



# PLANNING PROPOSAL

Amended as per Gateway Determination dated 26 February 2015

‘Site B’ – Pittwater Road, Howard and Oaks Avenue  
Dee Why

May 2015

PLEASE NOTE:

In addition to the Warringah Local Environmental Plan 2011 (WLEP 2011) amendments outlined in this Planning Proposal, the Applicant has lodged several additional amendments to WLEP 2011 (Attachment 4) which have not been submitted to the Department of Planning and Environment (the Department) for Gateway Determination nor have they been assessed by Council prior to this post-gateway public exhibition.

During this exhibition period, public comment is requested on the amendments outlined in this Planning Proposal and also on the additional amendments lodged by the Applicant post-gateway (Attachment 4).

Council will consider all proposed amendments following a consideration of submissions received during this public exhibition period.



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## Acronyms and Abbreviations

The following acronyms have been used throughout this report:

Council	Warringah Council
EP&A Act	Environmental Planning and Assessment Act, 1979
LEPs	Local Environmental Plans
LGA	Local Government Area
NSW	New South Wales
S117 Directions	Section 117 Directions by the Minister under the EP&A Act, 1979
SEPP	State Environmental Planning Policy
The Applicant	Karimbla Construction Services Pty Ltd
The Department	The NSW Department of Planning and Environment
WDAP	Warringah Development Assessment Panel
WLEP 2011	Warringah Local Environmental Plan 2011



# 1 Introduction

In May 2014, Karimbla Construction Services Pty Ltd (the Applicant (commonly known as Meriton)) lodged a Planning Proposal seeking amendments to a number of WLEP 2011 provisions relating to land highlighted in Figure 1.

The site is referenced in many of Council's planning documents as 'Site B' and consists of 13 lots which feature a range of retail and business premises and associated car parking. The site is irregular in shape and totals approximately 14,466sqm.

The WLEP 2011 includes site specific development standards and permissibility controls. The WLEP 2011 'Height of Building Map' illustrates the location and height of the proposed tower and podium building elements while Part 7 of WLEP 2011 regulates the land use composition, building configuration, and other design parameters. The WLEP 2011 controls reflect the built form previously approved under DA2007/1249 (Attachment 6).

Although the proposed amendments to WLEP 2011 will not result in a building that is significantly different to that approved, the applicant is required to pursue a Planning Proposal to amend the development standards due to the existing exclusion of WLEP 2011 Clause 4.6 *Exceptions to development standards* for Site B.

## 1.1 Assessment of the Planning Proposal to Date

The following key points provide an overview of how assessment of the Planning Proposal has progressed to date:

- The Applicant submitted a Planning Proposal to Council in May 2014 (Attachment 5)
- Council placed the planning proposal on pre-gateway public exhibition from 19 July 2014 to 4 August 2014.
- Council staff assessed public exhibition submissions and the Applicant's Planning Proposal and prepared Council's version of the 'Site B' Planning Proposal that was submitted for consideration to the Warringah Development Assessment Panel (WDAP) on 8 October 2014. (Attachment 8)
- At its meeting on 8 October 2014, WDAP recommended that the Planning Proposal be referred to Council with a recommendation to proceed to Gateway Determination. The reasons given are listed below;
  1. *The proposal does not increase the overall building volume compared to the development approved under DA2007/1249.*
  2. *The proposal maintains a comparable quantum of floor space to that approved under DA2007/1249.*
  3. *The proposal allows for increased flexibility to provide land uses that adapt with market demand.*
  4. *The WLEP 2011 will continue to regulate development of the site through prescriptive building height controls that are not able to be varied through the application of WLEP 2011 Clause 4.6 – Exception to development standards.*
  5. *A Gateway Determination will enable a review of the future employment potential of 'Site B' and the wider Dee Why Town Centre against regional planning objectives.*



- The Planning Proposal was subsequently reported to Council on 25 November 2014 and Council resolved to forward the Planning Proposal to the Department seeking a Gateway Determination.

The Council resolution also requested that the applicant undertake a further assessment of the likely reduction of commercial floor space and any associated impact upon employment generation, noting that any deficiency in car parking will need to be considered in a later stage of the proposal's assessment. (Attachment 9)

- The Planning Proposal was submitted to the Department for Gateway Determination on 15 December 2014.
- The Department issued a Gateway Determination on 26 February 2015 (Attachment 10) that requires the Planning Proposal to be updated prior to the post-gateway public exhibition with regard to:
  - providing a justification for any loss of commercial floor space and
  - providing a clear explanation of the intended effects of changes to the WLEP2011 Height of Buildings Map/s

This Planning Proposal has been updated as per the Gateway Determination requirements.

- The Applicant has subsequently submitted several additional amendments to Council in May 2015 that have not been considered by the Department via the Gateway Determination nor have they been assessed by Council (Attachment 4). The Applicant's additional proposed amendments are being publicly exhibited with this planning proposal to seek the public's comments on all of the proposed changes.
- 28 day post-gateway public exhibition period of the Planning Proposal and additional proposed Attachment 4 amendments commencing in May 2015 seeking public comment.
- Council will consider all proposed amendments (those outlined in this Planning Proposal and the Applicant's additional proposed amendments (Attachment 4)) following a consideration of public submissions at the close of this exhibition period.

## 1.2 Historical Context

On 4 January 2008, Multiplex Dee Why Pty Ltd lodged Development Application No.2007/1249 (Attachment 6) which sought consent for a mixed use development consisting of a publicly accessible plaza (referred to as the town square), podium levels and two residential towers above. The application was approved by the WDAP in February 2009.

