

4.1 7-17 Howard Ave, 14-16 and 28 Oaks Avenue, and 884-896 Pittwater Road, Dee Why - Dee Why Town Centre (Site B) - Stage One Development Application for a Concept Mixed Use Development

SUPPLEMENTARY DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Steve Findlay
Address / Property Description: **Dee Why Town Centre (Site B)**
7-17 Howard Avenue, 14-16 and 28 Oaks Avenue, and 884-896 Pittwater Road, Dee Why

Proposal: Stage One Development Application for a concept mixed use development comprising residential, retail and commercial uses, including 3 storey street front buildings to Oaks Avenue and part of Howard Avenue, an 8 storey commercial office building fronting Pittwater Road, 7 storey mid-rise residential buildings, two residential tower buildings (one of part 15/part 18 storeys and one of part 14/part 17 storeys), a publicly accessible "town square" and north-south pedestrian link, 5 levels of carparking (4 basement levels and 1 above ground level), a bus bay and vehicular access.

Development Application No: DA2007/1249

Amended Plans Reference: Architectural Plans prepared by Hassell Architects Pty Ltd, numbered Stage 1 DA – 098 to 113, 115, 116, 120, 121, 130 to 133 and 140. Shadow Diagrams prepared by Hassell Architects Pty Ltd, numbered Stage 1 DA – 050 to 154.

Applicant: Multiplex Dee Why Pty Ltd

Owner: Multiplex Dee Why Pty Ltd

Designated Development: NO

Integrated Development: YES (Requires a Licence for Temporary Dewatering from the Department of Water and Energy (DWE) under the Water Management Act 2000)

Concurrence Required: YES (Roads Act 1993)

Locality under WLEP 2000: E21 - Dee Why Town Centre

Category under WLEP 2000:
Category 1 (shops on ground and first floor, restaurants on the ground floor)
Category 2 (business premises, housing on second floor level and above, offices on the second floor level and above, shops)
Category 3 (housing on the first floor level)



1.0 PURPOSE OF THIS REPORT

This report has been prepared to deal specifically with the gazetted form of Warringah Local Environmental Plan 2000 (Amendment No. 21) and the implications of the changes incorporated into Amendment No. 21 for the Stage 1 Development Application (DA 2007/1249) for "Site B" since it was last considered by the Independent Hearing and Assessment Panel (IHAP).

2.0 BACKGROUND

Report to Independent Hearing and Assessment Panel (IHAP)

The report by the Development Assessment Officer on the Stage 1 development application concluded that the proposed development was consistent with the Draft LEP as it existed at the time of preparing the report. The report is attached as **Appendix A**. The recommendation attached to that report was for the development application to be forwarded to the Independent Hearing and Assessment Panel for their consideration on the basis that it was a Stage 1 concept proposal based on a draft LEP which had not yet been gazetted and hence the DA could not be determined by way of consent.

The report was accompanied by forty-eight (48) "*recommended conditions of consent*" which were prepared for the future determination of the Stage 1 DA to ensure the final development, in terms of architecture, urban design, landscape, external finishes, public art, lighting and the like are delivered in a manner which achieves the highest levels of design excellence and quality and produces tangible and overwhelming public benefit.

Independent Hearing and Assessment Panel (IHAP) Public Hearing of 9 July 2008

The current Stage 1 Development Application was most recently considered by the IHAP Panel at the Independent Public Hearing held on 9 July 2008. The report prepared by the IHAP Panel is attached as **Appendix B**. The IHAP Panel heard from eleven (11) interested members of the community and the applicants consultants. The Panel considered the DA on the basis of the E21 - Dee Why Town Centre Local Environmental Plan being a draft amendment, known as "Amendment A" on the understanding that it was imminent and certain as to its progress in accordance with the provisions for local environmental plans under the EPA Act 1979. A copy of "Amendment A" is attached as **Appendix C**.

It is noted that the application was required to go to the Independent Public Hearing pursuant to Clause 15 of WLEP 2000 as it involves components which are classified as "Category 3" under the E21 – Dee Why Town Centre LEP.

The Panel was aware of the fact that the development application could not be determined by way of consent until such time that the Draft LEP for Dee Why Town Centre was gazetted. However, this did not prevent the Panel from handing down its findings in relation to the Stage 1 development application and accordingly, the Panel provided detailed assessment and findings in relation to:

- Heights of the proposed Tower Buildings
- Desired Future Character
- Schedule 15 (Statement of Environmental Effects)
- Groundwater and Flooding
- Land Contamination



In conclusion, the Panel recommended as follows:

“The application has undergone an independent public hearing and the application is forwarded to Council with the recommendation to approve the proposal because of its substantial adoption of the urban design consideration of the earlier design panel, the meeting of the concerns expressed in planning documentation for the revitalisation of the Dee Why Town Centre by development at this height and floorspace and site configuration, together with the meeting of modern controls for environmentally sustainable design and because of the measures shown on the plans to improve the existing traffic flow around the centre. The Panel recommends approval subject to the conditions, as amended above, in the Council town planning assessment report.”

The report on the assessment of DA 2007/1249 and the Panels Report were not forwarded to a Council Meeting on the basis that the matter was being as held in abeyance until the gazettal of the draft LEP.

Gazettal of Warringah Local Environmental Plan 2000 (Amendment No. 21)

Warringah Local Environmental Plan 2000 (Amendment No. 21) was published in the Government Gazette of 28 November 2008. A copy is attached as **Appendix D**.

The gazetted instrument contains numerous wording and structural changes which don't fundamentally alter the planning provisions contained within the original draft LEP which was adopted by Council on 5 May 2008 and subsequently considered by IHAP on 9 July 2008. However, the gazetted instrument contains the following significant changes which are relevant to the assessment of DA 2007/1249:

Amendments to Appendix E Dee Why Locality Statements (E21 Dee Why Town Centre)

- (a) Deletion of the “**Site Amalgamation**” section of the Desired Future Character (DFC) Statement and the reference to site amalgamations in the section of the DFC on **Mobility, Traffic Management and Parking**,
- (b) Deletion of the requirements in the DFC Statement in relation to the Triangle Park which read: “*good sunlight penetration to the Triangle Park fronting Oaks Avenue situated between Site A and Site B*”.
- (c) Deletion of the “**Site Amalgamation**” section of the Built Form Controls.
- (d) Deletion of the “*Overshadowing of the Triangle Park*” component of the Built Form Objectives section.
- (e) Deletion of the minimum sunlight access requirements to the Triangle Park component of the Built Form Controls section.
- (f) Deletion of the Triangle Park shadowing component from the Built Form section of the LEP entitled “**Oaks Avenue Above Podium Provisions (Site B)**”.
- (g) Insertion of a new Built Form element, entitled “**Design Excellence**”, which reads as follows:



Objectives

The objectives of the following control is to ensure that buildings on Site A and Site B exhibit design excellence.

Control

Development consent must not be granted for development involving the construction of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.

