

<b>ITEM 8.6</b>	<b>'SITE B' HOWARD AND OAKS AVENUE DEE WHY</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2014/326045</b>
<b>ATTACHMENTS</b>	<b>1 " Site B" Howard and Oaks Avenue, Dee Why - WDAP Report of the Meeting held 8 October 2014 (Included In Attachments Booklet)</b>
	<b>2 "Site B" Howard and Oaks Avenue, Dee Why - Minutes of WDAP Meeting held 8 October 2014 (Included In Attachments Booklet)</b>
	<b>3 "Site B" Pittwater Rd, Howard and Oaks Avenue Dee Why - Council's Planning Proposal Report (Included In Attachments Booklet)</b>
	<b>4 Letter Requesting Variation to WLEP cl 7.10(2)(f) dated 13 October 2014 (Included In Attachments Booklet)</b>
	<b>5 Dee Why Town Centre "Site B" - Proponent's Planning Proposal Report (Included In Attachments Booklet)</b>

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## EXECUTIVE SUMMARY

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### PURPOSE

To report the outcomes of the assessment of the Planning Proposal for 'Site B' Howard and Oaks Avenue, Dee Why and recommend that it proceed to a Gateway Determination.

### SUMMARY

On 23 May 2014 Meriton lodged a Planning Proposal application seeking amendments to the prescriptive Development Standards that apply to this land within the core of the Dee Why town centre (commonly known to Council as 'Site B').

The application has been assessed and referred to the Warringah Development Assessment Panel for their opinion. Both Council staff and the Assessment Panel support the application proceeding to a Gateway Determination (with the exception of two matters that are documented in the report).

### FINANCIAL IMPACT

Nil

### POLICY IMPACT

Nil

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## RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Forward the Planning Proposal to amend Warringah Local Environment Plan 2011 for the land identified as 'Site B' Howard and Oaks Avenue Dee Why, to the Department of Planning and Environment seeking a Gateway Determination.

- B. Following the Gateway Determination, require the applicant to provide an economic assessment of the future employment potential of 'Site B' and the wider Dee Why Town Centre against regional planning objectives for further assessment in the post-gateway stage.
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**REPORT**

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**INTRODUCTION**

The details of the Planning Proposal's assessment are contained in the attached Warringah Development Assessment Panel Report and Council's Planning Proposal Report. These reports provide a summary overview for Council's consideration.

**BACKGROUND**

On 23 May 2014, Karimbla Construction Services Pty Ltd (commonly known as Meriton) lodged a Planning Proposal seeking amendments to the development standards within the Warringah Local Environmental Plan 2011 (WLEP) that apply to their land.

The amendments relate to the built form and land use composition that was approved in Development Consent DA2007/1249 and reflected the WLEP 2011 development standards.

The site is referenced in many of Council's planning documents as 'Site B' and is also commonly referred to as the former 'Multiplex/Brookfield' site.

**Proposed Amendments**

The proposed amendments to the WLEP 2011 development standards seek the following:

1. Modify the building height control by way of relatively minor changes to the building envelope. No change is proposed to the overall maximum building height of the proposed towers, with the exception of a request to exclude ancillary structures like plant and lift overruns from the height control. This is dealt with in a separate point below.
2. Introduce the flexibility to utilise Level 1 and 2 of the proposed development for residential purposes.
3. Introduce the flexibility to utilise the ground floor of the proposed development for a range of commercial uses (beyond just shops, cafes and restaurants) including offices, medical centres and the like.
4. Remove the requirement that the finished ground floor level of the development meet the footpath level. The proponent seeks to be able to build to the flood planning level which could result in a level difference between the ground floor of the building and the adjacent town square and pedestrian pathways.
5. Permit rooftop plant and lift overruns to be built above the maximum building height for the two tower buildings.

**Planning Assessment – Overview**

Items 1 to 3 of the proposed amendments listed above are supported as they will result in a development of similar scale and function to that approved under DA2007/1249. There is one qualification here that relates to Item 2. The Warringah Development Assessment Panel has requested that a review of the future employment potential of 'Site B' and the wider Dee Why Town Centre against regional planning objectives be undertaken to further justify Item 2. This is supported and recommended to happen as part of the Post Gateway Determination assessment phase.

Items 4 and 5 listed above are not supported. The reasons are summarised as follows.

**Item 4 – request to raise the finished ground floor level**

This aspect not supported. The construction of ground floor retail and business premises above the footpath levels may decrease pedestrian access, reduce the appearance of human scale for pedestrians and reduce the viability of those commercial premises.

Street activation and the levels between the public domain and this site are significant considerations. The proposed development has an extensive street frontage and features a publicly accessible town square within the site.

Whilst this aspect is not supported it is understood that solutions are available, particularly considering the outcomes of the Dee Why South Catchment Flood Study adopted in 2013 and associated Floodplain Risk Management Study. Drainage upgrades are being planned for the town centre designed to ameliorate current storm water drainage disposal.

#### **Item 5 - request to allow rooftop structures above the height limit**

A recent additional request was received by way of a letter from the proponent on 13 October 2014. This seeks to amend the WLEP 2011 to allow external ancillary plant above the maximum building height.