During this time, Council was developing the new WLEP 2011. Site specific development standards that would 'lock in' the outcomes supported through the Development Application process for 'Site B' were drafted and included within Part 7 of WLEP 2011. The site specific provisions included a detailed Height of Buildings Map that strictly enforced the building envelopes approved in DA2007/1249. Other provisions relate to the developments land use composition, design excellence, the requirement to maintain appropriate levels of solar access etc.

The Dee Why Town Centre Masterplan (Attachment 7) provides additional context for the site. On 22 November 2011, Council resolved to commission a Masterplan for the Dee Why Town Centre through the engagement of external consultants, members from local businesses, landowners and community representatives.

The Draft Masterplan was presented to Council on 11 December 2012, with a recommendation for wider community engagement. On 6 August 2013, Council reviewed the findings of the



engagement and adopted the Masterplan. The Masterplan reconfirmed 'Site B' as the location for a publicly accessible town square and for the tallest built form in the Dee Why Town Centre.

The applicant lodged a Planning Proposal in May 2014. Since that time, Council has worked with the applicant to refine the proposed WLEP 2011 amendments which has culminated into this Planning Proposal.



## 2 Site Analysis

### 2.1 Site Details and Features

The site is known as 'Site B' of the Dee Why Town Centre in WLEP 2011. It consists of the following addresses and Deposited Plan (DP)/lots:

LAND PARCEL ADDRESS	LEGAL DESCRIPTION
9 Howard Avenue	Lot 7, DP 8172
11 Howard Avenue	Lo1 1, DP 209503
15 Howard Avenue	Lot 1, DP 212382
17 Howard Avenue	Lot 2, DP 212382
14 Oaks Avenue	Lot A, DP 371110
16 Oaks Avenue	Lot B, DP 371110
28 Oaks Avenue	Lot 3, DP 212382
884 Pittwater Road	Lot A, DP 339410
888 Pittwater Road	Lot 11, DP 231418
890 Pittwater Road	Lot 10, DP 231418
892 Pittwater Road	Lot 1, DP 504212
894 Pittwater Road	Lot A, DP 416469
896 Pittwater Road	Lots 1 and 3, DP 307937

**Table 1: Site Land Parcels**

The site's key features in relation to the proposal are summarised as follows:

- Frontages to Pittwater Road, Howard Avenue and Oaks Avenue
- Site area of 14,466 square metres (sqm)
- Existing uses include:
  - o Medical centre
  - o Fruit and vegetable retailer
  - o Two local bank branches
  - o Various other local retail/services
- Approximately 100 car parks (2800 sqm)



## Topography

The site slopes from west to east, with a cross-fall of approximately 4 metres from the highest point on the south-western corner of the Pittwater Road site frontage to the lowest point at the north-eastern corner of the site on Howard Avenue.

## Access

The site comprises of 13 allotments with several tenancies that utilise multiple driveway access points. The allotments fronting Pittwater Road have vehicle access from the access handles adjacent to 888 Pittwater Road and from Howard Avenue adjacent to 9 Howard Avenue. The car park fronting Howard Avenue is accessed from two access points off Howard Avenue.

Pedestrian access to the site is either via public footpaths along the street frontages or adjoining the at-grade car park on 15-17 Howard Avenue.