In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
- (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*
- (d) whether the architect responsible for the proposed design has an outstanding reputation in architecture,*
- (e) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.*

Amendments to Draft Warringah Local Environmental Plan 2000 (Amendment A) - (Clause 16A, Clause 20 and Dictionary)

The gazetted instrument also involved the following changes to Draft WLEP 2000 (Amendment A) - Dee Why Town Centre:

- (i) Deletion of "Clause 16A Public hearing in Relation to Development Applications within Locality E21".*
- (ii) Amendment of Clause 20 of WLEP 2000 to insert subclause (4) which reads "This clause does not apply in relation to a development standard relating to maximum building height established by the Building Heights Map within the Dee Why Town Centre Locality Statement (E21).*
- (iii) Deletion of the definition of "Amalgamation".*
- (iii) Deletion of the definitions of "Podium Building Component", "Above Podium Building Component", "Town Centre Core", "The Map", and "Map E21 Amalgamation Map".*
- (j) Insertion of new definitions for "Above Podium Elements Map", "Building Heights Map", "Proposed New Road", "Site Map", "Town Square, Pedestrian Connections and Public Open Space Map", "Site A" and "Site B" (full wording of these definitions is provided in the attached copy of WLEP 2000 (Amendment No. 21).*



Gazetted Maps

The gazetted maps, including the **Site Map, Buildings Heights Map, Locality Map, Above Podium Elements Map**, and **Town Square, Pedestrian Connections and Public Open Space Map** have been provided by the Department of Planning and copies are attached as **Appendix E to I**. It is noted that the Building Heights Map has not changed in terms of the maximum building heights for the various components of Site B, including; the tower, mid-rise and podium elements. However, the physical connection between the two sides of Site B was deleted.

The *Above Podium Elements Map* was not part of the original set of maps which accompanied the Draft LEP, however, the built form controls shown on the map for the above podium level have not changed from the Draft WLEP 2000 (Amendment No. A).

3.0 IMPLICATIONS OF THE CHANGES INCORPORATED INTO THE GAZETTED VERSION OF WLEP 2000 (AMENDMENT No. 21) FOR THE STAGE ONE DEVELOPMENT APPLICATION

The amendments to the Dee Why Town Centre LEP as described in detail in the above section of this report have implications for the Stage One Development Application. As mentioned earlier, the development assessment officers report to the IHAP Panel on 9 July 2008 determined that the proposed development was consistent with the Draft LEP (as it existed at the time) and this conclusion was subsequently concurred with by the IHAP Panel in its report. However, the changes to the Draft LEP as contained in the gazetted version of the LEP necessitate a re-assessment of the proposed development, but only where a change to the LEP has a bearing on the proposal as it currently exists.

The issues have been generally grouped under the headings of “*The Triangle Park*”, “*Design Excellence*” and “*Deletion of the Vehicular Bridge*”.

ISSUE 1 “The Triangle Park”

Original Draft LEP Requirements

The original draft LEP which Council resolved to prepare and refer to the Department of Planning for their review and gazettal is attached as **Appendix C**. As discussed earlier, it is this version which was considered in the Development Assessment Officer’s Report and IHAP’s Report in July 2008 in determining whether the Stage One DA was consistent with the Draft LEP for Dee Why Town Centre. In relation to The Triangle Park, this original version contained provisions to ensure adequate sunlight access to the “Triangle Park” which fronts Oaks Avenue and is located in between Site A and Site B.

The applicant indicated that the development could not comply with the solar access control which was applied to the Triangle Park based on the fact that it was situated on the southern side of the proposed towers, podium and mid-rise buildings on Site B and that the proposed “Town Square” on Site B and northern half of the “Bow Tie Park” (which fronts Howard Avenue and is also located in between Site A and Site B) provided good levels of solar access for passive recreation for users of the Dee Why Town Centre. The assessment officers report determined that the non-compliance was satisfactory based on the specific nature and functions of the open space comprising The Triangle Park, which is less of a green space compared to the focal point of the Dee Why Town Centre, i.e the Town Square and more of a plaza space between two buildings for activities that are less sunlight orientated such as having coffee and enjoying the openness but not so much of a gathering, meeting and multi-functional space.



IHAP's Assessment

The IHAP Panel provided the following comments with respect to The Triangle Park;

"Triangle Park is situated in an area where it will be difficult for any design to maintain a similar amount of solar access and the Panel accepts that it is still appropriate to maintain Triangle Park even though solar access may be reduced."

Gazetted LEP Requirements

The objectives and controls for The Triangle Park were deleted from the gazetted version of the LEP on the basis that the controls could not be complied with and the rationale offered by Council in the assessment officer's report and concurred with by IHAP was sound and reasonable and would achieve an acceptable planning outcome.

Therefore, there are no planning provisions in Amendment 21 in relation to solar access to the Triangle Park. Accordingly, there are no changes required to the Stage 1 DA or draft conditions in this regard.

ISSUE 2 Design Excellence

Original Draft LEP Requirements

The original draft LEP did not contain specific objectives or controls under a heading of Architectural or Urban Design Excellence, however, there were design excellence objectives incorporated into several sections of the Desired Future Character (DFC) statement. For example, the "Building Form" section of the DFC stated that:

"Buildings will be of the highest design quality and use attractive, durable materials and finishes. The development will achieve architectural and urban design excellence and be environmentally sustainable through measures such as passive solar design, water harvesting/reuse and use of renewable materials."

Also, in the "Retail and Commercial Uses" section of the DFC it was stated that:

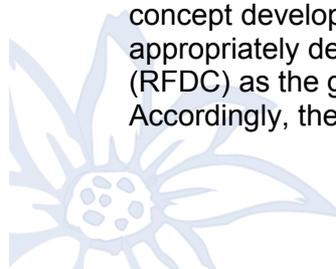
"Signage associated with new developments will be high quality, innovative and co-ordinated and minimized to avoid visual clutter and will complement the overall urban design/streetscape and architectural quality and amenity of the centre for its patrons whilst achieving a balanced and reasonable level of exposure for businesses."

Finally, in the "Mobility, Vehicle Movement and Parking" section of the DFC it was stated that:

"On Site B, only one level of above ground carparking is allowed. This carparking will be located on Level 2. Appropriate architectural screening of the carpark level will occur and is to be visually integrated and coordinated with the design of building facades of the remainder of the development to ensure that vehicles will be screened completely from surrounding vantage points and to protect the streetscape and urban design quality of the development."

Assessment Officers Report

The assessment officer's report considered the issue of architectural and urban design excellence and how meaningful conditions could be imposed on the development consent for the Stage One concept development application to provide certainty as to the outcomes at Stage Two. It was appropriately decided to use the provisions of SEPP 65 and the Residential Flat Design Code (RFDC) as the general basis for achieving such outcomes as well as other related measures. Accordingly, the following conditions were imposed on the draft consent:



6. Approved Design Roof Top Plant

All roof top plant and associated equipment incorporated within the Stage 2 DA must be located within the approved building envelopes. The design and external finishes of rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk. Rooftop plant is to be adequately attenuated to avoid acoustic impacts on the development and adjoining and surrounding properties.

