

# 23 Fisher Road, Dee Why

Statement of Environmental Effects



On behalf of Rose Group Pty Ltd

August 2018



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## Executive Summary

This Statement of Environmental Effects (SEE) report supports a Development Application (DA) to Northern Beaches Council for a proposed mixed use development located at 23 Fisher Road, Dee Why (the site). The preparation of the SEE and lodgement of the development application has been undertaken on behalf of the land owner, Hamptons By Rose Pty Ltd.

The proposal is for the construction of 130 dwellings; use of an existing heritage item known as Pacific Lodge for residential purposes; lower-ground non-residential uses at corner of St David's Avenue and Civic Parade; and subsequent subdivision of that land. In summary the proposal will provide the following:

- 39 x 1 bedroom apartments (30%)
- 70 x 2 bedroom apartments (53.5%)
- 21 x 3 bedroom apartments (16.5%)
- Lower-ground commercial floor space at corner of St David Ave and Civic Parade
- Residential use of 'Pacific Lodge' and subdivision of the occupying
- 191 car spaces proposed all in the basement structure including
  - 157 resident car spaces
  - 34 visitor/business spaces
- 150 bicycle parking spaces
- Landscaping and establishment of communal open space

The proposed development has been sited and designed to suitably integrate with the wider development of the Dee Why Civic and Town Centre. The proposal is sympathetic to the existing and future character of the locality, providing an appropriate transition from a mixed use strategic centre into a residential area.

This SEE describes the proposed development of the site and surrounding area in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPAA).

The SEE is also supported by the following reports and plans:

- Survey Plan
- Architectural Plans
- Landscape Plans
- Plan of Subdivision
- WLEP 2011 Compliance Assessment
- WDCP 2011 Compliance Assessment
- ADG Compliance Assessment
- Design Verification Statement / SEPP 65 Report
- Clause 4.6 Variation Statements
- Pre-lodgement Meeting Minutes

- Traffic and Parking Assessment
- Heritage Impact Statement
- Conservation Management Plan
- Arboricultural Report
- Contamination Report
- Geotechnical Report
- Waste Management Plan
- Erosion and Sediment Plan
- Geotechnical Report
- Stormwater Management Plan
- Aboriginal Due Diligence Report
- BASIX Certificate
- Access Report
- Flora and Fauna Report
- 3D Electronic Model

The estimated cost of development for the proposal is approximately \$70,820,000.00 including GST.

A further summary of the proposal is provided in Table 1 below.

Table 1 Summary of Proposed Development	
Item	Description
Zoning	B4- Mixed Use
Number of apartments	130 apartments
Change of use and subdivision	subdivision and change of use of Pacific Lodge to permit residential
Site Area	10,620m <sup>2</sup>
Height	4-7 storeys with a maximum height of RL 54.58.
Parking	191 car parking spaces
Gross Floor Area	13,400m <sup>2</sup> (1.26:1 FSR)
Solar Access	98 apartments (75.38%) achieve a minimum of 2 hours to living rooms and private open space.



Table 1 Summary of Proposed Development	
Natural Ventilation	68 apartments (66.15%) achieve natural cross ventilation
Residential Mix	39 x one bedroom 70 x two bedrooms 21 x 3 bedrooms
Landscaping	Landscaping is proposed for 40% of the site area.
Deep Soil	25% of the site area of proposed works includes areas suitable for deep soil planting.

An assessment of the proposal has been undertaken in part 4 of this SEE, supported by additional consultant studies as per the requirements of Council. The planning and environmental assessments found the proposal is largely consistent with the state and local planning controls applicable to proposal and in the absence of any adverse impacts, the development was suitable for the subject site.

It is therefore requested, that after consideration of the information provided with this Development Application, Council support the proposal through the provision of development consent.

# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Mecone Pty Ltd (Mecone) on behalf of Hamptons By Rose Pty Ltd to support a development application (DA) submitted to Northern Beaches Council) for a mixed use development at 23 Fisher Road, Dee Why (the site).

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

Specifically, the SEE includes the following information:

- Information relating to the site within its local and regional context;
- A description of the proposal and works the subject of the development application
- Assessment against the relevant planning controls and policies; and
- Assessment of potential environmental impacts of the proposal and identification of measures for minimising or managing potential impacts.

The proposed development includes;

- Construction of mixed use development comprising of:
  - 39 x 1 bedroom apartments/townhouses;
  - 70 x 2 bedroom apartments/townhouses;
  - 21 x 3 bedroom apartments
  - 191 car spaces proposed in basement structures;
  - Lower-ground level non-residential floor space at corner of St David's Ave and Civic Parade; and
  - Use of Pacific Lodge for residential uses and subdivision of land (fit-out to be subject to a future application).

Mecone and the landowner have had ongoing discussions with Council relating to the proposed development and is committed to working collaboratively and ensuring the proposed development provides a good urban outcome for the site, which appropriately responds to the desired context of the existing and future area.

In accordance with the cost summary report enclosed with the development application, the cost of development for the proposal to be \$70,820,000.00.

## 1.1 Proponent and Project Team

This SEE has been prepared on behalf of the proponent, Hamptons By Rose Pty Ltd, accompanied by the following project team.

Table 2 Project Team	
Item	Description
Urban Planning	Mecone
Architectural Design	Rose Architectural Design

Table 2 Project Team	
Geotechnical	Coffey Consultants
Contamination	Coffey Consultants
Traffic Consultant	Colston Budd Rogers & Kafes Pty Ltd
Aboriginal Heritage	Niche Environment & Heritage
Photomontages	Architectural Images
Access	Vista Access Architects
Surveyor	Veris Ltd
Heritage	Tropman & Tropman Architects
Landscaping	Context Landscape Design Pty Ltd
Flora and Fauna	Forest Tree Services Pty Ltd

## 1.2 Background

### 1.2.1 Previously Approved DA/2011/1274

A Stage 1 DA for demolition works and construction of residential flat buildings with associated car parking, landscaping and site works was supported by the then Warringah Council and subsequently on 15 February 2012 by the JRPP (DA2011/1274). Since this approval was received an enhanced design has been proposed for the site. While it is considered that the new DA is similar to what was approved under DA2011/1274, Council did not consider it substantially the same development and therefore a new DA is required to be submitted.

### 1.2.2 Draft Dee Why Town Centre Masterplan and LEP amendment

In August 2013 Warringah Council endorsed the Dee Why Town Centre Master Plan to transform Dee Why town centre into the northern beaches' premier commercial and residential district. The Planning Proposal involved amending the Warringah LEP 2011 controls relating to height and FSR.

The Dee Why Town Centre LEP amendment was submitted to the Department of Planning & Environment in early 2015 and has been approved at gateway and with RPA for implementation (determined 22 September 2016). Council subsequently resolved to place the draft LEP and DCP controls on exhibition, which was held from February to March 2018. The controls in their draft status are considered to be 'draft Environmental Planning Instruments' and are therefore a consideration under Section 4.15 of the planning Act for this application. However, to date the new controls have not been reported back to Council or the Department and are not gazette. Therefore the subject DA has been submitted in accordance with the existing controls of WLEP 2011.

### 1.2.3 Pre-DA Meeting – May 2018

A Pre-DA meeting was held on 3 May 2018 to discuss the proposed scheme. A list of the items raised and the response to these items is presented in the below Table 3.

Table 3 Pre-DA Meeting Key Points Raised by Council	
Council's Advice	Applicant Response
<p><u>Stage 2 DA vs New DA</u></p> <p>Council advised that development approved under DA/2011/1274 and this application were substantial enough to warrant a new Development Application being submitted.</p>	<p>A new development application is being submitted for the subject site. The subject application is a detailed development application, rather than a 'concept' application.</p>
<p><u>Development Height</u></p> <p>Until the Planning Proposal submitted by Council for the Dee Why Town Centre is considered 'imminent and certain', Council would not consider additional height and FSR acceptable for the site above what was previously approved for the prior Stage 1 Development Consent.</p>	<p>The subject application has been amended to be consistent with the existing planning controls for the subject site.</p>
<p><u>Use of Pacific Lodge Building</u></p> <p>Council advised they were not supportive of the use of this building for residential purposes and suggests that it be restored for purposes consistent with the CMP.</p>	<p>The proponent considers that the most suitable use of Pacific Lodge is for residential purposes. It is also suggested that the land containing Pacific Lodge be subdivided in order to ensure its continued protection. This is addressed further in the SEE in the relevant sections addressing heritage and is supported by updated heritage advice.</p>
<p><u>St David Ave Treatment</u></p> <p>Council requires that consideration be given as to the best method to protect the existing rock features located along St David Avenue but notes the benefits and realistic expectations of being able to maintain the frontage as is. Council considered the removal of the rock face to be an area of primary concern during consultation.</p> <p>In the meeting discussed the importance of the landscaped/rocky outcrop from a heritage and urban design perspective while the need to modify to improve pedestrian access as proposed by the Applicant was also considered.</p> <p>Council heritage, landscape and urban design officers consider that the landscaping is important and that from a 'setting' and design perspective and therefore a four storey building on top of the existing</p>	<p>The proposal has been amended to provide a design that generally maintains the rocky escarpment along St David Avenue, while still managing to activate the south eastern corner of the site through the provision of commercial space. This outcome ensures that the unique landscaping features of Council land on St David Avenue is retained while also enabling the activation of commercial uses to be provided in proximity of the civic centre.</p>

