

STATEMENT OF ENVIRONMENTAL EFFECTS

12 The Strand Dee Why



Integrated Development Application for demolition of the existing shop top housing development and construction of a four-storey shop top housing development with 2 x ground floor retail tenancies, 6 x apartments over Levels 1-3, plus 15 x car parking spaces, and loading dock

Submitted to Northern Beaches Council
On Behalf of Studio Johnston

May 2025

CONTENTS

1. EXECUTIVE SUMMARY	5
2. SITE ANALYSIS	18
2.1. SITE LOCATION AND CONTEXT	18
2.2. EXISTING DEVELOPMENT	19
2.3. SURROUNDING DEVELOPMENT	21
2.3.1. NORTH	21
2.3.2. EAST	23
2.3.3. SOUTH	24
2.3.4. WEST	25
3. PROPOSAL	26
4. ASSESSMENT UNDER RELEVANT CONTROLS	28
4.1. LEP AND DCP COMPLIANCE SUMMARY	28
4.2. STATE LEGISLATION	34
4.2.1. SEPP (HOUSING) 2021 AND THE APARTMENT DESIGN GUIDE	34
4.2.2. SEPP (SUSTAINABLE BUILDINGS) 2022	36
4.2.3. SEPP (RESILIENCE AND HAZARDS) 2021	36
4.2.4. WATER MANAGEMENT ACT 2000	39
4.3. WARRINGAH LEP 2011	40
4.3.1. ZONING	40
4.3.2. BUILDING HEIGHT	41
4.3.3. FLOOR SPACE RATIO	45
4.3.4. HERITAGE	46
4.3.5. ACID SULFATE SOILS	47
4.3.6. EARTHWORKS	47
4.4. WARRINGAH DCP 2011	49
5. SECTION 4.15 CONSIDERATIONS	77
5.1. STATUTORY POLICY AND COMPLIANCE – S.4.15 (1) (A)	77
5.2. NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - S.4.15(B)	79
5.3. SUITABILITY OF THE SITE FOR DEVELOPMENT - S.4.15 (C)	79
5.4. SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT - S.4.15 (D)	80
5.5. THE PUBLIC INTEREST – S.4.15(E)	80
6. CONCLUSION	81
7. APPENDIX 1 – CLAUSE 4.6 HEIGHT	82

FIGURES

Figure 1: Extract of Section Plan, illustrating maximum building height above EGL	8
Figure 2: Extract Height Plane Diagram, illustrating minor height variation, being compatible with the adjoining development height variations at Nos. 9-11 and Nos. 13-14 The Strand	9
Figure 3: Extract East/street-facing Elevation Plan of Nos. 18–19 The Strand, illustrating minor height variation (Mod2018/0193), being compatible with proposed height variation	9
Figure 4: Adjoining five-storey shop top housing development at Nos. 13-14 The Strand	11
Figure 5: Approved four/ five-storey development, with nil upper level balcony setbacks adjoining the site at Nos. 9-11 The Strand (Mod2010/0063)	11
Figure 6: Extract of North Elevation plan of approved four-storey development, with height variation and nil upper level balcony setbacks and at Nos. 18-19 The Strand (Mod2018/0193). 12	
Figure 7: Existing development with nil boundary front setbacks to the north of the subject site at Nos. 13 - 14 The Strand	13
Figure 8: Extract Views from the Sun Diagram, illustrating solar access to proposed development from 8.30am – 3pm	14
Figure 9: Extract of Shadow Diagrams, illustrating solar access to neighbouring developments is maintained, with minor shadowing to the public domain from the height variation	14
Figure 10: Extract of Proposed Shadow Diagrams, illustrating the minor shadowing to the public domain from the height variation	15
Figure 11: View north from Oaks Avenue, noting rear lane right of carriageway and RFB at Nos. 110-112 Oaks Avenue, with generous building separation and screen planting, limiting views to the east	16
Figure 12: View west of adjoining RFB at Nos. 110-112 Oaks Avenue, with screen planting, limiting views to the east.....	16
Figure 13: Site Location and Context Map (Nearmap 2025)	18
Figure 14: Aerial Photo (Nearmap 2025).....	19
Figure 15: Aerial Photo (Nearmap 2025).....	19
Figure 16: View looking northwest to the subject site from The Strand.....	20
Figure 17: View west to the frontage of the existing shop top housing on the site from the Ted Jackson Reserve along the foreshore	20
Figure 18: View looking northeast to rear of the subject site	21
Figure 19: View northwest to adjoining five-storey shop top housing development at Nos. 13-14 The Strand	22
Figure 20: View north along The Strand, noting three – eight-storey developments.	22
Figure 21: View looking northeast from subject site to the foreshore	23
Figure 22: View looking southeast from subject site to the foreshore and The Strand	23
Figure 23: View looking east from subject site to the foreshore	24
Figure 24: Adjoining property to the south of the subject site, at Nos. 9-11 The Strand	24
Figure 25: View north from Oaks Avenue, noting rear lane right of carriageway and RFB at Nos. 110-112 Oaks Avenue, with generous building separation and screen planting	25
Figure 26: Coastal Environment Area Map.....	36
Figure 27: Coastal Use Area Map	38
Figure 28: Aerial photo of 1943 (Source: Six Maps 2024).....	39
Figure 29: Zoning Map.....	40
Figure 30: Building Height Map	41
Figure 31: Extract of Proposed Shadow Diagrams, illustrating the minor shadowing to the public domain from the height variation	43
Figure 32: Extract of Section Plan, illustrating maximum building height above EGL	44
Figure 33: Extract Height Plane Diagram, illustrating minor height variation, being compatible with the adjoining development height variations at Nos. 9-11 and Nos. 13-14 The Strand	44
Figure 34: Floor Space Ratio Map	45
Figure 35: Heritage Map	46
Figure 36: Acid Sulfate Soils Map	47

Figure 37: Adjoining five-storey shop top housing development at Nos. 13-14 The Strand	50
Figure 38: Approved four/ five-storey development adjoining the site at Nos. 9-11 The Strand (Mod2010/0063)	50
Figure 39: Extract of North Elevation plan of approved four-storey development at Nos. 18-19 The Strand (Mod2018/0193).....	51
Figure 40: Extract Views from the Sun Diagram, illustrating solar access to from 8.30am – 3pm	61
Figure 41: Extract of Shadow Diagrams, illustrating solar access to neighbouring developments is maintained	62
Figure 42: Existing development with nil boundary front setbacks to the north of the subject site at Nos. 13 - 14 The Strand	64

TABLES

Table 1: Warringah LEP and DCP Compliance Summary Table	28
Table 2: ADG Summary Compliance Table	34
Table 3: Warringah DCP 2011.	49

1. EXECUTIVE SUMMARY

ABC Planning Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany the Integrated Development Application that seeks demolition of the existing shop top housing development and construction of a four-storey shop top housing development comprising 2 x ground floor retail tenancies, 6 x residential apartments over Levels 1-3, plus 15 x basement car parking spaces, at Lot 13 Section (8) in DP 6953, commonly known as No. 12 The Strand Dee Why.

By way of background, the applicant lodged a Pre-DA (**PLM2024/0095**), receiving formal advice from Council via email dated 15th September, 2024. In this regard, the design as described in the accompanying plans and this Statement suitably responds to the advice, in particular having regard to height and storey height, Part F1 Local and Neighbourhood Centres of the DCP, waste management, floor layout at the rear ground level, storage, traffic and parking, setbacks, privacy, and details of laneway access.

This statement should be read in conjunction with the following plans, drawings, and reports:

Architectural

Studio Johnston

- Architectural Plans, Issue 4, dated 17/04/2025
- Design Verification Statement, dated April 2025

Landscape

Wyer & Co

- Landscape Plans, Issue 1, dated 13/05/2025

Survey

RVS Roseville Surveyors

- Boundary Identification, Detail and Level Survey, Issue 1, dated 09/02/2024

Soil and water management

SYJ Consulting Engineers

- Stormwater Management Plans, Issue D, dated 13/05/2025

Specialist reports

Credwell

- Access Report, Issue 3.1, dated 22/05/2025
- BCA Report, Issue 2.2, dated 22/05/2025
- Section J – DTS Report, Issue 3, dated 15/05/2025

Acoustic Logic

- DA Acoustic Assessment, Issue 0, dated 18/03/2025

Green Geotechnics

- Geotechnical Investigation, Issue A, dated 30/04/2025

Lee Hancock Consulting Arborist

- Arboricultural Impact Assessment, Issue 1, dated 22/04/2025

PDC Consulting

- Traffic Impact Statement, Issue 3, dated 12/05/2025

Performance Based Consulting

- Fire Safety Statement, Issue C, dated 13/05/2025

BASIX / ABSA**Credwell Energy**

- BASIX Certificate No. 1793533M_02, dated 15/05/2025

This Statement provides an outline of the subject and surrounding sites, a description of the development proposal and an assessment under the relevant Planning Controls, including the provisions of *Section 4.15* of the *Environmental Planning and Assessment Act, 1979*.

- Basement Level 2
 - 7 x car parking spaces, contained within 4 x garages
 - Waiting bay
 - 4 x bicycle storage lockers
 - Communications room
 - Stair and lift access
- Basement Level 1
 - 8 x car parking spaces, including 2 x residential, 2 x visitor spaces, and 4 x retail spaces including 1 x accessible AS2890.6 car parking space
 - 2 x vehicle waiting bays
 - 5 x bicycle storage lockers
 - Grease arrestor room
 - Services room
 - Stair and lift access
- Ground Floor Level
 - 83.5m² x Retail Tenancy 1
 - 98.16m² x Retail Tenancy 2
 - Vehicular access entranceway via the rear lane access (right of carriageway)
 - Loading dock with rear lane access (right of carriageway)
 - Waiting bay
 - Commercial bin storage
 - Residential bin storage
 - 2 x hydraulic lifts
 - Accessible toilet with basin, plus male and female amenities
 - 3 x Stair and lift access
- Level 1
 - 2 x three-bedroom units, each comprising:
 - Combined kitchen, dining and living room
 - Balcony overlooking the street, accessed off living room and bedroom 1

- Bedroom 1 with ensuite
 - Bedroom 2 with ensuite and balcony
 - Bedroom, with separate balcony
 - Secondary living room
 - Study room
 - Cellar
 - Bathroom, with bath basin and WC
 - Toilet, with basin and WC
 - Laundry room
 - Recessed planter with void above
- Stair and lift access
- Level 2
 - 2 x four-bedroom units, each comprising:
 - Combined kitchen, dining and living room
 - Balcony overlooking the street, accessed off living room and Bedroom 1
 - Bedroom 1 with ensuite
 - Bedroom 2 with ensuite and balcony to the rear
 - 2 x bedrooms, each with separate balcony to the rear
 - Secondary living room
 - Bathroom, with bath basin and WC
 - Toilet, with basin and WC
 - Laundry room
 - Study room
 - Recessed planter with lightwell and void above
 - Stair and lift access
- Level 3
 - 2 x four-bedroom units, each comprising:
 - Combined kitchen, dining and living room
 - Balcony overlooking the street, accessed off living room and Bedroom 1
 - Bedroom 1 with ensuite
 - Bedroom 2 with ensuite and balcony to the rear
 - 2 x bedrooms, each with separate balcony to the rear
 - Secondary living room
 - Bathroom, with bath basin and WC
 - Toilet, with basin and WC
 - Laundry room
 - Study room for Unit 302
 - Recessed planter with lightwell and void above
 - Stair and lift access.

The proposed demolition and construction of a shop top housing development is permissible in the E1 Local Centre land use zone in accordance with the *Warringah Local Environmental Plan 2011* (WLEP2011). Furthermore, the proposal is considered to satisfy the zone objectives by providing for ground floor retail with active frontage, plus upper level residential development, that contributes to a vibrant and active local centre. In this regard, the proposed development is considered to represent a high-quality design outcome which sits comfortably within the contemporary character of The Strand streetscape.

Pursuant to Clause 4.3 of the WLEP2011, the site is subject to a maximum building height of 13.99m above existing ground level (EGL), with the proposal for a maximum building height of 15.76m to the services (hot water plant) above EGL, being a 21.23% (2.76m) variation from the numerical development standard. It is noted that the proposed maximum roof height of

13.99m is a minor 7.62% (990mm) variation from the development standard, as illustrated below (**Figures 1 & 2**). In this regard, the height variation results from the minimum ceiling height requirements of the Apartment Design Guide (ADG), services required per the National Construction Code (NCC), and the sloping nature of the site, with a rise of approximately 2.2m from east to west.

Notwithstanding the minor 7.62% variation of the proposed flat roof, the height, bulk and scale of the development will be perceptible in a modest and discreet manner from the street, is not considered to be visually dominant in the streetscape, and does not introduce a significant impact to neighbours, with it considered that the siting and scale of development is appropriate for the site and surrounding context, and will preserve the amenity of neighbouring properties.

Moreover, the proposal is consistent and compatible with surrounding existing and approved developments including Nos. 9-11 The Strand under **Mod2010/0063**, determined 01/07/2010; Nos. 13-14 The Strand, and Nos. 18-19 The Strand under (**Mod2018/0193**) determined 05/12/2018 (**Figures 2 & 3**).

In this regard, it is considered that despite the height variation, the proposal will not be responsible for any unreasonable environmental impacts in relation to visual impact from bulk and scale, visual or acoustic privacy, overshadowing, or loss of view, as discussed below.

A Clause 4.6 variation request with a comprehensive justification for the departure will be provided in any future development application.