Reason: *To ensure satisfactory visual and acoustic amenity.*

7. Town Square, Pedestrian Link, Bus Interchange and associated Public Domain Works Plan

*The Stage 2 DA is to be accompanied by a **Public Domain Works Plan** for the improvement of the public domain adjoining the site and publicly accessible areas within the site, including the Town Square, pedestrian link, colonnade, bus interchange and the respective road reserves. The plan is to provide details of the treatment of these areas, including paving, seating, tree and low level planting (including deep root street tree planting), public art, drainage, lighting, flag/banner poles, awnings, feature walls and shade structures. The plan is to demonstrate consistency with Council's requirements and standards. Consultation is to be undertaken with Council prior to and during the preparation of this plan. The improvement of the public domain is in addition to the Section 94A Contributions.*

Reason: *To ensure a high standard of design quality for public domain works and that such works satisfy relevant requirements.*

9. Architectural and Urban Design Report

*The Stage 2 DA is to be accompanied by a detailed **Architectural and Urban Design Report** addressing State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the provisions of the Residential Flat Design Code. The Stage 2 design is to demonstrate compliance or fully justify any non-compliance with SEPP 65 and the RFDC. The detailed design of the buildings is to be consistent with the Stage 1 concept design parameters to ensure that the intended development outcome is achieved.*

Reason: *To ensure the architectural and urban design outcomes are consistent with the concept approval, SEPP 65 and the RFDC.*

10. Design Excellence

The applicant is to provide detailed architectural plans and visual aids in the form of an architectural scale model, photomontages, 3D modelling and a comprehensive sample board of external finishes to demonstrate the design excellence of the development.

Reason: *To ensure design excellence is achieved at Stage 2.*

11. Architectural Screening of Above Ground Carpark Level (Level 2)

Full details of the architectural screening of the Level 2 carpark are to be submitted with the Stage 2 DA. The details are to specifically address the streetscape and aesthetic outcomes, including construction materials, pattern, texture and colours. The design is to integrate with the design of the development. The design solution is also to address the lighting impacts of the illumination of this level and car headlights on neighbouring residential amenity.

Reason: *To ensure satisfactory visual and aesthetic outcomes for the carpark level.*

12. Street, Town Square and Pedestrian Link Activation Plan

The retail spaces fronting the street, town square and pedestrian link are to be designed to maximise activity and interaction with these spaces to maximise safety, liveliness and vibrancy. An Activation Plan is to be submitted with the Stage 2 DA.

Reason: *To ensure sufficient activation of the areas within and surrounding the development.*



14. Portals

The portals as shown on plan approved plan (STAGE 1 DA – 100, Rev A, Indicative Massing Plan – GROUND, dated 30.5.2008, prepared by Hassell Pty Ltd) and related plans are not approved as part of this consent. Rather, full details of the location, design, construction materials and external treatment of any entry and exit portals are to be submitted for approval with the Stage 2 DA, addressing compliance with AS 2890, the requirements of the Roads and Traffic Authority and Warringah Council.

In particular, the location of proposed portals within the public road reserve could impact on the development of appropriate traffic lanes/ carriageway on both Oaks and Howard Ave. The location of the portals must take into account the required road/ carriageway needed for the traffic model operation and streetscape development. The impact of the proposed portals on pedestrian crossings, Taxi Zones and Bus Stops near the town centre is to be addressed.

Reason: To ensure the portals satisfy relevant standards and requirements and provide a high quality streetscape outcome.

15. Public Art

The **Arts and Cultural Plan** is to be submitted with the Stage 2 DA and will identify opportunities for the integration of public art in the publicly accessible areas of the development, themes for public art (informed by the seaside setting, surrounding escarpment, trees and rock outcrops, the aboriginal history of the area and environmental sustainability), durability, robustness and longevity. The public art concepts shall be prepared by a person with expertise in public art. The provision of public art is in addition to the Section 94A Contributions.

Reason: To ensure public art is relevant to the site and its environs and enhances the character and interest of the public areas of the development.

16. Advertising and Signage

Any signage is to satisfy the requirements of Warringah Local Environmental Plan 2000, State Environmental Planning Policy No. 64 – Advertising and Signage in terms of location, size and content. A detailed **Signage Strategy** for the development is to be submitted with the Stage 2 DA. The signage strategy is to include information on the location, type and number of signs proposed for the development.

Reason: To ensure compliance with the relevant signage standards.

17. Wind Effects

A **Wind Effects Report** shall be submitted with the Stage 2 DA. Details of the integration of devices to minimise the wind tunnel effect and downdrafts, including awnings, devices, trees, blades, etc are to be provided addressing the town square, pedestrian link, communal podium level and bus interchange are to be incorporated into the Stage 2 development application.

Reason: To ensure a satisfactory wind environment for the development and its surrounds.

18. Sun Control Devices

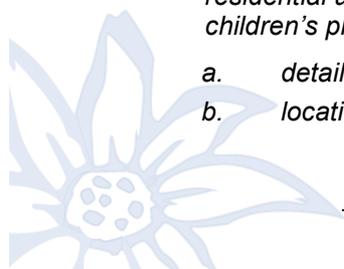
Details of solar protection and glare control for north and west facing residential units and commercial office to be provided with the Stage 2 and are to maximise internal amenity and internal environment control.

Reason: To ensure adequate solar control for internal amenity.

20. Podium Landscape Design

The Stage 2 DA is to be accompanied by a detailed **Landscape Plan**, prepared by a Landscape Architect or landscape designer for the internal communal podium open space areas. Details of the landscaped treatment of the communal podium areas at Level 3 of the development is to address safety, crime prevention, casual surveillance, the provision of courtyards in association with larger residential units adjacent the podium and recreational facilities for residents, including BBQ's, children's play areas, shelter and relaxation. The design is to also include:

- a. details of retaining walls, mounding and planter boxes,
- b. location, numbers and types of plant species,



- c. *drainage and watering systems,*
- d. *deep soil planting zones,*
- e. *planting procedure and maintenance,*

Reason: *To ensure satisfactory landscape amenity for communal open spaces.*

22. Use of Renewable and Recyclable Materials

The Stage 2 DA is to be accompanied by details of how renewable and recyclable materials can be integrated into the design of the development.

Reason: *To ensure ESD principles are provided for in the development.*

23. Environmentally Sustainable Development (BASIX and Green Star Rating)

*The detailed Stage 2 design for the development shall be accompanied by an **Environmentally Sustainable Development Report**, demonstrate high levels of performance in terms of the GreenStar ratings of commercial office buildings. A minimum of 4 stars will be required. The Stage 2 DA is also to demonstrate compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*

Reason: *To ensure ESD principles are provided for in the development.*

25. Shadow and Sunlight Access Report

*The Stage 2 DA is to be accompanied by a detailed **Shadow and Sunlight Access Report** addressing the requirements of General Principle "CL62 Access to sunlight of Warringah Local Environmental Plan 2000 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.*

Reason: *To ensure satisfactory levels of compliance with relevant standards.*

IHAP's Assessment

As stated in the recommendation attached to the IHAP Panel's Report dated 9 July 2008, the Panel concurred with the above conditions as contained in the assessment officer's report.

Gazetted LEP Requirements

The new "*Design Excellence*" provisions in the Built Form section of Amendment No. 21 (as detailed above in Background) were inserted by the Department of Planning after Council referred the Draft LEP to the Department for gazettal.