Table 3 Pre-DA Meeting Key Points Raised by Council

<p>landscaping is preferable to a 6-storey building that removes the rock face.</p> <p>There may be opportunity to achieve a design that retains elements of the landscape, while also delivering an activated ground and first floor and pathway improvements.</p>	
<p><u>Heritage</u></p> <p>The CMP submitted with the DA will need to consider heritage issues including the curtilage, landscaping and interiors of Pacific Lodge and should include a Heritage Impact Statement. This HIS must consider the likely State listing of the library and Civic Centre along Civic Pde.</p> <p>A through-site-link, that also considers the landscaping and curtilage of Pacific Lodge (particularly if in private ownership) must also be provided.</p>	<p>The CMP and HIS submitted with the application address the heritage impacts of the proposal on both Pacific Lodge and heritage items in the adjoining civic precinct.</p> <p>While a through site link was considered following the meeting with Council, the proponent considers that it is not suitable, as addressed in Section 4.1.5 of the SEE.</p>
<p><u>View Sharing and loss</u></p> <p>View sharing from surrounding residential areas is a critical matter for the building height and massing. Council's Urban Designers consider that any additional height beyond what is currently approved may be difficult to meet the LEC view sharing principles.</p> <p>Consideration must be given to views from public and private properties, particularly when travelling down McIntosh Road.</p>	<p>The massing of the proposal has been amended so that it is consistent with the previous DA approved and will adhere to the requirements established by view sharing planning principles established by the Land and Environment Court.</p>
<p><u>Traffic Engineering</u></p> <p>The location of the proposed driveway on Civic Parade is not supported.</p> <p>The number of vehicular accesses onto Fisher road is to be minimised.</p> <p>Traffic access proposed off Fisher Road roundabout has not been flagged as a concern by Council's traffic engineer.</p> <p>General notes:</p> <ul style="list-style-type: none"> <li>The driveway design and gradients and the car park design is to be compliance with AS2890.1:2004.</li> </ul>	<p>No access is proposed from Civic Parade as requested by Council.</p> <p>Furthermore, the two separate accesses provided from Fisher Road have been designed to separate site users and service vehicles.</p> <p>More broadly, traffic and access has been assessed and addressed in depth in the SEE and confirms compliance with relevant DCP controls and Australian Standards. For further information refer to 4.1.6, 4.2.2 and Appendix 11.</p>

Table 3 Pre-DA Meeting Key Points Raised by Council

<ul style="list-style-type: none"> <li>Adequate parking provision is required in compliance with the DCP.</li> </ul>	
<p><u>Non-residential uses on ground-floor</u></p> <p>Council officers understand in-principle why only residential uses are proposed along Fisher Road and this will be considered in a future report to Council.</p>	<p>The design has been amended so that there are no residential ground-floor uses with the exception of eight townhouses along the site's northern boundary, which are not accessible from the public domain.</p> <p>A Clause 4.6 statement has been submitted providing justification to not include Ground floor commercial across the entire site, instead limiting commercial to the south east corner near the Civic Centre. This is provided in Appendix 9 and discussed in 4.1 of the SEE.</p>

#### 1.2.4 Follow up meeting with Council – August 2018

A further informal meeting was held with Council planning staff on 10 August 2018 to discuss the revised scheme based on Council's May pre-DA advice. Key areas of discussion related to the treatment of the ground-floor dwellings in Building A; proposed use of Pacific Lodge for residential purposes and traffic, parking and access. Lodgement requirements were also confirmed at this meeting.

## 2 The Site

### 2.1 Local Context

The subject site is located at 23 Fisher Road, Dee Why and is legally known as Lot 11 DP 577062. The site covers an area of approximately 10,620m<sup>2</sup> and is currently occupied by a disused aged care and assisted living facility previously operated by the Salvation Army.

The site is undulating in nature providing a relatively steep topography owing to its location on the spur between major hills to the west and south of Dee Why town centre basin. The site ground level is elevated above the adjoining street level in most locations, especially along the St David Avenue frontage, where retaining brick wall, rock faces, escarpments and outcrops occur at varying heights.

Varying land uses of both a public and private nature are located within the vicinity of the site as detailed further in Section 2.2. The site is located to the west of the Northern Beaches Civic centre and is on the fringe of the Dee Why Town Centre as identified in the current LEP controls and the Dee Why Town Masterplan (draft LEP) and relevant documents.



**Figure 1 Subject site**

Source: SIX Maps

## 2.2 Site Description

A further description of the site is provided in Table 5 below.

Table 4 Site Description	
Item	Description
Legal Description	Lot 11 DP 577062
Total Site Area	10,620m <sup>2</sup>
Topography	<p>The site is undulating in nature providing a relatively steep topography owing to its location on the spur between major hills to the west and south of Dee Why town centre basin.</p> <p>The site ground level is elevated above the adjoining street level in most locations, especially along the St David Avenue frontage, where retaining brick wall, rock faces, escarpments and outcrops occur and varying heights.</p> <p>Photographs provided in 2.2 provide further detail in relation to the topographical context of the site.</p>
Existing Use	<p>The site currently contains a disused Salvation Army aged care and assisted living facility comprising several one to two storey dwellings, which will be demolished. It also includes a local heritage item known as Pacific Lodge, which was previously incorporated into the Aged Care as an administration building. This building is proposed to be used for residential purposes and subdivided to ensure its continued protection as a heritage item – with fitout subject to a future separate application.</p> <p>Pedestrian access to the site is currently provided by an access ramp on Civic Parade and steps from Fisher Road.</p> <p>Parking is provided on the site adjacent to the western boundary via two vehicular access points from Fisher Road.</p> <p>The remainder of the site includes natural vegetation and landscaping, particularly in the north east corner.</p>
Adjoining Development	<p><u>North:</u></p> <p>Various uses are located to the north including a three storey residential flat building and a Northern Beaches Council owned building operated by PCYC.</p> <p><u>East:</u></p>



Table 4 Site Description

	<p>Civic Parade, Council carpark, Dee Why Library and Northern Beaches Council – Dee Why Office.</p> <p><u>South:</u></p> <p>Beyond St David Avenue, Dee Why Police station, St Davids Uniting Church Centre and commercial uses at 1-3 storeys in height are located. Additionally, a 9 storey development is currently under construction on the corner of St David Avenue and Pittwater Road.</p> <p><u>West:</u></p> <p>Beyond Fisher Road to the west, low rise residential area including 1-3 storey dwellings and flat buildings are located.</p>
<p>Transport</p>	<p>Bus services along Fisher Road (directly west of site) providing regular services to Manly, Frenchs Forest, and Sydney CBD. Additional B-line bus services along Pittwater Road (less than 100m south-east of site) providing services to Warringah Mall, Palm Beach, and Mona Vale,</p>



**Figure 2 Looking east towards Pacific Lodge**  
 Source: Mecone



**Figure 3 Existing vehicle access to Fisher Road**  
Source: Mecone



**Figure 4 Existing rockface along St David Avenue boundary**  
Source: Mecone



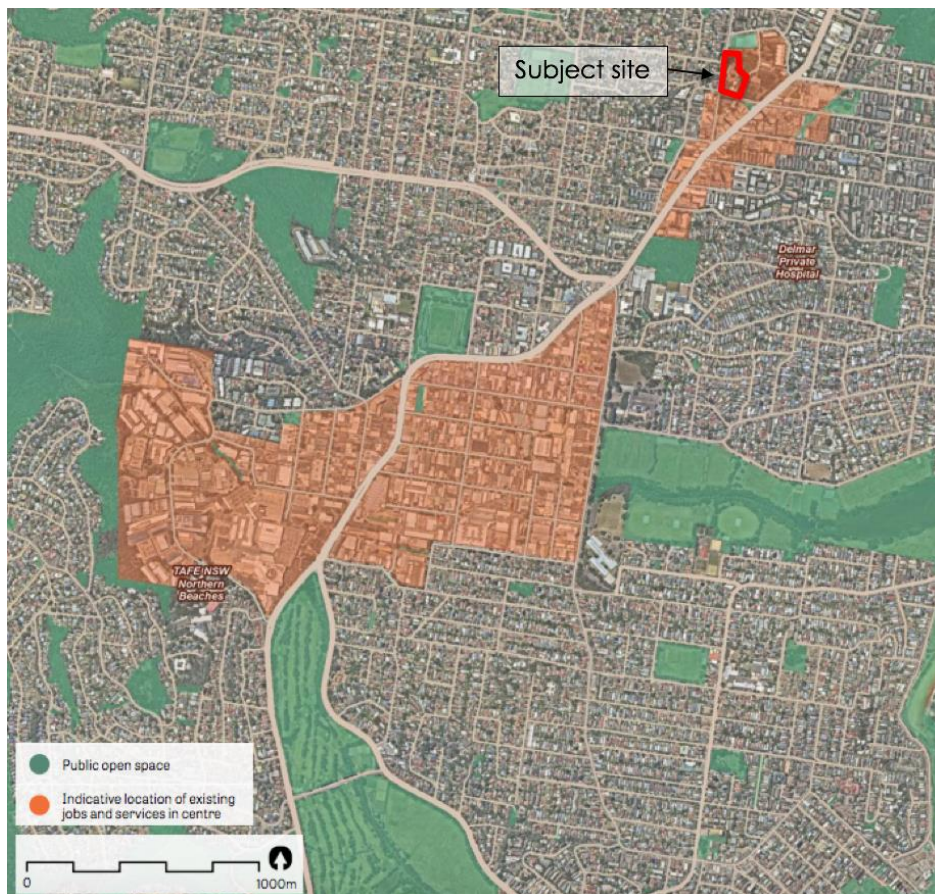
**Figure 5 Existing stair access to Pacific Lodge looking towards Civic Drive to the east**  
Source: Mecone

## 2.3 Regional Strategic Context

### 2.3.1 Our Greater Sydney 2056 - North District Plan

The Greater Sydney Region Plan, A Metropolis of Three Cities includes the Northern Beaches LGA and the site within *The North District Plan*, which is a 20-year plan to manage growth in Sydney's northern sub region as outlined in the Greater Sydney Regional Plan, A *Metropolis of Three Cities*.