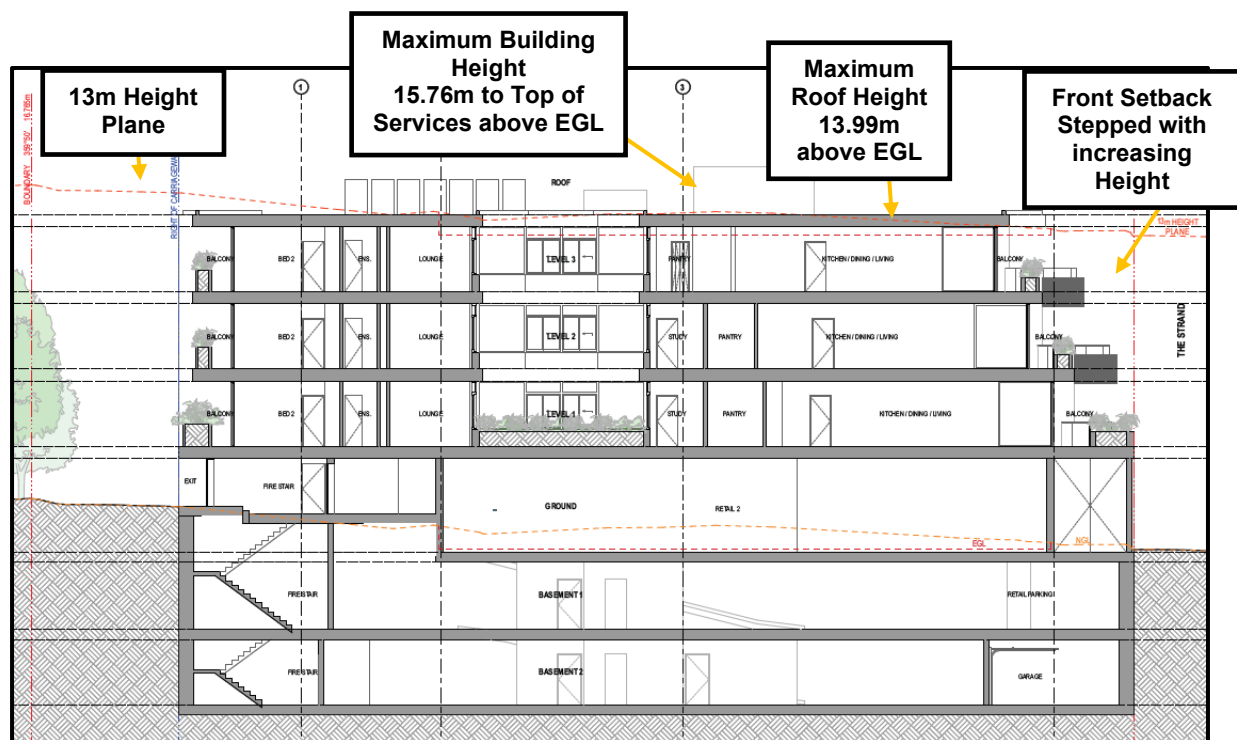


Figure 1: Extract of Section Plan, illustrating maximum building height above EGL

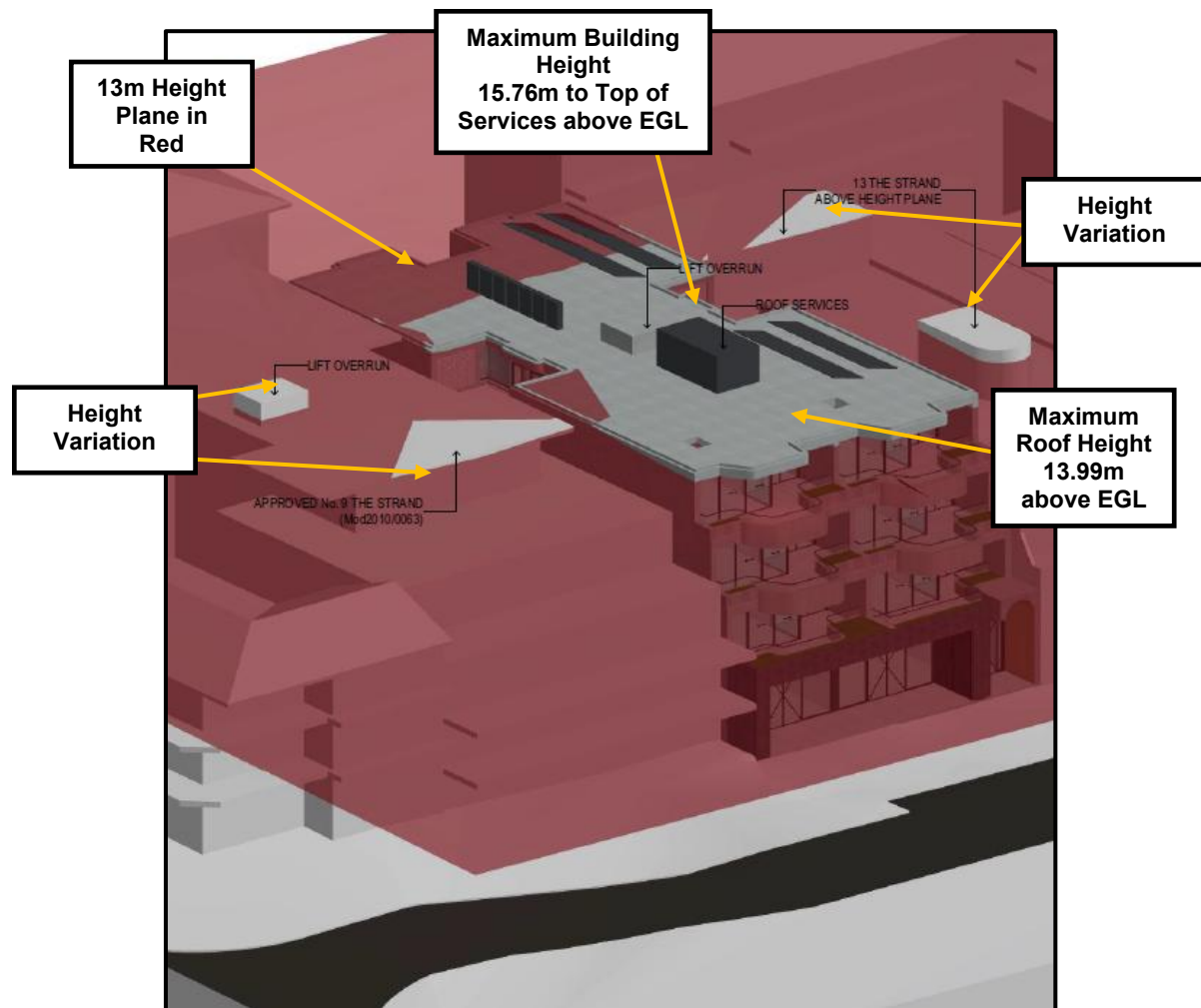


Figure 2: Extract Height Plane Diagram, illustrating minor height variation, being compatible with the adjoining development height variations at Nos. 9-11 and Nos. 13-14 The Strand

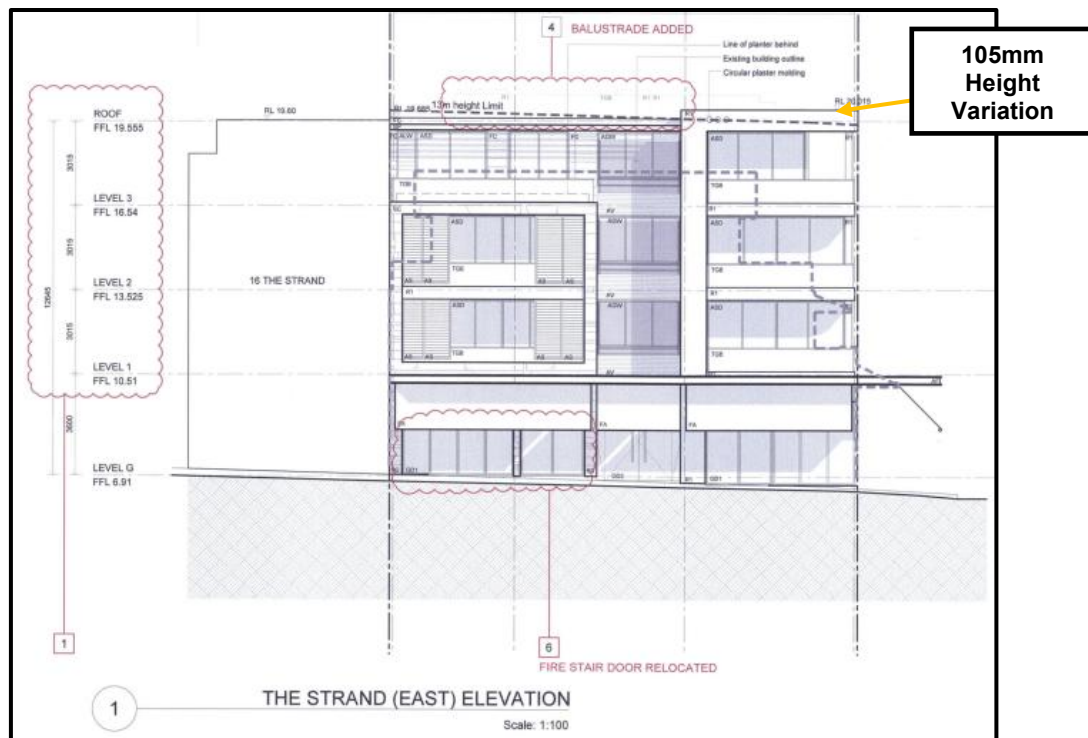


Figure 3: Extract East/street-facing Elevation Plan of Nos. 18-19 The Strand, illustrating minor height variation (Mod2018/0193), being compatible with proposed height variation

Pursuant to Clause 4.4 of WLEP2011, the site is not subject to a maximum FSR development standard. In this regard, the proposed bulk and four-storey scale of the development, with flat roof does not introduce any adverse impacts, and will preserve the amenity of neighbouring properties. The bulk and scale will be compatible with the adjoining built forms due the consistency in number of storeys (four-storey) and the provision of a stepped built form as the height increases. The provision of large internal courtyards and lightwell areas ensures that a high degree of amenity will be achieved despite the infill nature of the development, having blank walls on each side of the site.

The proposal is considered to achieve a high degree of compliance with Chapter 4 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and the ADG, particularly in relation to:

- 100% of the apartments receive cross ventilation
- The sizes of the three and four-bedroom apartments outperform the minimum requirements
- The dimensions of the living and bedroom areas outperform the ADG
- The amount of private open space for upper level apartments outperform the ADG, with compliant minimum dimension.

It is acknowledged that the proposal varies from the ADG for communal open space, deep soil, and solar access. However, the communal open space variation is considered justified given the outperformance of the provision of private open space for each apartment, including balconies for all bedrooms, plus the proximity to Dee Why Beach foreshore and Ted Jackson reserve which are immediately opposite the subject site. Moreover, the variation for deep soil is considered justified given the E1 zoning, and site context, plus the existing nil provision of deep soil. With regard to solar access, given the orientation of the site the proposed units will receive abundant solar access in the morning during midwinter, with 83.3% of apartments receiving 2 x hours of sunlight between 8.30am and 3pm during midwinter.

The proposal is considered to achieve a high degree of compliance with Warringah DCP 2011 (WDCP2011), which ensures that the proposed form of the development represents the desired future character of the area whilst achieving a desirable level of internal amenity for the proposed apartments with no adverse impacts to the public domain and surrounding properties in regard to streetscape, bulk and scale, overshadowing, privacy, or view sharing.

The proposal is considered acceptable on merit for nil side boundary setbacks, and proposed rear boundary setbacks, being consistent with the existing provision and adjoining properties, with no associated unreasonable adverse amenity impacts with regards to visual bulk, overshadowing, loss of visual or acoustic privacy, or impacts to views.

It is acknowledged that that proposal varies from the DCP for required three-storey height, front boundary setback, car parking provision, which are considered justified, as discussed following.

The proposed four-storey height is considered acceptable, given the adjoining neighbour at Nos. 13-14 The Strand is a five-storey shop top housing development, while the adjoining neighbour at Nos. 9-11 The Strand has approval for a four/ five-storey shop top housing development under **Mod2010/0063**, determined 01/07/2010 (**Figures 4 & 5**). Furthermore,

Nos. 18-19 The Strand has approval for a four-storey shop top housing development **Mod2018/0193**, determined 05/12/2018 (**Figure 6**). Moreover, despite the storey height variation, no unreasonable adverse amenity impacts are associated with the proposed development with regards to visual bulk, overshadowing, loss of visual or acoustic privacy, or impacts to views.



Figure 4: Adjoining five-storey shop top housing development at Nos. 13-14 The Strand

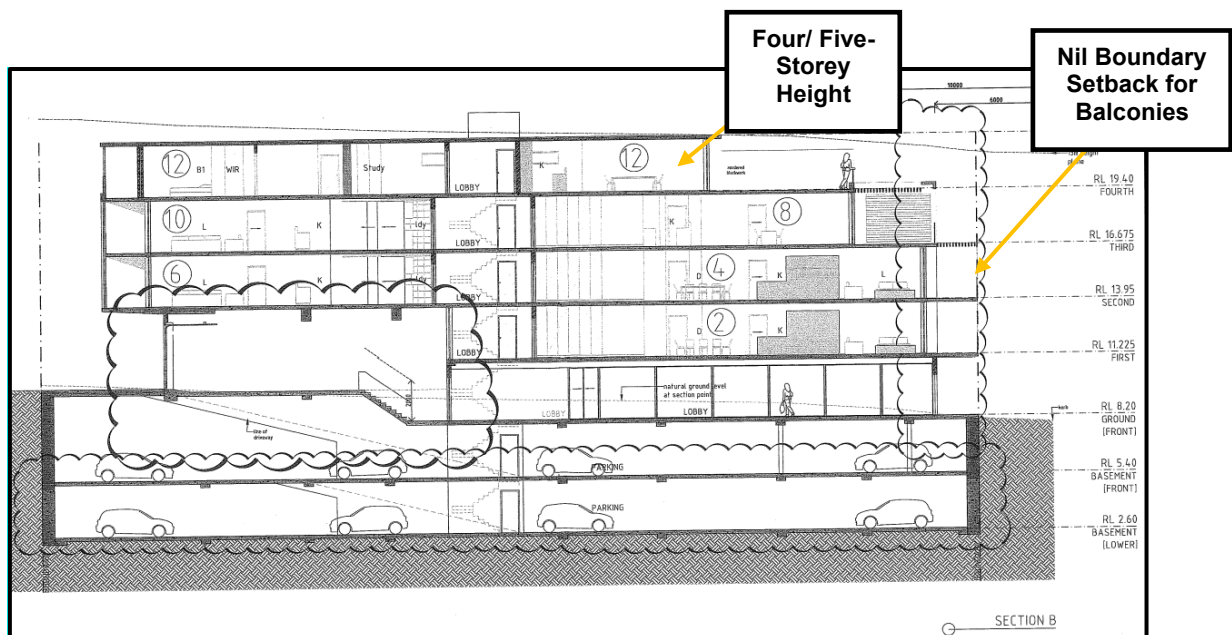


Figure 5: Approved four/ five-storey development, with nil upper level balcony setbacks adjoining the site at Nos. 9-11 The Strand (Mod2010/0063)

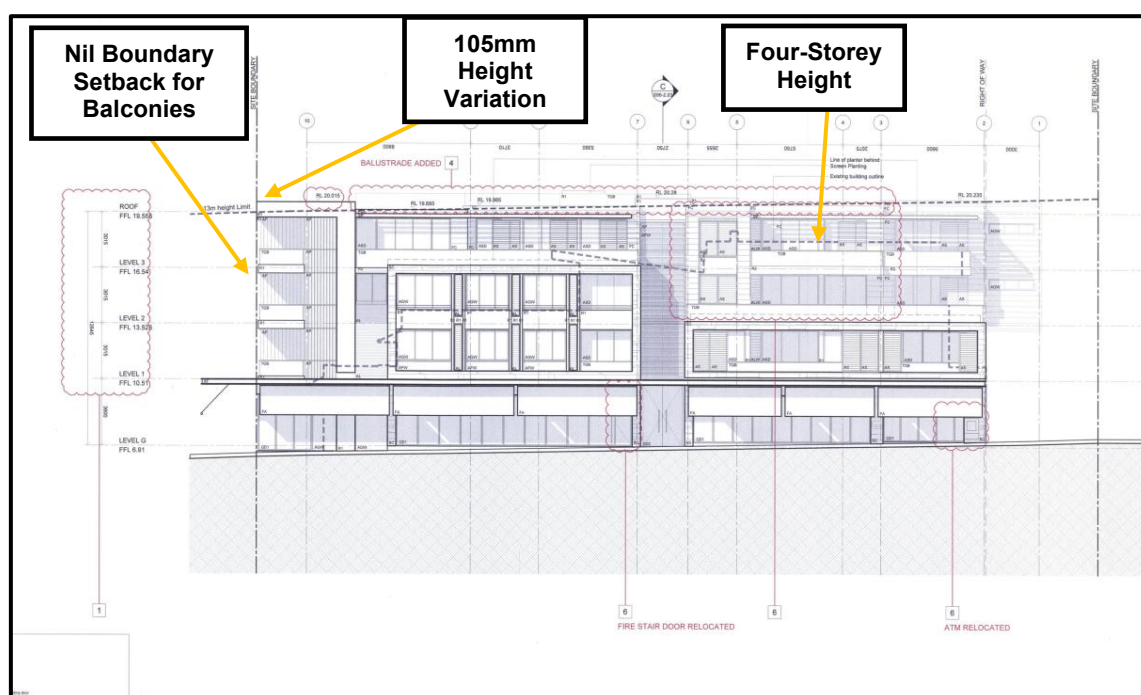


Figure 6: Extract of North Elevation plan of approved four-storey development, with height variation and nil upper level balcony setbacks and at Nos. 18-19 The Strand (Mod2018/0193)

The proposed front boundary setbacks vary from the DCP for ground and first floor 2.5m setback, and second floor up to 6.5m setback requirement. In this regard, the proposal is for a 3.3m front setback to the building line, with a nil front boundary setback for the entranceway side elevation walls on the ground floor, with a 900mm front boundary setback for the Level 1 balconies, and an 700mm Level 2 front setback to the balcony, with the built form being stepped back from the street as height increases above the second floor, with Level 3 being setback 2m (**Figure 1**).