The matters identified in the four sub-sections of the Design Excellence Built Form control are addressed as follows:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and**
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain.**

Comment: The current development application is a Stage 1 or concept proposal for the development of the site as a mixed-use development, rather than a detailed development upon which a construction certificate could be issued on. In this regard, a detailed Stage 2 development application will need to be lodged which satisfies the special conditions of consent imposed on the Stage 1 consent. Matters of architecture, aesthetics, urban design quality, landscaping, external finishes, signage, lighting, etc are appropriately dealt with at the next stage (Stage 2) of the proposed development.



Conditions 9, 10, 12 and 14 as detailed above are considered to deal comprehensively with the architectural design, materials and detailing of the proposed development and the external appearance of the proposed development. In terms of the form of the proposed development, the assessment carried out in the Development Assessment Officer's Report determined that the proposed development will improve the quality and amenity of the public domain in the following respects:

- Within the subject site through the provision of the Town Square, the slimline towers, the human scale podium adjoining Oaks and Howard Avenues and the north-south pedestrian link, and
- On adjoining streets through the public domain improvements and within the greater Dee Why Commercial Centre through establishing a landmark development identified by iconic towers which will be significant in the overall skyline and urban landscape.

This view was concurred with by the IHAP Panel in their Report.

(c) *whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*

Comment: As the current development application is a Stage 1 or concept proposal and not a detailed proposal, the detailed Stage 2 development application will need to be lodged and satisfy the special conditions of consent imposed on the Stage 1 consent in relation to matters of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency.

The conditions imposed on the Stage 1 draft consent deal with the design excellence matters in this sub-section as follows:

- Condition 9 deals specifically with the sunlight and natural ventilation requirements of SEPP 65 and the RFDC.
- Condition 17 deals specifically with wind effects.
- Condition 36 deals specifically with lighting design and glare and reflectivity of building materials.
- Condition 9 deals specifically with the visual and acoustic privacy and safety and security requirements of SEPP 65 and the RFDC.
- Condition 30 deals specifically with security and crime prevention.
- Condition 23 deals specifically with ESD (BASIX and Greenstar Rating) principles.
- Condition 22 deals specifically with renewable and recyclable materials.

(d) *whether the architect responsible for the proposed design has an outstanding reputation in architecture*

Comment: The project architect who was responsible for the proposed Stage 1 concept design is Hassell Pty Ltd. Hassell is large architectural firm which was founded in 1938 and has offices in 6 cities in Australia and has offices in China, Thailand and Hong Kong. The firm also has specialist consultant services in landscape architecture, planning, sustainability and urban design. The firm has won over 100 awards, including the *Sulman Award for Architectural Merit*, *The Lachlan Macquarie Award* and *The Sir Zelman Cowen Award for Architecture*.

On the basis of the above, the architect is considered to have an outstanding reputation in architecture consistent with this design excellence principle.



(e) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned

Comment: The mechanism for ensuring that the proposed detailed design is carried through to the final construction stage is appropriately dealt with at the next stage of the development (i.e. Stage 2). As the current DA is a Stage 1 “concept” development scheme only, the detailed architectural design and urban design outcomes, including the building shape, form and configuration, external colours, textures and materials, façade fenestrations, articulation and modulation, public art, lighting, landscaping, signage and the like will be ensured through appropriate conditions on the Stage 2 DA.

Therefore, the current set of draft conditions, which are the recommended conditions contained in the original Development Assessment Officers Report to IHAP (as contained in Appendix A) and concurred with by the IHAP Panel, are considered to comprehensively address the design excellence principles added to the LEP prior to gazettal.

ISSUE 3 Deletion of Vehicular Bridge (Level 2 – Carparking Level)

The original version of the Draft LEP considered by the IHAP Panel involved a vehicular bridge linking the two sides of the 3rd storey (above ground level) carpark at Level 2 which traverses the north-south pedestrian link. The gazetted version of the LEP does not contain the vehicular bridge, which was deleted at the request of the Department prior to the gazettal of the LEP due to concerns in relation to the visual, aesthetic, solar access and other amenity impacts on the open space plaza comprising the north-south pedestrian link.

The implications of the deletion of the vehicular bridge are that the two sides of the Level 2 carpark must be designed to function independently, with separate access points to Oaks Avenue. On the basis that it was already envisaged to have two (2) separate sets of entry and exit ramps on the Oaks Avenue frontage to provide vehicular access to the Level 2 carpark, the outcomes in terms of streetscape, loss of pedestrian areas and potential car/pedestrian safety issues will not change in any material way.

The Stage 1 development application plans still incorporate the vehicular bridge, therefore, a new condition shall be imposed on the draft consent for Stage 1 which requires the vehicular bridge and podium level pedestrian bridge above to be deleted from the approved plans and for the Stage 2 development application to incorporate individual vehicular access points to Oaks Avenue to the separated portions of the Level 2 carpark.

Overall, the deletion of the vehicular bridge will provide a better outcome for the north-south pedestrian link through reduced visual clutter and a greater sense of openness and a better acoustic environment and ensure high levels of sunlight access are provided.

4.0 CONCLUSION

The gazetted version of the Dee Why Town Centre LEP is fundamentally the same as the original Draft LEP version which was used in the assessment of the Stage 1 DA as reported to the IHAP Panel. The 3 main differences are:

- The deletion of the solar access built form control provisions for the Triangle Park which adjoins Oaks Avenue in between Site A and Site B,
- The insertion of new “Design Excellence” built form control provisions, and
- The deletion of the connection between the two sides of Site B, which corresponds with the vehicular bridge/podium pedestrian link on the Stage 1 DA plans.



The implications of the changes to the Dee Why Town Centre LEP have been discussed in detail in this report and do not alter the earlier finding that the Stage 1 DA is generally consistent with the Dee Why Town Centre LEP. The changes to the LEP which require amendments to the Stage 1 DA involve the deletion of the connection between the east and west sides of Site B, which is the vehicular bridge at Level 2 and the podium level pedestrian mid block link at Level 3. In this regard, an amended Condition 4 has been provided to deal with this matter to ensure consistency and compliance with the provisions of Amendment No. 21.

Therefore, based on the above assessment and the assessment carried out in the attached Report to the Independent Hearing and Assessment Panel dated 9 July 2008, the Stage 1 concept Development Application is assessed as being consistent with the provisions of the Environmental Planning and Assessment Act, 1979, the Environmental Planning and Assessment Regulation 2000, SEPP 55, SEPP 65, Draft SEPP 66, Warringah Local Environmental Plan 2000, including Warringah Local Environmental Plan (Amendment No. E21 – Dee Why Town Centre) and other relevant codes and policies of Council and accordingly is recommended for approval subject to the conditions provided.

