

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Shop Top
Housing Development

154 – 158 Pacific
Parade, Dee Why

Statement of Environmental Effects

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1 Introduction/ background

This Statement of Environmental Effects (SoEE) has been prepared in support of a development application proposing the demolition of the existing site structures and the construction of a shop top housing development comprising 2 ground floor retail tenancies, with 9 residential apartments above basement parking. The proposal seeks approval for 2 x 1, 2 x 2 and 5 x 3 bedroom apartments. The two basement levels contain a total of 14 residential spaces and 2 visitor spaces. The application also proposes the implementation of an integrated site landscape regime and the strata subdivision of the completed development.

We confirm that the application proposes the provision of 3 affordable housing apartments, representing a total GFA of 207.56m² (Apartments 03, 06 and 09) being 15.11% of total GFA of 1372.87m² in accordance with the affordable housing height incentive provisions contained within Chapter 2, Part 2, Division 1 Infill affordable housing of State Environmental Planning Policy (Housing) 2021 (SEPP Housing).

The project architect has responded to the client brief to design a contextually responsive building of exceptional quality which takes advantage of the sites superior locational attributes whilst providing high levels of amenity for future occupants. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this site having regard to the height, scale, proximity and orientation of adjoining development and the sites proximity to the Dee Why Town Centre and the Dee Why Beach Local Centre.

Consideration has also been given to the minutes arising from formal pre-DA discussions with Council and Council's Design and Sustainability Advisory Panel (PLM2023/0136). In this regard, the concerns expressed by Council and DSAP in relation to the proposals non-compliance with the building height standard have been remedied through the provision of affordable housing pursuant to the Chapter 2 SEPP (Housing) Affordable housing incentive provisions with the proposal strictly compliant with the bonus height provisions.

The final design provides for a building of exceptional design quality which respond to the irregular geometry of the site and its topography in a highly articulated and modulated building form which responds appropriately to its prominent urban island location and immediate built form context. The façade detailing emphasises the buildings low horizontal massing. The development will provide diversity in housing choice on a site ideally suited to medium density housing.

In preparation of this document, consideration has also been given to the following:

- Environmental Planning and Assessment Act, 1979,
- Warringah Local Environmental Plan 2011,
- Warringah Development Control Plan 2011,
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Housing) 2021
- The Apartment Design Guide

This application is accompanied by architectural plans, architect design verification statement, boundary survey, view analysis, shadow diagrams, traffic impact assessment, landscape plans, accessibility report, acoustic report, preliminary site investigation, geotechnical investigation report, BCA report, fire engineering statement of support stormwater management plans, schedule of finishes, section J assessment, BASIX Certificate, waste management plan, QS report and montages.

The proposal is permissible and in conformity with the Housing SEPP height incentive provisions applicable to this form of development on this particular site and compliant with the Controls contained within Warringah Development Control Plan having regard to the form of development anticipated where a development takes advantage of the affordable housing incentive provisions. We note that Planning Circular PS 23-003 relates to infill affordable housing pursuant to the Housing SEPP with this document containing the following commentary:

In some cases, the uplift afforded under the Housing SEPP may compromise the ability for a development to achieve strict compliance with local controls contained within a Local Environmental Plan (LEP) or Development Control Plan (DCP). Flexibility should be applied in these instances in order to balance local outcomes with the delivery of more affordable housing.

In light of the Government's commitments under the Accord, consent authorities are reminded to consider the delivery of market housing and affordable housing when considering the social impacts and the public interest of a development, as required under section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act).

While in many cases the provisions in another EPI will continue to apply when assessing in-fill affordable housing development, development outcomes should be balanced against the Government's policy intent to realise more affordable housing in accordance with the Accord.

For example, when considering solar access controls contained within the applicable Local Environmental Plan (LEP), the objective of preserving solar access should be considered whilst facilitating the delivery of affordable housing, which is an objective under clause 15A of the Housing SEPP.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The accompanying plans depict a contextually compatible building form which appropriately responds to the surrounding zone boundary interface and which maintains acceptable residential amenity impacts in terms of views, solar access and privacy.
- The identified non-compliances with the front setback, storeys and off-street carparking controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the site's visual catchment.
- The proposed development is consistent with the desired future character of the E1 Local Centre zone as it relates to the Dee Why Beach precinct. The proposal will increase the supply and diversity of housing choice, including affordable housing, on a site ideally suited to increased residential densities.
- The proposal facilitates the delivery of affordable housing in accordance with the objectives at clause 15A of the Housing SEPP.

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The subject site is located at 154 – 158 Pacific Parade, Dee Why, being approximately 15 kilometres north-east of the Sydney CBD and 11 kilometres north-east of Roseville Railway Station. More specifically, the site is bound by Griffin Road in the east, The Strand in the west and Pacific Parade in the south.

The site is comprised of a single lot, formally identified as Lot 1, DP 34753. The site is generally triangular in configuration with an area of approximately 547m². The site falls approximately 2.5 metres across its surface in a northerly direction. The site is currently occupied by a number of single storey buildings occupied by two separate restaurants.

The existing site has a 3.0 metre wide combined entry and exit driveway onto The Strand although the site does not have any on-site car parking. Accordingly, all car parking demands generated by existing development on the site is accommodated within the surrounding streets.