The District Plan targets an additional 3,400 additional dwellings to be provided within the Northern Beaches LGA between 2016-2021. Additionally, the District Plan identifies Brookvale-Dee Why as one of eight strategic centres in the North district and describes Dee Why as a mixed-use area which offers a vibrant local night-time economy. The District Plan outlines that strategic centre will be the focus of public transport investments that seeks to deliver the 30-minute city objective.



**Figure 6 Brookvale-Dee Why strategic centre**

**Source: GSC**

The relevant key actions for Brookvale-Dee Why include:

- Maintain the mix of uses so that Brookvale-Dee Why continues to perform strongly as a well-balanced, self-sustaining combined centre;
- Recognise and enhance the economic and employment opportunities along Pittwater Road and encourage revitalization along the commercial strip;
- Promote walking, cycling and public transport to Warringah Mall, the Brookvale industrial area, and Dee Why;
- Encourage new lifestyle and entertainment uses to activate local streets in Brookvale-Dee Why;

The development provides 130 residential units (not including the addition of Pacific Lodge for residential purposes), which will contribute to the LGA target to deliver 3,400 additional dwellings between 2016 and 2021. New residential density in the area will benefit from close access to the town centre services, and convenient public transport options to nearby locations such as the industrial area in Brookvale, Warringah Mall, and TAFE NSW Northern Beaches. Additionally, the proposed development will support the objectives of the North District Plan set for Brookvale Dee-Why by providing a development on the outskirts of the Brookvale-Dee Why Strategic Centre that will provide an appropriate transition between residential and mixed use areas and contribute to the sustainable growth of Dee Why as a self-sustaining combined centre.

## 3 The Proposal

### 3.1 Development Summary

This application seeks consent for a development proposal which comprises three residential flat buildings inclusive of commercial space in the south western corner of the site at basement level. The proposal also involves the retention and subdivision of an existing heritage building known as Pacific Lodge which is proposed to be used for residential purposes, with fit out subject to a further detailed application.

Specifically, the development proposed the following:

- 39 x 1 bedroom apartments/townhouses (30%)
- 70 x 2 bedroom apartments/townhouses (53.5%)
- 21 x 3 bedroom apartments (16.5%)
- Lower-ground commercial floor space at corner of St David Ave and Civic Parade
- Residential use of 'Pacific Lodge' and subdivision of the occupying lot
- 191 car spaces proposed all in the basement structure including
  - 157 resident car spaces
  - 26 visitor car spaces
  - 8 Commercial car spaces
- 150 bicycle parking spaces
- Site landscaping

A summary of the proposed development is provided in Table 5.

Table 5 Summary of Proposed Development	
Item	Description
Total Parking	191 car spaces
Gross Floor Area	13,400m <sup>2</sup>
Height	4-7 Storeys with a maximum height of RL 54.58.
Residential uses	Total of 131 dwellings including: 39 x one bedroom apartments/townhouses 70 x two bedroom apartments/townhouses 21 x three bedroom apartments Use of Pacific Lodge for residential purposes (fitout to be subject of a future application)
Non-residential uses	320m <sup>2</sup> commercial space

Table 5 Summary of Proposed Development	
Landscaped area	A total of 4,250m <sup>2</sup> of the site will be landscaped (40% of total existing site area)
Deep soil area	25% of total existing site area
Solar Access	98 apartments (75.38%) receive a minimum of 2 hours direct sunlight to living rooms and private open space.
Natural Ventilation	68 apartments (66.15%) achieve natural ventilation

### 3.2 Built form

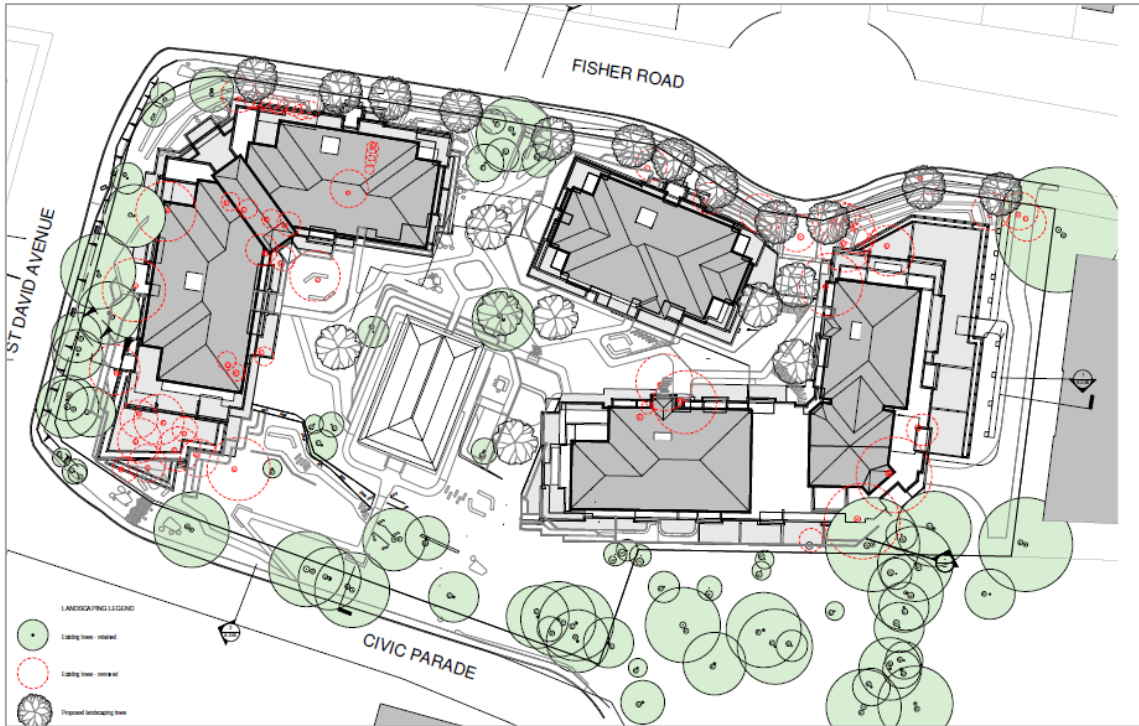
This application seeks consent for a development proposal which comprises three residential flat buildings inclusive of commercial space in the south western corner of the site at lower-ground level. The proposal also involves the retention and subdivision of an existing heritage building known as Pacific Lodge which is proposed to be used for residential purposes.

The proposal has been designed to respond to the undulating nature of the subject site and provide development which appropriately transitions from the Dee Why town centre into nearby residential areas. The proposal has also been designed to address the heritage fabric of Pacific Lodge, nearby heritage items to the west and the unique rocky escarpment provided at the southern end of the site along St. David Avenue, which is considered an important environmental feature.

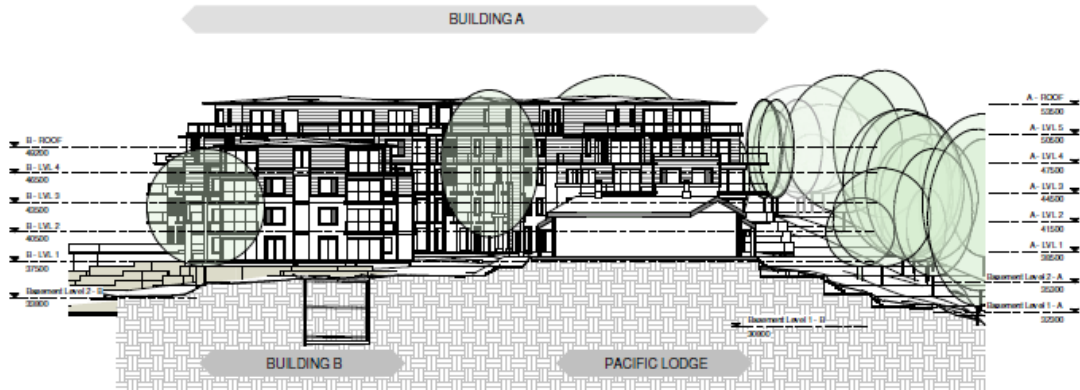
The below table provides a summary of the built form of the respective buildings which comprise the proposal overall.

Table 6. Summary of built form						
Block	Height	Commercial	1 bdrm dwellings	2 bdrm dwellings	3 bdrm dwellings	Total dwellings
A	7 storeys	-	14	31	12	57
Town houses	2 storeys	-	4	4	-	8
B	4 storeys	-	8	13	1	22
C	6 storeys	320m <sup>2</sup>	13	22	8	43
<b>Total</b>		<b>320m<sup>2</sup></b>	<b>39</b>	<b>78</b>	<b>21</b>	<b>130</b>

The figures below provide further details relating to the siting of the buildings proposed and topography of the site.



