

4 Delmar Parade and 812 Pittwater Road, Dee Why

Statement of Environmental Effects

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Demolition of existing structures and construction of a mixed use development comprising three commercial tenancies and 230 apartments over 2 basements levels, lot consolidation and subdivision

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Prepared under instructions from
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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Development Application made under Part 4 of the Environmental Planning and Assessment Act 1979 for the demolition of existing structures and construction of a mixed use development containing 3 commercial tenancies and 230 apartments over 2 storey basement containing 340 car parking spaces, lot consolidation and subdivision at 4 Delmar Parade and 812 Pittwater Road, Dee Why.

The proposed development is detailed on architectural plans prepared by Rothelowman Architects. The application is also accompanied by the following:

Document	Consultant
Survey Plan	Norton Survey Partners
SEPP 65 Design Verification Statement and Design Report	Rothelowman Architecture
Landscape Plans	Ground Ink
Preliminary Site Investigation	Reditus
Geotechnical Report	Asset Geo Enviro
Traffic and Parking Assessment	TTPP
Acoustic Report	Acoustic Dynamics
Heritage Impact Statement	Urbis
BCA Compliance Assessment Report	Matt Shuter & Associates
Construction Traffic Management Plan	TTPP
BASIX Certificate	Senica Consultancy Group
Waste Management Plan	Senica Consultancy Group
Arboricultural Report	Dr Treegood
Flora and Fauna Assessment Report	Dr Steven Douglas
Accessibility Report	Access Building Solutions
Stormwater Concept Plan	SGCE
Flood Risk Assessment	SGCE
Water Sensitive Design Report	SGCE
Overland Flows Study Report	SGCE
Draft Subdivision Plan	Norton Partners Surveyors
QS Report	Newton Fisher Group
Clause 4.6 – ground floor residential	Sutherland & Associates Planning Pty Ltd
Clause 4.6 – podium height	Sutherland & Associates Planning Pty Ltd
Clause 4.6 – FSR	Sutherland & Associates Planning Pty Ltd

This Statement has been prepared pursuant to section 4.12 of the Environmental Planning and Assessment Act 1979 and clause 50 of the Environmental Planning and Assessment Regulation 2000. The Statement provides an assessment of the development proposal having regard to the relevant legislative context, social, economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against the applicable environmental planning instruments and development control plan including:

- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2010

Having regard to the applicable legislative framework, it is considered that the proposed development exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression that will contribute positively to the built form quality of the building stock located in Dee Why.

The proposal is consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst being compatible with the emerging character of the locality and minimising any potential impacts on the amenity of the adjoining properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The site is located within the suburb of Dee Why and is within Northern Beaches Local Government Area.

The site is located at the southern entry into the Dee Why town centre and along with its neighbours forms an important gateway function for the town centre, referred to as the 'Delmar Precinct'. The precinct comprises four allotments zoned B4 Mixed Use bounded by Delmar Parade to the north, Pittwater Road to the west, Stony Range Botanic Garden to the south and low density residential context to the east.

The Delmar Precinct is undergoing transformation and conversion from a predominantly commercial and semi-industrial pocket into a vibrant mixed use precinct. Construction is well progressed for a 7 storey mixed use development at 2 Delmar Parade on the corner of Delmar Parade and Pittwater Road, also by Landmark Group which is the proponent for the subject application. The subject proposal represents the balance of the Delmar Precinct with the exception of the AVIS site at 816 Pittwater Road.

The site is not identified as a heritage item nor is it located in a heritage conservation area in Schedule 5 of the WLEP 2011. The location of the site is illustrated in Figure 1 below.

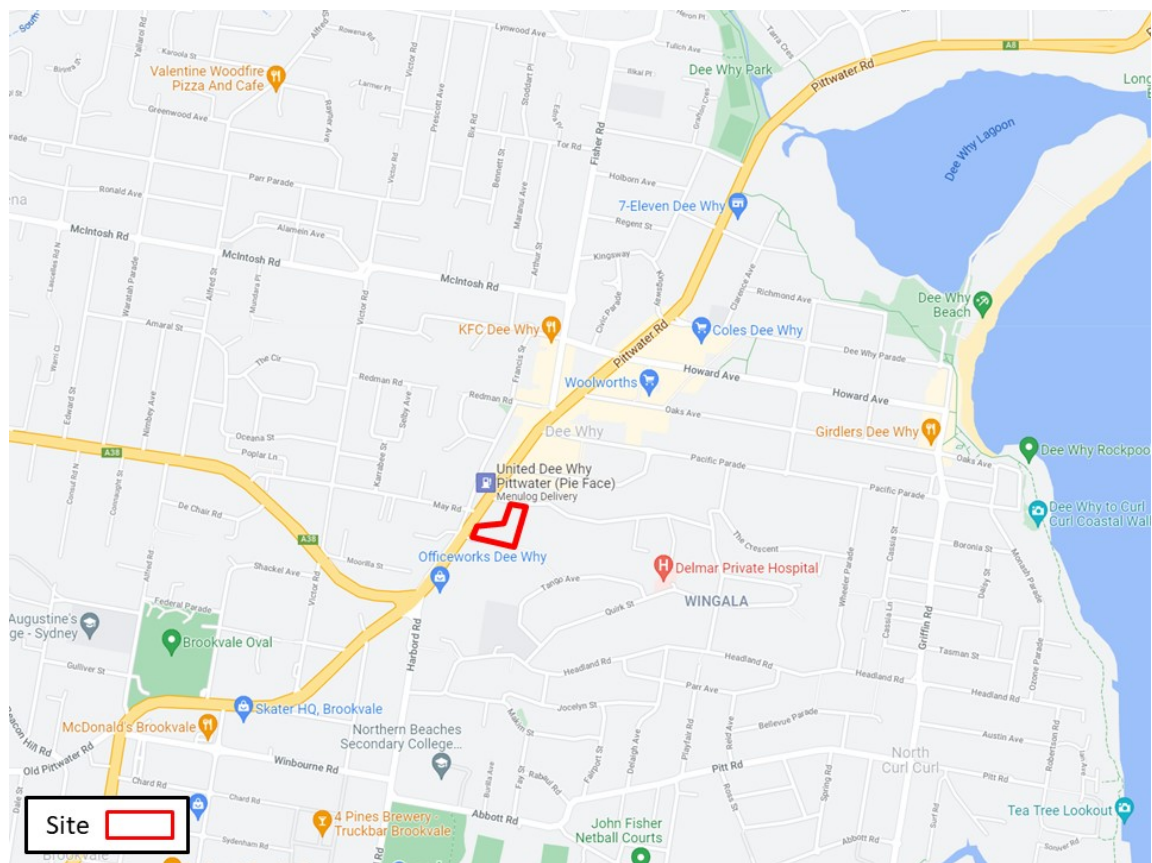


Figure 1:

Site Location: (Source: Google Maps 2021)

2.2 Site Description

The site comprises 2 allotments and is legally described as SP 32071 and SP32072 known as 4 Delmar Parade and 812 Pittwater Road, Dee Why.

The site is irregular in shape with a frontage of approximately 52 metres to Delmar Parade and a frontage of approximately 20 metres to Pittwater Road and is a crudely L-shaped site which wraps around 2 Delmar Parade and 816 Pittwater Road to the west. The site has a depth of 100.75 metres from north to south and a length of approximately 130 metres from east to west and shares its southern boundary with an adjacent parcel of land which is road reserve. The site has an area of 7,790 square metres.

The highest point of the site is at the south-eastern corner and there is a fall of approximately 4.5 metres from the rear of the site to the front of the site at Delmar Parade which is the equivalent of slightly more than one storey. The site is relatively level east to west with only a minor fall to Pittwater Road. The site currently contains three 2 storey commercial buildings, with one aligned Delmar Parade, another aligned to Pittwater Road, and a third building located at the southern end of the site. The areas around the building comprise extensive hardstand car parking with some very limited vegetation. The site is currently served by two driveways along the Delmar Parade frontage of the site.

An aerial view of the site and surrounds is included as Figure 2.



Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2021)

Photograph 1:

The site as viewed from Delmar Parade facing south-east



Photograph 2:

The site as viewed from Delmar Parade facing south-west
(Source: Google)

Photograph 3:

The eastern site of the site facing north





Photograph 4:

The western side of the site facing north

Photograph 5:

The hard stand area to the north of the southern building, facing east

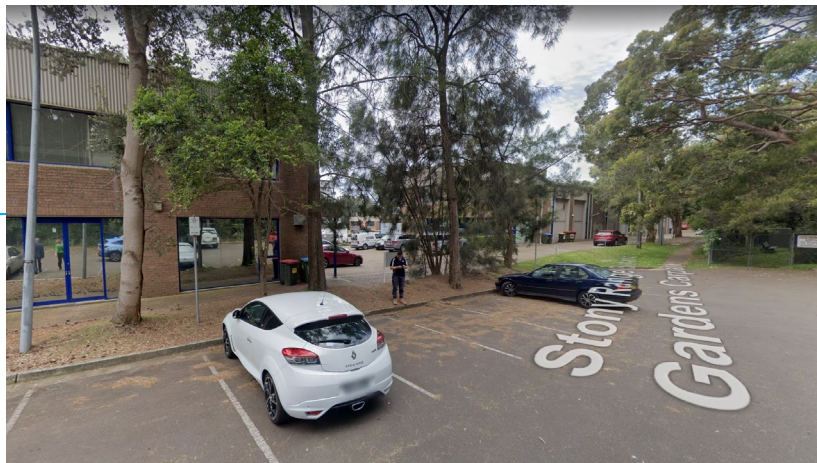


Photograph 6:

The site as viewed from Pittwater Road facing east (Source: Google)

Photograph 7:

The site as viewed from
Stony Range car park
facing north-east
(Source: Google)



Photograph 8:

The site as viewed from
the footpath to the south
of the site

2.3 Surrounding Development

The context of the site is undergoing substantial transformation from low scale office and industrial based uses to high density mixed use and residential development as envisaged for the Dee Why Town Centre.

The neighbouring sites within the Delmar Precinct include 2 Delmar Parade on the corner of Pittwater Road and Delmar Parade, and the AVIS site at 816 Pittwater Road. Construction is well progressed for a 7 storey mixed use development at 2 Delmar Parade, also by Landmark Group which is the proponent for the subject application. That building has a 4 storey podium and 3 storey upper component.

The AVIS site contains a vehicle rental business comprising hard stand parking areas and single storey building. This site is likely to be redeveloped as an integrated component within the overall Delmar Precinct and enjoys a legal right to use the car park entrance to 2 Delmar Parade which will service the future development of that site.