Figure 1: Site Location and Context

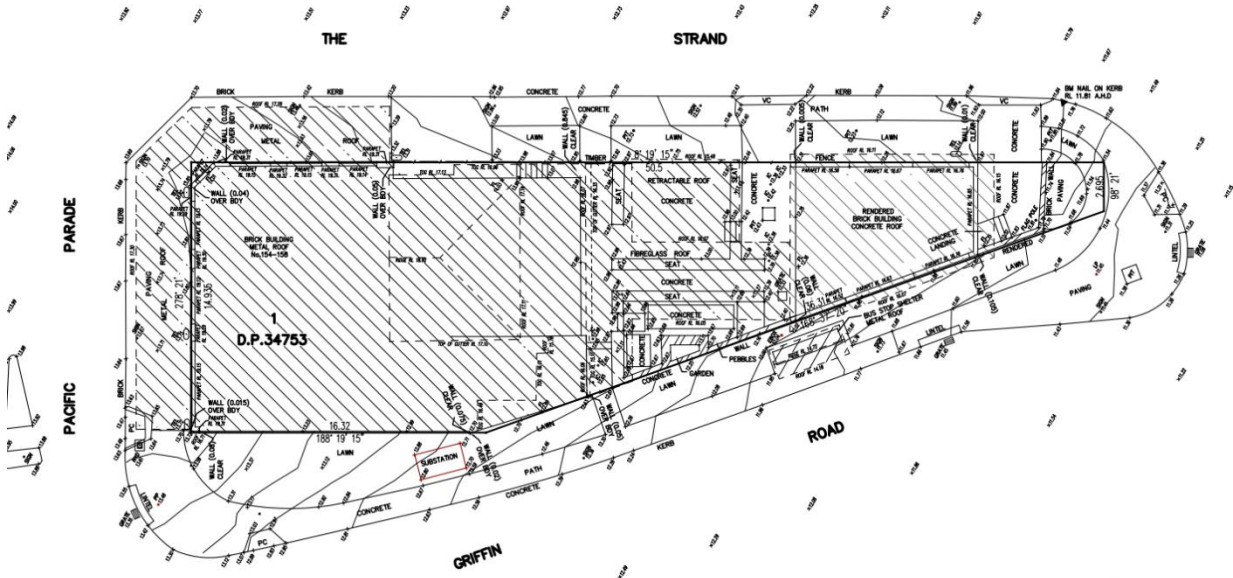


Figure 2: Survey extract



Figure 3: View towards the site from the south



Figure 4: View towards the site from the north



Figure 5: View towards the site from the east

2.1.2 The Locality

The subject property is located at the southern gateway to the Dee Why Beach Local Centre. Surrounding development is characterised by 3 and 4 storey residential flat buildings generally to south, east and west of the site, a service station immediately to the west on The Strand and 3 and 4 storey mixed-use development located within the Dee Why Beach Local Centre to the north. These properties are depicted in the following images.



Figure 6: View looking north past subject property towards Dee Why Beach Local Centre



Figure 7: View looking south-east from site towards existing 4 storey residential flat buildings including the 4r storey residential flat building currently under construction on the opposite corner



Figure 8: View towards 4 storey residential flat buildings on the northern side of Pacific Parade opposite the site



Figure 9: View towards residential flat buildings to the east of the site.



Figure 10: View towards residential flat buildings and the service station to the west of the site



Figure 11: Built form context aerial photograph

3 Description of Proposed Development

3.1 Details of the proposed development

This Statement of Environmental Effects (SoEE) has been prepared in support of a development application proposing the demolition of the existing site structures and the construction of a shop top housing development comprising 2 ground floor retail tenancies, with 9 residential apartments above basement parking. The proposal seeks approval for 2 x 1, 2 x 2 and 5 x 3 bedroom apartments. The two basement levels contain a total of 14 residential spaces and 2 visitor spaces. The application also proposes the implementation of an integrated site landscape regime and the strata subdivision of the completed development.

The proposed works are depicted on the following plans prepared by Platform Architects:

DA0000	COVER PAGE
DA0050	SITE ANALYSIS
DA0100	SITE PLAN
DA0400	DEMOLITION PLAN
DA0500	EXCAVATION PLAN
DA1000	BASEMENT 2 FLOOR PLAN
DA1001	BASEMENT 1 FLOOR PLAN
DA1002	GROUND FLOOR PLAN
DA1003	FIRST FLOOR PLAN
DA1004	SECOND FLOOR PLAN
DA1005	THIRD FLOOR PLAN
DA1006	ROOF FLOOR PLAN
DA1010	DRIVEWAY PLAN AND SECTION
DA1950	ADAPTABLE & POST-ADAPTATION FLOOR PLAN
DA2000	NORTH / SOUTH ELEVATION
DA2002	EAST / WEST ELEVATION
DA2100	STREETSCAPE ELEVATIONS
DA3000	SECTIONS A+B
DA4000	WINDOW SCHEDULE - SHEET 1
DA4001	WINDOW SCHEDULE - SHEET 2
DA5000	EXTERNAL FINISHES SCHEDULE
DA5100	GFA SUMMARY
DA5200	LANDSCAPING SUMMARY
DA5300	SHADOW DIAGRAMS
DA5400	BUILDING HEIGHT ANALYSIS
DA5500	VIEWS ANALYSIS
DA5550	VIEWS FROM THE SUN - SHEET 1
DA5551	VIEWS FROM THE SUN - SHEET 2
DA5552	VIEWS FROM THE SUN - SHEET 3

We confirm that the application proposes the provision of 3 affordable housing apartments, representing a total GFA of 207.56m² (Apartments 03, 06 and 09) being 15.11% of total GFA of 1372.87m² in accordance with the affordable housing height incentive provisions contained within Chapter 2, Part 2, Division 1 Infill affordable housing of State Environmental Planning Policy (Housing) 2021 (SEPP Housing).

Specifically, the proposal incorporates the following:

- Demolition of the existing site structures.
- Construction of a shop top housing development that includes:
 - Nine residential apartments of which 3 are affordable.
 - 117m² restaurant GFA.
 - 111m² retail GFA.
 - Basement level car parking providing a total of 16 car spaces.
 - A mechanical car lift for vehicle travel between basement levels.
 - A 6.1-metre-wide combined entry and exit driveway onto The Strand.
- Landscaping on site and within the adjacent road reserve.
- Strata subdivision of the completed development.