However, this is considered acceptable as the proposal is consistent with Nos. 13-14 The Strand creating a 'street wall', plus the approved upper level balconies adjoining development at Nos. 9-11 The Strand (**Mod2010/0063**), and nil street frontage setback at Nos. 18-19 The Strand (**Mod2018/0193**). Moreover, despite the front setback variation, no unreasonable adverse amenity impacts are associated with the proposed development with regards to visual bulk, overshadowing, loss of visual or acoustic privacy, impacts to views, or traffic and parking impacts.

The proposal has been designed to reduce the visual impact bulk and scale, with the four-storey presentation to the street frontage and proposed front setback compatible with the surrounding properties along The Strand, being not visually dominant in the streetscape (**Figure 7**). The proposed variety of architectural features are considered to be of a high standard which will enhance the character of The Strand and foreshore setting, including indentation and recesses, deep set balconies to front and rear elevations, privacy screens, and steps in the eastern elevation (front façade) floor levels with height, creating good articulation to the built form and building façade. Moreover, the proposed rear setback is consistent with the adjoining neighbour to the north and side setbacks are consistent with the existing provision northern adjoining neighbour, plus character of The Strand. In this regard, the proposed height, storey height, and setbacks are not considered to present an adverse visual bulk and scale impact.



Figure 7: Existing development with nil boundary front setbacks to the north of the subject site at Nos. 13 - 14 The Strand

The proposed shop top housing development will have an east-west orientation in accordance with the orientation of the site. Notwithstanding the height variation and proposed setbacks, the east west orientation of the site, open plan nature of the combined living areas of each apartment and dual aspects apartments, plus incorporated lightwells with voids above, solar access and cross ventilation is optimised, while reducing energy use for heating, lighting, and cooling. In this regard, 83.3% of apartments receive 2 x hours of solar access between 8.30am and 3pm during midwinter. While this is a variation from the ADG, it is noted that given the orientation of the site, the proposed units will receive abundant solar access in the morning during midwinter. Moreover, It is noted that the Design & Sustainability Advisory Panel (DSAP) noted in their minutes that the “*minor ADG solar non-compliance which the panel would consider acceptable due to the exceptional aspect of the site and solar access prior to 9am midwinter*”.

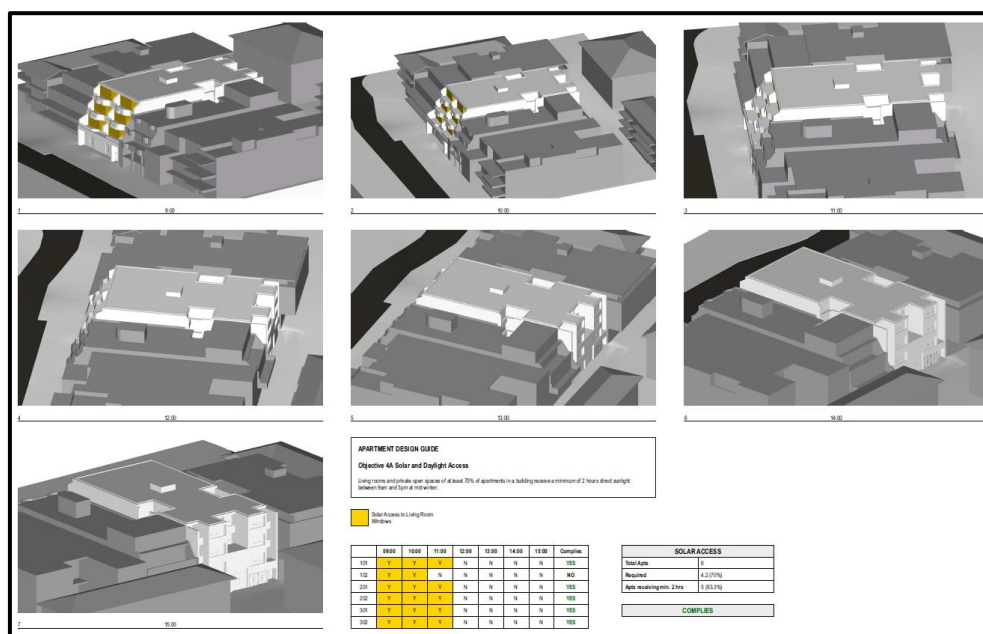


Figure 8: Extract Views from the Sun Diagram, illustrating solar access to proposed development from 8.30am – 3pm

It is acknowledged that some minor additional overshadowing of the adjoining lots to the south, east, and west is associated with the proposed height variation of the shop top housing development. However, the proposed height variation is associated with a minor portion of the flat roof, plus the building services and lift overrun which are recessed within the centre of the roof. In this regard, despite the proposed minor building height variation and four-storey height, shadow diagrams accompanying this application indicate that the shadowing associated with the height variation will not have an unreasonable impact, with at least 2 x hours of sunlight between 9am and 3pm during midwinter is maintained to east facing living areas of apartments to the south at Nos. 9-11 The Strand. Moreover, given the generous building separation no unreasonable additional overshadowing of Nos. 110–112 Oaks Avenue is associated with the proposal, with only minor indiscernible additional overshadowing to Ted Jackson Reserve from the height variation (**Figures 9 & 10**).

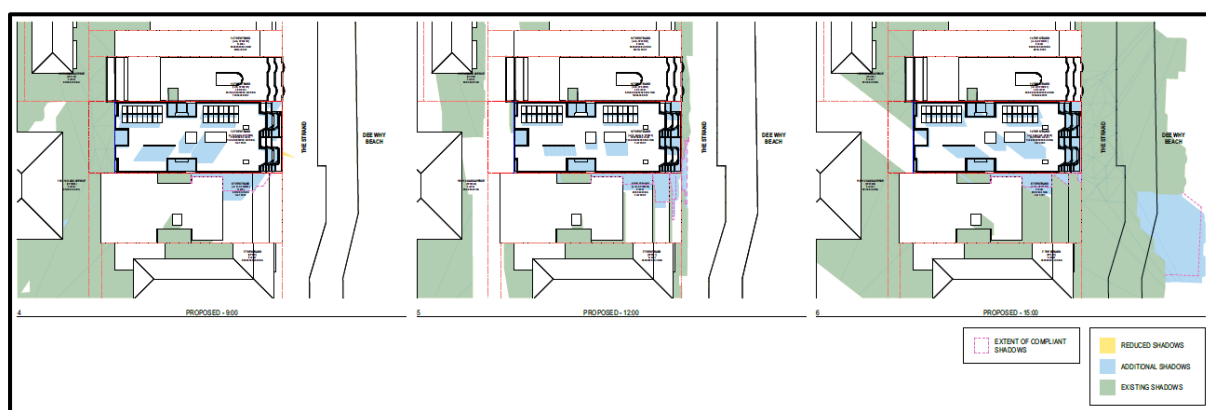


Figure 9: Extract of Shadow Diagrams, illustrating solar access to neighbouring developments is maintained, with minor shadowing to the public domain from the height variation

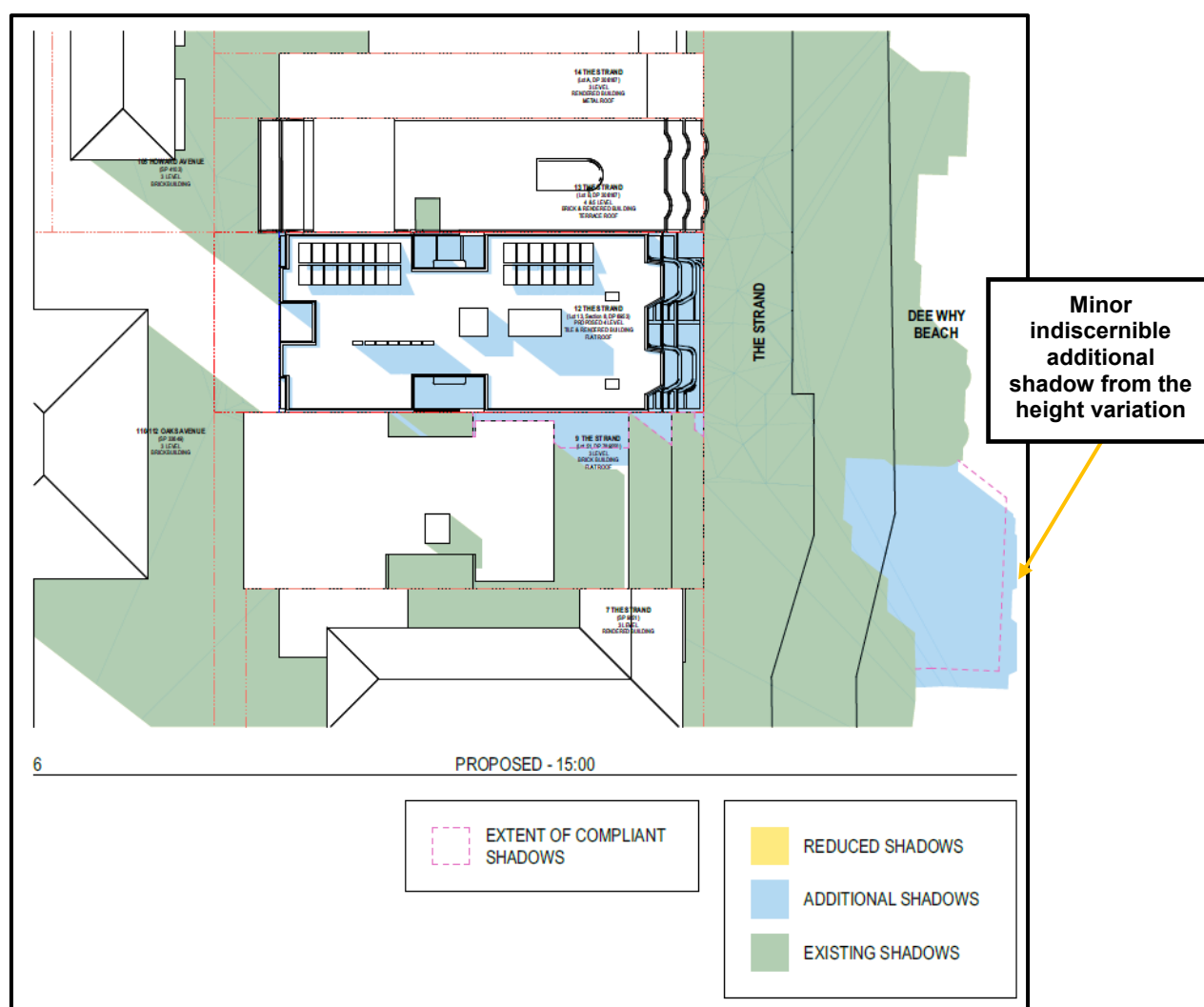


Figure 10: Extract of Proposed Shadow Diagrams, illustrating the minor shadowing to the public domain from the height variation

The proposal has been designed and sited to ensure adequate visual and acoustic privacy between each of the proposed apartments, and adjoining developments. Windows and balconies have been appropriately sited to provide access to sunlight, minimise potential overlooking, while providing opportunities for passive surveillance of the street. In this regard, windows face both the front and rear elevations, while recessed voids are proposed to provide sunlight while mitigating privacy impacts. Moreover, front balconies are proposed to be recessed, while the rear balconies are proposed with a greater than ADG required 12m separation distance to the western neighbour at Nos. 110-112 Oaks Avenue, to maintain visual and acoustic privacy. In this regard, it is considered that there is no adverse visual and acoustic privacy impact despite the proposed height, storey height, and setbacks.

Notwithstanding the proposed height, storey height, and setbacks, the orientation of lots, surrounding topography, building separation to the western neighbour, in addition to the modest flat roof, ensures that outlook to the coast is maintained for adjoining properties and the public domain. In this regard, the adjoining properties to the north and south retain views to the coast from east facing windows and balconies. Moreover, the adjoining property to the rear is addressed to Oaks Avenue. This three-storey residential flat building is orientated to

the south and has a generous building separation from the subject site and existing screen planting, demonstrating that existing views to the east are limited.



Figure 11: View north from Oaks Avenue, noting rear lane right of carriageway and RFB at Nos. 110-112 Oaks Avenue, with generous building separation, and screen planting limiting views to the east



Figure 12: View west of adjoining RFB at Nos. 110-112 Oaks Avenue, with screen planting limiting views to the east

The proposed car parking provision of 15 spaces is a variation from the required 19 spaces, as follows:

- Residential car parking requirement:
 - 2 x three-bedroom and 4 x four-bedroom = 9 spaces (9 spaces provided)
 - Visitor = 2 (2 spaces provided)
 - Total Residential = 11 spaces (11 spaces provided)
- 136m² x Gross Leasable Floor Area (GLFA) car parking requirement = 8 spaces (4 retail staff spaces provided, including 1 x accessible AS2890.6 parking space)
- Total car parking spaces required = 19

Notwithstanding the proposed retail parking shortfall, the proposal is compliant with the residential requirements for off-street parking, with 15 x car parking spaces provided, accessed via the rear lane right of carriageway.

