

Statement of Environmental Effects

Development Application

Dee Why Town Centre “Site B” – Mixed Use Development Vertical Wind Breaks

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PREPARED BY

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Attachment 1: Location Plan

Attachment 2: Details and Specifications

Attachment 3: Quantitative Wind Assessment

1 Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared for Karimbla Construction Services (NSW) Pty Ltd and is submitted to Northern Beaches Council in support of a Development Application (DA) in relation to land know as Dee Why Town Centre at 888 Pittwater Road, Dee Why.

This Development Application seeks consent for the installation of vertical wind breaks within the podium retail area, on the east and west sides of the central pedestrian link. The objective of this application is to provide wind mitigation measures to reduce wind impacts and ensure compliance with relevant wind requirements.

1.2 Consent Authority

The proposed development is for local development and is permissible with consent from the relevant planning authority. The application will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This DA is lodged with Northern Beaches Council pursuant to Part 4 of the EP&A Act, the Council is the consent authority.

1.3 Structure of 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*.

This report should be read in conjunction with the supporting documentation attached in **Attachment 1, 2 and 3**.



Figure 2: Aerial View of Site

The site forms the western part of the defined boundary of the Dee Why Town Centre. It has direct frontage to Pittwater Road which is the main north-south arterial road running through the Northern Beaches Local Government Area. Dee Why Town Centre comprises a linear centre which extends along Pittwater Road. The site is situated at the northern end of the town centre directly adjacent to its central spine (Pittwater Road).

The site is occupied by a recently constructed mixed use development comprising a shopping centre with residential towers above, approved under DA2016/0705 on 10 May 2017. Additional uses within the development include a childcare, commercial gym, office spaces and car wash.

2.2 Surrounding Area

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.

2.3 Planning History

Mixed Use Development

Development Application DA2016/0705 to allow for the comprehensive redevelopment of the site for a mix of commercial and residential uses accommodated within two buildings 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;
- Childcare centre for 130 children at first floor level; and
- New publicly accessible plaza.

The consent has been variously modified by Section 4.55 application and standalone development applications to allow for minor changes to the mix of uses and layout of the commercial component of the development.

3 Proposed Development

This application proposes the installation of eleven vertical wind break structures throughout the retail precinct at 888 Pittwater Road, Dee Why. The vertical wind break elements are described below and illustrated on the accompanying location plan (see **Attachment 1**).

- Nine glass retail wind breaks to fit within the existing alfresco dining extents; and
- Two landscape feature wind breaks substituting additional landscaping.

The proposed works have arisen from a recent Quantitative Wind Assessment (**Attachment 3**) carried out by SLR Consulting to quantify the wind conditions within the site. The Quantitative Wind Assessment found that existing wind conditions in locations within the retail area of the site "have the potential to experience elevated wind speeds, in excess of the standard one per year walking comfort criteria and, in one isolated case, potentially exceeding the safety criteria for walking".

As such, it is recommended by the Quantitative Wind Assessment for landscaping elements and wind breaks to be installed to mitigate non-compliant wind impacts. Details and specifications of the vertical wind break structures are contained within **Attachment 2**.

4 Environmental Planning Assessment

4.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

4.1.1 Warringah Local Environmental Plan 2011

Part 2 of the Warringah Local Environmental Plan (LEP) identifies that the development site is zoned MU1 Mixed Use. The proposal is permitted in the zone subject to consent from the Council.

There are no other clauses within the LEP of specific relevance to the assessment of the proposal.

4.2 Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments

There are no draft environmental planning instruments that apply to the subject site.

4.3 Section 4.15(1)(a)(iii): Development Control Plans

4.3.1 Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 applies to the subject site.

The only control of relevance within the Warringah Development Control Plan 2011 (WDCP) is outlined below.

"4 Streetscape and Public Domain"

This section details design requirements for places accessible to the public, being either on public land or as part publicly accessible areas of a private development. This includes building frontages addressing the street, awnings over footpaths, pedestrian access ways and open spaces.