Each residential apartment has an open plan kitchen living and dining area opening onto private open space terraces. Each residential unit has car parking at the basement level with lift and stair access to/from such parking. A schedule of external building materials and colours is included on the architectural drawings together with perspective images of the development.

The accompanying landscape plans prepared by LANDFX incorporates on-slab planting opportunity which will soften and screen the development as viewed in the round together with an enhanced public domain landscape outcome adjacent to all street frontages. Stormwater will be appropriately disposed of to the kerb inlet pit located to the north of the site as detailed on the accompanying stormwater management plans prepared by Istruct Consulting Engineers.

The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants. The suitability of the driveway and parking design and quantum of proposed off-street carparking is addressed in the Traffic Impact Assessment prepared by PDC Consultants with accessibility addressed in the accompanying Accessibility Building Solutions.

This submission is all so accompanied by a Noise Impact Assessment prepared by Acoustic Logic which contains a number of recommendations to ensure that suitable acoustic amenity is achieved for future residents. The application is supported by waste management plans prepared by Elephants Foot consulting detailing how waste is to be managed during construction and throughout the life of the development.

Finally, the accompanying Stage I Preliminary Environmental Site Investigation (PSI) prepared by EBG Environmental Geoscience recommends the preparation of a Detailed Site Investigation and Subfloor Vapour Assessment which will be undertaken post demolition of the existing buildings on site. These recommendations can be dealt with by way of deferred commencement conditions.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Warringah Local Environmental Plan 2011

4.1.1 Zoning

The Warringah Local Environmental Plan (LEP) 2011 applies to the subject site and this development proposal. The subject site is located within the E1 Local Centre. Shop top housing and take away food and drink premises (retail premises) are permissible in the zone with consent. The stated objectives of the E1 zone are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

The development incorporates dwellings located above ground floor retail premises. Accordingly, the proposed design accords with the Land and Environment Court Judgement Sheahan J within *Hrsto v Canterbury Council* given that the proposed residential units sit entirely above the ceiling height of the ground floor retail tenancies.

The proposed development meets the relevant zone objectives given the provision of ground floor small scale retail tenancies and the appropriate concentration of residential densities within an established Local Centre zone. The height and scale of the development is responsive to context, compatible with that of adjoining development and will not result in unacceptable or jarring residential amenity, streetscape or broader urban design impacts. The proposal does not create any conflict between land uses on adjoining properties or the amenity of residential uses within adjoining zones.

The subject property is ideally suited to increased residential densities given its immediate proximity to the regular bus services with the building design and streetscape enhancement works providing an environment for pedestrians that is safe, comfortable and interesting.

The consent authority can be satisfied that the proposal is consistent with the zone objectives as outlined. Accordingly, there are no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.1.2 Height of Buildings

Pursuant to the height of buildings map the site has a split height limit with the majority of the site having a maximum building height limit of 11 metres and the northern tip of the site a height limit of 13 metres consistent with the balance of the E1 Local Centre zoned land within the Dee Why Beach Local Centre as depicted in the building height map extract below.

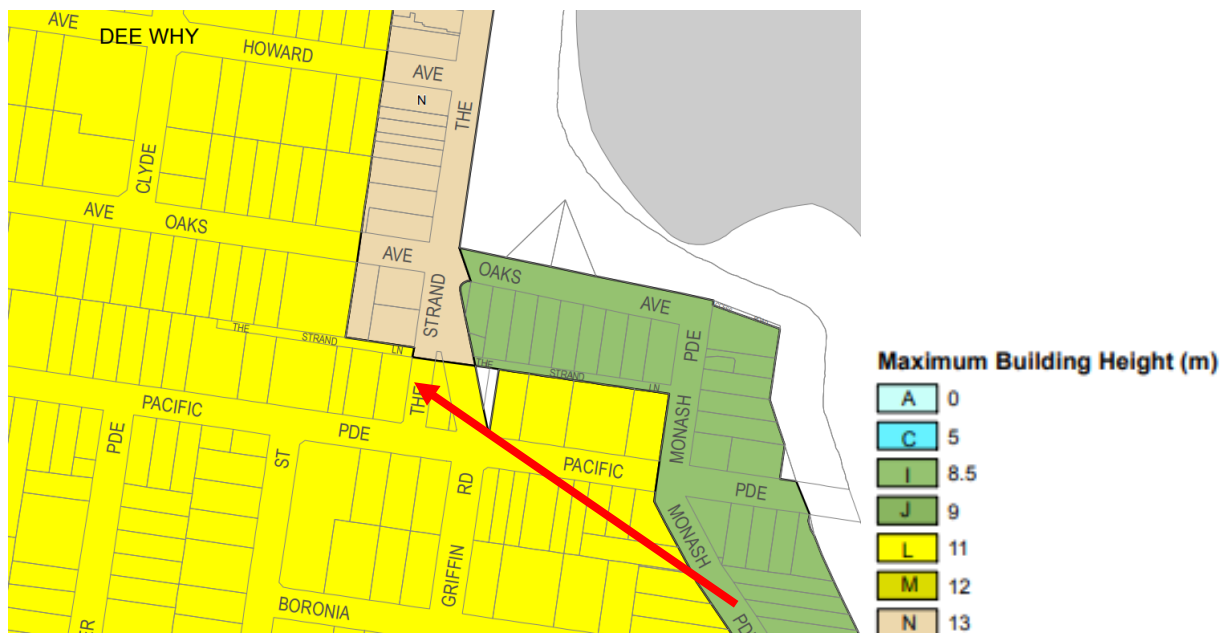


Figure 12: WLEP height of buildings map extract

The objectives of this control are as follows:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Building height is defined as follows:

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

As previously indicated, the application proposes the provision of in-fill affordable housing apartments in accordance with the affordable housing height incentive provisions contained within Chapter 2, Part 2, Division 1 Infill affordable housing provisions of State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

Applying the 30% building height incentive results in a maximum building height for development across land of between 14.3 metres and 16.9 metres.