Given vehicle access is via a relatively obscure rear right of carriageway laneway, the site is considered unsuitable for retail visitor parking. The limited visibility and constrained access conditions make it impractical to accommodate high turnover customer parking, reinforcing the rationale for restricting retail parking to staff use only. In this regard, there is a preference to not have retail parking given additional traffic creating added congestion within the right of carriageway, impacting on neighbours. However, the loading/ unloading and manoeuvring for vehicles servicing the business can also be carried out on the site. Moreover, the site is in close proximity to public transport, with bus stops on both Oaks Avenue and Howard Avenue, being less than 170m walking distance via a safe path of travel.

A Traffic Report, prepared by PDC accompanies this proposal, which includes swept paths that demonstrate that a SRV can enter and exit the site in a forward direction, with service vehicles accessing the loading dock for loading/ unloading via the rear right of carriageway. Moreover, as described on the accompanying plans, a waiting bay with traffic control lights is proposed to mitigate congestion on the access ramps, with the traffic report demonstrating that a B99 vehicle can circulate past a B85 vehicle waiting in the waiting bay and that through traffic flow in and out is feasible without reversing. In this regard, the proposed car parking and access arrangements have been designed in accordance with Australian Standards, including AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-Street Car Parking.

This Statement demonstrates that the proposed development is permissible on the site, appropriate for the character of the local area, and will not be responsible for any adverse environmental impacts.

Overall, the proposal is considered to be suitable for the subject site and worthy of approval.

2. SITE ANALYSIS

This section provides a detailed description of the existing site and surrounding development.

2.1. SITE LOCATION AND CONTEXT

The subject site is located within the Northern Beaches Local Government Area. It consists of one Torrens title lot, being on the western side of The Strand and is formally identified as Lot 13 Section 8 in DP 6953.

The site is a regular shaped lot with a total area of 765m² by DP. The site has a street frontage width of 16.77m to The Strand, with 45.72m north and south side boundaries, and a 16.77m western (rear) boundary.

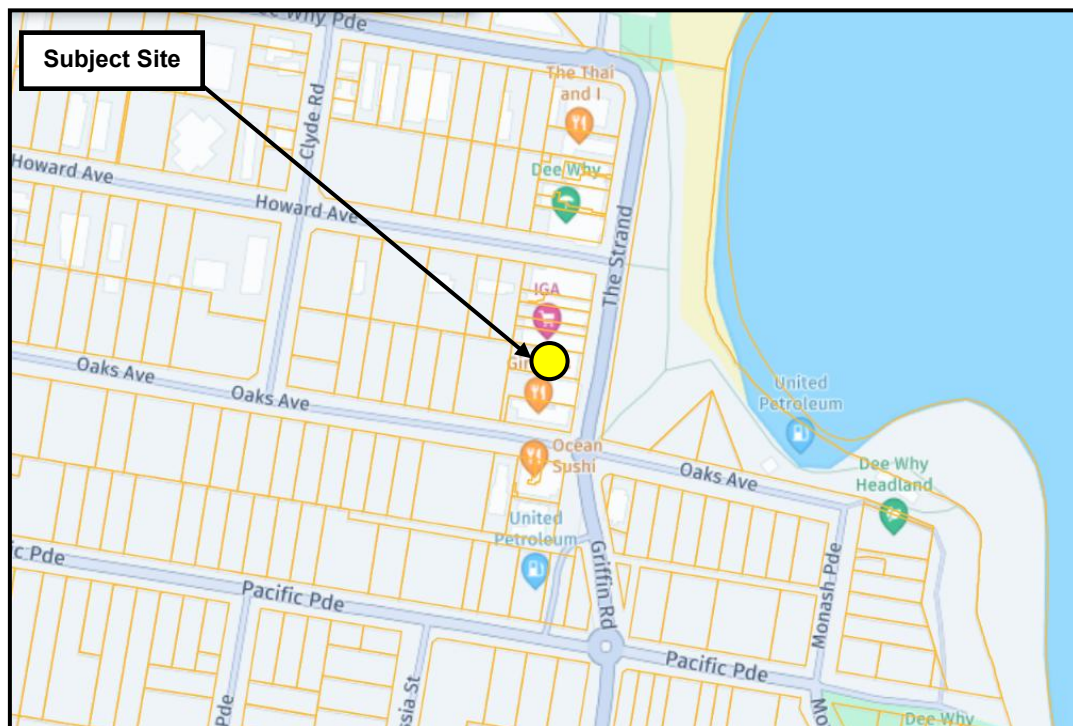


Figure 13: Site Location and Context Map (Nearmap 2025)



Figure 14: Aerial Photo (Nearmap 2025)

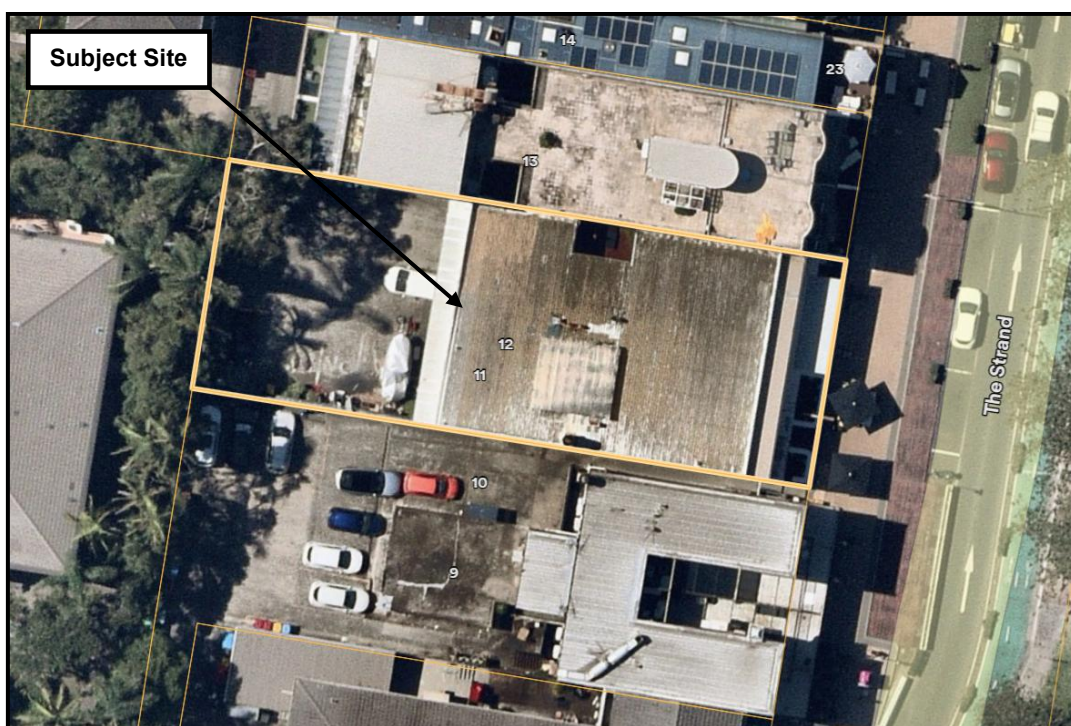


Figure 15: Aerial Photo (Nearmap 2025)

2.2. EXISTING DEVELOPMENT

The subject site contains a two-storey, brick with flat metal roof shop top housing development. The existing shop top housing development built form is not heritage listed, the site is not within proximity of a heritage item, and not located within a heritage conservation area.



Figure 16: View looking northwest to the subject site from The Strand



Figure 17: View west to the frontage of the existing shop top housing on the site from the Ted Jackson Reserve along the foreshore



Figure 18: View looking northeast to rear of the subject site

2.3. SURROUNDING DEVELOPMENT

2.3.1. North

On the adjoining lot to the north of the subject site, at Nos. 13 and 14 The Strand is located a five-storey shop top housing development, with ground floor retail and three levels of residential apartments.



Figure 19: View northwest to adjoining five-storey shop top housing development at Nos. 13-14 The Strand

Subject Site



Figure 20: View north along The Strand, noting three – eight-storey developments.

2.3.2. East

To the east of the subject site and opposite is the foreshore and Ted Jackson Reserve.



Figure 21: View looking northeast from subject site to the foreshore



Figure 22: View looking southeast from subject site to the foreshore and The Strand



Figure 23: View looking east from subject site to the foreshore

2.3.3. South

On the adjoining lot to the south of the subject site at Nos. 9-11 The Strand, is a three-storey brick with metal roof shop top housing development. Nos. 9-11 The Strand has approval for a four/ five-storey shop top housing development under **Mod2010/0063**, determined 01/07/2010, and is considered to have been approved with a height variation (**Figure 2**).

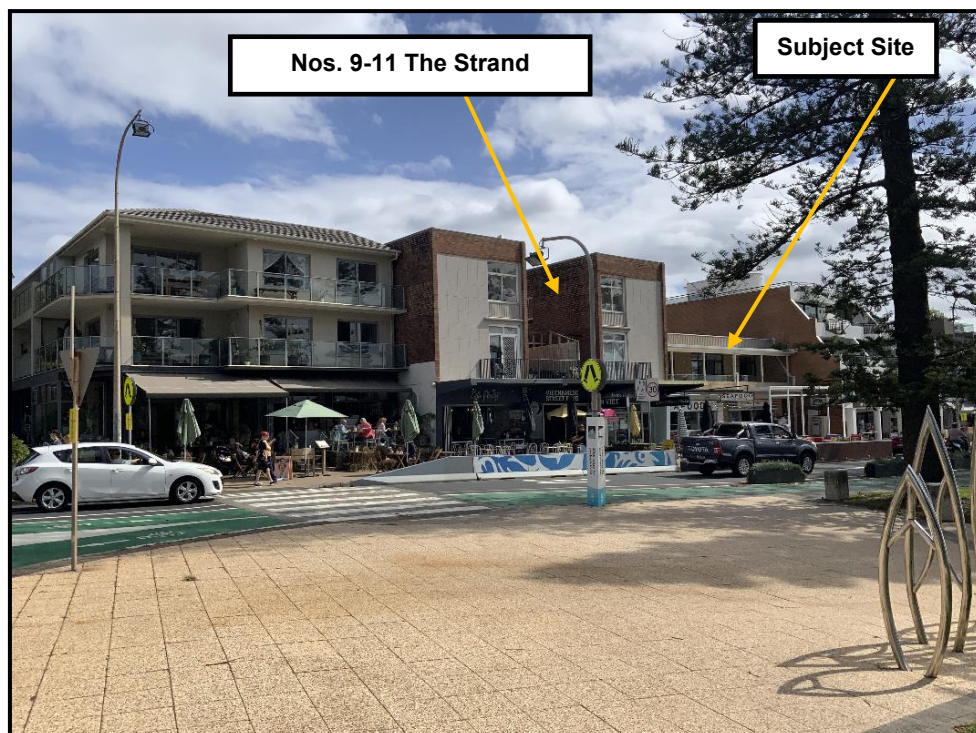


Figure 24: Adjoining property to the south of the subject site, at Nos. 9-11 The Strand

2.3.4. West

To the west of the subject site, at Nos. 110 – 112 Oaks Avenue is located a three-storey residential flat building development.



Figure 25: View north from Oaks Avenue, noting rear lane right of carriageway and RFB at Nos. 110-112 Oaks Avenue, with generous building separation and screen planting

3. PROPOSAL

The proposal seeks demolition of the existing shop top housing development and construction of a four-storey shop top housing development comprising two (2) ground floor retail tenancies, six (6) apartments over levels 1-3, plus 15 basement car parking spaces. The proposal as described in the accompanying architectural plans comprises of the following:

- Demolition of the existing shop top housing development
- Construction of a new four-storey shop top housing development comprising:
 - Basement Level 2
 - 7 x car parking spaces, contained within 4 x garages
 - Waiting bay
 - 4 x bicycle storage within garages
 - Communications room
 - 2 x fire stair, plus lift access
 - Basement Level 1
 - 8 x car parking spaces, including 2 x residential, 2 x visitor spaces, and 4 x retail spaces including 1 x accessible AS2890.6 car parking space
 - 2 x vehicle waiting bays
 - 5 x bicycle storage lockers
 - 2 x bicycle storage within garages
 - Grease arrestor room
 - Electrical main switch room
 - 3 x fire stair, plus lift access
 - Ground Floor Level
 - 83.56m² x Retail Tenancy 1
 - 98.16m² x Retail Tenancy 2
 - Vehicular access entranceway via the rear lane access (right of carriageway)
 - Loading dock with rear lane access (right of carriageway)
 - Waiting bay
 - Commercial bin storage
 - Residential bin storage
 - 2 x hydraulic lifts
 - Accessible toilet with basin, plus male and female amenities
 - 3 x fire stair, plus lift access
 - Level 1
 - 2 x three-bedroom units, each comprising:
 - Combined kitchen, dining and living room
 - Balcony overlooking the street, accessed off living room and bedroom 1
 - Bedroom 1 with ensuite
 - Bedroom 2 with ensuite and balcony
 - Bedroom, with separate balcony
 - Secondary living room

- Study room
 - Cellar
 - Bathroom, with bath basin and WC
 - Toilet, with basin and WC
 - Laundry room
 - Recessed planter with void above
 - Stair and lift access
- Level 2
 - 2 x four-bedroom units, each comprising:
 - Combined kitchen, dining and living room
 - Balcony overlooking the street, accessed off living room and Bedroom 1
 - Bedroom 1 with ensuite
 - Bedroom 2 with ensuite and balcony to the rear
 - 2 x bedrooms, each with separate balcony to the rear
 - Secondary living room
 - Bathroom, with bath basin and WC
 - Toilet, with basin and WC
 - Laundry room
 - Study room
 - Recessed planter with lightwell and void above
 - Stair and lift access
- Level 3
 - 2 x four-bedroom units, each comprising:
 - Combined kitchen, dining and living room
 - Balcony overlooking the street, accessed off living room and Bedroom 1
 - Bedroom 1 with ensuite
 - Bedroom 2 with ensuite and balcony to the rear
 - 2 x bedrooms, each with separate balcony to the rear
 - Secondary living room
 - Bathroom, with bath basin and WC
 - Toilet, with basin and WC
 - Laundry room
 - Study room for Unit 302
 - Recessed planter with lightwell and void above
 - Stair and lift access
- Landscaping is proposed in accordance with the Landscape Plan, prepared by Wyer and Co accompanying this proposal. Landscaping is proposed to the front and rear balconies, plus side elevation recessed cut outs including palms, shrubs, grasses, and groundcovers.