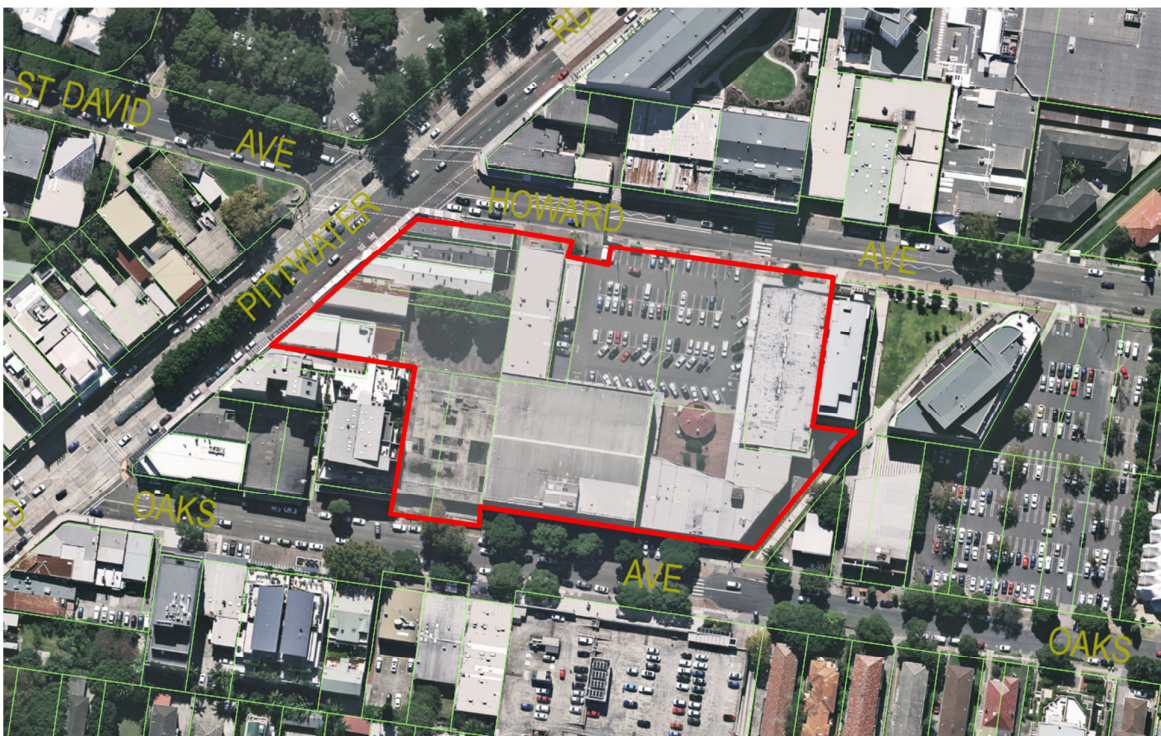


Figure 1: Site identification map



## 3 Proposed Development

### 3.1 Development Overview

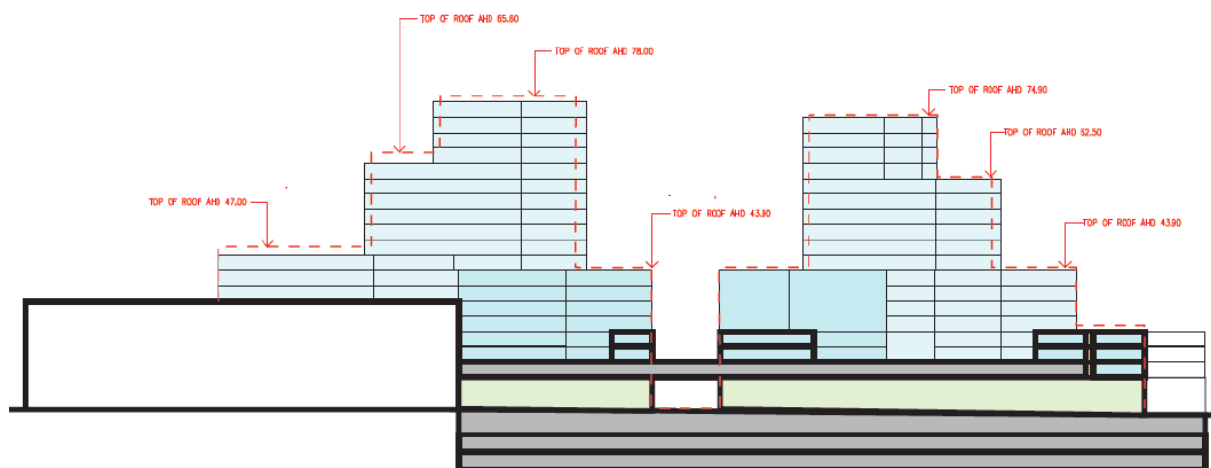
The Planning Proposal seeks to permit the construction of an amended built form with an alternate land use composition compared to that approved under DA2007/1249 and permitted under the existing WLEP 2011 planning controls.

The applicants Planning Proposal (Attachment 5) incorporates concept plans with an overlay to enable a comparison between those plans and the DA approved floor plates and building mass. A section profile comparison has been included in Figure 2 below.

Table 2 provides a comparison of the approved and proposed development yield and ancillary parking.

	DA2007/1249	Planning Proposal Concept Plan
<b>Residential units</b>	300	461
Retail	33,400	8,710
Other Business	4,200	3,057
<b>Total commercial</b>	37,600	11,767
<b>Parking (estimated)</b>	1500	1141
<b>Total Building Floor Area</b>	62,806	63,452 (5,647sqm of which is above ground car parking)

**Table 2: Proposed yield, parking and land use composition**



**Figure 2: Proposed development and approved building profile DA2007/1249 (shown in dotted red outline)**



### **Local context**

The site is located within the Dee Why Town Centre. The context of the Centre and its characteristics are summarised below.

### **Housing Character**

As of the 2011 Census, Dee Why was home to 19,638 people and 8,810 households. The average household size is 2.2 occupants per household, and the population density is 63.88 persons per hectare.

Of the 9,312 dwellings in the suburb, 79% are unit-style, and 17% are separate/detached homes while the remainder are largely attached and semi-detached houses. The dwelling density of the urbanised portion of Dee Why (excluding parks and beaches) is 42.5 dwellings per hectare.

### **Dee Why Town Centre**

The Dee Why Town Centre currently contains a number of shops and services that service the local and sub-regional population. These include:

- Local and civic services (e.g. medical centres, Council chambers and administration building, Northern Beaches Local Area Police command, post office etc.)
- Local retail (e.g. four supermarkets, main street and mall style local retailing)
- Several public parking facilities (e.g. 'Site A' Howard and Oaks Avenue, Mooramba Road, Library car park)

### **Public Transport**

The site is located in proximity to the principal bus corridor along Pittwater Road which services the Northern Beaches. Transport for NSW are currently considering further bus prioritisation measures including the opportunities for dedicated 24 hour bus lanes and new kerbside interchanges at key destinations, including the Dee Why town centre.

### **Dee Why Masterplan 2013**

At its meeting held 6 August 2013, Council adopted *Dee Why Masterplan 2013* (the Masterplan). The Masterplan was compiled after a coordinated process which included a working party which consisted of members from local businesses, landowners and community representatives.

The Masterplan details several strategies and recommendation within the overarching aim of revitalising the town centre. Site B is acknowledged as a key contributor to the town centre goals in terms of the provision of community space, infrastructure, and additional housing and supporting commercial floorspace (Attachment 7).



## 4 Report Structure

NSW Planning and Environment sets the structure for the drafting of Planning Proposals. Accordingly, sections of this report are set out in four main parts, as follows:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation:
  - A. Need for the Planning Proposal
  - B. Relationship to strategic planning framework
  - C. Environmental, social and economic considerations
  - D. State and Commonwealth interests
- Part 4 - Details of the community consultation that is to be undertaken on the Planning Proposal.