It has been determined that the proposed development is compliant with the building height standard having regard to the 30% building height incentive applicable to the development. This is visually depicted in the plan extract over page. As the proposal satisfies the numerical standard it is also deemed to comply with the associated objectives.



Figure 13: Building height blanket diagram showing compliance with the 14.3/ 16.9 metre building height standard

4.1.3 Earthworks

Pursuant to clause 6.2(3) of WLEP 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,*

Response: The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with such report containing recommendations in relation to excavation, footings, retaining structures and drainage/ hydrology.

- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

Response: As above.

- (c) *the quality of the fill or the soil to be excavated, or both,*

Response: The accompanying Stage I Preliminary Environmental Site Investigation (PSI) prepared by EBG Environmental Geoscience recommends the preparation of a Detailed Site Investigation and Subfloor Vapour Assessment which will be undertaken post demolition of the existing buildings on site. These recommendations can be dealt with by way of deferred commencement conditions.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

Response: The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with such report containing recommendations in relation to excavation, footings, retaining structures and drainage/ hydrology. These recommendations contain a requirement for appropriate dilapidation reporting and vibration monitoring.

(e) the source of any fill material and the destination of any excavated material,

Response: This information will be provided once the builder has been engaged and prior to issue of the Construction Certificate should it be requested by Council.

(f) the likelihood of disturbing relics,

Response: The site has been developed as a service station and accordingly the likelihood of encountering relics is extremely low.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Response: The acceptability of the proposed excavation has been addressed in detail within the accompanying geotechnical report prepared by Crozier Geotechnical Consultants with such report containing recommendations in relation to excavation, footings, retaining structures and drainage/ hydrology.

The proposed earthworks have been founded to be acceptable having regard to these considerations.

4.1.4 Development on Sloping Land

The site is mapped as falling within a Land Slip Risk Area A. A geotechnical report prepared by Crozier Geotechnical Consultants accompanies the application with the report containing a number of recommendations in relation to excavation/ construction methodology to ensure the stability of the site and its surrounds during construction works. No objection is raised to such recommendations forming a condition of development consent.

4.2 Warringah Development Control Plan 2011

The following relevant DCP 2011 controls have been addressed with respect to consideration of the proposed Shop Top Housing Development.

4.2.1 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the Warringah DCP 2011 is detailed as follows:

Control	Requirement	Proposed	Compliance
<p>Front Setback DCP Control B7</p>	<p>Mapped as Area F. A 6.5 metre front setbacks to each frontage are required.</p>	<p>This control is clearly anomalous as it relates to the subject site noting that the subject property was rezoned by way of planning proposal PEX2014/0003 from our three Medium Density Residential to B2 Local Centre.</p> <p>In this regard, we rely on the following commentary within the PLM notes:</p> <p><i>Due to the size, shape of the site with streets on all frontages and prominent location to Dee Why Beach, the proposed nil setback to the street frontages is encouraged.</i></p> <p>In our opinion, the proposal satisfies the objectives associated with the control being to maintain the visual continuity and pattern of buildings and landscape elements in the street and protect and enhance the visual quality of streetscapes and public spaces. The front setbacks proposed do not prevent a view sharing outcome.</p> <p>We also rely on the detailed commentary within the accompanying Architect Design Verification Statement to demonstrate that the proposed</p>	<p>No</p> <p>Acceptable on merit</p>

Control	Requirement	Proposed	Compliance
		<p>setbacks will not give rise to inappropriate or jarring streetscape consequences with the building sitting comfortably with its immediate built form context.</p> <p>Such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.</p>	
<p>4.5m Side Setback</p> <p>DCP Controls B5, B8, B10</p>	<p>Side and rear setbacks will be determined on a merit basis and will have regard to:</p> <p>Streetscape; amenity of surrounding properties; and setbacks of neighbouring development</p>	<p>The site does not have any side or rear boundaries given its triple street frontage.</p>	N/A
<p>Traffic, Access and Safety</p> <p>DCP Controls C2</p>	<p>To minimise:</p> <ul style="list-style-type: none"> a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian and cyclist conflict; e) interference with public transport facilities; and 	<p>PDC Consultants has prepared a Traffic Impact Assessment. Such report contains the following commentary:</p> <p><i>The increase of three vehicle trips / hour during the AM peak is considered to be minimal and there will be negligible impact on the performance of the external road network and accordingly, no external improvements will be required to facilitate the development. Additionally, the removal of one vehicle trip / hour during the PM peak will slightly improve traffic performance at</i></p>	Yes

Control	Requirement	Proposed	Compliance
	f) the loss of “on street” kerbside parking.	<i>key intersections near the site. The traffic impacts of the proposed development are therefore acceptable.</i>	
Parking Facilities DCP Control C3	Application of the DCP Parking Rates.	<p>PDC Consultants have prepared a Traffic Impact Assessment. Such report contains the following commentary:</p> <p><i>The proposed development is required to provide a minimum of 14 resident car spaces under the WDCP and Housing SEPP. In response, the proposed development provides a total of 16 spaces including 14 resident spaces and two visitor spaces and therefore, complies with the minimum requirements of the WDCP. The proposed residential car parking provision is therefore considered acceptable</i></p> <p><i>The proposed development is required to provide a minimum of 27 non-residential (i.e. retail and restaurant) car spaces under the WDCP. The existing development has an existing parking demand for 72 car spaces that is entirely accommodated on-street and accordingly, the non-residential component of the development is considered to have a ‘parking credit’ for 72 car spaces. The proposed development will rely on 27 on-street spaces to accommodate the car parking demand of the retail. Ultimately, the proposed development will result in an overall reduction in car parking demand by some 45 car spaces (no longer generated</i></p>	No acceptable on merit