4. ASSESSMENT UNDER RELEVANT CONTROLS

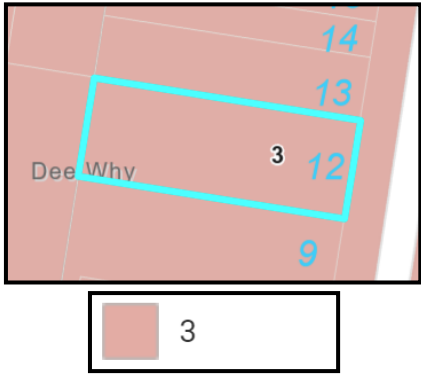
4.1. LEP AND DCP COMPLIANCE SUMMARY

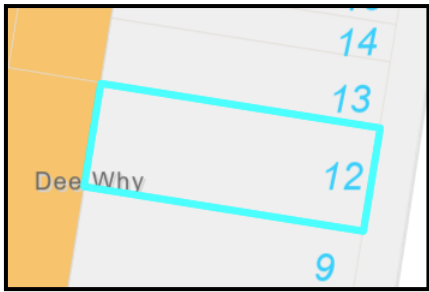
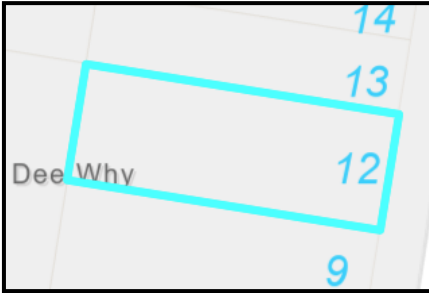
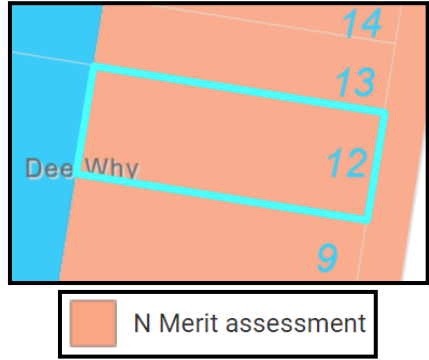
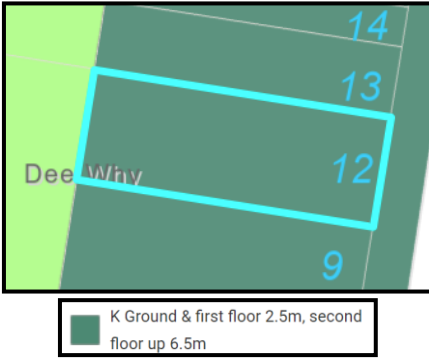
The following planning instruments are relevant to the proposed development:

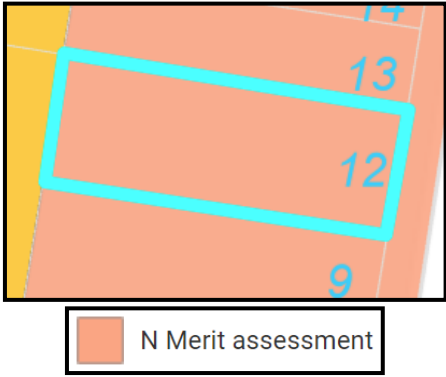
- SEPP (Housing) 2021
- SEPP (Sustainable Buildings) 2022
- SEPP (Resilience and Hazards) 2021
- Warringah LEP 2011
- Warringah DCP 2011.

Table 1 below provides a compliance summary of the proposed dwelling house with the LEP and DCP controls.

Table 1: Warringah LEP and DCP Compliance Summary Table

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
WARRINGAH LEP 2011			
Zone	E1 – Local Centre	Demolition and construction of a Shop Top Housing Development	✓
Height	13m	15.76m to top of services above EGL 13.99m maximum roof height above EGL 7.6% (990mm) variation	Justified 21.23% (2.76m) variation to the hot water plant
FSR	N/A	N/A	N/A
Warringah DCP 2011			
B2 Storey limit	Three-storey limit 	Four-storey	Justified Adjoining neighbour at Nos. 13-14 The Strand is a four-storey shop top housing development, while the adjoining neighbour at Nos. 9-11 The Strand has approval for a four/five-storey shop top housing development under Mod2010/0063 (Figures 4 & 5) . Furthermore, Nos. 18-19 The Strand has approval for a

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
			five-storey shop top housing development Mod2018/0193, (Figure 6).
B3 Side Boundary Envelope	N/A 	N/A	N/A
B4 Site Coverage	N/A 	N/A	N/A
B6 Merit Assessment of Side Boundary Setbacks	Merit Assessment 	Nil side setback consistent with existing development and adjoining properties. No unreasonable amenity impacts associated with the side setbacks.	✓
B7 Front Boundary Setbacks	Ground and First floor = 2.5m Second floor = up to 6.5m 	The proposal steps the built form back from the street as height increases above the second floor. The proposal is for a 3.3m ground floor front setback to the building line, and nil setback to the entranceway. Level 1 is proposed with a 900mm setback to the balcony and 3.3m to the building line.	Justified Consistent with Nos. 13-14 The Strand creating a 'street wall', plus the approved upper level balconies adjoining development at Nos. 9-11 The Strand (Mod2010/0063), and nil street frontage setback at Nos. 18-19 The Strand (Mod2018/0193)

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
		<p>Level 2 is setback 750mm from the boundary.</p> <p>Level 3 is setback 2m from the boundary.</p>	
B10 Merit assessment of rear boundary setbacks	<p>Merit Assessment</p>  <p>N Merit assessment</p>	<p>6.1m rear boundary setback is consistent with adjoining property to the north.</p> <p>No unreasonable amenity impacts associated with the rear setback.</p>	Complies/ acceptable on merit
C2 Traffic, Access and Safety	<p>Vehicular Access</p> <ol style="list-style-type: none"> 1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives. 2. Vehicle access is to be obtained from minor streets and lanes where available and practical. 3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way. 4. Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315. 5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification. 	<p>Vehicular access is provided via the rear right of carriageway.</p> <p>Pedestrian access is via The Strand</p> <p>Swept paths demonstrate that a SRV can enter and exit the site in a forward direction, with service vehicles accessing the loading dock for loading/unloading via the rear right of carriageway.</p> <p>A waiting bay with traffic control lights is proposed to mitigate congestion on the access ramps, with the traffic report demonstrating that a B99 vehicle can circulate past a B85 vehicle waiting in the waiting bay and that through traffic flow in and out is feasible without reversing.</p>	✓
	<p>On-site loading and unloading</p> <ol style="list-style-type: none"> 6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of 	<p>Loading dock is provided via the rear right of carriageway.</p>	✓

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
	the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.		
C3 (Appendix 1) Parking Facilities	<p>Shop Top Housing (Residential Component) - Within the Dee Why Town Centre:</p> <ul style="list-style-type: none"> 0.6 spaces per 1 bedroom dwelling 0.9 space per 2 bedroom dwelling 1.4 spaces per 3 bedroom dwelling 1 visitor space per 5 units or part of dwellings 1 car share space per 25 dwellings (for properties with more than 25 dwellings) with each car share space replacing one (1) regular car parking space). <p>1 space per 16.4m² GLFA (6.1 spaces per 100 m² GLFA).</p>	<p>Residential car parking requirement:</p> <p>2 x three-bedroom and 4 x four-bedroom = 9 spaces (9 spaces provided)</p> <p>Visitor = 2 (2 spaces provided)</p> <p>Total Residential = 11 spaces (11 spaces provided)</p> <p>GLFA 136m² car parking requirement = 8 spaces (4 retail staff spaces provided)</p> <p>Total car parking spaces required = 19</p> <p>15 car parking spaces proposed</p>	<p>Justified</p> <p>The proposal is compliant with the residential requirements for off-street parking, with 15 car parking spaces provided, accessed via the rear lane right of carriageway.</p> <p>Given vehicle access is via a relatively obscure rear right of carriageway laneway, the site is considered unsuitable for retail visitor parking. The limited visibility and constrained access conditions make it impractical to accommodate high turnover customer parking, reinforcing the rationale for restricting retail parking to staff use only. In this regard, there is a preference to not have retail parking given additional traffic creating added congestion within the right of carriageway, impacting on neighbours.</p> <p>The site is in close proximity to public transport, with bus stops on both Oaks Avenue and Howard Avenue, being less than 170m walking</p>

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
			distance via a safe path of travel.
C3(A) Bicycle Parking and End of Trip Facilities	<p>1 per dwelling - High-Medium Security Level = 6</p> <p>Visitors: 1 per 12 dwellings - High-Low Security Level = 1</p> <p>Retail - 1 per 200m² GFA = 1</p> <p>Visitors 1 / 600m² GFA</p> <p>= 9 bicycle parking required.</p>	<p>9 bicycle storage lockers proposed</p> <p>Bicycle parking is proposed within 6 x residential garages, plus within 3 x bicycle lockers located on Basement Level 1</p>	✓
D2 Private Open Space	A total of 10m ² with minimum dimensions of 2.5 metres	<p>POS balconies to the front and rear total area combined >10m².</p> <p>Primary balcony overlooking the street minimum 19.66m². Level 1 minimum dimension is 2.4m.</p>	Complies with ADG
D6 Access to Sunlight	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>The proposed units will receive abundant solar access in the morning during midwinter, with 83.3% of apartments receiving 2 x hours of sunlight between 8.30am and 3pm during midwinter.</p> <p>Given the site orientation, at least 2 x hours of sunlight between 9am and 3pm during midwinter is maintained to east facing living areas of apartments to the south at Nos. 9-11 The Strand. Moreover, given the generous building separation no unreasonable additional overshadowing of Nos. 110-112 Oaks Avenue is associated with the proposal.</p>	Complies/ Justified given the orientation of the site, the proposed units will receive abundant solar access in the morning during midwinter. Moreover, It is noted that the Design & Sustainability Advisory Panel (DSAP) noted in their minutes that the "minor ADG solar non-compliance which the panel would consider acceptable due to the exceptional aspect of the site and solar access prior to 9am midwinter".
F1 Local and Neighbourhood Centres	The Strand, Dee Why Ground floor premises along The Strand, Dee Why will be characterised	The proposal is for shop top housing with 2 x ground floor retail tenancies, with upper	Complies/ acceptable on merit

CONTROL	NUMERIC	PROPOSED	COMPLIANCE
	<p>by restaurants, cafes, shops and leisure-related uses that create active building fronts and contribute to the life of the streets. Housing will characterise upper floors.</p> <p>Despite Requirement 2, the minimum floor to ceiling height for buildings on land zoned B2 Local Centre at The Strand, Dee Why, is to be 3.6 metres for ground floor levels and 2.7 metres for upper storeys.</p> <p>The interrelationship between the beach and park and development along The Strand is an important aspect of the character of the area. The design of buildings and shopfronts will have a strong complementary relationship to their beach and parkland setting and help create comfortable, interesting and safe pedestrian environments. Outdoor eating areas in particular will be encouraged.</p> <p>Above the second storey, buildings will step back from The Strand, Oaks and Howard Avenues and Dee Why Parade and building height will be restricted to maintain solar access to the parklands and ensure the scale of buildings does not dominate public spaces or views from the park or beach.</p>	<p>level residential apartments.</p> <p>Ground floor level floor to ceiling height = 3.9m</p> <p>Upper floor level floor to ceiling height = 2.7m</p> <p>The proposal is for a ground floor 'street wall', that steps the built form back from the street as height increases above the second floor.</p> <p>The proposal is for a height variation with a 13.99m maximum roof height and 15.76m height to the services (hot water plant).</p>	

4.2. STATE LEGISLATION

4.2.1. SEPP (Housing) 2021 and the Apartment Design Guide

Chapter 4 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and the Apartment Design Guide (ADG) apply to the proposed shop top housing development. The proposed residential dwelling units represent a high-quality design, will achieve a high level of internal amenity for the proposed units, and exhibits a high-level of compliance with the provisions and 9 x principles of the ADG, in accordance with the Apartment Design Report, prepared by Studio Johnston, accompanying this proposal.

The following table provides a summary of compliance with the ADG requirements.

Table 2: ADG Summary Compliance Table

CONTROL	NUMERIC	PROPOSED	COMPLIES
CHAPTER 4 DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT – ADG			
Communal Open Space (Objective 3D-1 (1))	Minimum 25% of the site area (222.9m ²)	Nil	Justified Given the outperformance of the provision of private open space for each apartment, including balconies for all bedrooms, plus the proximity to Dee Why Beach foreshore and Ted Jackson reserve
Deep Soil Zones (Objective 3D-1 (2))	Deep soil zones are to meet the following minimum requirement 7% (3m minimum dimension)	Nil	Justified Given the site context, with the existing nil provision of deep soil, while the proposal is for landscape planters to all levels, plus side elevation cut outs.
Separation Distances (Objective 3F-1 (1))	Up to 12m (4 storeys): <ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms. 	<ul style="list-style-type: none"> The proposed shop top housing development is four-storeys. The proposed rear setback from proposed balconies to the adjoining development at Nos. 110-112 is greater than 12m. 	✓

Solar and daylight access (Objective 4A-1 (1) and (3))	<p>70% of apartments receive a minimum of 2 hours direct sunlight between 9am – 3pm on June 21st</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am – 3pm on June 21st</p>	<ul style="list-style-type: none"> 33.4% (2 out of 6 units) of units receive 2 x hours of solar access between 9am and 3pm during midwinter. 	<p>Justified</p> <p>Given the east-west orientation of the site 33.4% (2 out of 6 units) of units receive 2 x hours of solar access between 9am and 3pm during midwinter.</p> <p>However, 83.3% of units receive 2 x hours of sunlight from 8.30am to 3pm</p>
Natural Ventilation (Objective 4B-1 (1) and (2))	60% of apartments are naturally cross ventilated	<ul style="list-style-type: none"> 100% of units are cross ventilated. 	✓
Common circulation and spaces (Objective 4F-1 (1))	A maximum number of apartments off a circulation core on a single level is 8	<ul style="list-style-type: none"> Each upper level floor has 2 units per circulation core 	✓
Minimum apartment size (Objective 4D-1 (1))	<ul style="list-style-type: none"> Studio: 35m² 1-bedroom 50m² 2-bedroom apartment: 70m² 3-bedroom apartment: 90m² + 5m² for any additional bathroom 	<ul style="list-style-type: none"> The proposal outperforms the ADG minimum internal areas with the following provided: <ul style="list-style-type: none"> three-bedroom units: Minimum 204.02m² four-bedroom units: Minimum 193.1m² 	✓
Private open space (Objective 4E-1 (1))	<ul style="list-style-type: none"> Studio apartment: 4m² 2-bedroom apartment: 10m² Minimum depth: 2m 3+ bedroom apartment: 12m² Minimum depth: 2.4m 	<ul style="list-style-type: none"> Three-bedrooms = Minimum >12m² Four-bedrooms = Minimum >12m² Minimum depth 2.5m 	✓
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	<ul style="list-style-type: none"> N/A 	N/A

Storage (Objective 4G-1 (1))	Studio: 4m ³ 2-bedroom: 8m ³ 3-bedroom: 10m ³ At least 50% of required storage is to be located within the apartment	<ul style="list-style-type: none"> Compliant storage in units and basement. 	✓
---	--	--	---

4.2.2. SEPP (Sustainable Buildings) 2022

Assessment: *State Environmental Planning Policy (Sustainable Buildings) 2022* applies to this proposal. This application is accompanied by a BASIX Certificate demonstrating compliance with the State Government's environmental sustainability targets for water, thermal comfort, and energy efficiency, through introducing appropriate measures to reduce artificial heating, lighting, and cooling means.