RECOMMENDATION (APPROVAL)

- A. That Development Application No.2007/1249 be presented to the Warringah Development Assessment Panel (WDAP) to undertake a public hearing pursuant to Clause 15(2) of Warringah Local Environmental Plan 2000.
- B. That Development Application No. 2007/1249 for a Stage One concept mixed use development comprising residential, retail and commercial uses, including 3 storey street front buildings to Oaks Avenue and part of Howard Avenue, an 8 storey commercial office building fronting Pittwater Road, 7 storey mid-rise residential buildings, two residential tower buildings (one of part 15/part 18 storeys and one of part 14/part 17 storeys), a publicly accessible “town square” and north-south pedestrian link, 5 levels of carparking (4 basement levels and 1 above ground level), a bus bay and vehicular access at Lot 7, DP 8172, 9 Howard Avenue, Lot 1, DP 209503, 11 Howard Avenue, Lot A, DP 371110, 14 Oaks Avenue, Lot 1, DP 212382, 15 Howard Avenue, Lot B, DP 371110, 16 Oaks Avenue, Lot 2, DP 212382, 17 Howard Avenue, Lot 3, DP 212382, 28 Oaks Avenue, Lot A, DP 339410, 884 Pittwater Road, Lot 11, DP 231418, 888 Pittwater Road, Lot 10, DP 231418, 890 Pittwater Road, Lot 1, DP 504212, 892 Pittwater Road, Lot A, DP 416469, 894 Pittwater Road, Lot 1, DP 307937, 896 Pittwater Road, Lot 3, DP 307937, 896 Pittwater Road, Dee Why be approved subject to the attached conditions.

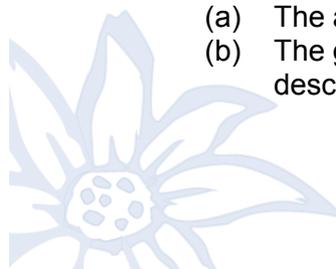
The following consent is granted for Stage 1 of the development in accordance with Section 83B (3)(a) of the *Environmental Planning and Assessment Act 1979*. The subsequent stage, being Stage 2, will be the detailed design stage of the development and will require the submission of a separate development application.

STAGE ONE CONDITIONS OF CONSENT **In accordance with Section 83B (3) (a) of the *Environmental Planning and Assessment Act 1979***

1. Approved Plans

Stage 1 development consent is granted only for the following:

- (a) The above and below ground building envelopes, but no building works.
- (b) The general arrangement of uses within the development as detailed in the plans described below, being:



- (i) 4 basement levels, including 3 carparking and 1 retail,
- (ii) Ground level retail, with a Town Square, Pedestrian Link from Howard Avenue to Oaks Avenue and Colonnade on Pittwater Road,
- (iii) Loading dock entry/exits on Oaks Avenue and Howard Avenues,
- (iv) Portal vehicular entry on Oaks Avenue and portal vehicular exit on Howard Avenue,
- (v) Indented Bus Bay on Pittwater Road,
- (vi) Level 1 retail and SoHo apartments in SE corner,
- (vii) Level 2 carparking, offices fronting Pittwater Road, residential units and SoHo apartments in SE corner,
- (viii) Level 3 residential units, offices fronting Pittwater Road and landscaped podium,
- (ix) Levels 4 to 7 residential units, offices fronting Pittwater Road, and
- (x) Levels 8 to 17 residential units.

The uses shall be consistent with the following table:

Use	Details
Town Square	Minimum 2,250 sqm
Pedestrian Link	Minimum 850 sqm
Colonnade	Minimum 400 sqm
Retail	Maximum of 32,599 sqm
Commercial Offices	Maximum of 5,492 sqm
Residential	Maximum of 24,715 sqm

The detailed Stage 2 development is to be in accordance with the following plans submitted with the Stage 1 concept development application:

Plan Number, Revision No. and Name	Rev Date	Prepared By:
STAGE 1 DA – 017, Rev A, Proposed Open Space	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 098, Rev A, Indicative Massing Plan - B1/B2/B3/B4	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 099, Rev A, Indicative Massing Plan - LOWER GROUND	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 100, Rev A, Indicative Massing Plan - GROUND	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 101, Rev A, Indicative Massing Plan – LEVEL 1	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 102, Rev A, Indicative Massing Plan – LEVEL 2	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 103, Rev A, Indicative Massing Plan – LEVEL 3	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 104, Rev A, Indicative Massing Plan – LEVEL 4	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 105, Rev A, Indicative Massing Plan – LEVEL 5	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 106, Rev A, Indicative Massing Plan – LEVEL 6	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 107, Rev A, Indicative Massing Plan – LEVEL 7	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 108, Rev A, Indicative Massing Plan – LEVEL 8	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 109, Rev A, Indicative Massing Plan – LEVELS 9-12	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 110, Rev A, Indicative Massing Plan – LEVEL 13	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 111, Rev A, Indicative Massing Plan – LEVEL 14	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 112, Rev A, Indicative Massing Plan – LEVELS 15-16	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 113, Rev A, Indicative Massing Plan – LEVELS 17	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 115, Rev A, Indicative Massing Plan – ROOF PLAN	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 116, Rev A, Indicative Massing Plan – SITE PLAN	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 120, Rev A, Indicative Section – 1	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 121, Rev A, Indicative Section – 2	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 130, Rev A, North Elevation	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 131, Rev A, South Elevation	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 132, Rev A, West Elevation	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 133, Rev A, East Elevation	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 140, Rev A, Building Numbers	30.5.2008	Hassell Pty Ltd

- (c) In the event of any inconsistency between the approved plans and the supplementary documentation, the plans will prevail.

Reason: To ensure the Stage 2 DA is in accordance with the approved concept plans.



2. New Development Application Required

This consent is for a concept approval of Stage 1 only. Separate development application(s) will be required for approval of the detailed designs required for Stage 2.

Reason: *To ensure a detailed design DA is submitted and approved prior to construction.*

3. Assessment and Determination of Future Applications

The assessment and determination of the Stage 2/3 development application(s) must be generally consistent with the approved plans and conditions of approval contained in this development consent.

Reason: *To ensure the future Stage 2 DA is consistent with the concept proposal.*

4. Design Modifications

- (a) The development is to be amended to delete the physical connection between the east and west sides of the Level 2 - Carpark (vehicular bridge) and the Level 3 - Podium (open space pedestrian link). In this regard, the deletion is to ensure compliance with the provisions of Amendment No. 21 – Dee Why Town Centre,
- (b) The western tower (Building 6) is to be amended to fully comply with the building envelope/footprint shown on Map E21 – Buildings Heights.
- (c) The exact portal locations, design, size and configuration are not approved under this consent. The portals are to be designed to comply with the relevant Australian Standards, the requirements of the Roads and Traffic Authority and Council.

Reason: *To ensure the development complies with the relevant planning controls and the portal designs satisfy the relevant requirements.*

5. Building Envelopes

The above and below ground building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings and structures and the public domain.

Reason: *To ensure compliance with the approved concept plans and satisfactory amenity.*

6. Approved Design Roof Top Plant

All roof top plant and associated equipment incorporated within the Stage 2 DA must be located within the approved building envelopes. The design and external finishes of rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk. Rooftop plant is to be adequately attenuated to avoid acoustic impacts on the development and adjoining and surrounding properties.

Reason: *To ensure satisfactory visual and acoustic amenity.*



7. **Town Square, Pedestrian Link, Bus Interchange and associated Public Domain Works Plan**

The Stage 2 DA is to be accompanied by a **Public Domain Works Plan** for the improvement of the public domain adjoining the site and publicly accessible areas within the site, including the Town Square, pedestrian link, colonnade, bus interchange and the respective road reserves. The plan is to provide details of the treatment of these areas, including paving, seating, tree and low level planting (including deep root street tree planting), public art, drainage, lighting, flag/banner poles, awnings, feature walls and shade structures. The plan is to demonstrate consistency with Council's requirements and standards. Consultation is to be undertaken with Council prior to and during the preparation of this plan. The improvement of the public domain is in addition to the Section 94A Contributions.