## **Part 1: Objectives or Intended Outcomes**

### **Intended Outcomes**

The intent of the Planning Proposal is to:

- Amend the WLEP 2011 'Height of Building Map' to slightly modify the proposed location of building floorplates across the site.
- Amend the 'Key Sites Map' to delete indicative building floorplates (as building floorplates are provided on the 'Height of Building Map').
- Amend site specific provisions within Part 7 of the WLEP 2011 to allow an alternative land use composition for buildings on the site.

The specific WLEP amendments are outlined below in Part 2 Explanation of Provisions.



## Part 2: Explanation of Provisions

This section provides an explanation of proposed amendments to WLEP 2011 requirements with respect to the 'Height of Buildings Map' and the site specific provisions within Part 7 of WLEP 2011 to allow an alternative land use composition for buildings on the site.

### Proposed Amendments to WLEP 2011 'Height of Buildings Map'

Currently under WLEP 2011:

- The 'Height of Building Map' specifies the location of building footprints and height of the proposed tower and podium building elements for 'Site B' Dee Why Town Centre (Appendix 1, 2 and 3).
- Clause 7.8 (*Site B Oaks Avenue above podium elements*) enables the erection of a building on land shown as "Area 2" on the 'Height of Building Map' (Appendix 1) above the height specified on that map, if it meets specified objectives and development controls outlined in this clause.

### *Proposed Change*

The Applicant proposes changes to the WLEP2011 'Height of Building Map' to modify the proposed extent of building floorplates on the site and increase the height of one building located in the south-west section of the site from 25RL up to 31RL (Attachment 1, 2 and 3).

It is noted that the Planning Proposal does not propose changes to other building heights that are currently permissible on the site nor does it propose changes to Clause 7.8 of WLEP2011.

Attachment 2 provides a map that compares the currently permissible building heights / footprints with the Applicant's proposed building heights / footprints for 'Site B'. This comparison map also indicates the extent of the town square and pedestrian connection which is required to be provided under WLEP2011 as per the 'Key Sites Map'.

### *Explanation – Building Heights / Footprints*

Maximum permissible building height is stipulated by the WLEP 2011 Height of Buildings Map and supporting clauses. For Site B, height maximums are expressed with reference to the Australian Height Datum (AHD). The WLEP2011 also stipulates that the specific location of the residential towers and building podiums cannot be varied by more than 2 metres in any horizontal direction. These controls were drafted to ensure the delivery of development consistent with that approved under DA2007/1249.

To further enforce the WLEP2011 building height, the ability to consider a development application outside of the building height standards is prohibited via a specific exclusion from WLEP 2011 Clause 4.6 *Exceptions to development standards*.

As such, the only mechanism that would allow the consideration of a future development outside the prescriptive WLEP2011 height standards is a Planning Proposal.

The proponent's concept plan sits outside some of the prescriptive building height / footprints and therefore amendments are proposed to the Height of Buildings Map. The concept building plan rationalises floor plates to improve building efficiency and compliance with the requirements of State Environmental Planning Policy 65- Design Quality of Residential Flat Development.

Importantly, the proposed amendments do not seek to increase the street frontage building height adjacent Oaks Avenue and Pittwater Road, or increase the overall maximum building height above 78AHD. This ensures that the projected overshadowing and visual impact under



the current approval is not increased and that the overall building volume remains generally consistent with that approved under DA2007/1429.

#### *Explanation - Implications for the Town Square and Pedestrian Connections*

As illustrated on the comparison map (Attachment 2) the proposed building floorplates will protrude slightly into the 'Town Square', however it is noted that existing WLEP2011 Clause 7.11 *Town Square and Pedestrian Connections* will ensure that the proposed building footprints will not interfere with the provision of the town square as Clause 7.11 *Town Square and Pedestrian Connections* requires that:

- (1) *The objective of this clause is to ensure that development within the Dee Why Town Centre will include a Town Square that will be the heart of the community and will contain attractive, useable open spaces that are interlinked by a secure network of pedestrian connections.*
- (2) *Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on Site B unless the consent authority is satisfied that the development will:*
  - (a) *be consistent with the establishment and maintenance of a Town Square that addresses Howard Avenue and that will:*
    - (i) *occupy all of the land shown as "Town Square" on the Key Sites Map, and*
    - (ii) *be a flexible, multi-use space that will be suitable to accommodate markets, entertainment and community events and serve as a meeting place for the general public, and*
    - (iii) *be surrounded by colonnades at its perimeter that will provide all weather access to the ground floor retail outlets, and*
    - (iv) *include landscaping throughout the space that provides an appropriate canopy of indigenous tree species to enhance its amenity, and*
  - (b) *include retail uses located at ground level at the perimeter of the Town Square that will provide opportunities for alfresco dining, casual seating and recreation, and*
  - (c) *ensure that residential accommodation situated above the Town Square will provide maximum visibility of the Town Square and bring life and vitality to the Town Square throughout the day, and*

#### **Please Note:**

**The Applicant does however propose additional changes with regard to further increases in building heights on the 'height of building map' and changes to Clause 7.8 to enable an increase in floor area as outlined in the Applicant's additional proposed (post-gateway) amendments (Attachment 4). The additional proposed changes have not yet been assessed by Council or the Department and are also open to public comment during this public exhibition period.**



## **Proposed Amendment to WLEP 2011 'Key Sites Map'**

### *Proposed Change*

It is proposed that the 'Site B' building footprints be deleted off the WLEP2011 'Key Sites map'. Please refer to Attachment 12 for the current and proposed key sites maps.