4.2.3. SEPP (Resilience And Hazards) 2021

Chapter 2 Coastal Management

Chapter 2 Coastal Management of *State Environmental Planning Policy (Resilience and Hazards) 2021* applies to the subject site given the site is identified as "Coastal Environment Area" (Section 2.10).

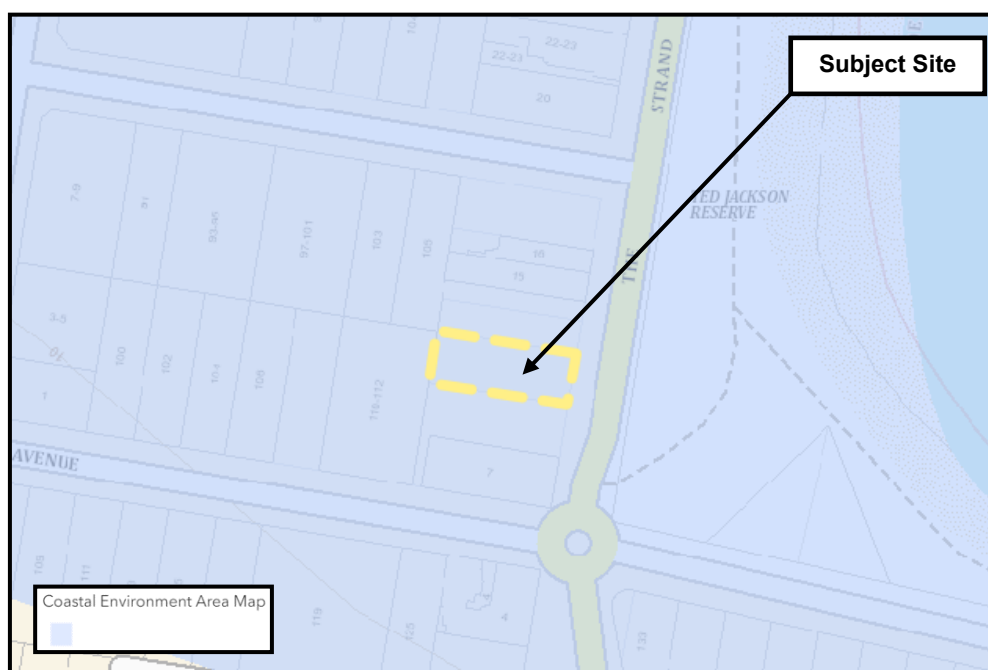


Figure 26: Coastal Environment Area Map

Pursuant to Section 2.10 of Division 4 Coastal Environment Area, development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority considers:

- a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- b) *coastal environmental values and natural coastal processes,*
- c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- f) *Aboriginal cultural heritage, practices and places,*
- g) *the use of the surf zone.*

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

- a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Assessment: The proposed works are confined to the subject site boundaries. In this regard, the proposal will not alter access opportunities to the foreshore and will not affect the recreational use of the coast. Furthermore, the proposal is designed to mitigate adverse impact to the coastal environment area, which is reflected in minimal view loss, visual bulk, or shadowing impacts generated.

Chapter 2 Coastal Management of *State Environmental Planning Policy (Resilience and Hazards) 2021* applies to the subject site given the site is identified as and “Coastal Use Area (Section 2.11).

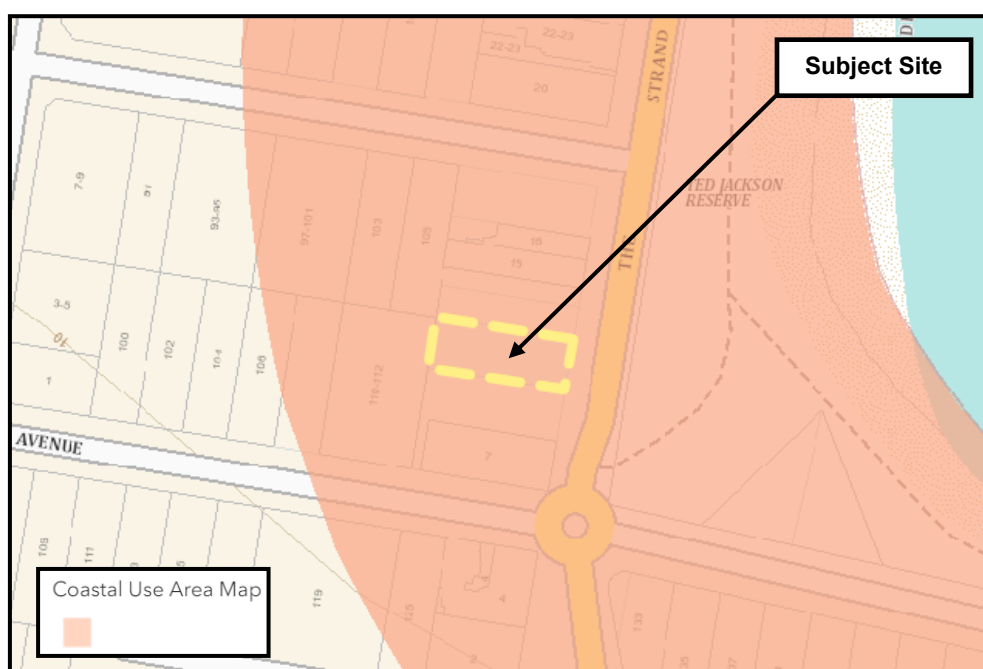


Figure 27: Coastal Use Area Map

Pursuant to Section 2.11 of Division 4 Coastal Use Area, development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - i. *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - ii. *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - iii. *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - iv. *Aboriginal cultural heritage, practices and places,*
 - v. *cultural and built environment heritage, and*
- b) *is satisfied that:*
 - i. *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - ii. *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - iii. *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- c) *(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Assessment: The proposal will not affect public access to the foreshore, will minimise overshadowing to public places to the foreshore and will provide a shop top housing development that has been designed to be in keeping with the scale and character of the locality. The proposed development will therefore not have a detrimental impact to the visual amenity and scenic qualities of the foreshore coastal use area.

Chapter 4 Remediation of Land

Chapter 4 Remediation of Land of *State Environmental Planning Policy (Resilience and Hazards) 2021* applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Chapter 4 of SEPP (Resilience and Hazards) requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out 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.



Figure 28: Aerial photo of 1943 (Source: Six Maps 2024)

Assessment: The subject site is not identified as forming part of an investigation area or otherwise being affected by contamination under Council's LEP, DCP or other policy. The site appears to have been in residential or commercial land use since its original subdivision, with 1943 imagery indicating the intensification of land use on and around the site. No further consideration is therefore required under Chapter 4 Section 4.6(1) (a), (b), and (c) of the SEPP.

4.2.4. Water Management Act 2000

In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the application is required to be forwarded to Water NSW as Integrated Development, given dewatering is required during excavation and construction works, in accordance with the Geotechnical Report, prepared by Green Geotechnics.

4.3. WARRINGAH LEP 2011

4.3.1. Zoning

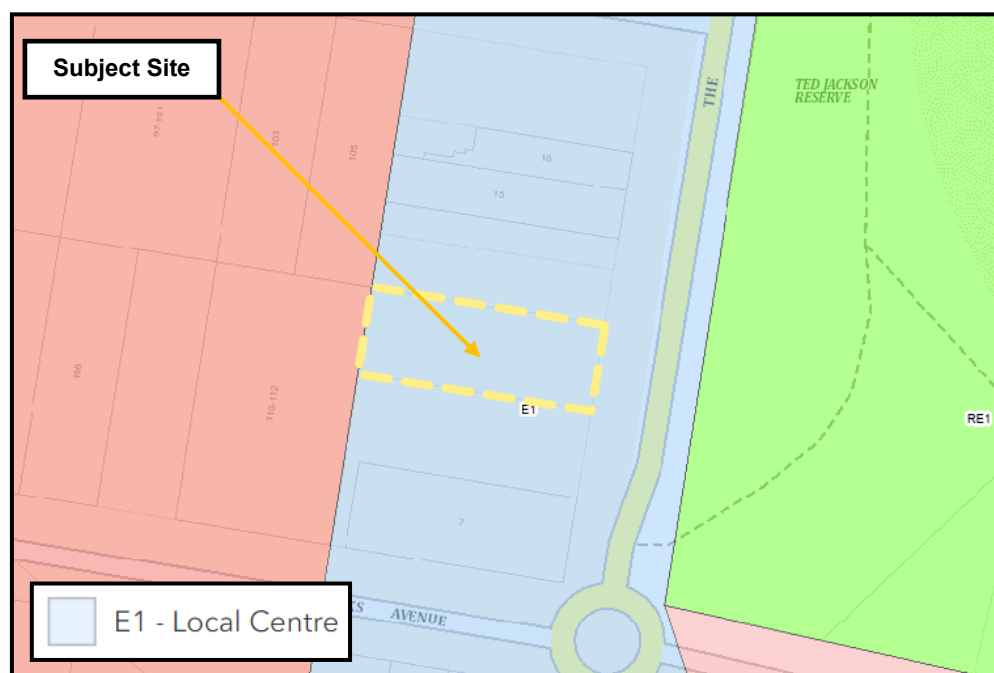


Figure 29: Zoning Map

Zone E1 Local Centre

1 Objectives of zone

- 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.

2 Permitted without consent

Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Creative industries; Entertainment facilities; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; **Shop top housing**; Tank-based aquaculture; Veterinary hospitals; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Exhibition homes; Exhibition villages;

Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Assessment: The proposed demolition and construction of a shop top housing development is permissible in the E1 Local Centre land use zone in accordance with the WLEP2011. Furthermore, the proposal is considered to satisfy the zone objectives by providing for ground floor retail with active frontage, plus upper-level residential development, that contributes to a vibrant and active local centre. In this regard, the proposed development is considered to represent a high-quality design outcome which sits comfortably with the contemporary character of The Strand streetscape.

4.3.2. Building Height

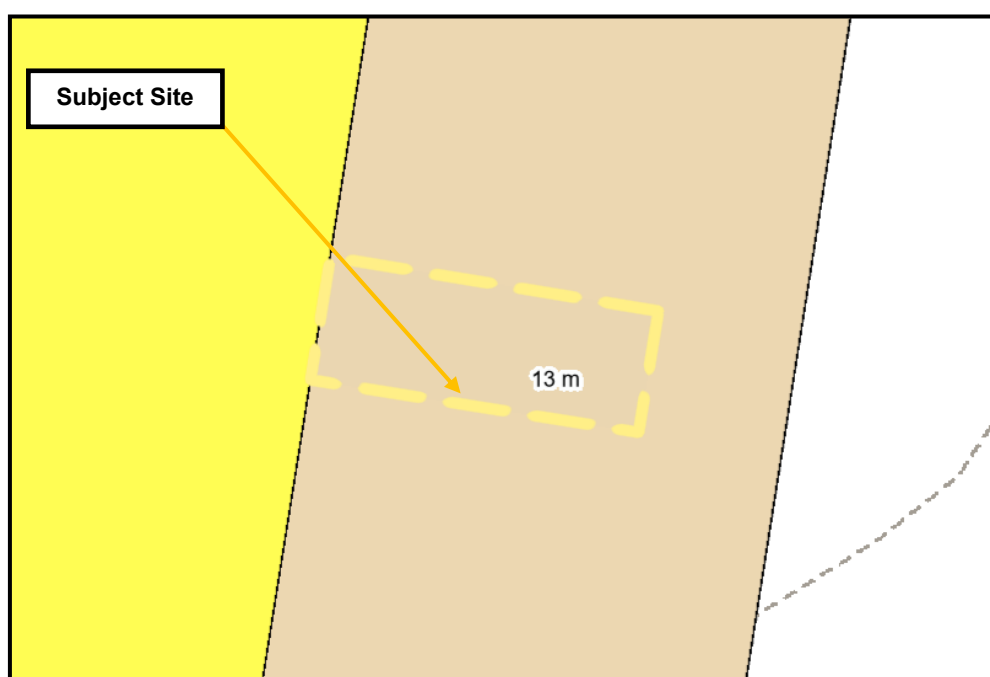


Figure 30: Building Height Map

Clause 4.3 Height of buildings

- (1) *The objectives of this clause 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.*
- (2) *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](#).*

(2A) If the *Height of Buildings Map* specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

Assessment: Pursuant to Clause 4.3 of the WLEP2011, the site is subject to a maximum building height of 13m, with the proposal for a maximum roof height of 13.99m above EGL, with a maximum building height to the services (hot water plant) of 15.76m above EGL, being a 21.23% (2.76m) variation from the numerical development standard. However, it is noted that the proposed maximum roof height of 13.99m is a minor 7.62% (990mm) variation from the development standard, as illustrated below (**Figures 32 & 33**).

In this regard, the height variation results from the minimum ceiling height requirements of the ADG, services required by the NCC, and the sloping nature of the site, with a rise of approximately 2.2m from east to west.

Notwithstanding the minor 7.62% variation of the proposed flat roof, it is considered that the proposal will not be responsible for any unreasonable environmental impacts in relation to visual impact from bulk and scale, visual or acoustic privacy, overshadowing, or loss of views.

The proposal has been designed to reduce the visual impact from bulk and scale, with the proposed height variation and four-storey presentation to the street frontage consistent with the surrounding properties along The Strand, being not visually dominant in the streetscape. Moreover, the proposed variety of architectural features are considered to be of a high standard which will enhance the character of The Strand, including indentation and recesses, deep set balconies to front and rear elevations, privacy screens, and steps in the eastern elevation (front façade) floor levels with height, creating good articulation to the built form and building façade.

The proposal has been designed and sited to ensure adequate visual and acoustic privacy between each of the proposed apartments, and the adjoining developments. Windows and balconies have been appropriately sited, to provide access to sunlight, minimise potential overlooking, while providing opportunities for passive surveillance of the street. In this regard, windows face the front and rear elevations, while recessed voids are proposed to provide sunlight while mitigating privacy impacts. Moreover, balconies are proposed to be recessed, while the rear balconies are proposed with a greater than ADG required 12m separation distance to the western neighbour, at No. 110-112 Oaks Avenue, to maintain visual and acoustic privacy.

It is acknowledged that some minor additional overshadowing of the adjoining lots to the south, east, and west is associated with the proposed height variation of the shop top housing development. However, the proposed height variation is associated with a minor portion of the flat roof, plus the building services and lift overrun which are recessed within the centre of the roof. In this regard, despite the proposed minor building height variation and four-storey height, shadow diagrams accompanying this application indicate that the shadowing associated with the height variation will not have an unreasonable impact, with at least 2 x hours of sunlight between 9am and 3pm during midwinter is maintained to east facing living areas of apartments to the south at Nos. 9-11 The Strand. Moreover, given the generous building separation no unreasonable additional overshadowing of Nos. 110–112 Oaks Avenue is associated with the proposal, with only minor indiscernible additional overshadowing to Ted Jackson Reserve from the height variation (**Figures 31**).