Immediately adjacent to the south of the site is a road reserve which contains a car park at the western end, and becomes a pedestrian link to Tango Avenue for the remainder of the frontage to the subject site. To the south of the road reserve is the 3.3 hectare Stony Range Botanic Garden which is a regenerated bushland reserve which contains walking tracks, a nursery BBQ area and other facilities.

The site to the north at 822 Pittwater Road across Delmar Parade contains a recently completed 9 storey mixed use building which has a 3 to 4 storey podium and a tower element above which is setback from Pittwater Road, but with no setback above the podium from Delmar Parade.

Opposite the site to the north-west across Pittwater Road is a petrol station at 625 Pittwater Road, and a recently completed 7 storey mixed use development at 5 Mooramba Road, Dee Why which has a 4 storey podium and 3 storey component above.

Immediately adjacent to the east is 6 Delmar Parade which contains an existing dwelling, and 8 Delmar Parade which is a battleaxe allotment to the rear which also contains a dwelling.



Figure 3:

CGI of 2 Delmar Parade development which is currently under construction

Photograph 9:

The AVIS site





Photograph 10:

The entrance to Stony Range to the south of the site (Source: Google)

Photograph 11:

6 Delmar Parade to the east of the site (Source: Google)



Photograph 12:

822 Pittwater Road to the north of the site

Photograph 12:

The petrol station opposite the site across Pittwater Road



Photograph 14:

Recently completed development diagonally opposite the site to the north-west across Pittwater Road

3.0 DEVELOPMENT PROPOSAL

3.1 General Description

The proposal is for a mixed use redevelopment of the site comprising the following:

- Demolition of existing buildings;
- Erection of 2 buildings above two common basement levels as follows:
 - Building A – a 5 storey building presenting to Delmar Parade containing a ground floor commercial tenancy and 123 apartments
 - Building B – a 7 storey building to Pittwater Road containing two ground floor commercial tenancies and 107 apartments.
- All vehicular access into the development is provided via a driveway on the eastern end of the Delmar Parade frontage, which provides access to a ground level loading bay and garbage collection area behind the commercial tenancy, as well as to the basement levels. The basements levels will accommodate 340 car spaces, bicycle parking, garbage rooms, storage and plant. The basement will be accessed from all levels of the building via a lift or ramp.
- A central open space on the western side of Building A and also between Buildings A and B provides for communal open space for the residents of the development.
- Torrens title subdivision of the development into 2 allotments.

The proposed distribution of built form and massing across the site is the result of a considered analysis of the constraints of the site combined with context of the site and the desire to deliver a positive urban design outcome. The proposed development has been specifically designed as a robust architectural solution for the site which will result in a high quality development which responds to and activates the Delmar Parade and Pittwater Road frontages as well as provided an engaged relationship with the road reserve to the south of the site.

The proposal has also been designed to respond to the significant fall across the site from south to north whilst providing a high level of amenity and pedestrian legibility throughout the site and achieving an architectural expression in storeys which is compatible with the emerging scale of development. The balancing of these needs has contributed to a development which presents as 5 storeys to Delmar Parade and Stony Range Botanic Gardens for Building A, and presents as 7 storeys to Pittwater Road for Building B.

The design of the proposal also provides flexibility for the future use of the ground level apartments on the western side of Building A which are capable of being used for home businesses, or potentially as commercial tenancies in the future should there be sufficient demand.

The development has also been designed to provide a sensitive response to the eastern adjacent low density properties by providing a 9 metre minimum separation from the eastern boundary, and located the primary common open space area on the western side of the building. Furthermore, an increased setback beyond the minimum requirement has been provided to 2 Delmar Parade.

This is the only remaining site within the precinct which has an interface with Stony Range Botanic Gardens, and the design of the proposal apartments has balanced solar access to apartments with capitalising on south facing views over the Botanic Gardens.

With respect to the southern setbacks, we will need to deal with the predominant 3m building setback to the south as well as the zero lot setback as it holds the south west corner

The building exhibits a high level of environmental performance, provides a high level of amenity and an attractive contemporary architectural expression that will contribute positively to the built form quality of the building stock located in Dee Why.

A varied palette and materiality are used to provide a clear identity for the development. The varied architectural language generates a high level of visual interest.

The proposed development is detailed on the architectural plans prepared by Rothelowman architects.

3.2 Numerical Overview

Element	Proposed
Site Area	<ul style="list-style-type: none"> FSR zone 2.4:1 – 6,800 square metres FSR zone 3.2:1 – 990 square metres Total - 7,790 square metres
Gross Floor Area	<ul style="list-style-type: none"> FSR zone 2.4:1 – 14,930.5 square metres FSR zone 3.2:1 – 4,075.2 square metres Total - 19,005.7 square metres
Apartments	230 (including 3 live-work apartments)
Apartment Mix	<ul style="list-style-type: none"> 95 x 1 bedroom apartments (41.3%) 105 x 2 bedroom apartments (45.7%) 30 x 3 bedroom apartments (13%)
Car parking	340 spaces comprising: <ul style="list-style-type: none"> 275 residential spaces 46 residential visitor spaces (including 1 accessible) 19 commercial spaces
Bicycle Parking	22 visitor spaces
Common Open Space / Landscaped Area	1,948 square metres (equivalent of 25% of site area)
Deep Soil Area (6m min)	>6m: 545.3 square metres (7% of site area) <6m: 417.6 square metres (5%) Total: 962.8 square metres (12%)
Solar Access for apartments	70% 2 hours; 10.9% no sun
Cross Ventilation for apartments	60.4%

3.3 Materials and Finishes

The proposed materials and finishes are detailed in the architectural plans provided by Rothelowman Architects as well as being detailed on the accompanying material and finishes board.

3.4 Commercial Use and Signage

The proposal is a mixed use development which provides a 235.8 square metre commercial tenancy to Delmar Parade, and two commercial tenancies of a total of 207.5 square metres of floorspace to Pittwater Road. Careful consideration has been given to the design and location of the commercial components of the project to ensure the achievement of a vibrant and active street edge for the development.

Consent is not sought within this application for the specific use and fitout of each tenancy, and this will be the subject of future fitout and use applications. No formal consent is sought for signage within this application as the detailed arrangement of signage will be subject to market demand and leasing arrangements, and accordingly signage will be addressed in a subsequent development application.

Clause 6.7 of the Warringah Local Environmental Plan 2011 ordinarily requires only commercial uses in the ground floor of any site zoned B4 Mixed Use such as the subject site. It is noted that the B4 Mixed Use zone applies to the entire Dee Why town centre, however, the subject site is at the periphery of the centre and is largely disconnected from the commercial core of the centre. As a result, commercial floor space on the ground floor of the internal areas of the development is not commercially viable and only commercial tenancies with a street frontage will have a chance of succeeding in this location at the edge of the centre. This has also been exacerbated as a result of COVID-19 which has impacted significantly upon the retail and commercial market. There is a limited street frontage for the site and so this has limited the amount of viable commercial floor space that can be provided.

In addition to the above, it is noted that there has been a fundamental shift in the employment landscape from working in an office environment to working from home. This has become common and so the ground floor units have been designed specifically for this with purpose built home office arrangements.

The proposal provides 3 live-work units on the western side of the ground floor of Building A as this is the most appropriate location which minimises potential conflict, noting that the eastern side of Building A has an interface with the adjacent low density residential zone.

3.5 Access and Parking

Pedestrian access is provided to the residential apartments via two entries, with one at the western end of the Delmar Parade frontage, and the other centrally within the Pittwater Road frontage.

The Delmar Parade entry leads to an internal pedestrian network to access to 5 of the lift lobbies within the development. The Pittwater Road entrance provides access to the remaining lift lobby.

The development rationalises the number of existing vehicular crossings and improves pedestrian and traffic safety, by removing one of the two vehicular crossings which currently serve the site. This ensures that there is a single access point via a driveway on the eastern side of the Delmar Road frontage at the point furthest away from the Pittwater Road intersection which provides access for cars entering the basement via a ramp on the eastern side of the site, as well as a loading dock behind the commercial tenancy at ground level.

The proposed arrangement provides for on-site garbage collection as well as loading for the site. The loading bay is designed to ensure Council's waste collection trucks can manoeuvre on site to collect waste.

3.6 Public and Private Open Space

The proposed development provides 1,948 square metres of common open space distributed throughout the development which is the equivalent of 25% of site area and compliant with the minimum requirement under the Apartment Design Guide.

The common open space areas include landscaped areas surrounding the development at ground level with a large consolidated space on the western side of Building A which enjoys more than 2 hours solar access on 21 June. The communal open space areas will be used for a range of activities and will include a barbeque area, playground, soft landscaping and outdoor seating.

In addition to the communal open space areas, the proposal also provides other communal facilities including an under cover multi-use space at the southern end of Building A on the ground floor level which provides for board washing area, outdoor gym and yoga space, and also BBQ facilities. There is also a and a bookable space ("residents lounge") for small gatherings/work from home conferences/Owners Corp board meetings etc.

The development provides balconies for all apartments with a range of sizes which are generally greater than the size requirements of the Apartment Design Guide.

3.7 Trees

The Arboricultural Impact Assessment prepared by Dr Treegood which accompanies the application identifies the trees that may be impacted by the proposed development. The report identifies the trees proposed to be removed and those proposed to be retained and protected during construction.

The proposed development requires extensive excavation which will necessitate the removal of the majority of trees from the subject site. Whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees, particularly having regard to the steep fall of the land and required excavation. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Ground Ink landscape architects which accompany this application.

3.8 Torrens title Subdivision

The proposal seeks consent for Torrens title Subdivision of the development into 2 Torrens title allotments which reflects the commercial component of the development and the residential component.

The subject site is currently burdened by a number of existing easements for rights of carriageway which provide for access from Delmar Parade to 812 Pittwater Road as well as an existing stormwater easement for overland flow. The subject proposal involves the extinguishment of these historical easements and the reinstatement of these easements in different locations which reflect the proposed new development of the site.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Environmental Planning & Assessment Act 1979

4.1.1 Section 4.15 Evaluation

In accordance with Section 4.15(1) of the EP&A Act 1979 in determining a development application a consent authority is to take into consideration the relevant matters listed in Section 4.15 (1). Section 5.2 of this report addresses the relevant provisions of the applicable environmental planning instruments as required by section 4.15 (1)(a)(i). Section 5.3 of this report addresses the relevant provisions of the applicable development control plan as required by section 4.15 (1)(a)(i). The remaining provisions of Section 4.15(1) are addressed further in section 6 of this Statement.