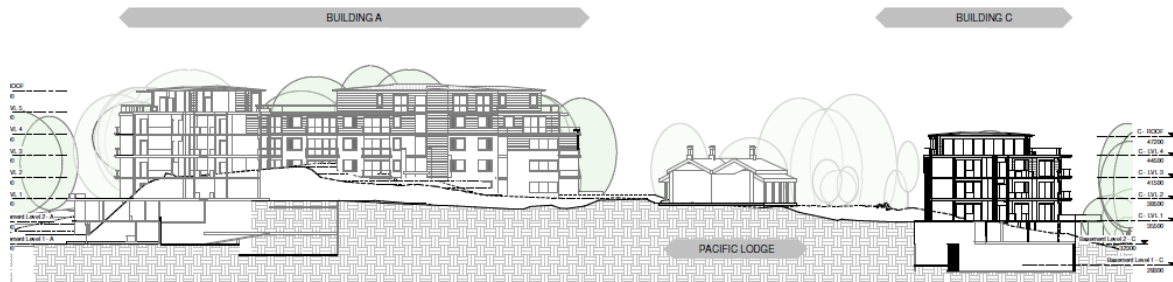
**Figure 7 Site Layout Plan**  
Source: Rose Architectural Design



**Figure 8 Architectural Drawings Section 1**  
Source: Rose Architectural Design

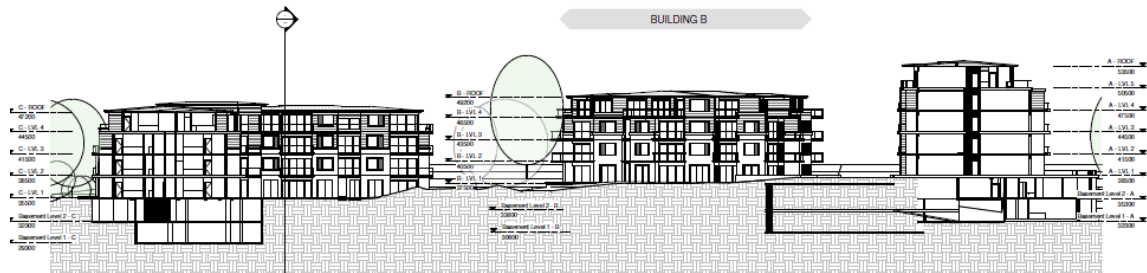


**Figure 9 Architectural Drawings Section 2**  
Source: Rose Architectural Design



**Figure 10 Architectural Drawings Section 3**

Source: Rose Architectural Design



**Figure 11 Architectural Drawings Section 4**

Source: Rose Architectural Design

### 3.3 Access and Parking Provisions

Two vehicular accesses are proposed from Fisher Road for the proposal with the most northern access being utilized as a servicing route (most northern access) and the other being the primary access to the site and car parking provided. In total 191 car parking space are proposed. Table 7 provides a breakdown of the various parking types.

Table 7. Summary of parking	
Car park type	Number of spaces
Residential	157 spaces
Visitor	26 spaces
Commercial (Business/Office uses)	8 spaces
<b>Total</b>	<b>191 spaces</b>

### 3.4 Landscaping

A total of 4,250m<sup>2</sup> of the site will be landscaped which equates to 40% of the total site area, including 2740m<sup>2</sup> of deep soil landscaping. This is demonstrated in Figure 12 below. Landscaping will include the retention of existing trees where possible as well as new landscaping features on the site such as communal parkland and podium planting.

Full details of the landscaping proposed are provided in the landscaping plans in Appendix 3 of the SEE and assessed further in 4.2.3 of this SEE.



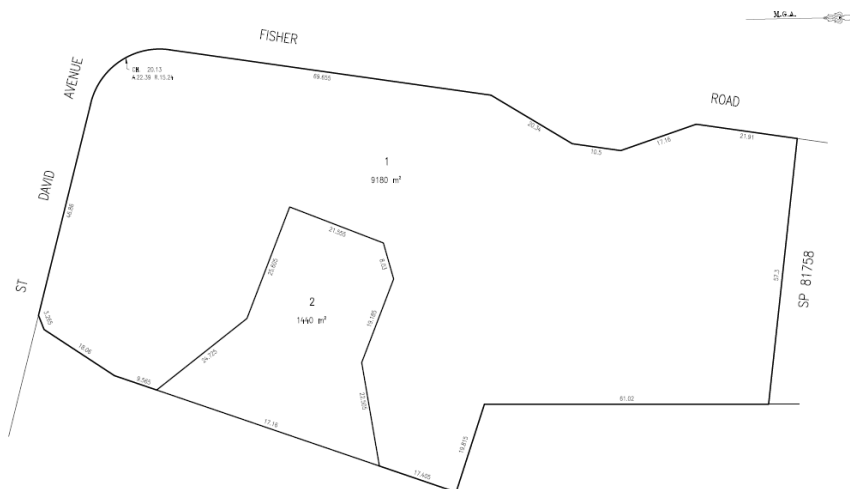


**Figure 12 Landscape Calculation Plan**  
 Source: Rose Architectural Design

### 3.5 Subdivision and use of Pacific Lodge

Pacific Lodge provides a focal point of the overall development and is proposed to be retained and subdivided to ensure its ongoing protection in the future. The plan of subdivision is provided in Figure 13 below. In addition, this application seeks consent for Pacific Lodge to be used for residential purposes, with fit-out subject to a future detailed development application.

PLAN OF PROPOSED SUBDIVISION OF PART LOT II IN DP 577062



**Figure 13 Pacific Lodge Plan of Subdivision**  
 Source: Veris Ltd

## 4 Planning and Environmental Assessment

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify the potential environmental impacts and proposed mitigation measures. These are discussed further below.

This section includes an assessment against the relevant heads of consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) 1979.

### 4.1 Planning Assessment

The applicable Regional Environmental Plans (REPs), State Environmental Planning Policies (SEPPs), and Local Environmental Plans (LEPs) are discussed below.

#### 4.1.1 SEPP (BASIX) 2004

The application is accompanied by a BASIX Report and Certificate, which are attached at in Appendix 20 of this SEE. The BASIX report confirms that the proposed development will meet the NSW government's requirements for sustainability if built in accordance with the commitments set out in the certificate.

#### 4.1.2 SEPP No. 65 – Design Quality of Residential Apartment Buildings

The development has considered the provisions of SEPP 65 and the associated Apartment Design Guide (ADG) as required by the EP&A Act 1979 and the Regulation.

SEPP 65 states that a consent authority is to give consideration to the following matters in determining a DA for a residential flat building:

- 9 design quality principles; and
- the ADG.

A Design Verification Statement and SEPP 65 Report has been prepared by Rose Architectural Design and accompanies this DA as provided in Appendix 8. Furthermore, a compliance assessment is provided by Mecone in Appendix 7. The Verification Statement, SEPP 65 Report and Compliance table demonstrate that the proposal appropriately responds to the design quality principles, ADG and SEPP 65.

#### 4.1.3 SEPP No. 55 – Remediation of Land

The aim of SEPP 55 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with Section 7 of SEPP 55, a consent authority must not consent to the carrying out of development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In order to adequately address SEPP 55, Coffey were engaged to undertake a Preliminary Environmental Site Assessment. This included undertaking a desktop review of relevant historical imagery, planning certificates, relevant mapping and registers, as well as a site visitation.

Based on the investigations undertaken, Coffey concluded that the likelihood of the land being contaminated is generally low and the land is able to be made suitable for the proposed use. This assessment was based on a review relevant desktop records and aerial imagery and a site visitation. In isolated areas of environmental concern identified during site visitation, where potential contaminants may be encountered, recommendations were made to complete a hazardous material survey and soil sampling prior to demolition.

As such, it is recommended that this be implemented as conditions of consent which must be satisfied prior to the issue of a construction certificate.

#### 4.1.4 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (WLEP2011) is the primary local planning instrument applicable to the subject site. Under the WLEP 2011 the site is zoned B4 Mixed which permits 'residential flat buildings' and 'commercial premises' with consent. The objectives of the B4 zone include:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To reinforce the role of Dee Why as the major centre in the sub-region by the treatment of public spaces, the scale and intensity of development, the focus of civic activity and the arrangement of land uses.*
- *To promote building design that creates active building fronts, contributes to the life of streets and public spaces and creates environments that are appropriate to human scale as well as being comfortable, interesting and safe.*
- *To promote a land use pattern that is characterised by shops, restaurants and business premises on the ground floor and housing and offices on the upper floors of buildings.*
- *To encourage site amalgamations to facilitate new development and to facilitate the provision of car parking below ground.*

The proposal will provide a development which is considered consistent with the objectives of the B4 mixed use zone. The proposal will provide a residential mixed use development of appropriate scale and intensity, which will encourage the use of public transport as well as walking and cycling. In particular, the land use mix of predominantly residential uses with a commercial component has been propose in response to the transitional nature of the site, being located between low density residential zoning to the west and the Dee Why town centre mixed use zone to the east. Furthermore, the proposal will provide a new development which facilitates below ground parking.

A full assessment of the proposal against the provisions of the WLEP 2011 has been undertaken by Mecone in the WLEP 2011 compliance table in Appendix 5. Furthermore, a summary of the primary relevant development standards and provisions of the LEP is provided below. While the proposal is considered to be generally consistent with the WLEP 2011, in instances where development standards have not been able to be complied with, an application to vary the relevant standard has been made in accordance with Clause 4.6 of the LEP.

