

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(b)

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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

A separate early works DA for drainage and stormwater management works, the installation of shoring walls and bulk excavation works was approved by Council on 22 December 2015 (DA2015/0612) and facilitated the commencement of works prior to approval of DA2016/0705 for all above ground works.

1.3 Purpose of the Modification

The subject application seeks to delete Condition 9(b) which specifies requirements for the provision of bond amounts to cover against potential damage to council assets during the construction process. A similar condition (Condition 7 Bonds) was applied to DA2015/0612 which includes a requirement for the payment of a maintenance bond in the amount of \$200,000 in respect of Council's stormwater drainage line; the required bond amounts for this DA have been paid in accordance with Condition 7. Condition 9(b) of DA2016/0705 duplicates the requirements of Condition 7(f) of DA2015/0612 resulting in multiple bond amounts being required to be submitted and held by Council for the same purpose.

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 eliminate the need for duplicate bond amounts to be paid in respect of potential damage to public infrastructure during construction works under the two development consents for the site, being:

- DA2015/0612 Drainage and stormwater management works and installation of shoring walls and bulk excavation approved 22 December 2015; and
- DA2016/0705 Construction of a mixed use development comprising retail, commercial and residential uses and a child care centre approved 10 May 2017.

The following bond amounts have been paid to Council in respect of Council stormwater infrastructure:

- \$200,000 Maintenance Bond as required under Condition 7(f) of DA2015/0612 (applies to civil works);
- \$500,000 security bond as required under Condition 9(e) of DA2016/0705 (applies to roads and stormwater drainage systems); and
- \$500 Maintenance Bond as required under Condition 9(f) of DA2016/0705 (applies to all civil works).

The deletion of Condition 9(b) of DA2016/0705 is sought to eliminate the need for a further bond amount for the same purpose, and to allow the immediate return of the \$250,000 bond amount already paid to Council.

3.2 Proposed Modification

The proposed modification involves the deletion of condition 9(b) in its entirety:

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

9. Works Bonds

(a) Construction, Excavation and Associated Works Bond (Road and kerb and gutter works)

A Bond of \$1,000,000 as security against any damage or failure to complete half road construction works and kerb and gutter works including traffic control devices and line marking as specified, along the Oaks Avenue and Howard Avenue frontages as required as part of this consent.

~~(b) Construction, Excavation and Associated Works Bond (drainage)~~

~~*A Bond of \$250,000 as security against any damage to Councils existing drainage systems adjoining the site.*~~

(c) Construction, Excavation and Associated Works Bond (Footpath Paving works and associated street furniture)

A Bond of \$1,000,000 as security against any damage or failure to complete the construction of any vehicular crossings, footpath paving/streetscape and associated works required as part of this consent. This bond is also to cover associated street furniture works, bus shelters, street lighting and street tree planting.

(d) Construction, Excavation and Associated Works Bond (Pollution)

A Bond of \$100,000 as security to ensure that there is no transmission of material, soil etc. off the site and onto the public road and/or drainage systems.

(e) Construction, Excavation and Associated Works Bond (Damage to Councils Roads and Stormwater Drainage systems)

A Bond of \$500,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

(f) Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond of \$500,000. The maintenance bond is required to be submitted to Council after all road and footpath construction works are completed and accepted in writing by Council. This maintenance bond can be exchanged upon agreement with Council for all the other engineering works bonds that are held. The Maintenance Bond will only be refunded on completion of the 12 **month** maintenance period, if work has been completed in accordance with the approved plans to the satisfaction of Council.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each road and footpath works inspection as determined by Council (minimum (2) twenty inspections).

All bonds and fees shall be deposited with Council prior to Construction Certificate or commencement, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

The Bonds lodged to Council can be in the form of an unconditional Bank Guarantee with no expiration date.

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 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 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 delete condition 9(b) of 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
March 2018'