Reason: *To ensure a high standard of design quality for public domain works and that such works satisfy relevant requirements.*

8. **Town Square, Pedestrian Link and Bus Interchange Management Plan**

The Stage 2 DA is to be accompanied by a detailed **Town Square, Pedestrian Link and Bus Interchange Management Plan**. The plan is to safeguard the use of publicly accessible areas for community events, define minimum access requirements and maintenance regimes.

Specifically, the POM is required to address the following:

- a. Specify the public access provisions for these areas, including the minimum number of days in which the Town Square will be available for community use (to be consistent with the access arrangements under the Voluntary Planning Agreement between the proponent and Warringah Council),
- b. Measures to protect the amenity of the residential units within the development and neighbouring residential units,
- c. The potential for after hours disturbance by patrons using the Town Square and Link,
- d. Security and crowd control within the Town Square and Link and in the vicinity of these areas,
- e. Cleansing and litter removal,
- f. Provisions for the periodic review of the Plan by Council to achieve the highest levels of compliance.

Reason: *To ensure appropriate management and amenity of the publicly accessible areas of the development and adjoining areas.*

9. **Architectural and Urban Design Report**

The Stage 2 DA is to be accompanied by a detailed **Architectural and Urban Design Report** addressing State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the provisions of the Residential Flat Design Code. The Stage 2 design is to demonstrate compliance or fully justify any non-compliance with SEPP 65 and the RFDC. The detailed design of the buildings is to be consistent with the Stage 1 concept design parameters to ensure that the intended development outcome is achieved.

Reason: *To ensure the architectural and urban design outcomes are consistent with the concept approval, SEPP 65 and the RFDC.*



10. Design Excellence

The applicant is to provide detailed architectural plans and visual aids in the form of an architectural scale model, photomontages, 3D modelling and a comprehensive sample board of external finishes to demonstrate the design excellence of the development.

Reason: *To ensure design excellence is achieved at Stage 2.*

11. Bus Interchange Design

The Stage 2 Development Application is to provide full and precise details of the proposed bus interchange in Pittwater Road, including road pavement design, stormwater drainage, survey detail, kerb and gutter and the like. The location and engineering design of the bus interchange is to comply with the requirements of the Roads and Traffic Authority and Council. The details must address the adjustment/protection of existing public utility assets.

Reason: *To ensure adequate details are provided for the assessment and approval of the bus interchange at Stage 2.*

12. Architectural Screening of Above Ground Carpark Level (Level 2)

Full details of the architectural screening of the Level 2 carpark are to be submitted with the Stage 2 DA. The details are to specifically address the streetscape and aesthetic outcomes, including construction materials, pattern, texture and colours. The design is to integrate with the design of the development. The design solution is also to address the lighting impacts of the illumination of this level and car headlights on neighbouring residential amenity.

Reason: *To ensure satisfactory visual and aesthetic outcomes for the carpark level.*

13. Street, Town Square and Pedestrian Link Activation Plan

The retail spaces fronting the street, town square and pedestrian link are to be designed to maximise activity and interaction with these spaces to maximise safety, liveliness and vibrancy. An Activation Plan is to be submitted with the Stage 2 DA.

Reason: *To ensure sufficient activation of the areas within and surrounding the development.*

14. Portals

The portals as shown on plan approved plan (STAGE 1 DA – 100, Rev A, Indicative Massing Plan – GROUND, dated 30.5.2008, prepared by Hassell Pty Ltd) and related plans are not approved as part of this consent. Rather, full details of the location, design, construction materials and external treatment of any entry and exit portals are to be submitted for approval with the Stage 2 DA, addressing compliance with AS 2890, the requirements of the Roads and Traffic Authority and Warringah Council.

In particular, the location of proposed portals within the public road reserve could impact on the development of appropriate traffic lanes/ carriageway on both Oaks and Howard Ave. The location of the portals must take into account the required road/ carriageway needed for the traffic model operation and streetscape development. The impact of the proposed portals on pedestrian crossings, Taxi Zones and Bus Stops near the town centre is to be addressed.

Reason: *To ensure the portals satisfy relevant standards and requirements and provide a high quality streetscape outcome.*



15. Public Art

The **Arts and Cultural Plan** is to be submitted with the Stage 2 DA and will identify opportunities for the integration of public art in the publicly accessible areas of the development, themes for public art (informed by the seaside setting, surrounding escarpment, trees and rock outcrops, the aboriginal history of the area and environmental sustainability), durability, robustness and longevity. The public art concepts shall be prepared by a person with expertise in public art. The provision of public art is in addition to the Section 94A Contributions.

Reason: *To ensure public art is relevant to the site and its environs and enhances the character and interest of the public areas of the development.*

16. Advertising and Signage

Any signage is to satisfy the requirements of Warringah Local Environmental Plan 2000, State Environmental Planning Policy No. 64 – Advertising and Signage in terms of location, size and content. A detailed **Signage Strategy** for the development is to be submitted with the Stage 2 DA. The signage strategy is to include information on the location, type and number of signs proposed for the development.

Reason: *To ensure compliance with the relevant signage standards.*

17. Wind Effects

A **Wind Effects Report** shall be submitted with the Stage 2 DA. Details of the integration of devices to minimise the wind tunnel effect and downdrafts, including awnings, devices, trees, blades, etc are to be provided addressing the town square, pedestrian link, communal podium level and bus interchange are to be incorporated into the Stage 2 development application.

Reason: *To ensure a satisfactory wind environment for the development and its surrounds.*

18. Sun Control Devices

Details of solar protection and glare control for north and west facing residential units and commercial office to be provided with the Stage 2 and are to maximise internal amenity and internal environment control.

Reason: *To ensure adequate solar control for internal amenity.*

19. Residential Unit Mix

The proportions of studio, 1, 2 and 3 bedroom units is have regard to housing affordability principles and the requirements of SEPP 65.

Reason: *To ensure adequate provisions are made for affordable housing.*

20. Podium Landscape Design

The Stage 2 DA is to be accompanied by a detailed **Landscape Plan**, prepared by a Landscape Architect or landscape designer for the internal communal podium open space areas. Details of the landscaped treatment of the communal podium areas at Level 3 of the development is to address safety, crime prevention, casual surveillance, the provision of courtyards in association with larger residential units adjacent the podium and recreational facilities for residents, including BBQ's, children's play areas, shelter and relaxation. The design is to also include:



- a. details of retaining walls, mounding and planter boxes,
- b. location, numbers and types of plant species,
- c. drainage and watering systems,
- d. deep soil planting zones,
- e. planting procedure and maintenance.

Reason: *To ensure satisfactory landscape amenity for communal open spaces.*

21. Recreational Facilities

A **Communal Recreation Strategy** is to be submitted with the Stage 2 DA providing details of a range and size of active and passive facilities for future residents, including a swimming pool, gymnasium and children's playground.

Reason: *To ensure adequate facilities are provided for future residents.*

22. Use of Renewable and Recyclable Materials

The Stage 2 DA is to be accompanied by details of how renewable and recyclable materials can be integrated into the design of the development.