### *Explanation*

The location of building footprints for 'Site B' on the 'Key Sites Map' are not relevant to the operation of any clauses in WLEP2011 and they are a duplication of the location of building footprints provided by the WLEP2011 'Height of Buildings Map'.

Duplication of building footprints on the 'Key Sites Map' is not necessary, noting that the purpose of the 'Key Sites Map' is not to identify the location of building footprints but instead to identify the location and extent of the:

- Dee Why Town Centre
- Proposed New Road
- Site A and Site B
- Town Square, and
- Pedestrian Connections.

## **Proposed Amendments to WLEP 2011 - Part 7 Local Provisions**

Part 7 of WLEP 2011 currently contains local provisions that relate to the Dee Why Town Centre including a number of specific development controls for 'Site B' which reflect the scheme approved under DA2007/1249.

The clauses subject to amendments are provided below;

### *Proposed Change*

#### *Clause 7.3 – Objectives for Development within Dee Why Town Centre*

*(i) To establish ground floor levels that are occupied by retail uses that:*

- (i) are highly active, accessible to the street and create a lively ambience, and*
- (ii) provide a mix of retail uses ~~shops, cafes and restaurants~~ at the edges of street, pedestrian areas and open spaces, and*

### *Explanation*

The amendment to subclause (ii) above provides an increase in the range of permissible retail uses (beyond shops, cafes and restaurants) for the building elevations that address publicly accessible areas. The amendment increases the potential range of permissible retail uses, allowing greater adaptation to market demand and therefore business viability.





### *Proposed Change*

#### *Clause 7.3 – Objectives for Development within Dee Why Town Centre*

- (iii) ~~are at the same level as the footpaths and~~ provide opportunities for a generous promenade and distinctive street tree planting for shade and shelter.

### *Explanation*

This aspect of the proposal is not supported. The reasons are provided as follows.

The existing requirement to construct retail premises at footpath level is to ensure ease of access for pedestrians, provide a human scale and improve the design and visibility of those businesses.

Due to the potential for flood inundation, the proponent requests amendments to Clause 7.3 (iii) (as highlighted above) allowing the construction of retail uses above the footpath level.

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

Council does not support the amendment to Clause 7.3 (iii) however considers that solutions are available, particularly considering the outcomes of the Dee Why South Catchment Flood Study adopted in 2013 and associated Floodplain Risk Management Study. Drainage upgrades are being planned for the town centre designed to ameliorate current stormwater drainage disposal.

### *Proposed Change*

#### *Clause 7.3 – Objectives for Development within Dee Why Town Centre*

Existing Clause 7.3 (j)

- (j) to accommodate additional employment opportunities, service functions and space for business, consistent with the role of Dee Why as a Major Centre by providing, at least 2 levels (excluding the ground floor) of development for non-residential purposes

Proposed change to Clause 7.3 (j)

- (j) to accommodate additional employment opportunities, service functions and space for business, consistent with the role of Dee Why as a Major Centre, by:
- (i) in the case of Site B, providing a gross floor area of not less than 11,536 square metres for employment generating uses; and
  - (ii) in the case of Site A, providing at least 2 levels (excluding the ground floor) of development for non-residential purposes.

### *Explanation*

The amendment to sub-clause (j) removes the prohibition of residential development on building levels above the ground floor.

The potential implication of the amendment is a reduction in the provision of employment generating floorspace on the site down to 11,536 sqm, compared to the 37,600sqm approved under DA2007/1249 (Attachment 6).



It is noted that the proposed change to the control does not prevent the provision of a greater amount of employment generating landuses above 11,536 sqm on the site, it simply ensures that provision of employment generating uses will not drop below 11,536sqm. It may be that market demand in the future warrants the provision of more than 11,536sqm of employment generating landuses on the site.

As required by the Department's Gateway Determination (Attachment 10), the Applicant has provided an Economic Assessment (April 2015) prepared by Hill PDA Consulting (Attachment 11) justifying the potential reduction in commercial floorspace in accordance with the Gateway Determination requirements by:

- *Explaining how the Planning Proposal and broader town centre will continue to cater for future employment opportunities;*
- *Providing justification on the inconsistency with s117 Direction 1.1 Business and Industrial Zones;*
- *In the context of potential loss of commercial floor space, it demonstrates consistency with 'A Plan for Growing Sydney', released on 14 December 2014.*

### *Proposed Changes*

#### *Clause 7.12 – Provisions promoting retail activity*

*(2) Development consent must not be granted to development in the Dee Why Town Centre unless the consent authority is satisfied that:*

*(a) in the case of ground floor level development on Site A and Site B—the development will not be used for any of the following purposes (other than the provision of access to such purposes):*

*(i) residential accommodation,*

*~~(ii) medical centres,~~*

*~~(iii) office premises, and~~*

*~~(c) in the case of first floor development on Site B—the development will not be used for any of the following purposes (other than the provision of access to such purposes):~~*

*~~(i) residential accommodation,~~*

*~~(ii) office premises, and~~*

*~~(d) in the case of second floor development on Site B—the development will not be used for residential accommodation~~*

### *Explanation*

Similar to Clause 7.3 (j) outlined above, Clause 7.12 prohibits certain land uses on the lower levels of development with the aim of maximising retail and other business types that provide active and engaging shopfronts. The proposed amendments seek to increase the range of permissible commercial uses by allowing medical centres and office premises on the ground floor whilst still prohibiting residential units.