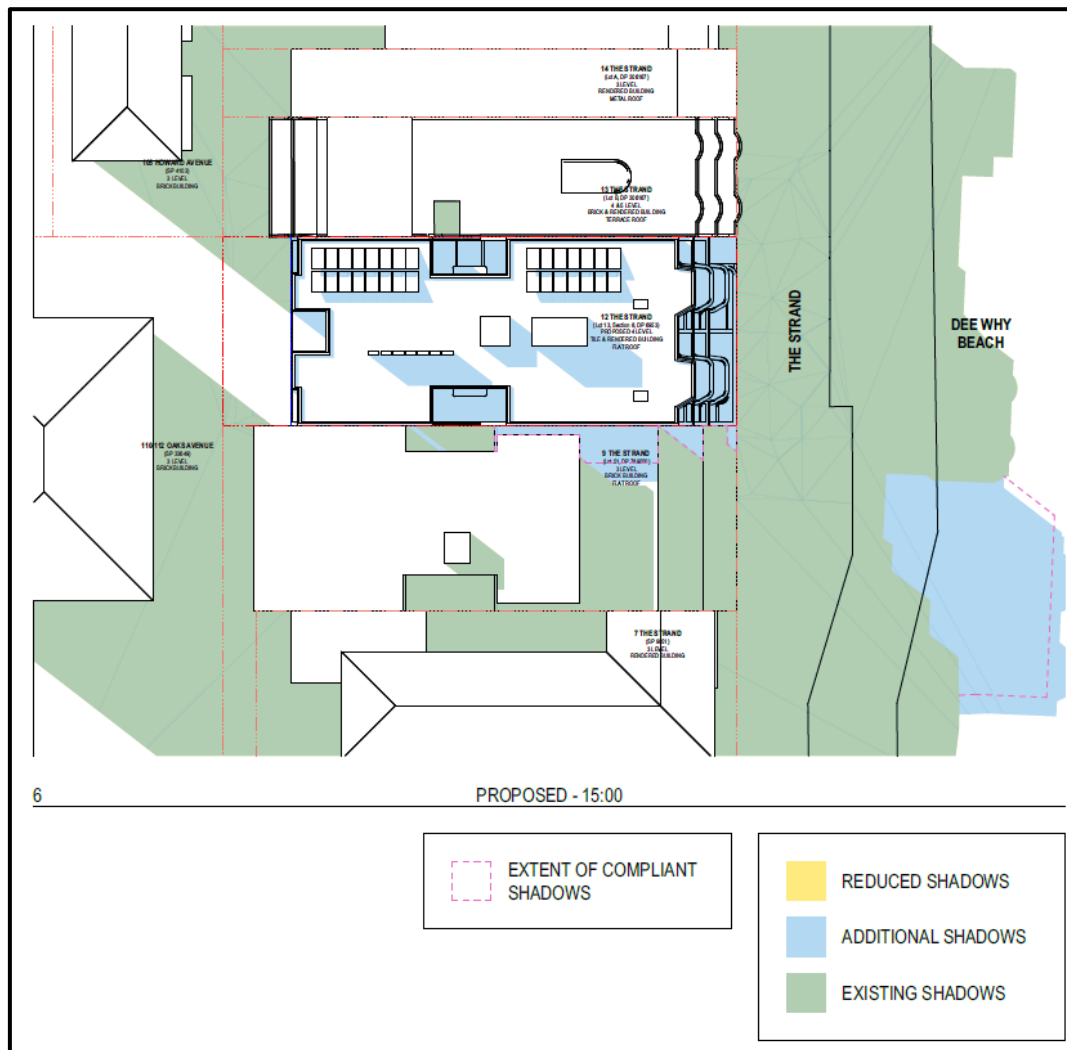


Figure 31: Extract of Proposed Shadow Diagrams, illustrating the minor shadowing to the public domain from the height variation

Notwithstanding the proposed height variation, the orientation of lots, surrounding topography, building separation to the western neighbour, in addition to the modest flat roof, ensures that outlook to the coast is maintained for surrounding properties and the public domain.

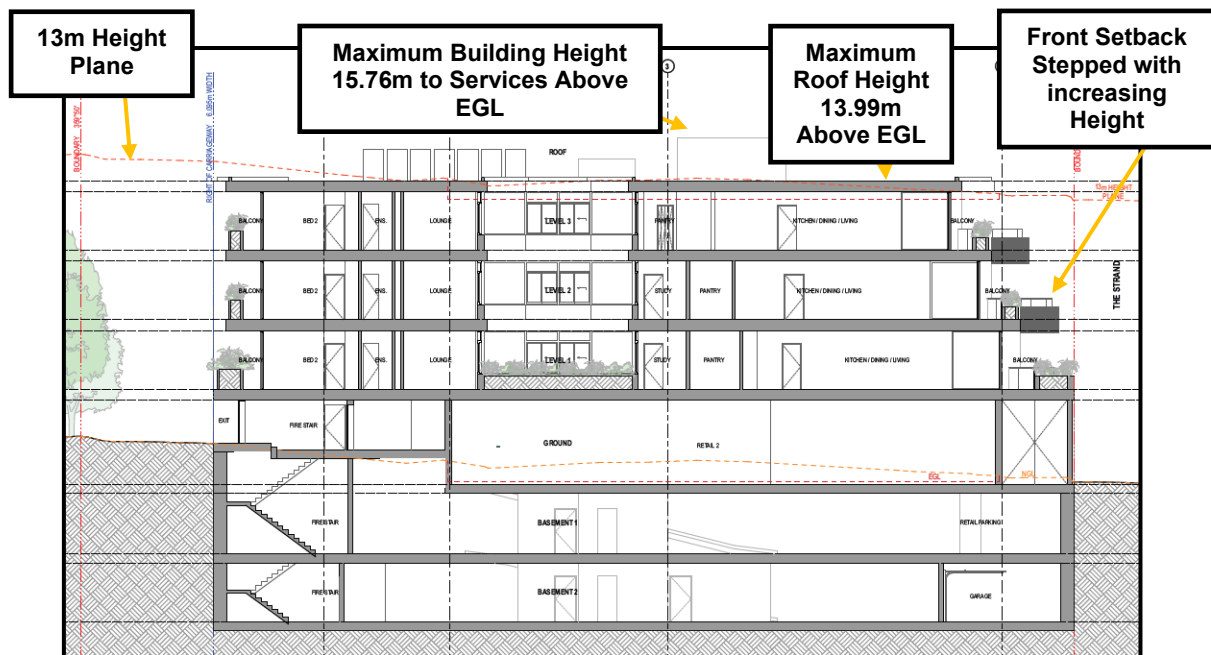


Figure 32: Extract of Section Plan, illustrating maximum building height above EGL

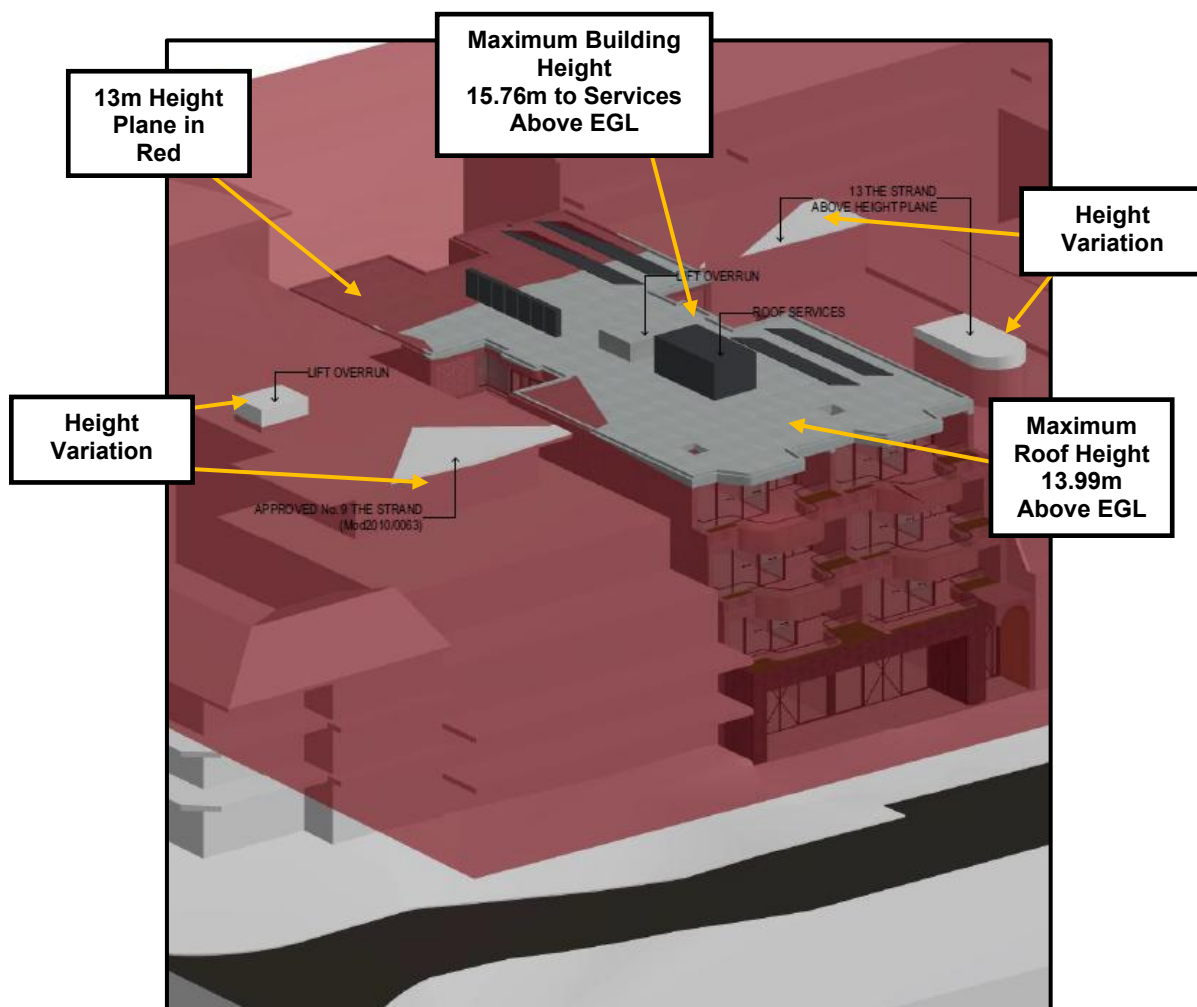


Figure 33: Extract Height Plane Diagram, illustrating minor height variation, being compatible with the adjoining development height variations at Nos. 9-11 and Nos. 13-14 The Strand

A comprehensive justification for the variation is provided in the accompanying Clause 4.6 variation at **Appendix 1**.

4.3.3. Floor Space Ratio

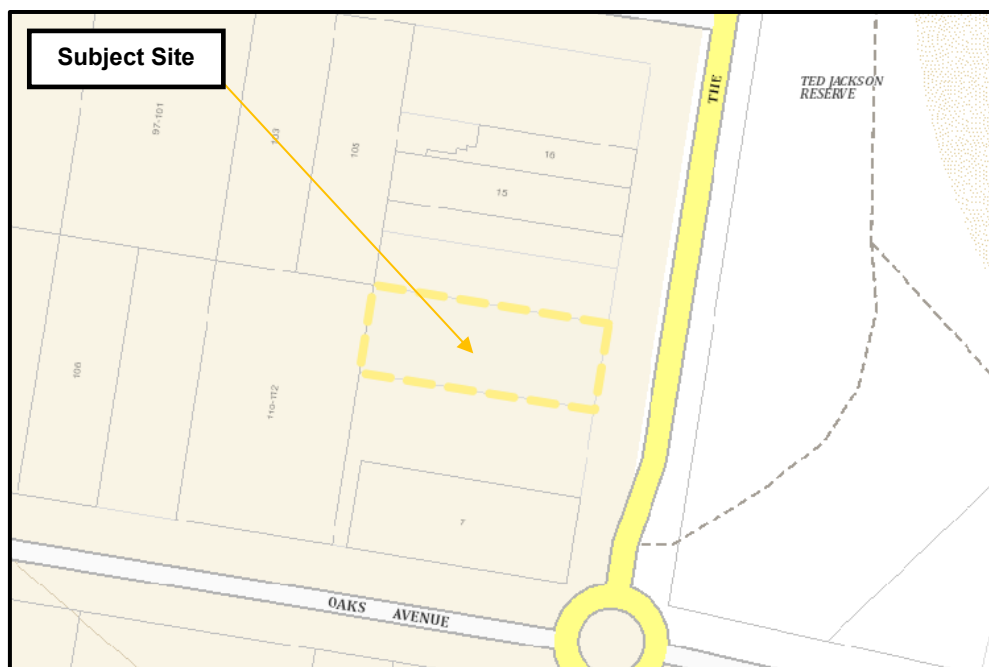


Figure 34: Floor Space Ratio Map

Clause 4.4 Floor space ratio

- (1) *The objectives of this clause are as follows—*
 - (a) *to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,*
 - (b) *to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*
 - (c) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
 - (d) *to manage the visual impact of development when viewed from public spaces,*
 - (e) *to maximise solar access and amenity for public areas.*
- (2) *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](#).*

Assessment: Pursuant to Clause 4.4 of WLEP2011, the site is not subject to a maximum FSR development standard.

In this regard, the proposed, bulk and four-storey scale presentation of the development, with flat roof will be perceptible in a modest and discreet manner from the street, is not considered to be visually dominant in the streetscape, and does not introduce a significant impact to neighbours, with it considered that the siting and scale of development is appropriate for the site and its context, will preserve the amenity of neighbouring properties in a reasonable manner. Moreover, the proposal will not have a detrimental impact to the visual amenity and scenic qualities of the coast.

On this basis, it is considered that the proposal will not be responsible for any unreasonable environmental impacts in relation to loss of visual impacts from bulk and scale, visual or acoustic privacy, overshadowing, or loss of view.

4.3.4. Heritage



Figure 35: Heritage Map

Clause 5.10 Heritage conservation

(1) *Objectives* The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Warringah,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Assessment: The existing shop top housing development built form is not heritage listed, the site is not within proximity of a heritage item, and not located within a heritage conservation area.