Reason: *To ensure ESD principles are provided for in the development.*

23. Environmentally Sustainable Development (BASIX and Green Star Rating)

The detailed Stage 2 design for the development shall be accompanied by an **Environmentally Sustainable Development Report**, demonstrate high levels of performance in terms of the GreenStar ratings of commercial office buildings. A minimum of 4 stars will be required. The Stage 2 DA is also to demonstrate compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

Reason: *To ensure ESD principles are provided for in the development.*

24. Motorcycle and Bicycle Parking

The Stage 2 DA shall incorporate adequate levels of motorcycle parking in the basement and bicycle parking within the public domain areas of the development.

Reason: *To ensure that alternative forms of transport are provided for in the development.*

25. Shadow and Sunlight Access Report

The Stage 2 DA is to be accompanied by a detailed **Shadow and Sunlight Access Report** addressing the requirements of General Principle "CL62 Access to sunlight of Warringah Local Environmental Plan 2000 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Reason: *To ensure satisfactory levels of compliance with relevant standards.*

26. Traffic and Parking Report

A **Traffic and Parking Report** is to be submitted with the Stage 2 DA addressing carparking area, ramp, portal design, loading dock design, provisions for garbage trucks, disabled parking and motorcycle parking. The number of carparking spaces is to comply with Schedule 17 of Warringah Local Environmental Plan 2000, the design of the carpark layout and vehicular access is to demonstrate compliance with the relevant Australian Standards. Any variation to these controls is to be supported by detailed traffic surveys and associated information to justify such variations.



In relation to service vehicles, the following matters are to be addressed in the report:

- a. The design of the access driveway to and proposed loading bays is to be in accordance with the Standards Australia AS 2890.1-2004 and AS 2890.2-2002.
- b. Access for service vehicles should be separated from general traffic access.
- c. The proposed delivery bays are to be conveniently located with respect to the proposed uses on the site.
- d. Provision is to be made for removalist's trucks servicing the residential units.
- e. The number and type of loading facilities is to be further considered and justified.
- f. The design of proposed access arrangements is to take into consideration the impact on pedestrian crossings and pedestrian movements and safety along the frontage roads.

Reason: *To ensure traffic and parking issues satisfy relevant standards.*

27. Pedestrian and Bicycle Access

The Stage 2 DA is to address the issue of pedestrian crossings in Oaks Avenue and Howard Avenue and any changes required as a result of the development are to be identified and are to complement the pedestrian networks for the Dee Why Town Centre. Consideration is to be given to the need for signalling the pedestrian crossings, particularly the Oaks Ave crossing should be considered for traffic operation and safety reasons.

The movement of pedestrians across the Pittwater Road intersection is to be considered in detail particularly in relation to the left turn south bound movement from Howard Avenue to Pittwater Road.

Further consideration is to be given to providing a grade separated pedestrian crossing across Pittwater Road for pedestrian access and intersection operation. The applicant is to consult with the RTA in relation to this matter prior to the Stage 2 DA being lodged.

Provision is to be made for bicycle access and parking/lockers in the development of the road design and car parks.

Pedestrian movements are to be separated from traffic where possible.

The Dee Why Town Centre has been identified for a High Pedestrian Activity Area 40km/h. The proposed development will increase pedestrian activity and need for implementation of the HPAA. The proposed road carriageway/streetscape treatments are to complement and make provision for possible traffic control treatments to achieve the HPAA. The proponent is to consult with Council in relation to this matter prior to the lodgement of the Stage 2 DA.

Reason: *To ensure a safe and functional pedestrian environment.*

28. Bus Transport and Taxis

The Stage 2 DA is to address the impact of the exit portal on bus and taxi movements in Howard Avenue. Retaining the existing Howard Avenue bus stop could obstruct portal exit.

The proponent is to consult with Sydney Buses and the Taxi Council in relation to the location of bus stops and taxi ranks prior to the lodgement of the Stage 2 DA.

The formalisation of the main bus stops in Howard Ave and Pittwater Road are to take into consideration the provision of bicycle parking in a close and convenient location.

The traffic studies have identified the need for modifying the kerb radii at corner of Oaks and Pittwater Road to accommodate buses. The impact of the modifications is to be assessed as to whether sufficient footpath area is preserved.

Reason: *To ensure adequate provisions are made for buses and taxis in the development.*



29. Environmental Noise Impact Assessment

The Stage 2 DA is to be accompanied by a detailed Environmental Noise Impact Assessment addressing the requirements of General Principle 43 – Noise of Warringah Local Environmental Plan 2000, and including noise sources (mechanical plant, loading dock and garbage removal operations, basement carparking, residential apartments, retail spaces) and noise control measures in relation to glazing, mechanical equipment, sound transmission between premises, construction noise and compliance with the BCA.

The report is also required to specifically address the noise impacts on the residential units above the Town Square and Pedestrian Link and nearby residential units in Howard Avenue and Oaks Avenue and where adverse impacts are likely, outline management initiatives in order to contain those impacts. This is to be co-ordinated with a Plan of Management for the Town Square and Pedestrian Link.

Reason: *To ensure a satisfactory acoustic environment.*

30. Security Review/Crime Prevention Report

The Stage 2 DA is to be accompanied by a detailed Security Review/Crime Prevention Report addressing Crime Prevention Through Environmental Design (CPTED) and is to demonstrate compliance with the four CPTED Principles outlined in 'Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning). The report is to address safety and security issues and make specific recommendations on lighting, entrances, lobbies and the like. The assessment is to address the requirements of the NSW Police.

Reason: *To ensure a satisfactory level of for future residents, workers and visitors.*

31. Phase 2 Contamination Report and Remediation Action Plan

The Stage 2 DA is to be accompanied by a detailed a Phase 2 Environmental Assessment, prepared in accordance with the relevant NSW Department of Environment and Climate Change guidelines and the relevant contaminated land planning guidelines under Section 145C of the Environmental Planning and Assessment Act 1979 to determine the extent of the contamination and a Remediation Action Plan (RAP) to outline how the site is to be remediated before it is suitable for the proposed mixed development use and the disposal offsite of any contaminated fill.

Reason: *To satisfy relevant statutory requirements.*

32. Geotechnical Report

The Stage 2 DA is to be accompanied by a detailed geotechnical Design Report containing sufficient detail on the approved concept design of the basement to confirm feasibility of the design philosophy adopted and allowing impacts on the adjoining structures to be identified. This is to include predicted levels of movement of the basement walls so that "trigger" levels for intervention are identified. A Construction Monitoring Program is to be included in this report.

Reason: *To ensure geotechnical issues are adequately addressed in the Stage 2 design.*

33. Groundwater Report (including dewatering)

The Stage 2 DA is to be accompanied by a Groundwater Report which addresses issues identified in the peer review of the applicants groundwater report submitted with the concept DA. The report is to include a detailed groundwater and settlement monitoring plan with appropriate intervention values.

Reason: *To ensure groundwater issues are adequately addressed in the Stage 2 design.*



34. Construction Environmental Management Plan

The Stage 2 DA is to be accompanied by a detailed **Construction Management Plan**. The plan is to address issues including pedestrian movements and safety, traffic management, stormwater and wastewater disposal, waste management, air quality, noise management, truck parking, construction staging, noise and vibration control plan, soil and water sediment control management plan (including a **Dust Management Strategy**).