The deletion of subclause 2 (c) and 2 (d) introduces residential accommodation as a permissible land use to Levels 1 and 2, and office premises as a permissible land use for Level 2.



The proposed WLEP amendments introduce land use flexibility to suit the market conditions whilst still ensuring a strong commercial presence on this site. The intent of delivering active and engaging shopfronts will be considered during the assessment of Development Applications rather than the current WLEP 2011 mechanism of prohibiting land uses on certain building levels.

**Please Note:**

**The Applicant also proposes additional post-gateway amendments (as detailed by the Applicant in Attachment 4) with regard to:**

- **An amendment to WLEP2011 Clause 7.8 to allow an increase in the quantum of floor space permissible above podium level on land identified as “Area 2” on the WLEP2011 height map from 3,800sqm to 4,600sqm.**
- **An amendment to WLEP2011 Clause 7.10 to allow for auxiliary plant equipment and lift overruns to extend above the maximum height limits specified for buildings within the site with the exception of the two tower elements.**
- **The introduction of new WLEP2011 Clause 7.14 to allow for the introduction of a pedestrian footbridge to facilitate the development of an above ground connection between two buildings within the site.**

**These additional proposed amendments have not yet been assessed by Council or the Department and are also open to public comment during this public exhibition period.**



## **Part 3: Justification**

### **Section A: Need for the Planning Proposal**

#### **Is the planning proposal a result of any strategic study or report?**

A Planning Proposal was commissioned by the landowner and is not a direct result of a strategic study or report, with the exception of the Economic Assessment prepared by HillPDA (April 2015) on behalf of the Applicant (Attachment 11). The proposal accords with Council's strategic direction contained within the Dee Why Town Centre Masterplan and many of the outcomes agreed to and approved under DA2007/1249. The proposal will deliver:

- A viable quantum of retail and other commercial businesses at the ground which will activate the new publically accessible Town Square and pedestrian thoroughfare;
- A mix of employment generating uses on the first floor of the podium; and
- Additional dwellings which will contribute to activating the Dee Why Town Centre on land in close proximity to public transport and services.

#### **Is the planning proposal the best means of achieving the objectives or intended outcomes?**

Yes. The Planning Proposal is the only way to amend the existing WLEP 2011 planning controls that regulate building height, the form and location of building envelopes and prescriptive land use composition for certain levels of the development.



## Section B: Relation to Strategic Planning Framework

### **Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy, including the Sydney Metropolitan Strategy and exhibited draft strategies?**

The following strategic planning considerations are applicable to the site:

#### *A Plan for Growing Sydney*

On 14 December 2014 the Minister for Planning released 'A Plan for Growing Sydney' (the Plan). The Plan has been almost two years in the making. It is one in a series of 4 similar strategies that have been released by the State Government since 2005.

The Plan identifies the following goals which define the Government's vision for Sydney:

- A competitive economy with world class services and transport
- A city of housing choice with homes that meet our needs and lifestyles
- A great place to live with communities that are strong, healthy and well connected
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

The Plan outlines how Sydney's growth will be accommodated to 2031. Previous growth forecasts have been revised upwards since the *Draft Metropolitan Strategy for Sydney to 2031* as follows:

Growth to 2031	Draft Metro Strategy	The Plan	Increase of:
<b>Population Growth</b>	1.3 million	1.6 million (with 900,000 occurring in Western Sydney)	300,000
<b>New Jobs</b>	625,000	689,000	64,000
<b>New Homes</b>	545,000	664,000	119,000

A key shortfall of the strategies to date has been the absence of effective implementation plans, both in terms of funding commitments and governance. Also limited subregional planning which is required to drive implementation at a regional and local level. In this light, at this stage the Plan falls short of designating specific housing and employment targets at a subregional or local government area level. This is proposed to be determined at the subregional planning process phase (currently underway).

The Plan identifies Brookvale/Dee Why as a Strategic Centre (within which this 'Site B' Planning Proposal is located).

Under the Plan, 'Strategic Centres' are priority locations for employment, retail, housing, services and mixed-uses. A key planning principle is to focus future growth, urban renewal and a networked transport system around these 'Strategic Centres'.

The Plan includes a commitment to work with Council to retain a commercial core in Brookvale/Dee Why, for long-term employment growth and provide capacity for additional mixed use development including offices, retail, services and housing. An emphasis is placed on



improving walking and cycling connections within the centre and to progress planning for a Northern Beaches bus rapid transit corridor to service the Centre.

The Planning Proposal is consistent with this Plan as:

- It seeks to facilitate the development of a key site located within a connected Strategic Centre. The redevelopment of the site has the potential to act as a catalyst for the revitalisation of Dee Why.
- It will help to deliver additional housing supply and urban renewal in proximity to local employment opportunities and a well networked transport system.
- It would introduce greater land use flexibility which promotes economic viability through responsiveness to market demand.
- It would introduce land use flexibility to suit market conditions whilst still ensuring a strong commercial presence on the site.
- It would provide flexibility to provide additional dwellings to that afforded under the current planning controls.
- It maintains the provision of previously endorsed public benefits including pedestrian access ways and publicly accessible open space (the 'town square').
- The development will deliver (through a VPA) a range of public benefits and infrastructure upgrades that improve the public domain and functioning of the town centre. In addition to the provision of a bus bay to support the provision of the future bus rapid transit corridor.

**Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

Yes, the Planning Proposal is consistent with Warringah Council's Community Strategic Plan, the Dee Why Town Centre Masterplan 2013 (Masterplan) and the Warringah Employment Study 2013.