Control	Requirement	Proposed	Compliance
		<i>by the site). This is considered to be a benefit to the current parking conditions within the vicinity of the site, resulting in increasing the availability of on-street car parking that can be utilised by nearby residences, businesses and recreational visitors of Dee Why Beach. The proposed non-residential car parking arrangements is therefore considered acceptable.</i>	
Bicycle Parking DCP Control C3A	<p>Objectives</p> <ul style="list-style-type: none"> • To help meet the transport needs of the Warringah community • To encourage healthy active lifestyles and help reduce reliance on private motor vehicles • To provide convenience and safety for bicycle users 	The required quantum of residential bicycle parking is provided within the basement of the development with retail bicycle parking provided at ground level.	Yes
Stormwater DCP Control C4	<p>To ensure the appropriate management of stormwater.</p> <p>To minimise the quantity of stormwater run-off.</p> <p>To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.</p> <p>To ensure the peak discharge rate of</p>	Stormwater will be appropriately disposed of to the kerb inlet pit located to the north of the site as detailed on the accompanying stormwater management plans prepared by Istruct Consulting Engineers.	Yes

Control	Requirement	Proposed	Compliance
	stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).		
Erosion and Sedimentation DCP Control C5	<ul style="list-style-type: none"> •To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment. •To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands. •To prevent any reduction in water quality downstream of the development site. 	Please refer to the accompanying erosion and sediment control plan prepared by iStruct Consulting Engineers.	Yes
Excavation and Landfill DCP Control C7	Excavation and landfill works must not result in any adverse impact on adjoining land.	A geotechnical report prepared by Crozier Geotechnical Consultants accompanies the application and considers that the site is suitable for the proposed development works.	Yes
Demolition & Construction DCP Control C8	A demolition and waste management plan must be satisfactorily completed and submitted.	The application is supported by waste management plans prepared by Elephants Foot consulting detailing how waste is to be managed during construction and throughout the life of the development.	Yes

Control	Requirement	Proposed	Compliance
<p>Waste Management DCP Control C9</p>	<p>Each development must include, or have access to Waste/Recycling Storage Rooms and Areas.</p> <p>a) where the number of dwellings/units is 29 or less, the Waste/Recycling Storage Rooms or Areas must be located at the front of the development within 6.5 metres walking distance to the front boundary adjacent to the roadway. If a Waste/Recycling Storage Room or Area is to be provided at another suitable location within the building, a complementary Waste/Recycling Storage Room or Area must be provided within 6.5 metres walking distance to the front boundary adjacent to the roadway; or</p> <p>b) where the number of dwellings/units is 30 or more, the Waste/Recycling Storage Rooms or Areas must be located within 6.5 metres walking distance of the service area.</p>	<p>The application is supported by waste management plans prepared by Elephants Foot.</p> <p>The development provides appropriately for commercial and residential waste storage and collection including the required bulk waste storage area.</p>	<p>Yes</p>
<p>Private Open Space DCP Control D2</p>	<p>Multi dwelling housing (not located at ground level) residential flat buildings and shop top housing, to provide 10sqm of private open space with a</p>	<p>Each residential unit is afforded with a balcony have an area exceeding the minimum dimensional requirements and accessed directly from the living room areas to each individual unit.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>minimum dimension of 2.5 metres.</p> <p>Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children’s play.</p> <p>Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p> <p>Private open space shall not be located in the primary front building setback.</p> <p>Private open space is to be located to maximise solar access.</p>	<p>Each of the balconies have been positioned to maximise solar access and privacy between apartments. All private open space areas are accessed directly from the living rooms and are appropriately sized and dimensioned.</p>	
<p>Access to Sunlight</p> <p>DCP Control D6</p>	<p>Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:</p> <ul style="list-style-type: none"> • Development should avoid unreasonable overshadowing any public open space. 	<p>Refer to the view from the sun solar diagrams which demonstrate that the proposed development will not cause shadowing impact to any adjoining residential property at any time between 9am and 3pm on 21st June.</p> <p>No adverse shadowing will occur to any surrounding property.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21. 		
<p>Views</p> <p>DCP Control</p> <p>D7</p>	<p>Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.</p>	<p>We rely on the view analysis on Plan DA5500 to demonstrate that the proposed development, which is compliant with the applicable height standard, will partially obstruct views from residential apartments along Pacific Parade however such view impact is reasonably anticipated for any development on the land given that it is the LEP height standard which impacts views rather than the 30% affordable housing uplift.</p> <p>Under such circumstances, we are satisfied that a reasonable view sharing outcome is maintained in accordance with the principles established by the Land and Environment Court in the matter of Tenacity Consulting v Warringah [2004] NSWLEC 140.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p>Privacy DCP Control D8</p>	<p>Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.</p>	<p>The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained between adjoining development. As the island site has no immediately adjoining properties visual privacy is achieved through the spatial separation afforded by the surrounding road network.</p>	<p>Yes</p>
<p>Building Bulk DCP Control D9</p>	<p>Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</p>	<p>The development has been designed through detailed site context analysis to provide through a contextually responsive building form maintaining appropriate amenity to adjoining properties and a high level of amenity to future occupants.</p> <p>The development has regard to the scale, proportion and line of visible facades with the highly articulated and modulated building form providing appropriate facade treatment and visual interest to the streetscape.</p> <p>The scale and footprint of the development are entirely in keeping with the established built form character within the sites visual catchment as detailed within the accompanying Architect Design Verification Statement prepared by Platform Architects.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
Building Colours and Materials DCP Control D10	Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	The proposed materials and finishes are indicated on the plans prepared by platform Architects The materials and finishes are of exceptional quality and will contribute positively to the streetscape character of the area and the built form quality of development within the sites visual catchment.	Yes
Roofs DCP Policy D11	Roofs are to be designed to complement the local skyline.	The development incorporates flat roofing to minimise building height. Such roof form is complimentary and compatible with other shop top housing forms within the Local Centre.	Yes
Glare and Reflection DCP Policy D12	Ensure that development will not result in overspill or glare from artificial illumination or sun reflection.	The proposed window glazing and roof finishes will not give rise to any unacceptable glare or reflection.	Yes
Accessibility DCP Policy D18	To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.	The proposed development has been designed to ensure a convenient, comfortable and safe access for all people as detailed within the accompanying Access Report prepared by Accessible Building Solutions.	Yes
Safety and Security	Buildings are to overlook streets as well as public and communal places to allow casual surveillance. 2. Service areas and access ways are to be either secured or designed	The design of the development enables casual observation (from inside the apartments) of the street frontages.	Yes