4.2 Environmental Planning Instruments

4.2.1 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

The application is accompanied by a Preliminary Site Investigation prepared by Reditus which concludes that there is a moderate risk of contamination relevant to the proposed development for the site, however, that Reditus consider the site can be made suitable for the proposed development subject to the implementation of following the recommendations:

- Completion of a Detailed Site Assessment (DSI) (including soils and groundwater) to define the nature, extent and degree of identified and potential contamination, to assess potential risk posed by contaminants to health and the environment (if any) for the proposed development and to obtain sufficient information to develop a remedial action plan (RAP) to render the Sitesuitable for the proposed development (if required).
- Given the identification of asbestos within fill material, an Asbestos Management Plan (AMP) must be prepared to comply with the Work Health and Safety (WHS) Regulation 2017, an Asbestos Management Plan (AMP) and asbestos register is required when the Site becomes a 'workplace' (i.e. during any excavation and construction).
- Due to the age of on-site structures, a Hazardous Materials Survey (HMS) should be completed by a suitably qualified and experienced consultant, before commencement of any demolition works, to identify any hazardous materials that may be present within existing structures.
- Should hazardous building materials be identified by the HMS, a clearance certificate, as required by the Work Health and Safety Regulation 2017, should be obtained from a suitably

experienced occupational hygienist following removal of hazardous building materials at the conclusion of demolition works.

Based on the above, it is considered that Council can therefore be satisfied that the site is suitable for the proposed development subject to appropriate conditions of consent which reflect the recommendations in the Preliminary Site Investigation.

4.2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to development for the purpose of a new residential flat building, shop top housing or mixed use development, the substantial redevelopment/refurbishment of one of these buildings or the conversion of an existing building into one of these types of buildings provided the building is at least 3 or more storeys and the building contains at least 4 or more dwellings. The development meets the definition of a residential flat building. As such the provisions of SEPP 65 are applicable to the proposed development.

SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. In order to satisfy these aims and improve the design quality of residential apartment buildings in the State, the plan sets design principles in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.

SEPP 65 requires any development application for residential flat development to be assessed against the 9 principles contained in Schedule 1 of the SEPP and the matters contained in the Apartment Design Guide (ADG). The 9 principles of SEPP 65 are addressed below and the matters contained in the ADG are addressed in the architectural package prepared by Rothelowman Architects which accompanies this application.

The proposed development satisfies the design principles of the plan as follows:

Principle 1: Context and Neighbourhood Character

The development is considered to be contextually appropriate for the following reasons:

- The proposed development is permissible in the B4 Mixed Use zone pursuant to Warringah Local Environmental Plan 2011 and meets the objectives of the zone and is consistent with the desired future character outlined for the Dee Why town centre.
- The proposed redevelopment will deliver the urban renewal of a large site within the Dee Why town centre. The redevelopment of the site will contribute to the vibrancy, economic success, and housing choice within the area.
- The siting, scale, bulk, and massing of the development is generally consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the area.
- The proposed massing of the development provides a high level of visual interest between the proposed buildings within the development with site permeability which serves to break down the scale of the project, whilst also realising the environmental capacity of the site. The proposed massing of the development facilitates a high level of environmental performance

within the development, reduced impacts on surrounding properties, allows for integration with the surrounding landscape and appropriate levels of solar access, combined with a high level of visual permeability throughout the site.

- The proposed residential development will deliver additional housing choice that is in close proximity to a range of recreational opportunities and services and facilities and will maximise public transport patronage, cycling and walking.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location having regard to the future desired character of the area and the emerging context. In this regard the development will be compatible with its emerging context.

Principle 2: Built Form and Scale

The building's scale is appropriate to the scale of the street and the surrounding properties in that:

- The proposed distribution of built form and massing of the building across the site is the result of a considered analysis of the context of the site, the emerging character of the area, the applicable planning provisions and the desire to deliver a positive urban design outcome.
- The proposed development has been specifically designed as a robust architectural solution for the site which will result in a high quality building that will sit comfortably within the streetscapes of Delmar Parade and Pittwater Road and be consistent with the emerging high density mixed use character of development within the vicinity of the site.
- The proposal incorporates a high level of materiality and demonstrates fine grain active frontages and the buildings architecture combined with the public domain improvements will serve to activate and enliven the street frontages of the site.
- The scale of the proposed development will not result in any unreasonable impacts on the future developed surrounding properties in terms of loss of views, loss of visual or acoustic privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites.
- The scale of the development will not be perceived as jarring or antipathetic in the future desired streetscape and urban design context particularly as the surrounding sites are redeveloped to achieve the desired future character specified for the Dee Why town centre generally.

Principle 3: Density

The density of dwellings and commercial floor space proposed is considered appropriate for the site and its location in that:

- The proposal results in a Gross Floor Area as anticipated by the two FSR controls which apply to the site.
- The availability and capacity of the local infrastructure, public transport and recreational opportunities supports the proposed number of apartments and commercial floor space. The site is extremely well located in terms of access to public transport infrastructure within Dee Why located in close proximity to the site.
- The density proposed does not give rise to any significant impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this Statement.

- An acceptable level of amenity is provided for occupants of the development having regard to the constraints of the site.
- The scale of each individual buildings within the overall development is considered and achieves a planned outcome which is consistent with that which is anticipated by the planning controls.
- The scale of the proposed development does not result in any unreasonable impacts on the surrounding properties in terms of loss of views, loss of visual or acoustic privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on adjacent and nearby sites.

Principle 4: Sustainability

The design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves cross ventilation to an acceptable number of dwellings within the development. A BASIX Certificate accompanies this application which confirms that the development will meet and in fact exceed the NSW Government's requirements for sustainability.

Principle 5: Landscape

The proposed development includes a comprehensive design for the landscaping of the site and all public domain areas surrounding the site. The Landscape Plans and Statement prepared by Ground Ink that accompany the application demonstrate that the proposal will result in a mixed use development within a suitably landscaped setting having regard to the urban context of the site and incorporates plant species appropriate for the site conditions and includes locally indigenous species where possible. The landscaping proposed represents an integral element in ensuring the development has an appropriate contextual fit and will positively contribute to the emerging character of the Dee Why town centre.

The proposed development incorporates a total of 962.8 square metres of deep soil (equivalent of 12% of site area) and 545.3 square metres of deep soil area with a minimum dimension of 6 metres which exceeds the design criteria of the ADG.

The proposed development provides 1,948 square metres of common open space distributed throughout the development which is the equivalent of 25% of site area and compliant with the minimum requirement under the Apartment Design Guide.

The common open space areas include landscaped areas surrounding the development at ground level with a large consolidated space on the western side of Building A which enjoys more than 2 hours solar access on 21 June. The communal open space areas will be used for a range of activities and will include a barbeque area, playground, soft landscaping and outdoor seating.

Principle 6: Amenity

The development has been specifically designed to achieve a high level of amenity for the occupants with the development providing generous apartment sizes and practical room dimensions and shapes, storage space, indoor and outdoor space and access for all age groups and degrees of mobility.

The number of apartments with access to ventilation has been maximised with 60.4% of apartments receiving cross flow ventilation. A compliant 70% of apartments receive the required level of solar access during mid-winter and 10.9% are 'no-sun' apartments.

The level of separation combined with design measures specifically intended to reduce the potential for overlooking will ensure visual privacy is maintained between the development and neighbouring properties and in particular the adjoining residential flat developments to the west. The design of the development ensures a high level of privacy for the residents of the building.

The landscaping proposed to surround the development will provide an attractive outlook for all apartments. The particular elements which contribute to enhanced amenity include generous balcony sizes in excess of the minimum requirement, common open space areas on the roof and ground floor areas which have been designed to provide a variety of breakout and social gathering areas, and a high level of natural cross ventilation.

Principle 7: Safety

The safety and security of the public domain will be significantly enhanced by increased activity on the site and the casual surveillance of all surrounding streets from the dwellings within the development.

The entries to the development will be appropriately lit at night to enhance safety, visibility and legibility. Effective access control has been achieved through the provision of physical barriers to attract, channel and/or restrict the movement of people within the development. The internal areas within the development such as the entrances and lobbies will be well used by residents. The common areas will be under the supervision of the occupants of the apartments on the levels above. The use and supervision of the common areas will reduce the opportunities for crime.

Principle 8: Housing Diversity and Social Interaction

The development provides a mix of 95 x 1 bedroom apartments (41.3%), 105 x 2 bedroom apartments (45.7%), and 30 x 3 bedroom apartments (13%).

The 'New South Wales Household and Dwelling Projections, 2008-2036: 2008 Release' prepared by the Department of Planning indicates that the average household size in Sydney is expected to continue its decline from 2.61 in 2006 to 2.49 by 2036. In addition, the population projections indicate that the lone person household is the type of household expected to experience the greatest percentage increase between 2006 and 2036 (69%). The proposed provision of apartments is consistent with the expected increase in smaller households.

For these reasons it is considered that the development responds very positively to the particular housing needs of the local community.

The development provides a range of opportunities for social interaction among occupants with generously sized common open space areas provided throughout the development.

Principle 9: Aesthetics

The proposed development provides for a contemporary and attractive development which is compatible with the emerging character within the area. The proposed development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes. The proposed built form and composition of the development responds to the desired future character of the Dee Why town centre and will provide a positive contribution to the visual quality of the area.

Clause 30 Standards that cannot be used as grounds to refuse development consent

Pursuant to clause 30 of SEPP 65 if an application for a development application to which the Policy applies the consent authority must not refuse the application because of those matters.

Car parking	Design Criteria	Proposal
(a) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,	<p>Apartments are required to have the following minimum internal areas:</p> <p>Studio – 35 sqm</p> <p>1 bedroom – 50sqm</p> <p>2 bedroom – 70sqm</p> <p>3 bedroom – 90sqm</p> <p>The minimum internal areas include only one bedroom. Additional bathrooms increase the minimum internal area by 5sqm each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Each apartment complies with the minimum area requirement.
(b) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	<p>Minimum ceiling height:</p> <p>Habitable rooms: 2.7m</p> <p>Non-habitable rooms: 2.4 metres</p>	Each apartment has a minimum ceiling height of 2.7 metres for habitable rooms.

4.2.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the development and aims to encourage sustainable residential development. A BASIX Certificate accompanies this application which confirms that the development will meet the NSW Government's requirements for sustainability.