*Community Strategic Plan 2013-2023*

The *Warringah Community Strategic Plan 2013-2023* is the Council's principal forward planning document. The plan contains some objectives/goals relevant to the consideration of the Planning Proposal which are identified and addressed below.

The plan is established under six outcomes and 22 objectives. The six Outcomes include:

- *Vibrant Community*
- *Lifestyle and Recreation*
- *Healthy Environment*
- *Connected Transport*
- *Liveable Neighbourhoods*
- *Working Together*

The Outcomes of *Lifestyle and Recreation*, and *Liveable Neighbourhoods* are relevant to the proposal. The corresponding objectives under each are addressed in turn below.

OBJECTIVE	PROJECT CONTRIBUTION
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2.3 – We have inviting public spaces that are clean, green and well designed	<ul style="list-style-type: none"><li>- The Planning Proposal maintains the statutory requirement to provide publicly accessible open space ('town square') and pedestrian thoroughfare.</li><li>- The concept plan illustrates an appropriate interface with the public spaces and minimises impact upon the amenity of existing key pedestrian access way on Oaks and Howard Avenue.</li></ul>
5.1 – We have attractive and functional urban and commercial centres that adapt to the needs of residents and businesses	<ul style="list-style-type: none"><li>- The Planning Proposal increases flexibility in regards to the permissibility and location (within the building) of land uses. This allows for an easier adaptation of business to suit market demand.</li></ul>
5.2 – We encourage and support a diversity of businesses that provide a range of services and employment opportunities	<ul style="list-style-type: none"><li>- As above</li></ul>
5.3 – We offer a variety of housing choices that meet the needs of our community and complements local neighbourhoods and the Warringah lifestyle	<ul style="list-style-type: none"><li>- The Planning Proposal ensures an appropriate mix of residential and commercial uses on land that is well placed in the town centre core. The concept plan indicates the provision of over 460 residential units in an accessible location.</li></ul>

**Table 5: Community Strategic Plan Objectives**

In summary the proposal positively responds to, and is supportive of, the relevant Outcomes and Objectives within the *Warringah Strategic Community Plan*.

#### *Dee Why Masterplan 2013*

At its meeting held 6 August 2013, Council adopted *Dee Why Masterplan 2013* (the Masterplan). The Masterplan was compiled after a coordinated process which included a working party which consisted of members from local businesses, landowners and community representatives.

The Masterplan details several strategies and recommendation within the overarching aim of revitalising the town centre. Site B is acknowledged as a key contributor to the town centre objective in that it will provide community space, pedestrian access ways, infrastructure, additional housing and supporting commercial floorspace.

#### *Warringah Employment Lands Study 2013*

Prepared by consultants SGS Economics and was adopted in 2013, the Study incorporates significant analysis of current and future employment trends and provides recommendations for future land use decisions.

The proposal accords with recommendations within the Study in that it seeks to consolidate new forms of housing and commercial uses within a consolidated town centre and close to public transport and support services.

Consolidating development within a defined area provides investor confidence and also increases the value of past and future infrastructure investment. As stated in the Study, the





ultimate quantum of development within the town centre is constrained by the road network capacity, and as such a detailed traffic report will be required to be submitted with a future Development Application for the site.

By seeking a potential reduction in non-residential floorspace, the Planning Proposal is consistent with the Warringah Employment Study 2013 finding which acknowledges that Brookvale is likely to be the focus of employment land delivery while Dee Why would become the focus for housing and convenience retail and local business.

### **Is the planning proposal consistent with applicable state environmental planning policies?**

There are no State Environmental Planning Policies relevant to the assessment of this Planning Proposal.

### **Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Consideration of the Ministerial Directions is provided below.

<b>s117 Direction</b>	<b>Comment</b>
<b>1.1 Business and Industrial Zones</b>  The objectives of this direction are to:  (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Justification for inconsistency with this Direction is provided via the Economic Assessment Report (Attachment 11)
<b>3.1 Residential Zones</b>  The objectives of this direction are:  (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The Planning Proposal is considered consistent with the objectives of the direction for the following reasons: <ul style="list-style-type: none"><li>- It will encourage redevelopment of a 'Key Site', providing additional dwellings within a well serviced town centre.</li><li>- Housing will be of the 'unit' type, providing an opportunity for more affordable housing in the area.</li><li>- The site is located adjacent to Pittwater Road, a major bus thoroughfare and future site of Bus Rapid Transit infrastructure.</li><li>- Future development will provide support for the new residents including retail and commercial uses, public open space and pedestrian thoroughfares.</li><li>- Encourages the development of urban land, reducing pressure from fringe areas to house a growing population.</li></ul>
<b>3.4 Integrating Land Use and Transport</b>  The objective of this direction is to ensure that urban structures, building forms, land	The proposal is consistent with the direction for the following reasons: <ul style="list-style-type: none"><li>- The Planning Proposal improves the viability of</li></ul>

s117 Direction	Comment
<p>use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services</p>	<p>developing on land in proximity to public transport.</p> <ul style="list-style-type: none"> <li>- The proponent has offered to improve bus infrastructure along Pittwater Road and contribute to the cost of providing a new road from Oaks Avenue and Howard Avenue as per Councils improved road network.</li> <li>- The concept plan provided with the Planning Proposal provides a reduced quantum of car parking which will encourage the use of alternate forms of transport.</li> </ul>
<p>4.3 Flood Prone Land</p> <p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>The site is affected by the flood planning level. The Planning Proposal does not intensify development on site or require alternate building design which would exacerbate flooding of adjoining land.</p> <p>Flooding constraints will be considered during the design and Development Application assessment stage.</p>
<p>6.3 Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>The Planning Proposal is consistent with the objectives of this Direction for the following reasons:</p> <ul style="list-style-type: none"> <li>- It provides increased flexibility regarding land use composition within the building</li> <li>- It retains a balance between design flexibility and delivery of a previously approved development footprint and building volume (DA2007/1249)</li> <li>- It has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the WLEP 2011.</li> </ul>
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p>	<p>The planning proposal is consistent with the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney as detailed previously within Section B of this Planning Proposal.</p>