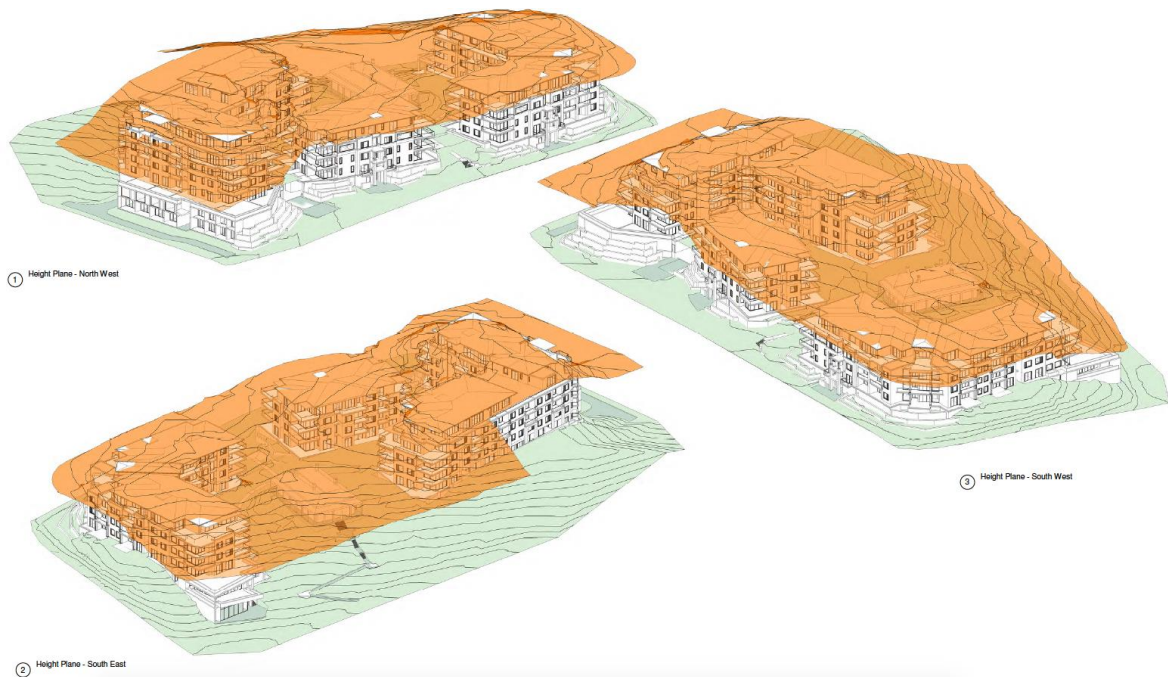
## Subdivision

The proposal involves the subdivision of the land where Pacific Lodge is located to ensure it is able to be protected for heritage purposes in the future. While no minimum lot size applies to the subject land, the subdivision is not inconsistent with the objectives of subdivision outlined in 4.1 of the WLEP 2011. A plan of subdivision is provided in Appendix 4.

## Height

The WLEP 2011 permits a maximum building height of 13m on the subject site. The proposal building envelope is not wholly compliant with this height control primarily due to the undulating topography of the site which has resulted in minor exceedances of the height control at the outer corners of roofs, small sections of the upper walls, and a northern facing balcony, shown in Figure 14 below. While it is acknowledged that the proposal exceeds the permitted height standards of the WLEP, it is considered that these exceedances will result in a better outcome for the site for the following reasons:

- The amount of area above the height plane is minor in scale and does not concentrate in any point in particular but rather is caused where there is a significant drop in elevation. No full levels and only a very small area of habitable floor space is outside of the height plane (balcony fronting northern boundary). The highest point, 15.9m above natural ground level (22.3% exceedance), is oriented towards the north and is not highly visible from the street.
- Given the staggered nature of the existing ground level, full compliance with the height plane would require the upper level of building to be equally staggered with inconsistent building setbacks and heights in efforts to respond to points of steep descents across the site. The result would negatively impact on the overall visual presentation of the development. The building envelope proposed creates minor height exceedances as a result of presenting a coherent and architecturally uniform development across the three buildings;
- It is noted that the previous Stage 1 development consent granted for the site in 2012 (DA2011/1274) included a building height of up to 55.03RL. The proposed development offers a reduced height to what is approved (54.58RL); and
- The proposed built form will not significantly impact upon the amenity of the adjoining neighbours with regard to privacy or solar access. In particular, the proposed additional height will not cause any amenity impacts – such as solar or privacy - that would contravene Council's controls.



**Figure 14 Height plane exceedances**

Source: Rose Architectural Design

A clause 4.6 variation is provided in Appendix 9 of this SEE which formally requests Council apply flexibility in these particular circumstances in relation to the building height development standard. The report provides further details and justifications that, in the circumstances of the case, compliance with the height control is unreasonable and unnecessary.

## Heritage

The subject site is identified as a heritage item of local significance under the LEP (Item 43 of Schedule 5) known as 'Pacific Lodge (Salvation Army)'. Furthermore, surrounding development such as the Dee Why Public Library, Civic Centre and civic centre landscaping to the east are considered heritage items of state significance. Given the heritage significance of the area both a Heritage impact Statement (HIS) and Conservation Management Plan for Pacific Lodge have been prepared. These documents can be found in Appendix 12 and Appendix 13 respectively. Furthermore, an assessment of the proposal in relation to European heritage is provided further in 4.2.8 of this SEE.

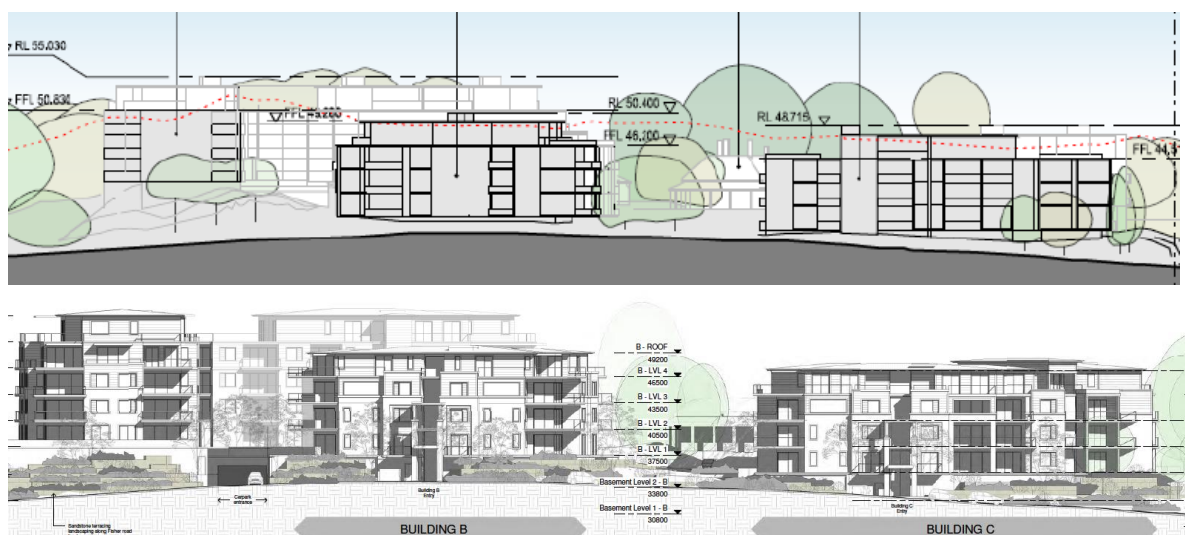
## Non-Residential Uses at ground floor

Clause 6.7 of the WLEP 2011 states that development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level. The proposed development includes three residential flat buildings with eight town houses in front of Building A and a commercial component in Building C. The proposed development will vary the Clause 6.7 control by providing the eight (8) town houses at the ground floor level of Building A, fronting towards the northern boundary of the site with separate access from Fisher Rd. Due to the sloping nature of the site, the finished floor level of the lowest residential units in the remaining residential flat buildings are elevated above ground level with main access off shared building entrances, and therefore are not considered to be on ground level.

While it is acknowledged that the site is located in the B4 Mixed Use zone and would generally be encouraged to provide street level activation through mixed uses, the proposed development has not included this due to the site location and topography. It is considered that this non-compliance will result in a better outcome for the site for the following reasons:

- While zoned B4 Mixed Use, the site is located in the far corner of the Dee Why Town Centre and opposite the R2 Low Density Residential Zone to the east and nearby to RE1 Public Recreation zone to the north. Due to the transitional nature of the site's location, the mix of ground floor land uses on the site including residential uses to the west and commercial space towards the town centre to the east provides a better integrated built form and land use mix to respond to the surrounding context;
- The delivery of ground floor level non-residential uses across the entire site would be result in tenancies which are disadvantaged and unsuccessful. The site is located on the fringe of the Dee Why Town Centre, distanced from the main commercial and retail activity along Pittwater Road, and located behind the Northern Beaches Council offices and facilities. Additionally, the significantly elevated nature of the site and steep sloping discourages passive foot traffic past and through the site;
- The historic use of the site has been for residential purposes, and it is noted that the existing development on site provides residential uses at the ground floor level;
- The previous Stage 1 development consent granted for the site in 2012 (DA2011/1274) included residential flat buildings with dwellings on the ground floor level either at street level or elevated by the partially exposed basement parking. The proposed development offers a better outcome for ground floor level plans to what is approved by elevating all units above ground level in a uniform design with shared building entrance points, and sufficient landscaping to hide any exposed blank walls (see Figures below).

A clause 4.6 variation is provided in Appendix 9 of this SEE which formally requests Council apply flexibility in these particular circumstances in relation to the ground level uses of the residential flat buildings. The report provides further details and justifications that, in the circumstances of the case, compliance with the restriction of dwellings on ground level is unreasonable and unnecessary.