4.2.4 State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of the SEPP relates to the impact of road noise or vibration on residential development, which is located on land adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles. An acoustic report has been prepared by Acoustic Dynamics which confirms that the Pittwater Road frontage is subject to higher noise levels, and accordingly the report includes recommendations for acoustic attenuation measures. The proposal relies on mechanical ventilation. The proposed development is generally consistent with 'Development near rail corridors and busy roads: interim guideline' in that appropriate acoustic amenity will be achieved for the development

Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 states that before determining a development application for traffic generating development, the consent authority must give written notice of the application to the RMS and take into consideration any submission that the RMS provides in response to that notice. As the proposal involves parking for greater than 200 motor vehicles, the application will need to be referred to the RMS during the assessment period. Clause 104 also requires the consent authority take into consideration:

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and
- (ii) the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.

The Traffic Impact Assessment prepared by TTPP which accompanies the application provides an analysis of the existing traffic conditions, an assessment of the traffic generation currently associated with the site and that which will be generated by the proposal as well as the performance of the local road network. The traffic assessment concludes that the proposed development would not result in any unreasonable impact to the performance of the surrounding road network. The assessment finds that the redevelopment of the site as proposed would not have a discernible effect on the operations of the surrounding road network. The proposed development will satisfy the requirements of Clause 104 of State Environmental Planning Policy (Infrastructure) 2007.

4.2.5 Warringah Local Environmental Plan 2011

Zoning and Permissibility

The site is located within the B4 Mixed Use zone pursuant to the Warringah Local Environmental Plan 2011 (WLEP). An extract of the Land Zoning Map is included as Figure 4.

Pursuant to the Land Use Table of the WLEP residential flat buildings, commercial buildings and shop-top housing are permitted with consent in the B4 zone.

The application proposes the construction of a mixed use development comprising a residential flat development and shop-top housing and is therefore permissible in the zone with consent.

Clause 2.3(2) of the WLEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the B4 Mixed Use zone are:

- 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 proposed development is considered to be consistent with the zone objectives for the following reasons:

- The subject site is at the periphery of the centre and is largely disconnected from the commercial core of the centre. As a result, commercial floor space on the ground floor of the internal areas of the development is not commercially viable and only commercial tenancies with a street frontage will have a chance of succeeding in this location at the edge of the centre. This has also been exacerbated as a result of COVID-19 which has impacted significantly upon the retail and commercial market. There is a limited street frontage for the site and so this has limited the amount of viable commercial floor space that can be provided. In addition to the above, it is noted that there has been a fundamental shift in the employment landscape from working in an office environment to working from home. This has become common and so the ground floor units have been designed specifically for this with purpose built home office arrangements. The proposal provides 3 live-work units on the western side of the ground floor of Building A as this is the most appropriate location which minimises potential conflict, noting that the eastern side of Building A has an interface with the adjacent low density residential zone.
- The proposal provides additional residential accommodation in an ideal location at the southern end of the Dee Why town centre and future residents will be able to walk and cycle to all of the services, employment and recreational facilities within the central area of the town centre, including Dee Why beach. The site is also very well located immediately to the north of the Stony Range Botanic Garden.
- The proposal successfully promotes active building fronts by providing active commercial edges to both the Delmar Parade and Pittwater Road frontages which will contribute positively to the life of streets and creating environments that are appropriate to human scale as well as being comfortable, interesting and safe.
- The proposal provides an appropriate mix of residential and commercial uses having regard to its location at the southern edge of the town centre.
- The proposal amalgamates several large sites at the southern end of the town centre and provides for an integrated underground car parking arrangement with a consolidated vehicular entry and exit point.

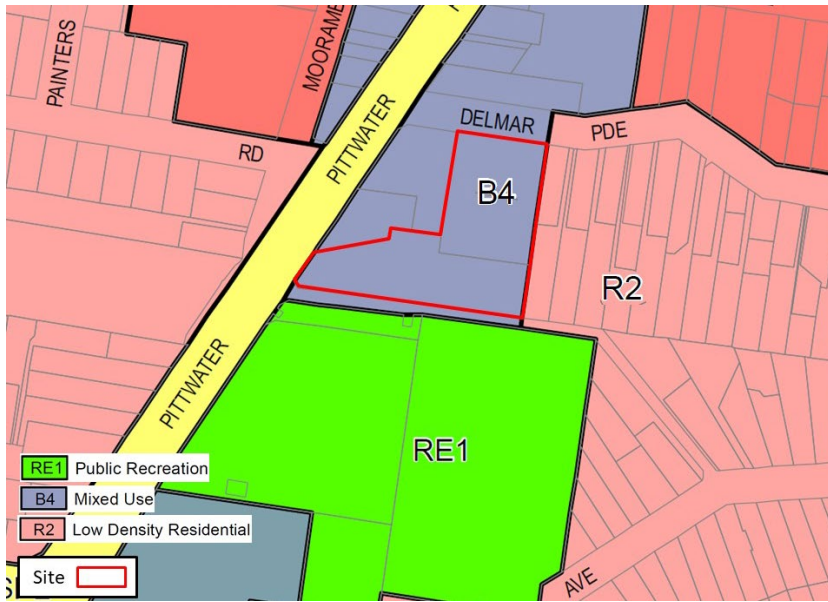


Figure 4:

Extract from the WLEP
Land Zoning Map

Subdivision

Clause 2.6 of the WLEP requires development consent for subdivision. The subject application proposes torrens title subdivision of the development into 2 allotments. There is no minimum lot size requirement which applies to the subject site.

Demolition

Clause 2.7 of the WLEP requires development consent to be granted for and prior to the demolition of a building or work. The application proposes the demolition of the existing structures on the site.

Height

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. There are two maximum heights for the site, being 16 metres for the majority of the site and 24 metres for a small portion adjacent to Pittwater Road as shown in Figure 5. The proposal is compliant with both of these height controls.

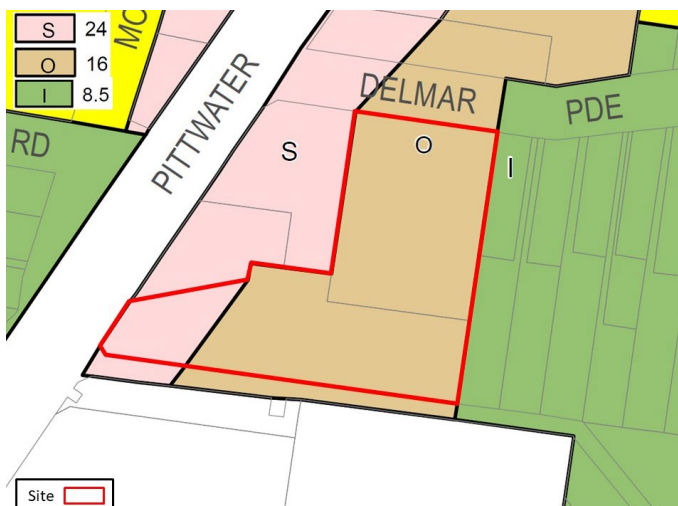


Figure 5

Extract from the WLEP Height of
Buildings Map

Floor Space Ratio

Clause 4.4(2) of the WLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. There are two FSR zones which apply to the site being a 3.2:1 FSR along the Pittwater Road frontage of the site, and a 2.4:1 FSR for the remainder of the site, as illustrated in Figure 6 below.

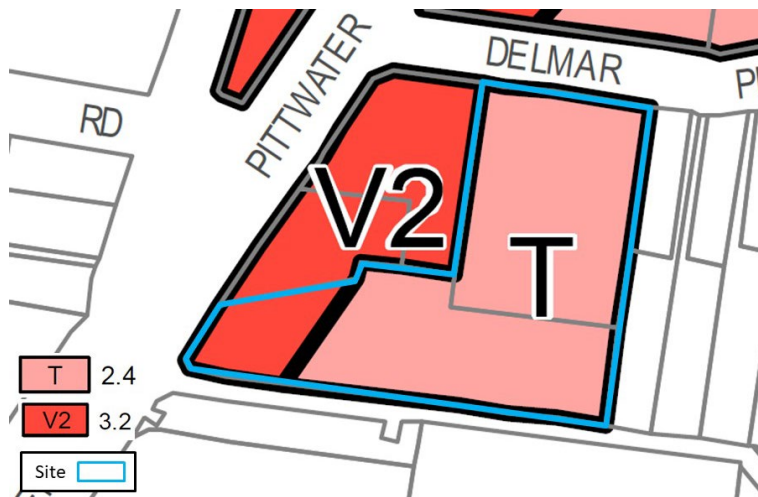


Figure 6:

Extract from the WLEP FSR Map

In relation to the calculation of FSR for the two FSR zones, in *Mulpha Norwest Pty Ltd v The Hills Shire Council (No 2)* [2020] NSWLEC 74, the Land and Environment Court has decided that the FSR must be evaluated separately in the two different FSR areas.

The table below provides a breakdown of the site area of each FSR zone, the compliant Gross Floor Area (GFA) within each FSR zone, the total available Gross Floor Area on a combined basis, and the variation to the FSR control in the 3.2:1 zone.

FSR zone	Site Area	Compliant GFA	Proposed GFA/FSR	FSR	FSR Variation
2.4:1	6,800 sqm	16,320 sqm	14,930.5 sqm	2.19:1	N/A
3.2:1	990 sqm	3,168 sqm	4,075.2 sqm	4.12:1	907.2 sqm or 28.6%
TOTAL	7,790sqm	19,488sqm	19,005.7 sqm	N/A	N/A

Whilst the total proposed Gross Floor Area is 482.3 square metres less than the total density that can be achieved across the entire site, the proposal exceeds the maximum gross floor area in the 3.2:1 area by 907.2 square metres or 28.6%.

Strict compliance with the 3.2:1 FSR control is unreasonable and unnecessary in this instance for the following reasons:

- Whilst there is a minor exceedance in the 3.2:1 zone, this is balanced by an equivalent reduction in the 2.4:1 zone, and in fact the overall density is 482.3 square metres less than the maximum for the site when the two FSR zones are combined. Accordingly, the variation arises from the distribution of Gross Floor Area across the site and not as a result of any proposed increase in overall density for the site beyond that which is intended by the FSR controls.

- Notwithstanding that the distribution of Gross Floor Area across the site is not precisely as intended by the boundary between the two FSR zones, the proposed development nonetheless provides a distribution of mass and scale across the site generally as anticipated by the WLEP and WDCP.
- Despite the proposed FSR variation, the Applicant's proposed approach towards the distribution of density on the site is entirely aligned with the objective of the split FSR zones with a higher density and scale along the Pittwater Road frontage of the site and lower density and scale for the remaining majority of the site.
- The proposed variation to the 3.2:1 FSR control is minor and does not result in any unreasonable impacts, noting that this does not compromise the achievement of all of the necessary metrics in relation to setbacks, number of storeys, and common open space for the overall development.
- If the variation is not permitted, the overall site will not achieve its planned level of density.