Objectives

- *Prioritise pedestrian, cycling and public transport users.*
- *Improve access for people of all ages and abilities.*
- *Ensure high levels of amenity addressing landscape and street tree planting, weather protection, circulation and seating.*
- *Provide spaces for people to meet, walk and feel safe.*
- *Integrate the management of stormwater and floodwater.*
- *Maximise opportunities for landscaping.*
- *Encourage public art.*
- *Activate the public domain and create lively, attractive public spaces.*
- *Create a system of new and improved connected public spaces.*

Requirements – General

1. *The public domain must be designed:*

- a) *In accordance with the Warringah Public Spaces Design Guidelines or updated Policy and relevant Australian Standards;*
- b) *To address Crime Prevention Through Environmental Design;*
- c) *To incorporate spaces for outdoor seating and dining;*

- d) *To address disability access;*
- e) *Be suitably treated with paving, seating and landscaping;*
- f) *Integrate stormwater and floodwater management;*
- g) *Include canopy tree planting to provide shade, improve visual amenity, reduce the urban heat island effect and create a pleasant environment for pedestrians and cyclists."*

The proposal is relevant consistent with the objectives and requirements of the DCP in that it seeks to improve pedestrian amenity and enjoyment of the public space, including outdoor dining by mitigating wind impacts. The proposal does not seek to change any of the existing elements within the retail area.

Additionally, the proposal is consistent with relevant sections of the *Northern Beaches Public Space Vision & Design Guidelines* as referred to in Part G1, Section 4, Control 1 (a) of the Warringah DCP.

"D12 Building and Streetscape Interfaces

D12.1 Outdoor Dining

Purpose

Outdoor dining is a key component of delivering lively and engaging urban areas, and assisting with activation of public spaces both during day time and night time hours.

Guiding Principles

- *it is recognised that not all public spaces are suitable for outdoor dining and each location shall be treated on its merits to ensure safety of restaurant patrons and access for pedestrians*
- *within the Northern Beaches LGA outdoor dining opportunities should support inclusive access and design quality*
- *locate outdoor dining areas so as to not have a negative impact on adjoining footpath areas or cause roadside hazards for passing cyclists and motorists*
- *maximise street tree planting to provide amenity for outdoor dining areas*

Design Standards

- *provide a clear, unobstructed footpath zone so pedestrian through movement is maintained*
- *for further information refer to Northern Beaches Council's 'Outdoor Eating Area Policy,' or contact Council"*

The proposal is relevantly consistent with the Guiding Principles of WDCP control D12.1, with the general outcomes of the retail area not changing from that which was originally approved under DA2016/0705.

4.4 Section 4.15(1)(a)(iiia): Planning Agreements

Section 7.4 of the EP&A Act enables the proponent to enter into a Voluntary Planning Agreement (VPA) with Council as an alternative mechanism for securing contributions (material and / or monetary) for the provision of public services and facilities to support new development.

The site is subject to a Voluntary Planning Agreement (VPA) negotiated by the former site owner and Warringah Council during the assessment of DA2007/1249 and subsequently amended by Council and Meriton Properties Pty Ltd as the new owners of the site to more appropriately respond to the future development of the site. The proposal for vertical wind breaks does not change the executed VPA.

4.5 Section 4.15(1)(a)(iv): Regulations

The Development Application has been made in accordance with the requirements contained in Clause 23 and 24 of the *Environmental Planning and Assessment Regulation 2021*.

4.6 Section 4.15(1)(b): Likely Impacts

The environmental impacts of the development have already been taken into consideration in the assessment of the original development application of the site for the mixed-use development. However, as demonstrated in the accompanying Quantitative Wind Assessment (Attachment 3) recent wind mitigation measures to upper balconies have led to wind conditions on the site becoming non-compliant. The proposed works would enable the site to comply with relevant wind criteria, resulting in an overall positive impact for the site and pedestrians.

The proposed wind breaks will have no negative impacts on the form and functionality of the retail area, nor will they restrict access or detract from the approved retail/dining or landscaping.

4.7 Section 4.15(1)(c): Suitability of the Site

There are no environmental constraints on the site that would impede the proposal or render it unsuitable for the site.

4.8 Section 4.15(1)(d): Submissions

Council will consider submissions at the close of the exhibition period.

4.9 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 DA under consideration, particularly, given the absence of any demonstrable adverse impacts resulting from the proposal.

5 Conclusion

The proposal seeks Council's consent for the installation of a number of vertical wind breaks within the publicly accessible retail area of the 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.

Accordingly, the application should be recommended for approval.

Meriton
June 2024

Attachment 1: Location Plan

Attachment 2: Details and Specifications

Attachment 3: Quantitative Wind Assessment