**Table 6: Summary of consistency with Section 117 Directions**



## **Section C: Environmental Social and Economic Considerations**

### **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The Planning Proposal seeks to amend specific development standards that apply to Site B including the height of buildings and land use composition. The amendments do not impact upon ecological communities or their habitat.

### **Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?**

No. The proposal seeks to deliver the same development outcome for the site as DA2007/1249. The likely environmental effects will remain consistent with those assessed during the assessment of that application.

### **Has the planning proposal adequately addressed any social and economic effects?**

Yes. The proposal will retain a number of significant community and economic benefits attributed to DA2007/1249 and illustrated in the proponents concept plan, including:

- Consolidate the core of the town centre which will include publicly accessible area linked to surrounding business and retail premises.
- Increased housing supply and diversity with good access and proximity to key public transport infrastructure.
- Facilitate the delivery of a new bus layback along Pittwater Road to contribute to the improvement in public transport along the Pittwater Road strategic bus corridor.
- Proposed inclusion of a childcare centre at the upper podium levels which will benefit from a northern aspect and protected outdoor space.
- Provision of employment generating landuses on the site as detailed in the Economic Assessment Report (Attachment 11).
- Increase the supply of high density residential accommodation, which may assist housing affordability.



## **Section D: State and Commonwealth Interests**

### **Is there adequate public infrastructure for the planning proposal?**

The site is serviced by existing utility infrastructure and is located adjacent to the Pittwater Road strategic bus corridor. In addition to Developer Contributions required under Section 94A of the EP&A Act, the proponent has, through a VPA, proposed to deliver the following public infrastructure upgrades:

- A town square that can be used for community and cultural events
- A pedestrian connection between Howard and Oaks Avenue
- Indented bus bay/layback along Pittwater Road
- Monetary contribution towards the construction of a proposed new road between Howard and Oaks Avenue (as per the March 2014 GHD Traffic Model update endorsed by Council).

Any required amplification and upgrades to infrastructure can also be imposed via the Development Application process.

### **What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?**

Public authority consultation will be held in accordance with the Gateway Determination issued by the NSW Planning and Environment.



## 5 Community Consultation to be Undertaken on the Planning Proposal

The Gateway Determination (Attachment 10) classifies this Planning Proposal as being low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and stipulates a minimum 14 day public exhibition period.

However, in addition to the WLEP 2011 amendments outlined in this Planning Proposal, the Applicant has recently lodged several additional amendments to WLEP 2011 (Attachment 4) which have not been submitted to the Department for Gateway Determination nor have they been assessed by Council prior to this post-gateway public exhibition.

Given that public comment is requested on the changes outlined in this Planning Proposal and also on the changes requested by the Applicant's additional proposed amendments (Attachment 4) during this public exhibition period, the exhibition period has been extended to 28 days.

As per the requirements of the Environmental Planning and Assessment Act 1979, the views of the community will be considered during the formulation of future recommendation in regards to the proposal.



## 6 Conclusion

This Planning Proposal has been prepared in accordance with Section 55 of the EP&A Act 1979 and relevant guidelines published by the Department.

The objective of this Planning Proposal is to make a number of amendments to the site specific WLEP 2011 development standards and provisions.

The proposed WLEP amendments are deemed acceptable as they;

- Do not increase the overall building volume compared to the development approved under DA2007/1249.
- Maintain a comparable quantum of floorspace to that approved under DA2007/1249.
- Allow for increased flexibility to provide land uses that adapt with market demand.
- Continue to regulate development through prescriptive building height controls that are not able to be varied through the application of Clause 4.6 Exception to development standards.

The detailed building design and amenity consideration will be carried out during the assessment of a Development Application. The concept plan and analysis provided within the Planning Proposal does not indicate an increased impact upon amenity compared to development delivered under the existing WLEP 2011 controls and DA2007/1249.



## 7 ATTACHMENTS

ATTACHMENT 1 – Current & Proposed WLEP2011 'Height of Building Map' for Site B

ATTACHMENT 2 – Comparison Map of Current and Proposed Changes for Site B

ATTACHMENT 3 – Proposed WLEP2011 Height Maps Prepared in Accordance with  
Standard Technical Requirements for LEP Maps

ATTACHMENT 4 – The Applicant's Additional Proposed Amendments Submitted Post-  
Gateway

ATTACHMENT 5 – The Applicant's Planning Proposal (Superseded by this Planning  
Proposal)

ATTACHMENT 6 – DA2007/1249 (Approved Plans)

ATTACHMENT 7 – Dee Why Town Centre Masterplan

ATTACHMENT 8 – WDAP Report and Resolution, 8 October 2014

ATTACHMENT 9 – Council Report and Resolution, 25 November 2014

ATTACHMENT 10 – Gateway Determination, 26 February 2015

ATTACHMENT 11 – Economic Assessment, April 2015

ATTACHMENT 12 – Current and Proposed WLEP2011 'Key Sites Map'