Clause 4.6(2) of the WLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the WLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the FSR development standard, prepared on behalf of the applicant, is included with this Development Application which demonstrates that strict application of the development standard, in the absence of any tangible impact, would be unreasonable and without basis and that there are sufficient environmental planning grounds to support the variation.

Heritage conservation

The subject site is not listed as an individual heritage item, nor is it located within a heritage conservation area. However, it is located adjacent to the heritage listed 'Stony Range Flora Reserve Conservation Area' (C6) included in Schedule 5: Environmental Heritage of the Warringah Local Environmental Plan (LEP) 2011.

The subject application is accompanied by a Heritage Impact Statement prepared by Urbis which concludes that the proposed development will respect the heritage significance of the adjacent Stony Range Flora Reserve Conservation Area.

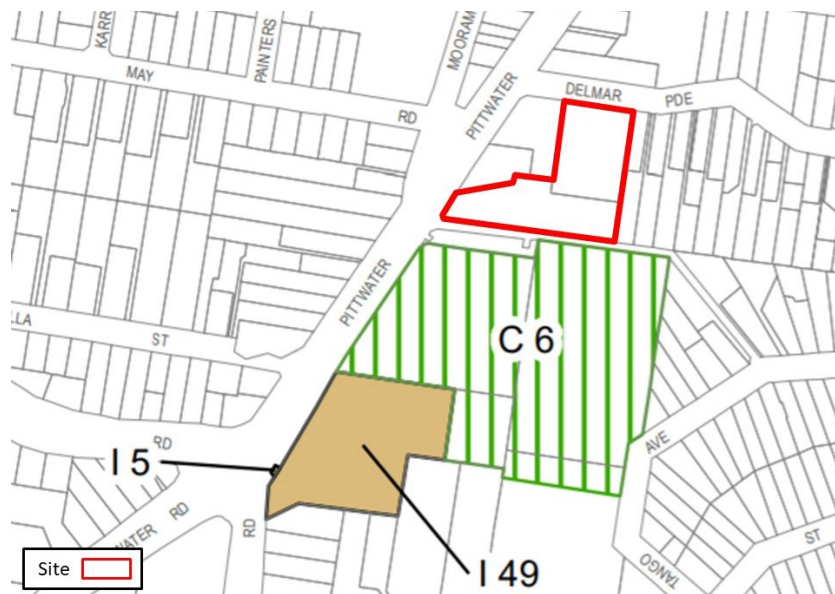


Figure 7:

Extract from the
WLEP FSR Map

Flood Planning

Clause 5.21 of the WLEP applies to land at or below the flood planning level and provides that development consent must not be granted to development unless the consent authority is satisfied that the development is compatible with the flood hazard of the land, and is not likely to significantly adversely affect flood behaviour to the detriment of other properties, and incorporates appropriate measures to manage risk of life from flood. SGCE have provided advice in relation to the PMF for the proposed development. All ground floor levels, pedestrian and vehicular entry are above the identified flood planning levels.

Acid Sulfate Soils

Clause 6.1 of the WLEP relates to acid sulfate soils. The site is not identified as being affected by acid sulfate soils on the Acid Sulfate Soils Map.

Earthworks

Clause 6.2 of the WLEP relates to earthworks. Subclause (2) states:

Development consent is required for earthworks unless:

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
- (b) the work is ancillary to other development for which development consent has been given.

Notwithstanding the proposed earthworks are ancillary to the development of the site for a mixed use development subclause (3) requires that before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

The extent of proposed earthworks are unlikely to result in a significant or adverse disruption of drainage patterns at the site. A detailed stormwater management and drainage plan has been prepared and accompanies this application. Comprehensive analysis including flood modelling has been undertaken by the stormwater engineer in order to determine the appropriate routes to relocate the stormwater infrastructure and overland flow paths. The plans detail the provision for onsite stormwater detention and various control measures across the site. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction of the basement car parking.

The proposed earthworks will achieve a positive outcome for the area because they will result in basement levels with no protrusion above existing ground level, serving to reduce the apparent mass and scale of the development and provide an improved relationship between the buildings and surrounding public domain, while still maintaining a 5 storey presentation to Delmar Parade and the Botanic Gardens and maintaining a 7 storey presentation to Pittwater Road

Waste from the site will be disposed of appropriately. It is not expected that relics will be unearthed given the site has previously been developed. The site is not significant in terms of its contribution to habitat nor is it environmentally sensitive. All reasonable measures will be taken to avoid, minimise or mitigate the impacts of the development.

It is noted that this level of excavation is representative of other development recently approved by Council, and is a function of balancing the site's cross fall, required flood levels and accessibility across the site while minimising ramping or requiring platform lifts.

To assist the consent authority's consideration of the matters specified in clause 6.2 a Geotechnical Investigation Report prepared by Asset Geo Environmental accompanies the application.

Development on Sloping Land

Clause 6.4 of the WLEP relates to development on sloping land. The subject site is predominantly Area A with a slope of less than 5 degrees, and with a small area of Area B 5 to 25 degrees along the eastern edge.

The clause provides that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

(c) the development will not impact on or affect the existing subsurface flow condition

The majority of the site has a slope of less than 5 degrees. The stormwater concept plan which accompanies this application demonstrates that the proposal appropriately redirects stormwater flows through the site with the existing stormwater easement and associated infrastructure relocated to the eastern setback area of the site.

Residential Flat Buildings in the Zone B4 Mixed Use

Clause 6.7 of the WLEP 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.

However, it is noted that the entire Dee Why town centre is zoned B4 Mixed Use and the subject site is at the very southern edge of the centre and is largely disconnected from the commercial core of the centre. In addition, despite the size of the subject site, the site only has a limited frontage to Pittwater Road and a limited frontage to Delmar Parade. As a result, commercial floor space on the ground floor of the internal areas of the development is not commercially viable and only commercial tenancies with a street frontage will succeed in this location at the edge of the centre. Additionally, given the Covid climate and regular lock downs imposed, the retail and commercial sector has taken a significant hit. There has also been a fundamental shift in the operations of a business generally, with the majority of businesses throughout the state now accommodating for a substantial portion of the workforce to be able to work from home. The design of this project provides for a balance between commercial at the street front, and larger apartments on Ground Floor to accommodate live-work units.

During pre-lodgement discussions with Council, there has been in-principle recognition of this issue and general support for only commercial tenancies facing the adjacent streets.

The provision in Clause 6.7 is considered to be a development standard and not a prohibition in accordance with the two step test as set out in the judgment of *Strathfield Municipal Council v Poynting* [2001] NSWCA 270 (Poynting). In particular, the two step test is:

(a) Firstly, a consideration of whether the proposed development is prohibited under any circumstances – when it is read both in context of the WLEP and as a whole.

(b) Secondly, if it is not so prohibited, a consideration of whether clause 6.7 of WLEP specifies a requirement – or fixes a standard – in relation to an aspect of the proposed development.

In relation to the first test, in considering cl 6.7 of the WLEP “as a part of the environmental planning instrument as a whole” (Poynting at [94]), there is no complete prohibition of the development of a residential flat building in the B4 Mixed Use Zone. Accordingly, the proposed development with a dwelling on the ground floor passes the ‘first step’ in the Poynting two-step test. In relation to the second test, clause 6.7 of WLEP does fix a standard that there should not be a ground floor dwelling. Accordingly, the requirement of clause 6.7 of the WLEP is a development standard.

Clause 4.6(2) of the WLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the WLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for a partial exception to the development standard in clause 6.7, prepared on behalf of the applicant, is included with this Development Application which demonstrates that strict application of the development standard in the subject circumstance would be unreasonable and without basis and that there are sufficient environmental planning grounds to support the variation, for the following reasons:

- The proposed development is entirely consistent with the objective to achieve engaged and activated street edges. The entirety of both street frontages is proposed to contain commercial tenancies which are capable of accommodating retail shops, cafes or restaurants which will contribute positively to a lively street life.
- The subject site is located at the very southern edge of the town centre and is largely disconnected from the commercial core of the centre. The subject site does not benefit from the extensive street frontage and through site links which are evident further north in the centre which are critical to the success of employment floor space and instead the site has very limited street frontage, very limited exposure, and is a deep site such that new commercial tenancies on the ground floor of the development are disconnected with the broader centre and would not succeed. There are profoundly more attractive commercial office offerings with intrinsically better attributes closer to the centre of Dee Why which will always attract tenants in preference to the subject site and development.
- It is considered that the restriction on ground floor residential uses is more specifically intended to apply to key identified sites within the Dee Why Town Centre, noting that Clause 7.12(2) reinforces that there is to be no ground floor residential use on Sites A, B, C, D or E.
- The proposed variation will support increased residential density which will contribute positively towards patronage within the proposed ground floor commercial tenancies. However, if the variation is not granted, the development would likely fail because ground floor commercial tenancies without a street frontage will fail in this location.
- The proposed variation does not result in any unreasonable or adverse impacts.
- If the variation is not permitted, the redevelopment of the site will not be feasible as ground floor commercial tenancies across the entire site will not be able to be leased on commercially viable terms, particularly in light of the implications of COVID-19. This would prevent the sustainable redevelopment of the site in a manner which can deliver much needed additional housing choice in an ideal location and the achievement of an activated and engaged ground floor plane, which are all benefits associated with the subject proposal.

Dee Why Town Centre – Objectives and Design Excellence

The subject site is located within the Dee Why Town Centre and Clause 7.4 of the WLEP provides that development consent must not be granted to development on land in the Dee Why Town Centre unless the consent authority is satisfied that the development:

- (a) is consistent with the objectives of this Part that are relevant to that development, and
- (b) incorporates–
 - (i) stormwater management measures, including water sensitive urban design and ecologically sustainable development principles, and
 - (ii) innovative design solutions that minimise stormwater impacts, including stormwater quantity and quality impacts, on the Dee Why Lagoon system, and
 - (iii) finished floor levels and basement car park entry levels that include adequate freeboards to protect against the entry of stormwater from the Council’s street drainage system, and
 - (iv) continuous colonnades or pedestrian awnings on those parts of any building that are on the edges of streets or public spaces

The proposal is consistent with the relevant objectives for the Dee Why Town Centre as provided in Clause 7.3, as follows:

- The subject proposal will contribute to an attractive living centre that sustains the social, economic and environmental needs of its community and visitor by providing an appropriate mix of high quality housing with commercial tenancies which activate and engage the street edges of the site.
- The proposal defines the street edges of the site with a 4 storey podium which matches the podium height established by the approved development at 2 Delmar Parade which is currently under construction, and with above podium level elements step back.
- The proposal provides for taller elements on the western side of the site adjacent to Pittwater Road with a lower element to the eastern side of the site.
- The proposal responds to and engages with the southern adjacent Stony Range Botanic Gardens and protects the scenic qualities of Dee Why and its views and vistas by achieving a compliant height.
- The proposal provides appropriately for car parking and bicycle storage such that it has been designed with consideration of transport infrastructure.

