - iii. Full width construction of Pedestrian Crossings along the Oaks Avenue and Howard Avenue frontages.
- b) The Section 138 and 139 engineering plan approval fee is to be lodged with the assessment and approval of the plans in accordance with Council's Fees and Charges prior to the issue of the construction certificate.

**Schedule 1: Engineering plans relevant to Conditions 43 and 47**

REFERENCE NUMBER	TITLE	REVISION	DATE
<b>ROAD FRONTAGE AND STREETScape DEE WHY</b>			
C1	Standard notes and drawing list	P6	14.12.17
C2	Public domain civil works plan – Sheet 1	P4	14.12.17
C3	Public domain civil works plan – Sheet 2	P6	14.12.17
C4	Public domain civil works plan – Sheet 3	P6	14.12.17
C5	Public domain civil works plan – Sheet 4	P6	14.12.17
C6	Public domain civil works plan – Sheet 5	P6	14.12.17
C7	Public domain civil works plan – Sheet 6	P6	14.12.17
C8	Public domain civil works plan – Sheet 7	P6	14.12.17
C9	Howard Avenue cross sections	P4	14.12.17
C10	Howard Avenue boundary long section	P5	14.12.17
C11	Oaks Avenue cross sections	P4	14.12.17
C12	Oaks Avenue boundary long section	P5	14.12.17
C13	Pittwater Road cross sections	P4	14.12.17
C14	Civil works details - Sheet 1	P6	14.12.17
C15	Civil works details – Sheet 2	P4	06.12.17

### 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 conditions to improve clarity in terms of their requirements.

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/2016/0705. 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 or appearance of the approved buildings.

The proposed modifications will not result in any discernible environmental impacts.

Overall, the proposal will have a positive social and economic impact by providing greater certainty as to the developer's obligations with respect to provide public domain improvements thereby facilitating the progression of public domain works alongside the delivery of a good quality mixed use development that will provide new housing opportunities in the short term.

### 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 change various conditions to include a more accurate description and reference to the relevant public domain improvement plans to which the development must respond.

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 enable improvement of the public domain in the vicinity of the site to proceed without further delay.

Accordingly, the application should be recommended for approval.

**Meriton**  
**June 2018**