Control	Requirement	Proposed	Compliance
	<p>to allow casual surveillance.</p> <p>3. There is to be adequate lighting of entrances and pedestrian areas.</p> <p>4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>5. Entrances to buildings are to be from public streets wherever possible.</p> <p>6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).</p>	<p>The residential lobby at the ground level and apartment entries are well located and easily identifiable providing a sense of address to each unit and passive surveillance.</p> <p>The carparking areas and common circulation spaces will be appropriately lit at night with no objection raised to the imposition of a condition in this regard.</p>	

Control	Requirement	Proposed	Compliance
<p>Waterways and Riparian Lands E8</p>	<p>1. The applicant shall submit a Waterway Impact Statement.</p> <p>2. Development in Waterways and on the Riparian Land of Group A and Group B creeks (see DCP Map for Catchment Groupings) (Creek Management Study 2004) is required to have impervious surfaces offset by stormwater management controls so there is no net change in peak loads or pollutant loads in accordance with Councils On Site Stormwater Detention Technical Specification, Councils Water Sensitive Urban Design Policy STR-PL820 and Landcom's Managing Urban Stormwater (MUS): Soils and Construction (commonly referred to as the Blue Book).</p> <p>3. Infrastructure such as roads, drainage, stormwater structures, services, etc. should be located outside land identified as Waterways and Riparian Land.</p> <p>4. The Asset Protection Zone must not extend into land identified as Waterways and Riparian Land. Refer to NSW Rural</p>	<p>N/A</p>	<p>N/A</p>

Control	Requirement	Proposed	Compliance
	Fire Service for site assessment methodology.		
Landslip Risk DCP Policy E10	<p>The site is identified as falling within Landslip Risk Area A.</p> <p>The applicant must demonstrate that:</p> <ul style="list-style-type: none"> • The proposed development is justified in terms of geotechnical stability; and • The proposed development will be carried out in accordance with good engineering practice. 	A Geotechnical Report prepared by Crozier Geotechnical Consultants accompanies the DA and demonstrates that the proposed works are suitable for the site and no geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the recommendations within the geotechnical report.	Yes
Local and Neighbourhood Centres DCP Policy F1	See Discussion in 4.2.2 below	See Discussion in 4.2.2 below	Yes *See discussion in 4.2.2 below

4.2.2 Local and Neighbourhood Centres

The requirements of Policy F1 of the DCP are as follows:

1. *Buildings are to define the streets and public spaces and create environments that are appropriate to the human scale as well as being interesting, safe and comfortable.*
2. *The minimum floor to ceiling height for buildings is to be 3.3 metres for ground floor levels and 2.7 metres for upper storeys.*
3. *The design and arrangement of buildings are to recognise and preserve existing significant public views.*

4. *Development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents.*
5. *The built form of development in the local or neighbourhood retail centre is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly above ground floor level.*
6. *Buildings greater than 2 storeys are to be designed so that the massing is substantially reduced on the top floors and stepped back from the street front to reduce bulk and ensure that new development does not dominate existing buildings and public spaces.*
7. *Applicants are to demonstrate how the following significant considerations meet the objectives of this control:*
 - *Scale and proportion of the façade;*
 - *Pattern of openings;*
 - *Ratio of solid walls to voids and windows;*
 - *Parapet and/or building heights and alignments;*
 - *Height of individual floors in relation to adjoining buildings;*
 - *Materials, textures and colours; and*
 - *Architectural style and façade detailing including window and balcony details*
8. *Footpath awnings should be designed to allow for street tree planting.*
9. *Awnings should be consistent in design, materials, scale and overhang with adjacent retail developments.*
10. *Awnings should have an adequate clearance from the kerb.*

With respects to the above requirements the development is considered to be appropriate for the following reasons:

- The building is highly articulated and modulated in both the vertical and horizontal planes so that the apparent bulk and scale of the development is reduced. Whilst the building will appear as 4 storeys in the streetscape its modern contemporary design which emphasises its low horizontal massing will ensure an appropriate contextual fit having regards to the height and form of both residential and mixed-use development within immediate proximity of the site. This is illustrated in the following extracts taken from the Architect Design Verification Statement paired by Platform Architects.

The form of the proposed development adopts 4 storeys over a split-level configuration, creating a strong relationship to the four storey buildings to the north, south and east across the natural slope of the site. The triangular shape site presents an opportunity to celebrate the corner of Griffin Rd and The Strand.

The design combines strong horizontal elements along the length of each façade. They are not replicated up the building but rather offset and irregular in order to provide a rhythm and movement to the façade. These horizontal elements are intersected by vertical curved face brick walls. These walls are used as enclosure to the apartments within as well as providing a modern connection to the masonry context that surrounds the site.



Proposed Development viewed from Griffin Rd.

The curved walls provide relief to the building, visually splitting the elongated shape into smaller portions. These indents provide functional and protected space for covered outdoor areas, offering a good balance between views, solar access and privacy, while achieving perceived lightness of the overall scheme.

The height difference between the north and south provides a visual transition as the building follows the topography of the land and is further defined by a subtle change in the masonry tone and texture, which helps reduce the overall mass of the built form. Curved masonry feature walls help to break the elongated volume further (highlighted red below), assisted by undulating horizontal elements on all sides (highlighted yellow below).



Proposed Development viewed from Griffin Rd north from the junction with Pacific Pde.