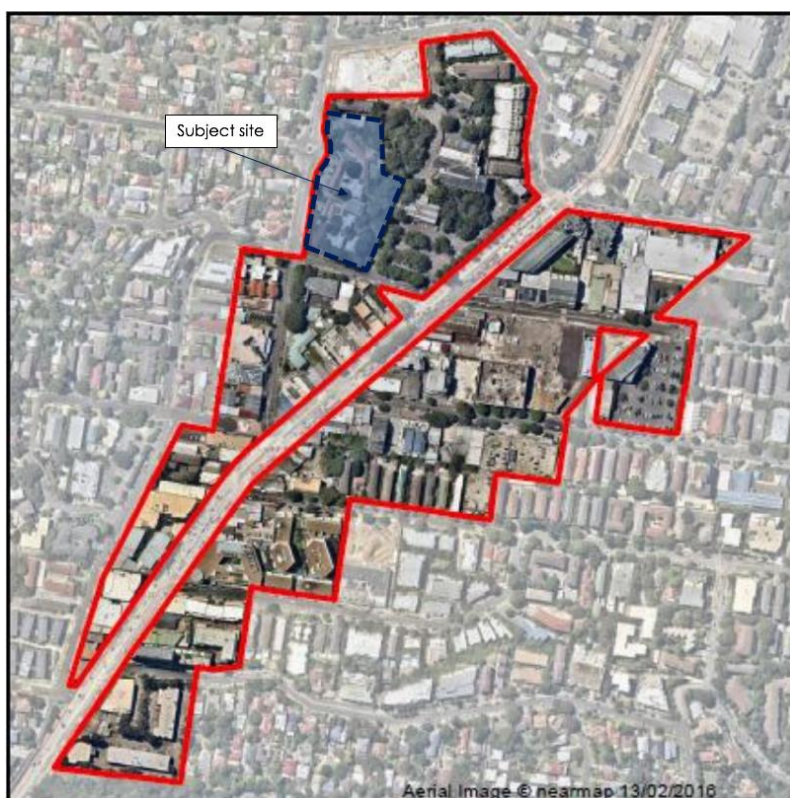


**Figure 15 Approved Fisher Rd elevation (above) and proposed Fisher Road elevation with sandstone terracing and landscaping**

Source: Rose Architectural Design

#### 4.1.5 Draft Dee Why Town Centre LEP Amendment (2017)

In August 2013 Warringah Council endorsed the Dee Why Town Centre Master Plan to transform Dee Why town centre into the northern beaches' premier commercial and residential district. The following Planning Proposal to amend Warringah LEP 2011 for height and FSR controls in the Dee Why Town Centre was submitted to the Department of Planning & Environment in early 2015 and is currently approved at gateway and with RPA for implementation (determined 22 September 2016). Council subsequently resolved to place the draft LEP and DCP controls on exhibition, which was held from February to March 2018. The controls in their draft status are considered to be 'draft Environmental Planning Instruments' and are therefore a consideration under Section 4.15 of the planning Act. As seen below in Figure 2, the subject site is located within the proposed Town Centre and is therefore anticipating new applicable controls.



**Figure 16 Approved Fisher Rd elevation (above) and proposed Fisher Road elevation with sandstone terracing and landscaping**

Source: Rose Architectural Design

An assessment of the proposed development against the draft controls has been undertaken below. In summary, the proposed development is consistent with the two key LEP controls; height of buildings and floor space ratio. The proposed development proposes alternative solutions to the design provisions relating to setbacks and awnings due to the specific context of the site; however, the proposal is considered to be consistent with the objectives of these provisions as it provides improved pedestrian circulation and safety, visual interest, and quality built form.

**Table 5** Draft Dee Why Town Centre LEP Controls

Item	Description	Compliance
Height	Increase the maximum height of buildings by 3m, totaling 16m	<p><b>Complies</b></p> <p>The draft LEP controls increase the existing height of buildings control (Clause 4.3) from 13m to 16m. The proposed development is largely within the 13m height plane with the exception of minor exceedances due to the site topography. The highest point above natural ground level is 15.9m. As such, the proposed development is consistent with the draft height control. The planning proposal outlines</p>
FSR	Introduce a maximum site floor space ratio of 1.45:1	<p><b>Complies</b></p> <p>The proposed development results in an FSR below 1.45:1.</p>
Podium heights	<p>Amend the objectives for development within the Dee Why Town Centre to reflect a reduction in podium heights in response to increased height.</p> <p>A podium height of 2 storeys</p>	<p><b>Does not comply</b></p> <p>While the terrace houses include two storey frontages to the northern boundary, the remainder of the development generally provides setbacks above Level 3. The proposed built form is considered to be appropriate to the site's topography and responds positively to the street frontages with adequate articulation, stepping, and façade details. It is noted that this requirement is directed more specifically at providing improved pedestrian experience in the town centre, where this subject site is relatively separated from the main pedestrian circulation spaces along Pittwater Road.</p>
Setbacks	<p>4m setback from the kerb where a minimum setback of 3.6m applies.</p> <p>In addition, 40% of the length of the front property boundary must be setback greater than the required setback.</p>	<p><b>N/A.</b></p> <p>The subject site does not have any setback controls identified on the DCP maps. Given the predominant residential use proposed, generous setbacks and buffer landscaping has been provided along the main Fisher Road frontage. A smaller setback is proposed on the south-east corner to provide suitable activation</p>



		for the proposed commercial use in this location.
	4m setback from all edges of the podium	<b>Does not comply</b> The proposed development includes varied setback distances across the levels of the three buildings in order to respond to the corner site orientation and natural topography.
Awning requirements	Continuous colonnades or pedestrian awnings for any part of a building that fronts or has edges to public spaces or streets within the Dee Why Town Centre	<b>Does not comply</b> Given the proposed residential uses on site and respective setback from the street, awnings are not provided on building edges fronting streets. The communal open spaces across the site including gathering areas, seating, and pathways provides adequate design to ensure comfort and shelter.
Allowance for external ancillary plant and roof access	External ancillary plant or access points to reach a maximum of 3m in height and cover a maximum of 10% of the roof area.	<b>Complies.</b> Ancillary plant and access points meet the requirements of this control.

#### 4.1.6 Warringah Development Control Plan 2011

The Warringah Development Control Plan (WDCP) 2011 is the primary DCP applying to the site. A full assessment of the proposal against the provisions of the WDCP 2011 has been undertaken by Mecone and is in the compliance table provided in Appendix 6. Additionally, a summary of the key issues and primary matters relevant to the proposal are addressed below.

##### Building Bulk

The proposal provides a high-quality design of appropriate bulk and scale which will not have an adverse visual impact on surrounding land uses or road users. It is considered that the proposal responds appropriately to the topography of the site and utilises existing mature vegetation in the surrounds and further proposed vegetation to ensure the design results in development which integrates suitably into the area.

The proposal avoids large areas of continuous wall planes and varies the setback of the site throughout. Furthermore, the colours, material and treatments of the building and landscaping are utilized to ensure the proposal is sympathetic to surrounding development, maintains visual interest and reduces any perceived impact relating to the bulk of the development.

The proposal is considered to be of an appropriate height and scale which relates to the unique topographical site conditions of the site. Building bulk is assessed further in 4.2.1 of

the SEE where montages are provided which demonstrate how the proposal is appropriately designed.

### Through site link

While not specifically required by the WDCP 2011, a through site link was previously approved for the development submitted under DA/2011/1274 and Council requested that it be explored to enable pedestrian connectivity throughout the area by Council. The proponent explored the inclusion of a through site link, but decided against it for the following reasons:

- The site and surrounding area's context do not lend themselves to pedestrians walking through it to reach key local precincts. People walking along Fisher Road will follow existing footpath and signalized intersections to reach Pittwater Road or Council's civic precinct;
- The site is steep and heavily vegetated, which will not naturally lend itself to being used by surrounding pedestrians; and
- A through site link has the potential to be used at undesirable times of the day/night and conflict with the day to day activities of residents who occupy the site.

### Access, car parking and car parking facilities

To ensure that the objectives and requirements of the WDCP in relation to access and car parking provisions will be met a traffic and parking assessment was undertaken by Colston Budd Rogers and Kafes Pty Ltd and located in Appendix 11 of this report.

The traffic and parking assessment provided demonstrates that the proposed site driveways from Fisher Road are appropriate widths, to accommodate the swept paths of cars and service vehicles, in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2 – 2002. The car parks proposed are of appropriate dimensions to be in accordance with AS2890.1:2004.

Furthermore, the provision of car parking is considered appropriate for the use of the site as a residential flat building and limited commercial premises. The rates are provided below:

*Multi-dwelling housing, Residential flat buildings, Serviced apartments (including holiday flats), Shop-top housing (residential component)*

- 1 space per 1 bedroom dwelling
- 1.2 spaces per 2 bedroom dwelling
- 1.5 spaces per 3 bedroom dwelling
- 1 visitor space per 5 units or part of dwellings
- one space per 40m<sup>2</sup> business premises (excluding customer service areas), plus one space per 16.4m<sup>2</sup> for customer service area.

The proposed development includes 39 one bedroom, 70 two bedroom and 22 three bedroom dwellings as well as 320m<sup>2</sup> of business premises. Based on one space per 40m<sup>2</sup> for the business uses, the development would require 190 spaces including 156 resident spaces and 34 visitor/business spaces. As such, the proposal exceeds car parking requirements stipulated by the WDCP 2011 and provides a suitable outcome in relation to parking for the development as 191 car parking spaces are proposed.

## Landslip Risk

The land is identified in an Area B Landslip Risk Map in accordance with the DCP and therefore E10 Landslip Risk of the WDCP 2011 applies to the site.

For land identified as in Area B by the relevant mapping, the following requirements apply:

ii) For land identified as being in Area B or Area D:

*A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the DA*

*If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical engineer / engineering geologist and must be submitted with the development application.*

*Also, if the preliminary assessment determines that a geotechnical report is required a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.*

The preliminary geotechnical study located in Appendix 18 has been undertaken to support the development application and to assess the geotechnical stability of the site for the proposal. The geotechnical study provides that the proposal presents a low risk development and the site is geotechnically feasible in relation to landslip. Furthermore, the proposal is not expected to have an adverse impact on subsurface flows or stormwater discharge.