The clause they seek to remove is 7.10 2 (f) which states:

*'no external ancillary plant is located on the roof of the tall tower located on Site A or the two slimline towers on Site B'.*

This request was after the submission of the Planning Proposal, public exhibition in July / August 2014 and consideration of the application by the Warringah Development Assessment Panel at its meeting on 8 October 2014. It did not form part of their planning proposal application and has been insufficiently justified on planning grounds.

The request is not supported. The following provides further explanation of the planning provisions relating to the matter.

This provision applies to the whole of the town centre, in both the current WLEP 2011 and the recent Dee Why Town centre draft LEP that was endorsed by Council on 23 September 2014.

The maximum height of the approved *'slimline towers on Site B'* have been given considerable public scrutiny in the assessment of the approved development consent DA2007/1249 (proposed by Muiltplex) on the land and are reflected in the resulting LEP provisions. This request would have the effect of permitting an additional storey on *'Site B'*.

The WLEP 2011 definition of building height is as follows:

*'means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like'*

The definition expresses that plant and lift structures are to be included in the measurement of building height.

Further, WLEP 2011 *Clause 7.10, Allowance for external ancillary plant and roof access* states that consent must not be granted to development unless the consent authority is satisfied that *'no external ancillary plant is located on the roof of the tall tower located on Site A or the two slimline towers on Site B'.*

This provision requires any rooftop structures to be designed to appear as part of, and not additional to the tower built form. Previous assessments and design analysis of Site B development state that planning controls and development consent shall aim to limit the visibility of unsightly structures and associated building silhouettes.

WLEP 2011 Clause 7.10 is a long standing planning control which has also been incorporated into the Dee Why Town Centre Planning Proposal considered at the Council meeting held 23 September 2014.

The applicant's request has been enclosed as Attachment 4 - *Letter Requesting Variation to WLEP cl 7.10(2)(f) dated 13 October 2014.*

## CONSULTATION

The Planning Proposal was publicly exhibited (non-statutory) from 19 July 2014 to 4 August 2014.

During the public exhibition period, Council received 37 submissions, which included 19 letters and emails of objection and 18 signatories to a petition. An evaluation of the submissions is provided in Attachment 2 - *Site B" Howard and Oaks Avenue, Dee Why - WDAP Report of the Meeting held 8 October 2014.*

In light of comments received during the exhibition period and as a result of Council's detailed assessment, the following WLEP 2011 amendments have been added to those outlined in the exhibited Planning Proposal:

- A Height of Buildings map illustrating the proposed maximum building height controls.
- Provisions that stipulate the minimum quantum of commercial floor space.

### Warringah Development Assessment Panel

At its meeting on 8 October 2014, the Warringah Development Assessment Panel recommended that the Proposal be referred to Council with a recommendation to proceed to Gateway Determination. The reasons given are listed below;

1. The proposal does not increase the overall building volume compared to the development approved under DA2007/1249.
2. The proposal maintains a comparable quantum of floor space to that approved under DA2007/1249.
3. The proposal allows for increased flexibility to provide land uses that adapt with market demand.
4. The WLEP 2011 will continue to regulate development of the site through prescriptive building height controls that are not able to be varied through the application of WLEP 2011 Clause 4.6 – Exception to development standards.
5. A Gateway Determination will enable a review of the future employment potential of 'Site B' and the wider Dee Why Town Centre against regional planning objectives.

It is noted that Reasons 1 - 4 were recommended by Council staff. Reason 5 was added by the Panel after considering public submissions regarding the objective of maintaining employment opportunities through the provision of commercial floor space within the town centre.

As a result of Reason 5, the applicant shall further assess the role Dee Why town centre has within the region in the provision of employment opportunities. It will need to justify how the proposal accords with regional planning objectives. The Warringah Employment Study 2013 will also be a relevant consideration. It is appropriate for this to take place following the Gateway Determination.

## CONCLUSION

The proposed amendments to the WLEP 2011 will result in a development of similar scale and function to that approved under development consent DA2007/1249 and are generally supported.

Notwithstanding general support, the requests to permit external ancillary plant above the maximum building height and to construct the ground floor level above the footpath level are not supported.

## FINANCIAL IMPACT

Nil

**POLICY IMPACT**

Nil

# COUNCIL RESOLUTION – 25 November 2014

## 8.6 'SITE B' HOWARD AND OAKS AVENUE DEE WHY

NOTE: With the permission of the mover and seconder the addition of Point C to the motion was accepted

642/14 **RESOLVED**

***Cr Regan / Cr Menano-Pires***

That Council:

A. Forward the Planning Proposal to amend Warringal Local Environment Plan 2011 for the land identified as 'Site B' Howard and Oaks Avenue Dee Why, to the Department of Planning and Environment seeking a Gateway Determination.

B. Following the Gateway Determination, require the applicant to provide an economic assessment of the future employment potential of 'Site B' and the wider Dee Why Town Centre against regional planning objectives for further assessment in the post-gateway stage.

C. Notes there is a serious deficiency in the provision of car spaces which must be addressed.

## **VOTING**

**For the resolution:** Crs Daley, De Luca, Giltinan, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**MINUTES OF ORDINARY COUNCIL MEETING  
25 NOVEMBER**