The proposed design aligns with the current bulk and scale of built form around the roundabout, with 4 storey buildings occupying all corners as can be appreciated on the perspective below. Additionally, the proposal activates the ground floor to both the north and south. The commercial portion of the ground floor fronts the residential areas whilst the northern end which fronts the B2 Zone is an area for a café/restaurant.



Proposed Development viewed from Pacific Pde east of junction with Griffin rd. Building bulk in the front left showing 151-153 Pacific Pde development as per the approved DA set.

Lastly, the proposed building articulation is strongly aligned with the desired future character of the area as is interpreted from the recent surrounding approvals, one of which is seen in the above perspective, with its four storey form and curved edges.

The proposed built form on the subject site is light, well articulated and well considered in regards to the surrounding context and the desired future character of the area. It proposes a language that allows for the building to act as a gateway site and provides a legible connection to the Dee Why Beach front.



Proposed Development viewed from Griffin Rd south of the Pacific Pde junction. Building bulk on the right side showing 151-153 Pacific Pde development as per the approved DA set.



Proposed Development viewed from Pacific Pde west of junction with Griffin rd. Building bulk in the rear right showing 151-153 Pacific Pde development as per the approved DA set.

- The scale of the building in terms of its three-dimensional size will not be perceived as jarring or antipathetic in a streetscape and urban design context as demonstrated by the aerial photograph over page.
- The proposed built form has been designed through detailed site analysis to provide a complimentary and compatible streetscape presentation whilst maintaining appropriate amenity to adjoining development.
- The built form responds to the site context and appropriately mitigates amenity impacts to adjoining properties as detailed throughout this report.



Figure 14: Built form context aerial photograph

- The floor to ceiling heights of 2.7m for residential units are compliant with the DCP requirements.

The proposed development is considered to meet the requirements of this Clause and represents a considered and contextually appropriate design response.

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site is not identified as a contaminated site on the NSW EPA's list of notified sites.

The accompanying Stage I Preliminary Environmental Site Investigation (PSI) prepared by EBG Environmental Geoscience recommends the preparation of a Detailed Site Investigation and Subfloor Vapour Assessment which will be undertaken post demolition of the existing buildings on site. These recommendations can be dealt with by way of deferred commencement conditions.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

4.4 State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX Assessment accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.5 State Environmental Planning Policy (Housing) 2021

4.5.1 Affordable Housing

The application proposes the provision of 3 affordable housing apartments, representing a total GFA of 207.56m² (Apartments 03, 06 and 09) being 15.11% of total GFA of 1372.87m² in accordance with the affordable housing height incentive provisions contained within Chapter 2, Part 2, Division 1 Infill affordable housing of State Environmental Planning Policy (Housing) 2021 (SEPP Housing).

We note that the objective of this division is to facilitate the delivery of new infill affordable housing to meet the needs of very low, low and moderate income households.

Pursuant to clause 15C(1), this division applies given that residential flat development is permissible with consent on the land pursuant to WLEP 2011, the proposed affordable housing component is at least 10% and all of the development is carried out within an accessible area, as defined, being within 400m walking distance of a regularly serviced bus stop.

Pursuant to clause 18(2), the maximum building height for a building used for shop top housing is the maximum permissible building height for the land plus an additional building height of 30% where a minimum of 15% of the total residential floor space is provided as affordable housing. The application proposes the provision of 3 affordable housing apartments, representing a total GFA of 207.56m² (Apartments 03, 06 and 09) being 15.11% of total GFA of 1372.87m².

Applying the 30% building height incentive results in a maximum building height for development across land of between 14.3 metres and 16.9 metres.

It has been determined that the proposed development is compliant with the building height standard having regard to the 30% building height incentive applicable to the development. This is visually depicted in the plan extract at Figure 12. As the proposal satisfies the numerical standard it is also deemed to comply with the associated objectives.

Pursuant to clause 16(3) as the development includes residential flat buildings the maximum building height for a building used for residential flat buildings is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1). Accordingly, a 30% building height incentive applies to the development.

Clause 19 of SEPP Housing contains nondiscretionary development standards which if complied with prevent the consent authority from requiring more onerous standards for the matters listed.

Clause 19(2)(a) prescribes a minimum site area of 450m² which is complied with.

Clause 19(2)(b) prescribes a minimum landscaped area that is the lesser of 35m² per dwelling, or 30% of the site area. The constraints of the site and zoning of the land prevent compliance with the standard.

Clause 20(3) contains design requirement including the need for the consent authority to consider whether the design of the residential development is compatible with the desired future character of the precinct. For the reasons outlined within this submission we consider that the proposal is compatible with the desired future character of the precinct have regard to the in-fill affordable housing incentive provisions of SEPP Housing.

4.5.2 Design of residential apartment development

Chapter 4 of this SEPP - Design of residential apartment development aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics to improve the design quality of residential flat building in the State.

The SEPP applies to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The proposed development is for the erection of a 4 storey building, as defined, containing 9 dwellings and 2 retail premises. As per the definition of a ‘Residential Flat Building’ and the provisions of Clause 4 outlining the application of the Policy, the provisions of this SEPP are applicable to the proposed development.

Clause 147(1)(a) requires any development application for residential flat development to be assessed against the 9 design quality principles contained in Schedule 9. The proposal's compliance with the design quality principles is detailed in the accompanying Design Verification Statement.

Pursuant to clause 147(1)(b) requires the consent authority to take into consideration the Apartment Design Guide. In this regard an Apartment Design Guide compliance table prepared by Platform Architects accompanies this application.

These provisions are satisfied.

4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.119 of the policy applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers it likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,
- (b) place of public worship,
- (c) a hospital,
- (d) an educational establishment or child care centre.

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building — 35 dBA at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) — 40 dBA at any time.

Compliance with these requirements is detailed acoustic report prepared by Acoustic Logics with no objection raised to a condition requiring compliance with the recommendations contained therein.