Based on the results of this geotechnical study, the proposed development is considered geotechnically feasible. There should be relatively low risk to surrounding properties and infrastructure provided that additional site investigations, design assessments and construction monitoring normally associated with this type of development is carried out, and good construction practice is followed.

## Retaining Unique Environmental Features

Along the St David Avenue street frontage there are rock faces, escarpments and outcrops that create a unique environmental feature within the streetscape. In accordance with E6 of the DCP, development has been appropriately designed to address these distinctive features through the provision of appropriate setbacks and the use of materials which will enable the escarpment to continue to provide a unique environmental feature within the area.

## 4.2 Environmental Assessment

The following section provides an assessment against the identified potential environmental impacts and their mitigation measures.

### 4.2.1 Built Form, Bulk and Scale

The proposal is considered to respond appropriately to the context of the area and will result in built form of an appropriate bulk and scale located on the fringe of the Dee Why Town Centre which responds appropriately to the surrounds. The siting of the proposal has ensured that the development appropriately responds to the context of the site and does not appear of a scale inconsistent with the character of the existing of future area. To assist in

ensuring the built form, bulk and scale of the proposal was suitable in character perspective visuals were prepared from the surrounding road network. The perspectives are provided in the figures below.



**Figure 17 Photomontage created from the north on Fisher Road**  
Source: Architectural Images



**Figure 18 View from the west on Fisher Road**  
Source: Rose Architectural Design



**Figure 19 View looking from the south on St David Avenue**

Source: Rose Architectural Design



**Figure 20 View from the south east on the corner of St David Avenue and Civic Parade**

Source: Rose Architectural Design

The perspectives provided confirm that the proposal is suitable and demonstrate how appropriate siting of the residential flat buildings and commercial space achieves a development outcome which provides a suitable transition between the Civic Centre as a part of the broader Dee Why Town Centre and surrounding residential uses.

The proposal will allow for the provision of commercial space in the south eastern corner of the site which will interface appropriately with the broader Civic Centre and contribute to the enhancement of the fringe areas of the broader Dee Why Town Centre. In addition, the proposal will provide for a development which complies with the relevant planning controls; respects the natural features of the subject lot and transitions to respond to the residential nature of the area to the west and south-west.

## 4.2.2 Traffic, Parking and vehicular access

A traffic and parking assessment has been undertaken by Colston Budd Rogers & Kafes Pty Ltd to assess the suitability of vehicular access proposes, the internal layout of the basement car park and the impacts traffic generation would have on the road network.

The traffic and parking assessment undertaken found that the proposal was suitable in relation to access. The general and service vehicle accessways provided from Fisher Road required to access basement car parking and waste management area were assessed to be appropriate in relation to width and sweep path requirements of cars and service vehicles in accordance with Australian Standards. Furthermore, the general accessway proposed with ingress/egress to the roundabout at the Fisher Rd/McIntosh Road was assessed to be suitable for the development given the "Good Level of Service" (In accordance with accepted SIDRA Analysis methodology) and the minor nature of additional traffic generated by the development in peak times.

The assessment of the internal layout of the two-level basement car park, access ramp and car parking spaces (including accessible car parking proposed, as well as height clearances) were also deemed to be appropriately designed in accordance with AS2890.1:2004.

In relation to traffic generation created by the proposal, in order to gauge traffic conditions, counts were undertaken during weekday morning and afternoon peak periods at the intersections of Fisher Road with St David Avenue and McIntosh Road. It was found that the proposed development would generate some 20 to 25 vehicles per hour two-way during weekday peak hours, which is considered low generation which would not have a noticeable impact on the operation of the surrounding road network. It is also similar to the traffic generation of the approved development of some 15 to 20 vehicles per hour two-way.

In summary, the traffic impact assessment undertaken provided that the proposed development was suitable in relation to traffic and parking as it provided:

- Development which would increase residential densities close to good public transport services in Dee Why;
- Parking provisions which meet relevant Australian Standards and the requirements of the DCP; and
- A development which would result in low traffic generation of which the surrounding road network would be able to cater adequately for.

## 4.2.3 Landscaping

Landscaping plans have been undertaken by Context Landscape Design Pty Ltd and are provided in Appendix 3 of the SEE.

Landscaping has been provided for the proposal which respects the heritage nature of Pacific Lodge and provides amenity to the residents of the commercial and residential occupants of the development. The landscaping design is aims to respond to the identity of the site with specific consideration given to its coastal, bushland and heritage context. Figure 21 provides an extract from the Landscaping plans and identifies 5 zones within the site with varying characteristics.

Overall, it is considered that the landscaping design provided appropriately responds to the site, respects the heritage nature of Pacific Lodge and will provide a feature which also softens visual aspects of the development from surrounding public areas.



**Figure 21 Landscape Concept Plan**

Source: Context Landscape Design Pty Ltd

#### 4.2.4 Geotechnical

As stated in 4.1.5, the preliminary geotechnical study located in Appendix 18 has been undertaken to support the development application and to assess the geotechnical stability and suitability of the site for the proposal. The geotechnical study provides that the proposal presents a low risk development and the site is geotechnically feasible in relation to landslip. Furthermore, the proposal is not expected to have an adverse impact on subsurface flows or stormwater discharge.

#### 4.2.5 Pedestrian Access and Accessibility

The proposal provides adequate internal pedestrian links within the site which connect the 3 buildings and Pacific Lodge. Pedestrian access and networks within the site are demonstrated on the drawings in Appendix 2. Furthermore, the proposal provides appropriate accessible pathways and meets relevant accessibility standards as confirmed in the Access Report provided in Appendix 21. The Access Report states that the proposal is either compliant or capable of compliance.

#### 4.2.6 Residential amenity

##### Privacy

The proposal will not result in any adverse impacts relating to privacy within the site or on those properties within the surrounds. The proposal is on a corner lot with adequate separation distances achieved to avoid adverse impact on adjoining properties to the north. Furthermore, the proposal will not result in any intruding impacts relating to privacy on residential properties beyond Fisher Road to the west or St David Avenue to the south. Public

space to the east will also not be adversely impacted by the development in relation to privacy.

#### Overshadowing

The proposal will not result in any adverse overshadowing impacts with the proposal receiving adequate solar access in line with minimum requirements stipulated by the ADG. Furthermore, overshadowing on surrounding development is considered minimal year round as demonstrated in the overshadowing diagrams provided in the Architectural plans in Appendix 2. This is able to be provided through the provision of appropriate setbacks and a proposal of an appropriate bulk and scale.

#### Acoustic

Acoustic impacts were considered in the decision to exclude the through site link and the use of Pacific Lodge for commercial purposes. These decisions will ensure that acoustic impacts are minimized on occupants of the development. Furthermore, the proposal will not result in any adverse acoustic impacts on the surrounds as it will provide a development suitable for the site which provides an appropriate transition between the Dee Why town Centre and residential development.

### 4.2.7 Views

The proposal will not result in any view loss or result in a development which reduces the visual quality of the existing site. The proposal is of a similar scale to that previously approved on the site and will not result in any view loss occurring to surrounding properties beyond those already considered acceptable in the previous development consent for the site.

### 4.2.8 European Heritage

A key consideration in the design of the proposal was how the development responded to the heritage nature of the area. This included ensuring the heritage significance of 'Pacific Lodge' was maintained and that the development appropriately responded to local and state heritage items located to the east within the Civic centre. To assess the impacts of the proposal in relation to heritage, a Heritage Assessment and a Conservation Management Plan were prepared as provided in Appendix 12 and Appendix 13.

#### Pacific Lodge

In regard to Pacific Lodge, the heritage assessment undertaken identified the building as a single storey, substantial, elevated rendered Victorian Filigree building built in 1892. The report identifies that the most significant heritage aspects of Pacific Lodge are its historical role as a purpose built charitable community use, the heritage fabric of the Victorian era building itself, and the immediate curtilage defined by remaining original period garden which slopes down to Civic Parade and includes mature European trees and shrubs, terraces, garden walls, rock outcrops, a pathway and steps.

In assessing the impact of the proposal on the Pacific Lodge Building and curtilage, the heritage assessment identified the following mitigation measures proposed to be implemented:

- The proposal retains Exceptionally Significant Heritage 1892 Administration Building;
- The proposal generally retains significant views (to and from 1892 Administration Building);



- The proposal generally retains no encroachment curtilage and increases existing building setbacks associated with the 1892 Administration Building;
- The height of proposed development building forms respectful of the 1892 Pacific Lodge Administration Building;
- The proposal generally retains significant landscape elements (both natural and cultural)
- The proposal allows for future development of appropriate heritage landscaping to enhance and provide buffer zones between heritage buildings and proposed development.

Additionally, the heritage assessment provided an assessment of the proposal in relation to the Conservation Management Plan relating to Pacific Lodge. This assessment provided that the proposal was capable of complying with requirements of the CMP.

#### Heritage Civic Centre

The Heritage Assessment additionally provided an assessment of the impact of the proposal on surrounding heritage development to the east which includes the Dee Why Public Library (Item 50), Civic Centre Landscaping (Item 37) and a street tree near Pitt Water Road (Item 39). These items are of local and state heritage significance.

The assessment found that the heights of proposed development respect the adjoining Heritage Precinct and that the impact of the proposal will have minimal impact upon building setbacks and forms associated with the Warringah Council Heritage Conservation Zone which includes Items 50 & 137 as they are located below grade, well away from the subject site, and screened by sufficient landscaping. Similarly, Item 42 is located below grade, opposite the subject site and likely to be screened by landscaping.