Specifically, the CMP is to address the following in terms of traffic related matters:

- a. Car parking arrangements whilst the development is under construction.
- b. Construction staff parking.
- c. Construction vehicle access to and from the site during excavation and building works.
- d. The need for a work zone adjacent to the site frontage is to be considered as part of the construction management plan.

The CMP is also to provide details of all geotechnical and groundwater monitoring points, how they will be monitored, responsibilities for carrying out the monitoring, intervention trigger levels and actions to be taken if intervention levels are reached. Council is to be given an observational role to assist with the implementation of the CMP.

Reason: *To ensure all construction related impacts and methods are appropriately managed.*

35. Staging Plan

The Stage 2 DA is to be accompanied by a detailed **Staging Plan**, including demolition, remediation, excavation, construction, landscaping, town square, public art, public domain works, bus bay and portals.

Reason: *To provide details as to the staging of the development.*

36. Lighting Design Statement

The Stage 2 DA is to be accompanied by a detailed **Lighting Design Statement** which addresses issues of the number, type, design, luminosity and location of major lighting fixtures, the issue of glare and reflection, including building colours and materials, internal and external lighting of the building, Town Square and Pedestrian Link and the public domain.

Reason: *To minimise the impacts of lighting.*

37. Waste Management Plan

The Stage 2 DA is to be accompanied by a detailed **Waste Management Plan**, which addresses the generation of waste from the residential and commercial uses, the location of garbage storage areas and the recycling and re-use of demolition materials.

Reason: *To ensure the efficient and sustainable treatment of waste.*

38. Pedestrian Mobility Plan and Access Report

The Stage 2 DA is to be accompanied by a detailed **Pedestrian Mobility Plan and Access Report** providing details of access and facilities for people with a disability in accordance with the Building Code of Australia, AS 1428.2 and be addressing the Disability Discrimination Act 1992.

Reason: *To ensure satisfactory provisions are made for disabled and less mobile persons.*



39. Electricity Substation

The design of any electrical substation(s) must be integrated into the design of the final development and not intrude within the public domain or detract from the streetscape presentation of the development. The location of any future substation must be included with the Stage 2 Development Application and is to comply with Energy Australia Requirements.

Reason: *To ensure adequate arrangements are made for infrastructure.*

40. Site Infrastructure and Services

The Stage 2 DA is to be accompanied by a detailed **Infrastructure and Services Reports** to demonstrate how the development can be adequately and properly serviced. The report is to include an outline of any necessary augmentation of existing services. All infrastructure planning and design is to be undertaken in consultation with the relevant authorities, including Energy Australia, AGL, Sydney Water and Telecommunications Providers.

Specifically, a survey plan to Australian Height Datum of the location of all utility services in the Pittwater, Oaks and Howard road reserves is to be provided.

The applicant is advised that Council also intends to upgrade the complete stormwater drainage augmentation works in the Pittwater, Oaks and Howard road reserves. Accordingly the line of the basement structure and entry/exit vehicle portals may be required to be moved towards the existing property boundaries.

Reason: *To ensure adequate arrangements are made for infrastructure.*

41. Infrastructure –Roads and Footpath Works

The Stage 2 Development Application is to be accompanied by engineering plans for the full road reconstruction in Oaks and Howard Avenues, including kerb and gutter reconstruction, associated street stormwater drainage and inlet pits, line marking, traffic signage etc.

Full width paving and associated streetscape works will be required to be constructed along the Howard and Oaks avenue frontages.

All works are to be designed in accordance with Council's Engineering specification –Auspec 1 and other Council specifications.. The proponent shall also demonstrate the road geometry complies with Council's specifications.

The roadworks and associated street stormwater works will be required to be commenced after Council completes the Dee Why CBD stormwater drainage augmentation works.

Reason: *To ensure adequate arrangements are made for infrastructure.*

42. Management of Site Stormwater

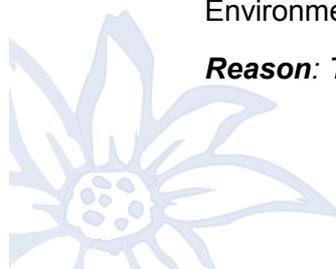
The Stage 2 development application shall address the following:

- a. Provide a **Stormwater Management Plan** that details on site stormwater detention (OSD) in accordance with Councils OSD technical specification.
- b. The stormwater management plan shall also demonstrate the provision of Water Sensitive Urban Design (WSUD) measures in accordance with Councils draft –“Water Sensitive Urban Design Policy and technical guidelines”.

The proposed buildings are to feature rainwater harvesting tanks for toilet flushing and irrigation. Pollution control devices are also be provided.

The stormwater management plans shall also demonstrate compliance with the State Environmental Planning Policy –BASIX.

Reason: *To ensure adequate arrangements are made for infrastructure.*



43. Flood Report (Flood Protection-Bund wall)

The **Flood Report** submitted with the Stage 2 DA shall incorporate a bund wall to be built around the site and have a freeboard above the 1 in 100 year ARI overland flow top water levels as identified in the Lyall and Associates –“Central Business District Flood Study”. This is to prevent the ingress of overland flow during basement excavation and construction.

After Council’s Dee Why CBD drainage augmentation works are completed and the adjoining street drainage systems are connected by the proponent to these trunk drainage lines the bund wall will be removed.

Reason: To ensure adequate arrangements are made for infrastructure.

44. Councils Existing Stormwater Infrastructure running through the site

The Stage 2 development application is to address the existing Council 750mm stormwater drainage line which runs from Pittwater Road to Councils box culvert adjoining the eastern boundary of the subject site. In this regard, the drainage line must be maintained through the site or diverted around the site at the cost of the proponent during basement excavation and construction works.

The proponent will be required to contribute the sum of \$300,000 for the provision of amalgamated stormwater drainage line into the Dee Why CBD drainage augmentation works to be constructed in Pittwater Road and Howard Avenue.

Reason: To ensure adequate arrangements are made for infrastructure.

45. Hydrant/Booster Location

The Stage 2 Development Application is to clearly identify the proposed location of all required fire hydrants and booster valves. The hydrant/booster valve and fire services location must be verified as being acceptable to the NSW Fire Brigade.

Reason: To ensure adequate arrangements are made for infrastructure.

46. Section 94A contributions

A quantity surveyors report must be submitted for the development application for Stage 2 to enable Section 94A contributions to be assessed for all components within this Stage.

Reason: To enable accurate calculation of section 94A contributions

47. Lease of Road Reserves

The lease of the road reserves for the proposed portals, overhangs and basement encroachments in the road reserves of Oaks Avenue and Howard Avenue are to be formally arranged with Warringah Council prior to the submission of the Stage 2 DA. The proponent is to consult with Council as to the lease requirements.

Reason: To facilitate the orderly development of land.

- C. That pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, the Council vary the provisions of Section 95 (1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

NOTE: Building Code of Australia

The Stage 2 DA is to be accompanied by a more detailed assessment to ensure the development is capable of meeting the performance requirements of the Building Code of Australia.