4.7 Water Management Act 2000

The Geotechnical Report identifies that ground water is likely to be encountered during excavation for the proposed basement, which will require water to be pumped from the site during construction. The proposed basement will be tanked to prevent water ingress occurring in the future.

The development constitutes integrated development and requires aquifer interference approval under the provisions of section 91 of the Water Management Act 2000.

4.8 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

- 4.8.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application pursuant to the Warringah LEP and DCP. The development has also been found to be consistent with the design quality principles of Chapter 4 of the SEPP Housing and the Apartment Design Guide.

- 4.8.2 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

i. 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*

These matters have been discussed in the body of this report.

ii. 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*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable with regard to SEPP Housing and the ADG.

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*

These issues have been discussed in detail in the report. The development provides adequate carparking facilities.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The site will introduce areas of landscaping. The planting and landscaping treatments will enhance the landscape quality of the street frontages.

Waste Collection

Commercial and domestic waste collection applies to this development as previously detailed.

Natural hazards

The site is located within a land slip risk area. A Geotechnical Assessment accompanies the application.. These reports demonstrate that the development will be safe from hazards.

Economic Impact in the locality

The proposed development will generate temporary employment during construction. On-going employment will be provided by the business that occupies the non-residential tenancies and through the employment of building and strata managers for the building.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations 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*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the desired future character and built form controls of Warringah LEP and DCP.

ii) *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 and the associated accessibility requirements as detailed within the accompanying reports prepared by Steve Watson & Partners. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

4.8.3 The suitability of the site for the development

- *Does the proposal fit in the locality?*
- *Are the constraints posed by adjacent development 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?*
- *Are the site attributes conducive to development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography of the site, is of adequate area, and has no special physical or engineering constraints is suitable for the proposed development.

4.8.4 Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

4.8.5 The public interest

It is considered that the development is sensitive both to the natural and built environments and is consistent with the provisions of Warringah LEP, Warringah and the Housing SEPP. The proposal facilitates the delivery of affordable housing in accordance with the objectives at clause 15A of the Housing SEPP.

Under such circumstances, approval would not be antipathetic to the public interest.

5 Conclusion

This Statement of Environmental Effects (SoEE) has been prepared in support of a development application proposing the demolition of the existing site structures and the construction of a shop top housing development comprising 2 ground floor retail tenancies, with 9 residential apartments above basement parking. The proposal seeks approval for 2 x 1, 2 x 2 and 5 x 3 bedroom apartments. The two basement levels contain a total of 14 residential spaces and 2 visitor spaces. The application also proposes the implementation of an integrated site landscape regime and the strata subdivision of the completed development.

We confirm that the application proposes the provision of 3 affordable housing apartments, representing a total GFA of 207.56m² (Apartments 03, 06 and 09) being 15.11% of total GFA of 1372.87m² in accordance with the affordable housing height incentive provisions contained within Chapter 2, Part 2, Division 1 Infill affordable housing of State Environmental Planning Policy (Housing) 2021 (SEPP Housing).

The project architect has responded to the client brief to design a contextually responsive building of exceptional quality which takes advantage of the sites superior locational attributes whilst providing high levels of amenity for future occupants. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this site having regard to the height, scale, proximity and orientation of adjoining development and the sites proximity to the Dee Why Town Centre and the Dee Why Beach Local Centre.

Consideration has also been given to the minutes arising from formal pre-DA discussions with Council and Council's Design and Sustainability Advisory Panel (PLM2023/0136). In this regard, the concerns expressed by Council and DSAP in relation to the proposals non-compliance with the building height standard have been remedied through the provision of affordable housing pursuant to the Chapter 2 SEPP (Housing) Affordable housing incentive provisions with the proposal strictly compliant with the bonus height provisions.

The final design provides for a building of exceptional design quality which respond to the irregular geometry of the site and its topography in a highly articulated and modulated building form which responds appropriately to its prominent urban island location and immediate built form context. The façade detailing emphasises the buildings low horizontal massing. The development will provide diversity in housing choice on a site ideally suited to medium density housing.

The proposal is permissible and in conformity with the Housing SEPP height incentive provisions applicable to this form of development on this particular site and compliant with the Controls contained within Warringah Development Control Plan having regard to the form of development anticipated where a development takes advantage of the affordable housing incentive provisions. We note that Planning Circular PS 23-003 relates to infill affordable housing pursuant to the Housing SEPP with this document containing the following commentary:

In some cases, the uplift afforded under the Housing SEPP may compromise the ability for a development to achieve strict compliance with local controls contained within a Local Environmental Plan (LEP) or Development Control Plan (DCP). Flexibility should be applied in these instances in order to balance local outcomes with the delivery of more affordable housing.

In light of the Government's commitments under the Accord, consent authorities are reminded to consider the delivery of market housing and affordable housing when considering the social impacts and the public interest of a development, as required under section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act).

While in many cases the provisions in another EPI will continue to apply when assessing in-fill affordable housing development, development outcomes should be balanced against the Government's policy intent to realise more affordable housing in accordance with the Accord.

For example, when considering solar access controls contained within the applicable Local Environmental Plan (LEP), the objective of preserving solar access should be considered whilst facilitating the delivery of affordable housing, which is an objective under clause 15A of the Housing SEPP.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The accompanying plans depict a contextually compatible building form which appropriately responds to the surrounding zone boundary interface and which maintains acceptable residential amenity impacts in terms of views, solar access and privacy.
- The identified non-compliances with the front setback, storeys and off-street carparking controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the site's visual catchment.

- The proposed development is consistent with the desired future character of the E1 Local Centre zone as it relates to the Dee Why Beach precinct. The proposal will increase the supply and diversity of housing choice, including affordable housing, on a site ideally suited to increased residential densities.
- The proposal facilitates the delivery of affordable housing in accordance with the objectives at clause 15A of the Housing SEPP.

Boston Blyth Fleming Pty Limited**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

Director