In addition, the subject proposal incorporates:

- stormwater management measures, including water sensitive urban design as illustrated in the concept stormwater plan which accompanies the subject application.
- finished floor levels and basement car park entry levels that comply with the flood planning levels for the site, and
- continuous pedestrian awnings along both street frontages

Clause 7.4(3) of the WLEP also provides that development consent must not be granted to development involving the construction of a new building on land within the Dee Why Town Centre unless the consent authority is satisfied that the development exhibits design excellence.

The proposed development is considered to exhibit design excellence for the following reasons:

- A high standard of architectural design is proposed as detailed in the architectural plans prepared by Rothelowman Architects.
- The bulk, massing and modulation of the proposal responds to the anticipated built form character for the site as identified by the WLEP and WDCP and will sit comfortably within the streetscapes surrounding the site. In particular, the proposal properly defines the street edges of the site and responds sympathetically and addresses the Botanic Gardens directly opposite to the south.
- The proposal appropriately responds to the unique site circumstances including the varying conditions of each interface of the site. In particular, the proposal achieves an active street frontage to both adjacent streets and manages the significant fall across the site to ensure an engaged relationship is achieved around the perimeter of the development at the ground floor plane.
- The site is heavily constrained by shadow by the building opposite to the north across Delmar Parade, however, the proposed design has maximised solar access by identifying areas of the façade which enjoy the most amount of sunlight and ensuring that the internal layout takes advantage of these areas of façade in order to maximise residential amenity.
- The proposal provides a unique communal open space offering which exceeds the minimum size requirement and which offers a high level of amenity to the future occupants by being easily accessible from within the building, comprising both under cover and exposed areas. The under cover area comprises a multi-use space at the southern end of Building A on the ground floor level which provides for board washing area, outdoor gym and yoga space, and also BBQ facilities.
- The proposal will provide greater housing choice for occupants in an ideal location at the southern edge of the Dee Why Town Centre.
- The proposed materials and finishes are of a high quality and will contribute positively to the locality.
- The proposed development meets sustainable design principles in terms of sunlight, natural ventilation, visual and acoustic privacy, safety and security and resources, energy and water efficiency.
- The proposal will not result in any significant adverse impacts to adjacent properties.
- The internal planning of the proposed development is well resolved and a particularly high standard of architectural design is proposed as detailed in the architectural plans prepared by Rothelowman Architects.
- The proposed development does not adversely impact view corridors from the public domain.
- The proposal provides an optimal car parking and servicing solution with the car park access consolidated to the eastern end of the Delmar Parade site frontage.
- The proposed development will not result in any significant adverse impacts to adjacent properties.

Dee Why Town Centre – Podium Heights

Clause 7.6A(2) of the WLEP provides that development consent may be granted to the erection of buildings on the following land with the following maximum podium heights—

- (c) land fronting Pittwater Road (except land on Site A or Site B)—3 storeys,
- (d) land not fronting Pittwater Road (except land on Site A or Site B)—2 storeys.

However, the proposed development provides the following podium heights for the development and variation to the podium heights development standards:

Site	Compliant podium	Proposed podium	Variation
Building A (facing Delmar Parade)	2 storeys	4 storeys	2 storeys
Building B (facing Pittwater Road)	3 storeys	7 storeys	4 storeys

The proposal seeks consent for variation to the podium height development standards for the following reasons:

- The Pittwater Road building is in a landmark location as it heralds the southern gateway into the Dee Why Town Centre. Accordingly, it is appropriate for Building B to adopt a strong and unified vertical language to properly celebrate this important location and as a result this building is proposed without a podium/upper levels arrangement and instead adopts a 7 storey street wall. This proposed approach for an important corner site is also consistent with the emerging character of development for similar sites within the Dee Why Town Centre, noting that the development on the northern corner of Delmar Parade and Pittwater Road also adopts a nil setback and no podium along its northern street façade. Finally, strict compliance with the 3 storey podium height would also result in an anomalous outcome given that the approved development which is under construction at 2 Delmar Parade has a 4 storey podium.
- In relation to Building A, it is proposed to provide a 4 storey podium in order to achieve a coordinated and cohesive podium level along Delmar Parade given that the approved development at 2 Delmar Parade which is currently under construction has a strongly defined 4 storey podium height which has established this datum for the southern side of Delmar Parade. Strict compliance with the 2 storey podium requirement would result in an anomalous urban design outcome and it is more appropriate in this instance to achieve a consistent podium height for Delmar Parade.

Clause 4.6(2) of the WLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the WLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- there are sufficient environmental planning grounds to justify contravening the development standard.

A request for an exception to the podium height development standard, prepared on behalf of the applicant, is included with this Development Application which demonstrates that strict application of the development standard, in the absence of any tangible impact, would be unreasonable and without basis and that there are sufficient environmental planning grounds to support the variation.

Dee Why Town Centre – Allowance for external ancillary plant and roof access

Clause 7.10 of the WLEP provides that development consent must not be granted to development on land in the Dee Why Town Centre involving the construction of a new building or external alterations to an existing building unless the consent authority is satisfied that—

- (a) the height of any external ancillary plant or access point is minimised and does not exceed 3.0 metres, and
- (b) any external ancillary plant or access point is suitably integrated with landscaping or architectural elements of the building, and
- (c) any external ancillary plant or access point is centrally located within the roof area to minimise or completely avoid being visible from the public domain in close proximity to the building, and
- (d) the total area of such plant and access points does not exceed 10% of the roof area, and
- (e) any balustrade or similar safety restraint (except a building parapet) is set in from the roof edge at least 3 metres, and
- (f) no external ancillary plant is located on the roof of the tall tower located on Site A or the two slimline towers on Site B

The proposed development is consistent with the requirements of this clause in that the only rooftop plant proposed is above the buildings, is less than 3 metres in height, less than 10% of the roof area of the development, and setback from the edge of the building such that it is suitably integrated with the architecture of the building.

Dee Why Town Centre – Promoting Retail Activity

Clause 7.12 of the WLEP relates to promoting retail activity in the Dee Why Town Centre to contribute to an active street life and provide for employment floor space. The issue of employment floor space has already been addressed in relation to Clause 6.7 above in this Statement and the accompanying Clause 4.6 request for ground level apartments. Notwithstanding this, the proposal will provided an active and engaged street edge as a result of the ground level commercial tenancies which address both Pittwater Road and Delmar Parade.

Dee Why Town Centre – Mobility, traffic management and parking

Clause 7.13 of the WLEP relates to traffic management and parking. The proposed development is consistent with this clause in that:

- The development will improve vehicle access and circulation within the Dee Why Town Centre and will reinforce the priority of pedestrian movements and networks to make the Dee Why Town Centre safe, enjoyable and attractive because it consolidates all vehicular access and egress to a single point at the eastern end of the Delmar Parade frontage.
- All car parking is provided underground in two basement levels which will accommodate the demand generated by the additional residential and commercial uses, and
- The loading facility and waste collection facilities is accommodated behind the commercial tenancy to Delmar Parade and therefore will not adversely impact on the visual amenity of the public domain, the amenity of adjoining or nearby residential properties.

4.3 Warringah Development Control Plan 2011

The following discussion outlines the amended proposal's compliance with the relevant provisions of the Warringah Development Control Plan 2011.

Part C Site Factors

Control	Response	Compliance
C2. Traffic, Access and Safety	The proposal is accompanied by a Traffic and parking report prepared by TTPP which confirms that the basement layout and design is satisfactory in relation to the relevant Australian Standards. Furthermore, the proposal would generate a lower volume of traffic compared to the existing development in the morning peak and afternoon peak periods.	Yes
C3. Parking Facilities	The proposal is accompanied by a Traffic and parking report by TTPP. The proposal provides off-street parking for a total of 346 cars over 2 basement levels. The proposal consolidates all vehicular access and egress arrangement to the eastern end of the site's Delmar Parade frontage.	Yes
C3A Bicycle Facilities Objectives 1 space per dwelling 1 space per 12 dwellings for visitors	The proposal provides the required 253 bicycle parking spaces including 234 spaces for employees and residents and 19 spaces for residential visitors.	Yes
C4. Stormwater	A stormwater concept plan prepared by SGCE accompanies the amended proposal and satisfies this control.	Yes
C7 Excavation	The extent of proposed earthworks are unlikely to	Yes

Control	Response	Compliance
	<p>result in a significant or adverse disruption of drainage patterns at the site. A detailed stormwater management and drainage plan has been prepared and accompanies this application. The plans detail the provision for onsite stormwater detention and various control measures across the site. The proposed development is unlikely to disrupt or negatively impact on neighbouring land uses or structures with adequate measures proposed to mitigate against potential instability during the construction of the basement car parking.</p> <p>The proposed earthworks will achieve a positive outcome for the area because they will result in basement levels with no protrusion above existing ground level, serving to reduce the apparent mass and scale of the development and provide an improved relationship between the buildings and surrounding public domain. The proposal maintains a 5 storey presentation to Delmar Road and to the Botanical Gardens as well as 7 storey presentation to Pittwater Road, and provides for an accessible path of travel around the site without having to rely on excessive ramping or platform lifts.</p> <p>Waste from the site will be disposed of appropriately. It is not expected that relics will be unearthed given the site has previously been developed. The site is not significant in terms of its contribution to habitat nor is it environmentally sensitive. All reasonable measures will be taken to avoid, minimise or mitigate the impacts of the development</p>	
C8. Demolition and Construction	The proposal includes a Waste Management Plan which addresses the appropriate sections of the Waste Management Guidelines.	Yes
C9. Waste Management	A waste management plan prepared by Senica in support of the proposal accompanies this application and demonstrates compliance with the DCP requirements.	Yes