#### Summary of Findings

In summary the heritage assessment found that the proposal will have a minimal impact on the heritage fabric of Pacific Lodge and adjoining heritage Civic Precinct. Furthermore, the assessment found that the proposal will address the conservation policies and development guidelines identified in the CMP (Tropman & Tropman Architects, August 2018) also submitted as part of this application.

### 4.2.9 Aboriginal Heritage

To inform whether any impacts on Aboriginal heritage would result from the proposed development Niche Environment and Heritage Pty Ltd were commissioned to conduct an Aboriginal Objects Due Diligence Assessment which is provided in Appendix 22. The assessment found that the proposal and associated activities do not present a risk of harm to Aboriginal objectives principally due to: the highly modified nature of the lot, previous disturbance of soil landscapes which have occurred over the years, and the lack of previously recorded Aboriginal objects in the area. Furthermore, observation of rocky outcropping throughout the site did not reveal any cultural features related to Aboriginal heritage. On this basis, the assessment has satisfied no impact on Aboriginal heritage items will occur as a result of the proposal.

### 4.2.10 Contamination

The Stage 1 Preliminary Environmental Site Assessment attached in Appendix 15 referred to as the contamination report concludes that the site can be made suitable for the proposed

development subject to further investigations being undertaken to identify any isolated contaminated areas. Where any areas of contamination are identified, appropriate waste management procedures will be implemented to deal with the contaminants accordingly.

#### 4.2.11 Erosion and Sediment Control

An erosion and sediment control plan has been provided by ADW Johnson and are located in Appendix 17 of the SEE. Erosion and sediment controls have been proposed to be implemented in accordance with Landcom's 'The Blue Book' (2004). As such, erosion and sediment controls will be suitably installed during demolition and construction to ensure no adverse impacts result and only clean run off enters any downstream receiving waters.

#### 4.2.12 Stormwater Management and Water Sensitive Urban Design

The proposed stormwater management and water sensitive urban design strategy details have been provided by ADW Johnson and are in Appendix 19. The design provides a combination of pit and pipe networks and water sensitive urban design elements to convey stormwater runoff from the site. It is intended to use a combination of treatment devices within the drainage system to remove nutrients and sediments from the stormwater prior to the runoff leaving the site.

#### 4.2.13 Demolition and Construction Impacts

Given the nature of the area and the generally isolated nature of the lot, impacts of demolition and construction processes are likely to be minimal. It is expected that demolition and construction will be undertaken in accordance with a construction and traffic management plan (CTMP), which will be approved by Council following development consent being provided. The requirement for a CTMP is expected to be implemented as a condition of consent should consent be granted by Council. Furthermore, demolition and construction is expected to take place within hours stipulated by Council.

#### 4.2.14 Flora and Fauna

To ensure the proposal will not result in adverse impact on local flora or fauna, a Flora and Fauna Report has been undertaken by Kingfisher Urban Ecology and Wetlands. The report is in Appendix 23 of the SEE.

The Flora and Fauna report involved an on ground survey and review of relevant searches and related databases. The findings of the report observed that there were no identified threatened flora or fauna species at the site, however the site may still provide foraging habitat for threatened species, namely the powerful owl, microbats and the Flying Fox. As such, the need to undertake a 7-Part test in accordance with the Biodiversity Conservation Act 2016.

The findings of the 7-Part Test and the report provided that the works are likely to remove habitat by way of crevices/hollows/loosebark in trees and this may have an adverse effect on the life cycles of individual microbats however this site alone is not expected to result in the loss of local populations. However, while no adverse impact on microbat populations are likely to occur overall, due to the number of trees to be removed that could be potentially used by microbats, a minimum of nine (9) microbat roosting boxes are to be installed as a mitigation measure. Furthermore, other mitigation measures proposed include delineation of work areas during construction, vegetation clearing control measures and

compliance with the Arboricultural report in Appendix 14 in relation to tree protection measures.

In conclusion, given the proposal will not have an adverse impact on microbat populations overall and substantial mitigation measures will be adhered to, the proposal will not result in an adverse impact on flora and fauna.

#### 4.2.15 Site suitability

The site is suitable for the proposed development in the following respects:

- The proposal will not result in any adverse impacts on surrounding development and provides a positive urban outcome within the locality
- The size and attributes of the site are capable of accommodating the proposed development;
- The proposal is compatible with surrounding land uses and will not isolate any adjoining sites which are likely to be redeveloped in the medium term;
- Public transport infrastructure and local services are available within very short walking distance from the site;
- The full range of utility services infrastructure – electricity, gas, telecommunications, water, sewer, and stormwater drainage – are available at or near the site;
- No adverse environmental impacts will occur on local flora and fauna populations; and
- The proposal will provide additional housing within the Dee Why locality as well as activated commercial space in proximity to the civic area adjoining to the east.

#### 4.2.16 Public interest

The proposed development is considered to be within the public interest for the following reasons:

- The proposal will provide additional housing in line with the objectives of the North District Plan set between 2016-2021 through the provision of an additional 131 dwellings within close proximity to public transport and employment opportunities
- The proposal improves the amenity of the site and streetscape appearance with a new contemporary high-quality design with appropriate scale, proportions, and materials for the surrounding context;
- The proposal will provide an appropriate transition between the denser Dee Why Town Centre to the south-east and the residential character to the north-west;
- The proposal will provide additional non-residential floor space and create employment opportunities in the local area both during construction and once operational;
- The developer offers Council the opportunity to provide works which will improve the public domain and contribute to the improvement of pedestrian networks within the area ;
- The proposal provides an appropriate adaptable reuse of the heritage listed Pacific Lodge, ensuring the protection of its heritage significance and the longevity of the building; and
- The proposal meets all targets as set in the Building and Sustainability Index (BASIX).

## 4.2.17 Section 4.15 Assessment

The proposal's compliance against all provisions of Section 4.15 of the EPAA Act is outlined in the below table.

**Table 12. Section 4.15 Assessment Summary**

Clause No.	Clause	Assessment
(1)	Matters for consideration—general  In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	Complies
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Complies
(iii)	Any development control plan, and	Complies
(iiia)	Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and	Not applicable
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not applicable
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Complies
(c)	The suitability of the site for the development,	Complies
(d)	Any submissions made in accordance with this Act or the regulations,	TBC
(e)	The public interest.	Complies

## 5 Conclusion

This SEE has been prepared to support a proposal for a proposal for a mixed use development on the site known as 23 Fisher Road, Dee Why.

This SEE describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPAA).

The SEE acknowledges that the proposal will result in minor inconsistencies with the WLEP 2011 in relation to height and the requirement for residential flat buildings to have non-residential uses on the ground floor within a B4 mixed use zone. As a result, requests to vary these development standards have been submitted in accordance with Clause 4.6 of WLEP and it is considered that they provide reasonable ground for Council to support and will allow for an enhance urban outcome at the site.

In addition to the assessment of the proposal undertaken against relevant planning instruments and the development control plan, an assessment of environmental impacts of the proposal has been undertaken. The environmental assessment provides an assessment of the proposal which demonstrates that the development is suitable for the site and will not result in any adverse impacts on surrounding development. The environmental assessment highlights that the proposal will provide a development on the fringe of the Dee Why Town Centre which provides an appropriate transition between commercial and residential uses. Furthermore, it demonstrates that the proposal responds to the heritage nature of Pacific Lodge which is located on the site and heritage items located to the west of the site within the Civic Centre.

In conclusion, the proposal is considered to be in the public interest as a result of the following:

- The proposal will provide additional housing in line with the objectives of the North District Plan set between 2016-2021 through the provision of an additional 131 dwellings within close proximity to public transport and employment opportunities
- The proposal improves the amenity of the site and streetscape appearance with a new contemporary high-quality design with appropriate scale, proportions, and materials for the surrounding context;
- The proposal will provide an appropriate transition between the denser Dee Why Town Centre to the south-east and the residential character to the north-west;
- The proposal will provide additional non-residential floor space and create employment opportunities in the local area both during construction and once operational;
- The developer offers Council the opportunity to provide works which will improve the public domain and contribute to the improvement of pedestrian networks within the area;
- The proposal provides an appropriate adaptable reuse of the heritage listed Pacific Lodge, ensuring the protection of its heritage significance and the longevity of the building; and
- The proposal meets all targets as set in the Building and Sustainability Index (BASIX).

In light of this assessment, we respectfully request that the proposed development be supported by Council through the provision of a development consent being granted.

# Appendix 1 – Survey Plan

# Appendix 2 – Architectural Plans

# Appendix 3 – Landscape Plans



# Appendix 4 – Plan of Subdivision

# Appendix 5 – WLEP 2011 Compliance Assessment

# Appendix 6 – WDCP 2011 Compliance Assessment

# Appendix 7 – ADG Compliance Assessment

# Appendix 8 – Design Verification Statement / SEPP 65 Report

# Appendix 9 – Clause 4.6 Variation Statements

# Appendix 10 – Pre-lodgement Meeting Minutes

# Appendix 11 – Traffic and Parking Assessment



# Appendix 12 – Heritage Impact Statement

# Appendix 13 – Conservation Management Plan

# Appendix 14 – Arboricultural Report

# Appendix 15 – Contamination Report

# Appendix 16 – Geotechnical Report

# Appendix 17 – Waste Management Plan



# Appendix 18 – Erosion and Sediment Plan

# Appendix 19 – Stormwater Management Plan and Water Urban Design



# Appendix 20 – BASIX Certificate

# Appendix 21 – Access Report

# Appendix 22 – Aboriginal Due Diligence Report

# Appendix 23 – Flora and Fauna Report



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