Part D Design

Control	Response	Compliance
D2. Private Open Space	Clause 6A of SEPP 65 provides that a DCP cannot be inconsistent with the Apartment Design Guide in relation to the provision of private open space. The Apartment Design Guide requires a minimum of 8	Yes

Control	Response	Compliance
	square metres for a 1 bedroom apartment, 10 square metres for a 2 bedroom apartment and 12 square metres for a 3 bedroom apartment. The proposal provides private open space which is compliant with the Apartment Design Guide for all apartments and predominantly well in excess of the minimum requirements.	
D3. Noise	The subject proposal is supported by an acoustic report prepared by Acoustic Dynamics which demonstrates that the approved development is satisfactory in relation to noise subject to the implementation of the recommendations of the assessment during construction.	Yes
D6 Access to sunlight	<p>Clause 6A of SEPP 65 provides that a DCP cannot be inconsistent with the Apartment Design Guide in relation to the required solar access. The Apartment Design Guide only requires a minimum of 2 hours solar access rather than the 3 hours suggested by the DCP. In this regard, the proposal achieves 70% of apartments enjoying at least 2 hours solar access on 21 June between 9am and 3pm.</p> <p>The shadow diagrams indicate that there is no unacceptable impact to adjacent residential properties, noting that the adjoining 6 and 8 Delmar Parade properties will both receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 to more than 50% of the required area of private open space of each dwelling.</p> <p>In addition, the shadow cast to the south is predominantly on the car park area with limited impact to the Stony Range Botanic Gardens.</p>	Yes
D7. Views	<p>The proposal has a compliant height and is located at the southern edge of the Dee Why Town Centre, such that any impact in relation to views is limited and as anticipated by the planning controls.</p> <p>Views to the proposed development will be from adjacent roads including Delmar Parade, Pittwater, May and Mooramba Roads. Given the design and orientation of the development and its location within a mixed use zone, the proposal will not result in any unacceptable or unanticipated amenity impacts in terms of view loss. The proposed development is considered appropriate in considering view sharing principles. Accordingly, it can be concluded that the proposal will have a</p>	Yes

Control	Response	Compliance
	satisfactory impact in terms of view loss	
D8. Privacy	The proposed development provides for building separation distances in accordance with the requirements of objective of 3F-1 of the Apartment Design Guide, including an additional 3 metres for the lower density adjacent site to the east. The building layout has therefore been designed to optimise privacy for occupants of the development and occupants of adjoining properties.	Yes
D9. Bulk	<p>The height, setback and footprints of the proposal are generally as anticipated by the planning controls such that the proposal presents with an appropriate bulk and scale and will not give rise to any unacceptable impacts in relation to heritage, overshadowing, privacy, view or visual bulk consequences.</p> <p>The proposal provides a restrained, deliberate and cohesive language for the podiums and a simple, elegant and unified architectural expression for the elements above the podiums. The proposal also achieves a robust architectural expression which properly holds and addresses the south-western corner of the site and provides a vertical emphasis to Building B which properly celebrates the important gateway location of the site into the Dee Why Town Centre.</p> <p>The scale of the development will not be perceived as jarring or antipathetic in the future desired streetscape and urban design context particularly as the surrounding sites are redeveloped to achieve the desired future character specified for the Dee Why town centre generally.</p>	Yes
D10. Building Colours and Materials	The architectural package includes a schedule of materials and finishes. The materials provide a robust and high quality outcome for the development.	Yes
D11 Roofs	Service equipment, lift overruns, plant and other mechanical equipment on the roof have been minimised.	Yes
D12. Glare and reflection	Colours and materials shown on the elevation plans by Rothelowman architects are acceptable and comply with the objectives of D12. The proposed external building elements are appropriate and not result in excessive or inappropriate visual glare from sun reflection.	Yes

Control	Response	Compliance
D14. Site facilities	The proposed plans detail waste management areas, letterbox, communal bulky storage, plant areas and individual storage spaces. The location of these facilities has been rationalised to the greatest extent possible.	Yes
D18. Access	The proposal is accompanied by a BCA report and an Access report which addresses the particular requirements of the DDA, BCA and the relevant Australian Standards relating to accessibility. The proposed development provides adaptable apartments and accessible car spaces in accordance with the applicable statutory controls.	Yes
D20. Safety & security	The proposed development will significantly enhance safety and security within the subject site and surrounds by properly defining the site edges, improved streetscape activation at ground level, and the introduction of a communal open space area along the western side of the development as well as a line of security around the driveway and car park component of the development. In addition, the proposal will significantly enhance safety along its southern interface by introducing natural surveillance of the car park and the broader Stony Range Botanic Gardens.	Yes
D21 Provision and Location of Utility Services	The proposal provides appropriately for the provision and location of utility services.	Yes
D22. Conservation of energy and water	The proposal is accompanied by a BASIX report and also a Section J report.	Yes

Part E The Natural Environment

Control	Response	Compliance
E1. Private Property Tree Management	<p>The Arboricultural Impact Assessment prepared by Dr Treegood which accompanies the application identifies the trees that may be impacted by the proposed development. The report identifies the trees proposed to be removed and those proposed to be retained and protected during construction.</p> <p>The proposed development requires the removal of the majority of trees from the subject site. Whilst the trees proposed to be removed provide some amenity for the site, the reasonable development of the site in accordance with the new vision for the area is not possible with the retention of these trees, particularly having regard to the steep fall of</p>	Yes

Control	Response	Compliance
	the land and required excavation. Notwithstanding this, the redevelopment of the site will include a coordinated landscaping regime with more suitable tree species which will achieve a high quality landscaped treatment for the site as illustrated in the landscape plans prepared by Ground Ink landscape architects which accompany this application.	
E2 Prescribed Vegetation E5 Native Vegetation	<p>Immediately to the south of the site is a car park, beyond which is the Stony Range Botanic Garden which is identified as native vegetation. However, the subject proposal does not result in any adverse impact to the Stony Range Botanic Gardens.</p> <p>The subject application is accompanied by a Flora and Fauna Assessment Report prepared by Dr Steven Douglas which provides an assessment of threatened flora, fauna, and ecological communities for a proposed redevelopment and confirms that:</p> <ul style="list-style-type: none"> The site is not shown on the Biodiversity Values Map (see Map 2) and does not trigger the Biodiversity Offsets Scheme (BOS) on that basis. The area of 'native vegetation' proposed for clearing is below the lot zoning threshold and does not trigger the BOS on that basis. A 5-part test of significance has been conducted in this report and does not find a significant impact could occur to any threatened species or ecological community, so the BOS is not triggered on that basis. 	Yes
E10. Landslip Risk	A geotechnical report accompanies this application which demonstrates that the site conditions can support the proposed development.	Yes
E11 Flood Prone Land	SGCE have provided advice in relation to the PMF for the proposed development. All ground floor levels, pedestrian and vehicular entry are above the identified flood planning levels.	Yes

Part G Special Area Controls

The subject site is within the area of Part G Special Area Controls and to which the specific provisions of Part G1 applies. The DCP provisions for the Dee Why Town Centre are addressed below:

Control	Response	Compliance
4. Streetscape and Public Domain		

Control	Response	Compliance
<p><i>Kerb setbacks</i></p> <ul style="list-style-type: none"> Delmar Parade: 4m Pittwater Road: no specified setback 	The proposal provides a compliant setback of 4 metres from the kerb of Delmar Parade.	Yes
<p><i>Awnings</i></p> <p>Awnings must form an integral part of the architecture of the building and be designed along the full extent of the street frontage of the building and at a height to ensure suitable weather protection, having regard to site orientation.</p>	The proposed development provides awnings along both street frontages which meet the requirements of the DCP.	Yes
<p><i>Retail Activation</i></p> <p>Active uses must be provided adjacent to the public domain, including streets, open space, pedestrian accessways and laneways.</p>	The proposal provides active frontages to both adjacent streets.	Yes
5. Design and Architectural Diversity		
<p><i>Architectural Design</i></p> <p>New developments must be designed to avoid the use of blank walls fronting streets and the public domain. In circumstances where blank walls are unavoidable, they are to be designed in a manner that is consistent with the overall building form that contributes to the public domain and create visual interest.</p> <p>Corner sites must adequately address both street frontages; and combine architectural features, materials and landscape design to define corners</p>	The proposed development does not have any blank walls adjacent to streets and the public domain and achieves a high level of street activation and engagement. Building B appropriately responds to its corner location and addresses both the Pittwater Road frontage and as well as the sites southern frontage.	Yes
<p><i>Housing</i></p> <p>1. Housing in new developments must provide for a mix of 1, 2 and 3 bedroom dwellings. For developments with 10 or more dwellings, at least 20 percent of 3 bedroom dwellings must be provided.</p> <p>2. A mix of one and three bedroom apartments are to be located where accessibility is more easily achieved for disabled, elderly people or families with children.</p> <p>3. Developments achieve a benchmark</p>	<p>The proposed development provides an appropriate mix of 95 x 1 bedroom apartments (41.3%), 105 x 2 bedroom apartments (45.7%), and 30 x 3 bedroom apartments (13%).</p> <p>Whilst the proposal does not provide at least 20 percent of 3 bedroom dwellings, the 'New South Wales Household and Dwelling Projections, 2008-2036: 2008 Release' prepared by the Department of Planning indicates that the average household</p>	Yes on merit

Control	Response	Compliance
<p>of 20% of the total apartments incorporating the Livable Housing Guideline silver level universal design features.</p> <p>4. Where a development comprises at least 5 dwellings, 10% (rounded up to the next whole number) of dwellings shall be capable of being adapted (Class C) under AS 4299.</p>	<p>size in Sydney is expected to continue its decline from 2.61 in 2006 to 2.49 by 2036. In addition, the population projections indicate that the lone person household is the type of household expected to experience the greatest percentage increase between 2006 and 2036 (69%).</p> <p>The proposed provision of apartments is consistent with the expected increase in smaller households. Furthermore, there is already a high proportion of 3 bedroom + dwellings in the suburbs surrounding Dee Why and it is important that this project rebalances this with a high proportion of 1 and 2 bedroom apartments.</p> <p>For these reasons it is considered that the development and proposed 12.4% of 3 bedroom apartments responds very positively to the particular housing needs of the local community.</p> <p>The proposal provides 20% livable apartments and 10% adaptable apartments.</p>	
<p><i>Tower Setbacks</i></p> <ul style="list-style-type: none"> Delmar Parade: 8m Pittwater Road: no specified setback 	<p>The proposal adopts a 4 storey podium for the Delmar Parade building to achieve a cohesive outcome with the approved and under construction development at 2 Delmar Parade. The top floor of Building A is setback a compliant 8 metres.</p>	Yes
Site Amalgamation		
<p>Development should not result in the isolation of land adjacent to the development site, preventing the reasonable development of that land</p>	<p>The issue of site amalgamation in relation to 816 Pittwater Road was addressed in the approved consent for 2 Delmar Parade which provides for a legal right of vehicular access over 2 Delmar Parade for 816 Pittwater Road. Council has been satisfied that 816 Pittwater Road is therefore capable of being</p>	Yes

Control	Response	Compliance
	independently and reasonably developed and therefore is not an isolated site.	
Traffic and Parking		
1. Site amalgamation is encouraged to enable integrated carparking and service provision using shared driveways where possible	The subject proposal amalgamates two large sites within the Dee Why Town Centre which enables the consolidation of all vehicular entry and egress to a single point at the eastern end of the Delmar Parade frontage.	Yes
2. New developments are to be accompanied by a service delivery and loading dock plan.	The proposed development includes a loading dock behind the commercial tenancy adjacent to Delmar Parade.	Yes
3. Car parking and vehicle access points shall incorporate the following design elements: a. Recessed car park entries from the main building facade alignment; b. Avoidance of large voids in the facade by providing security doors or decorative grills to car park entry; c. Returning the facade finishes into the car park entry recess for the extent visible from the street; d. Concealing all services, pipes and ducts.	The proposed single vehicular entry and exit point on the eastern side of the Delmar Parade frontage is received from the main building façade, does not result in the presentation of a garage door to the street and is suitably concealed.	Yes
4. Parking should be: a. Provided underground; b. Designed and located to optimise deep soil planting.	All proposed car parking is underground in two basement levels. The extent of the basements does not compromise the ability to achieve generous deep soil, noting that the proposal provides a total of 962.8 square metres of deep soil (equivalent of 12% of site area) and 545.3 square metres of deep soil area with a minimum dimension of 6 metres which exceeds the design criteria of the ADG.	Yes
6. Car parking areas should be designed and constructed so that electric vehicle charging points are either installed with the development or can be installed at a	The basement car parking levels allow for the installation of electric vehicle charging points in the future.	Yes

Control	Response	Compliance
later time		
7. Security arrangements must be in place to ensure residential car parking areas cannot be accessed by the public.	The commercial parking provision within the subject development is relatively small and it is intended that this parking will just provide for workers and not for shoppers. To this end, the car park will be security controlled and not able to be accessed by the general public.	Yes
Car Share		
For properties with more than 25 dwellings, one (1) car share space must be provided per 25 dwellings with each car share space replacing one (1) regular car parking space.	The proposal does not have at-grade parking and has basement parking which is predominantly for residential parking and so the proposal is not considered to be suitable for car share because in this circumstance it generates an unacceptable risk for the development. In particular, it creates issues with access and the line of security, and creates liability issues if something were to occur within the basement (injury or property damage) from a car share vehicle etc. It is also noted that the adjacent development at 2 Delmar Parade was not required to provide car share.	Yes/No
Sustainability		
New development with a cost of works equal to or greater than \$5 Million must achieve a minimum 4 Star, Green Star – Design and As Built rating in the Green Building Council of Australia rating system.	The proposal meets the sustainability requirements to achieve a BASIX Certificate. It is also noted that Clause 8 of SEPP BASIX provides that the competing provisions of an environmental planning instrument, whenever made, are of no effect to the extent to which they aim: (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of a building to which this Policy applies or in the use of the land on which such a building is situated, or (b) to improve the thermal performance of a building to which	Yes

Control	Response	Compliance
	this Policy applies.	
Water Sensitive Urban Design		
A water sensitive urban design (WSUD) Strategy shall be prepared for all new buildings	A water sensitive urban design (WSUD) Strategy in accordance with the requirements of the DCP accompanies this submission.	Yes
Landscaping		
<ol style="list-style-type: none"> Where possible, existing trees should be retained, particularly where they are adjacent to the public domain. A minimum of 20% of the site area is to be provided as landscaped area, 	The proposal provides in excess of 20% of the site area as landscaped area which is capable of growing plants, grasses and trees.	Yes

5.0 SECTION 4.15 CONSIDERATIONS

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Guidelines (in italics) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning (now the Department of Planning and Environment).

5.1 *The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations*

The proposal is permissible pursuant to Warringah Local Environmental Plan 2011 and is generally in conformity with the envisaged scale of development provided under the LEP. The proposal is also generally compliant with the development controls contained within Warringah Development Control Plan 2010 and where the proposal departs from the provisions has been demonstrated to be capable of support.

5.2 *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Context and Setting

What is the relationship to the region and local context in terms of:

the scenic qualities and features of the landscape?

the character and amenity of the locality and streetscape?

the scale, bulk, height, mass, form, character, density and design of development in the locality?

the previous and existing land uses and activities in the locality?

The proposed redevelopment will provide for the urban renewal of a large site within the Delmar Precinct of the Dee Why Town Centre that will contribute to the vibrancy and housing choice within the area. The siting, scale, bulk, and massing of the development is generally consistent with that anticipated for the site and represents an appropriately designed development which will contribute positively to the emerging character of the Dee Why Town Centre.

What are the potential impacts on adjacent properties in terms of:

relationship and compatibility of adjacent land uses?

sunlight access (overshadowing)?

visual and acoustic privacy?

views and vistas?

edge conditions such as boundary treatments and fencing?

The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties. These issues have been discussed in detail in the body of this Statement.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

travel demand?

dependency on motor vehicles?

traffic generation and the capacity of the local and arterial road network?

public transport availability and use (including freight rail where relevant)?

conflicts within and between transport modes?

traffic management schemes?

vehicular parking spaces?

A Traffic Impact Assessment prepared by TTPP accompanies this application and includes an analysis of the impact of the proposal upon the performance of the surrounding road network and intersections. The assessment concludes that the proposed development provides appropriately for car parking and will not result in any adverse impact on the capacity of the local road network.

Public domain

The property's presentation in a streetscape context will be significantly enhanced as a consequence of a proposed development which responds positively to the future desired built form characteristics of development within the site's visual catchment. The proposal includes the provision of a number of public domain improvements including the provision of new landscaping and footpath for the width of the site frontages. The proposal will activate and engage both street frontages. The proposal will also significantly improve the casual surveillance of the surrounding public domain given the number of apartments designed to overlook the surrounding streets. All but one of the existing vehicular crossings to the site will become redundant improving traffic flow and safety in Delmar Parade in particular.

Utilities

Adequate utility services are able to be provided to service the development.

Flora and fauna

As discussed elsewhere in this Statement, the proposed development requires the removal of a number of trees. The proposed development will introduce a landscaped character to the site and will significantly increase vegetation in this location in comparison to the current situation. The proposed landscape scheme will enhance the amenity and liveability for residents and contribute positively to the surrounding streetscapes.

Waste collection

Normal domestic and commercial waste collection applies to this development. A Waste Management Plan and Construction Management Plan accompany the application which detail how construction and ongoing waste will be managed.

Natural hazards

The site is identified as being flood prone. Appropriate measures have been integrated into the design to mitigate against the risk of flooding.

The site is not affected by any other known hazards.

Economic impact in the locality

The proposed development will provide temporary employment through the construction of the development, and permanent ongoing employment as a result of the proposed commercial tenancies. The proposal will introduce an increased residential population which will contribute to the economic success of surrounding retail and business activities.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

size, shape and design of allotments?

the proportion of site covered by buildings?

the position of buildings?

the size (bulk, height, mass), form, appearance and design of buildings?

the amount, location, design, use and management of private and communal open space?

landscaping?

The impact of the proposal with respect to design and site planning is positive. The proposed distribution of built form and massing of the building across the site is the result of a considered analysis of the context of the site and the desire to deliver a positive urban design outcome. The proposal generates a high level of visual interest with modulation to the facades as well as creating an engaged ground floor plane incorporating landscaping. The development exhibits a high level of environmental performance, provides a particularly high level of amenity and an attractive contemporary architectural expression.

How would the development affect the health and safety of the occupants in terms of:

lighting, ventilation and insulation?

building fire risk – prevention and suppression/

building materials and finishes?

a common wall structure and design?

access and facilities for the disabled?

likely compliance with the Building Code of Australia?

The proposed development will comply with the provisions of the Building Code of Australia as required by clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

What would be the impacts of construction activities in terms of:

the environmental planning issues listed above?

site safety?

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

5.3 The suitability of the site for the development

Does the proposal fit in the locality?

- are the constraints posed by adjacent developments prohibitive?
- would development lead to unmanageable transport demands and are there adequate transport facilities in the area?
- are utilities and services available to the site adequate for the development?

The adjacent development does not impose any insurmountable development constraints. There will be no excessive levels of transport demand created.

Are the site attributes conducive to development?

The site does not have any physical or engineering constraints which would prevent the proposed development from occurring.

5.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

5.5 The public interest

The proposed development will provide a positive contribution to the surrounding streetscapes. The development has been carefully designed to be compatible with the emerging character of development in the area. The redevelopment of the site will reinvigorate the locality and will contribute to the vibrancy and housing choice within the area. The development provides 223 residential apartments which will increase the residential population which will support local businesses and

contribute to diversity in the community. The development maximises internal amenity for future occupants. All but one of the existing vehicular crossings that service the site will become redundant improving traffic flow and safety in Delmar Parade.

Finally, the proposal is consistent with Council's desire to see two large allotments developed as one parcel which avoids site isolation concerns or the risk of a disparate streetscape outcome.

The proposal is also consistent with the objectives of the relevant planning provisions. For these reasons the approval of the development is considered to be in the public interest.

6.0 CONCLUSION

The relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 have been addressed in this Statement and the proposed development has been found to be consistent with the objectives of all relevant planning provisions.

The proposal is permissible with Council's consent within the B4 Mixed Use zone and meets the relevant objectives of the WLEP. The proposed development complies with the intent of the applicable built form controls and responds positively to the particular site circumstances, without adverse impact to the amenity of adjoining development and is a highly resolved proposition for the site of high architectural quality.

Careful consideration has been given to the location, size and design of the proposed development to ensure that a high quality outcome will be achieved which is consistent with the emerging character of the Dee Why Town Centre.

The site is suitable for the development proposed and will positively contribute to the diversity in housing stock and availability within the area as well as properly activating the adjacent streets. The proposal will have acceptable impacts on both the environment and the amenity of the locality. For reasons outlined in this Statement of Environmental Effects the proposed development at 4 Delmar Parade and 812 Pittwater Road, Dee Why should be granted development consent.