4.3.5. Acid Sulfate Soils

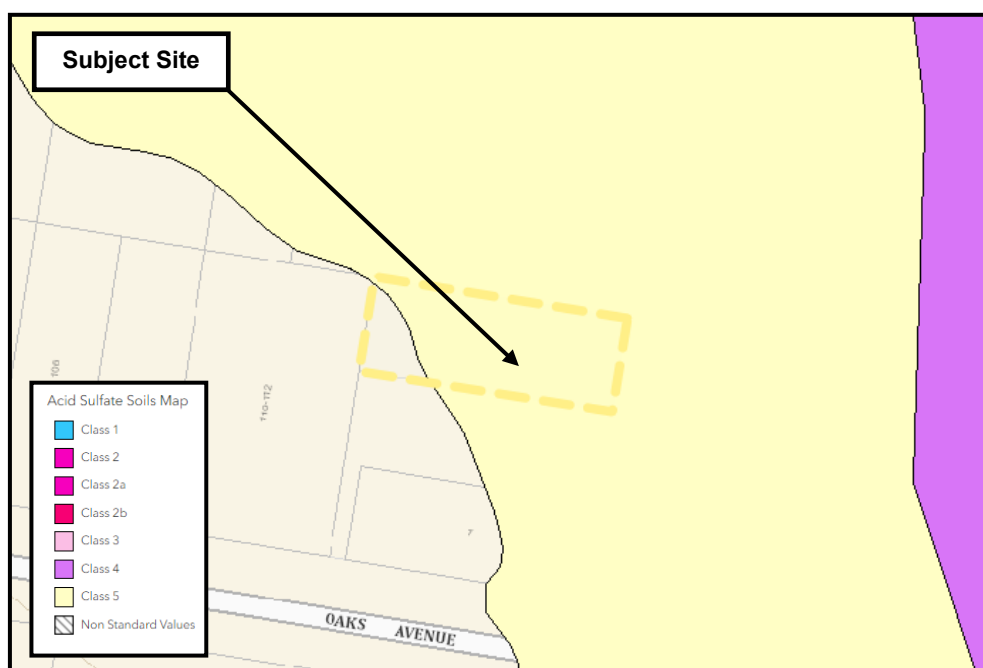


Figure 36: Acid Sulfate Soils Map

Clause 6.1 Acid sulfate soils

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.*

Assessment: The subject site is identified as being on land classified Class 5 Acid Sulfate Soils. However, works are not proposed within 500 metres of any adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

4.3.6. Earthworks

Clause 6.2 Earthworks

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
 - (b) *to allow earthworks of a minor nature without requiring separate development consent.*
- (2) *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.*
- (3) *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.*

Assessment: Excavation to a maximum depth of between approximately 7.0m and 8.6m is proposed to accommodate basement parking of the development. The proposed excavation is not expected to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.


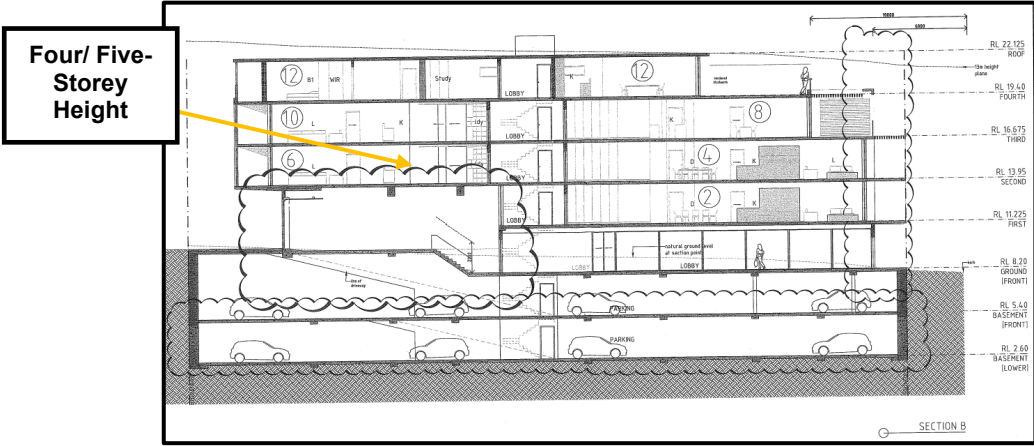
A Geotechnical Investigation Report, prepared by Green Geotechnics accompanies this proposal.

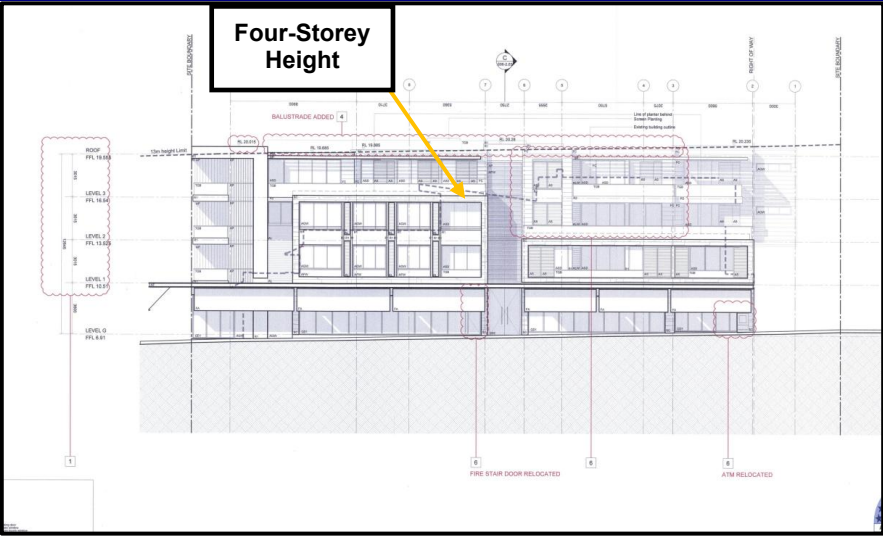

4.4. WARRINGAH DCP 2011

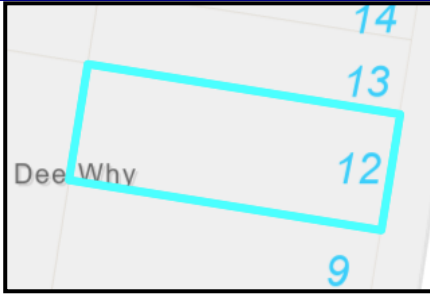
The table below sets out the controls of the WDCP2011 that apply to the subject site and proposed development.

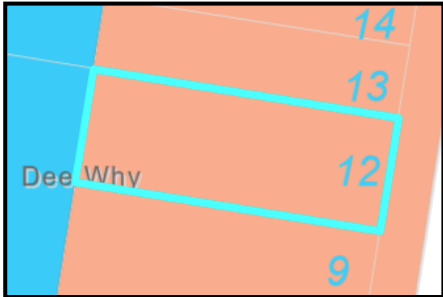
Table 3: Warringah DCP 2011.

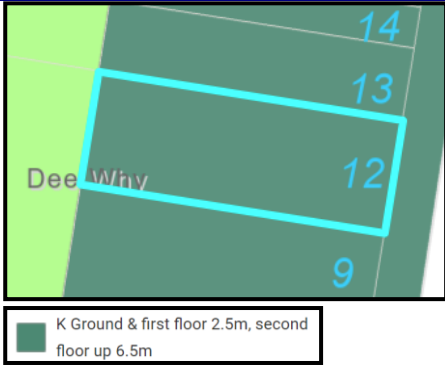
ITEM	PROPOSED
PART B – BUILT FORM CONTROLS	
B1 Wall Heights	N/A <ul style="list-style-type: none"> The site is subject to a 13m maximum height.
B2 Number of Storeys	Justified <ul style="list-style-type: none"> The site is subject to a three-storey limit, with the proposal for four-storeys. However, this is considered justified given the adjoining neighbour at Nos. 13-14 The Strand is a four-storey shop top housing development, while the adjoining neighbour at Nos. 9-11 The Strand has approval for a four/ five-storey shop top housing development under Mod2010/0063 (Figures 31 & 32). Furthermore, Nos. 18-19 The Strand has approval for a five-storey shop top housing development Mod2018/0193 (Figure 33).

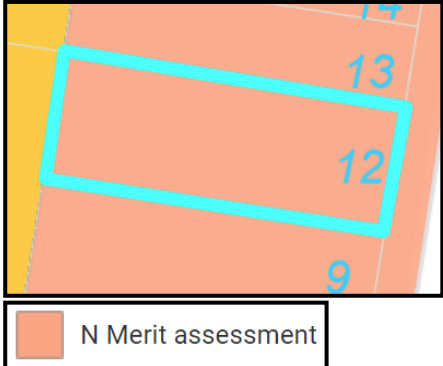
ITEM	PROPOSED
	 <p data-bbox="779 823 1906 857">Figure 37: Adjoining five-storey shop top housing development at Nos. 13-14 The Strand</p>  <p data-bbox="656 1345 2033 1377">Figure 38: Approved four/ five-storey development adjoining the site at Nos. 9-11 The Strand (Mod2010/0063)</p>

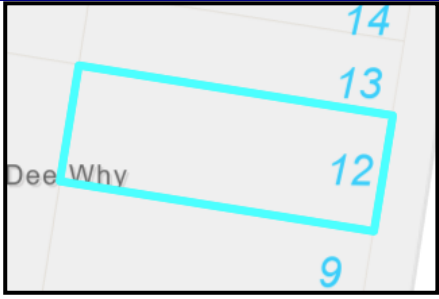

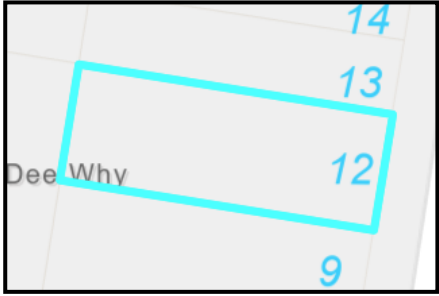
ITEM	PROPOSED
	 <p data-bbox="689 783 2007 850">Figure 39: Extract of North Elevation plan of approved four-storey development at Nos. 18-19 The Strand (Mod2018/0193)</p>
B3 Side Boundary Envelope	<p data-bbox="600 874 651 901">N/A</p> <ul data-bbox="607 922 1263 949" style="list-style-type: none"> The site is not subject to a boundary envelop control. 
B4 Site Coverage	<p data-bbox="600 1268 651 1295">N/A</p> <ul data-bbox="607 1316 1211 1343" style="list-style-type: none"> The site is not subject to a site coverage control.

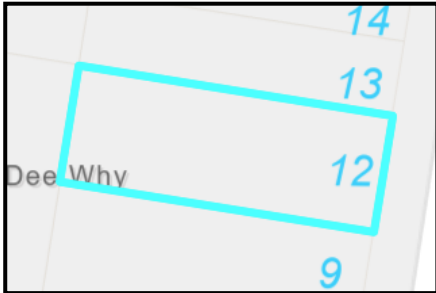
ITEM	PROPOSED
	
B5 Side Boundary Setbacks	N/A
B6 Merit Assessment of Side Boundary Setbacks	<p>Complies/ Acceptable on merit</p> <ul style="list-style-type: none"> • The proposal is for a nil side setback. However, this is considered acceptable on merit given the proposal is consistent with the existing development on the site, the adjoining property to the north, plus character of The Strand, with the proposal creating a street wall, with no unreasonable amenity impact with regard to overshadowing, visual bulk and scale, privacy, or view loss, as discussed following: • It is acknowledged that some minor additional overshadowing of the adjoining lots to the south, east, and west is associated with the proposed height variation of the shop top housing development. • However, while the proposed height variation is associated with a minor portion of the flat roof, plus the building services and lift overrun which are recessed within the centre of the roof, the shadowing associated with the height variation falls predominantly onto the roof of the proposed or adjoining development to the south. Moreover, shadows falling to the public domain to the east are consistent with a compliant building height, with minor additional overshadowing to Ted Jackson Reserve from the height variation indiscernible. • The proposal has been designed to reduce the visual impact from bulk and scale, with the four-storey presentation to the street frontage and proposed side setbacks compatible with the surrounding properties along The Strand, being not visually dominant in the streetscape. The proposed variety of architectural features are considered to be of a high standard which will enhance the character of The Strand, including indentation and recesses, deep set balconies to front and rear elevations, privacy screens, and steps in the eastern elevation (front façade) floor levels with height, creating good articulation to the built form and building façade. In this regard, the proposed side setbacks are not considered to present an adverse visual bulk and scale impact. • The proposal has been designed and sited to ensure adequate visual and acoustic privacy between each of the proposed apartments, and adjoining developments. Windows and balconies have been appropriately sited to provide access to

ITEM	PROPOSED
	<p>sunlight, minimise potential overlooking, while providing opportunities for passive surveillance of the street. In this regard, windows face both the front and rear elevations, while recessed voids are proposed to provide sunlight while mitigating privacy impacts. Moreover, balconies are proposed to be recessed, while the rear balconies are proposed with a greater than ADG required 12m separation distance to the western neighbour at Nos. 110-112 Oaks Avenue, to maintain visual and acoustic privacy. In this regard, it is considered that there is no adverse visual and acoustic privacy impact despite the proposed side setbacks.</p> <ul style="list-style-type: none"> Notwithstanding the proposed side setbacks, the orientation of lots, surrounding topography, building separation to the western neighbour, in addition to the modest flat roof, ensures that outlook to the coast is maintained for adjoining properties and the public domain.  <p>The diagram shows a site plan with a blue area labeled 'Dee Why' on the left. A red-shaded area represents the 'N Merit assessment' zone. A cyan line indicates setbacks of 14, 13, 12, and 9 meters from the boundaries. A legend below the diagram shows a red square for 'N Merit assessment'.</p>
B7 Front Boundary Setbacks	<p>Justified</p> <ul style="list-style-type: none"> The site is subject to a Ground and First floor front setback of 2.5m, with the Second Floor up to 6.5m. The proposal steps the built form back from the street as height increases above the second floor. The proposal is for a 3.3m ground floor front setback to the building line, and nil front setback to the entranceway side walls. Level 1 is proposed with a nil setback to the balcony and 900mm to the building line, Level 2 is proposed with a 700mm boundary setback. while Level 3 is setback 2m from the front boundary.

ITEM	PROPOSED
	
B8 Merit assessment of front boundary setbacks	N/A
B9 Rear Boundary Setbacks	N/A
B10 Merit assessment of rear boundary setbacks	<p>Complies/ Acceptable on merit</p> <ul style="list-style-type: none"> The proposal is for a 6.1m rear boundary setback is consistent with adjoining property to the north, and is not considered to present an unreasonable amenity impact with regard to overshadowing, visual bulk and scale, privacy, or view loss. It is acknowledged that some minor additional overshadowing of the adjoining lots to the south, east, and west is associated with the proposed height variation of the shop top housing development. However, while the proposed height variation is associated with a minor portion of the flat roof, plus the building services and lift overrun which are recessed within the centre of the roof, the shadowing associated with the height variation falls predominantly onto the roof of the adjoining development to the south. Moreover, shadows falling to the public domain to the east are consistent with a compliant building height, with minor additional overshadowing to Ted Jackson Reserve from the height variation indiscernible. The proposal has been designed to reduce the visual impact from bulk and scale, with the four-storey presentation to the street frontage and proposed side setbacks compatible with the surrounding properties along The Strand, being not visually dominant in the streetscape. The proposed variety of architectural features are considered to be of a high standard which will enhance the character of The Strand, including indentation and recesses, deep set balconies to front and rear elevations, privacy screens, and steps in the eastern elevation (front façade) floor levels with height, creating good articulation to the built form and building façade. In this regard, the proposed rear setbacks are not considered to present an adverse visual bulk and scale impact.


ITEM	PROPOSED
	<ul style="list-style-type: none"> The proposal has been designed and sited to ensure adequate visual and acoustic privacy between each of the proposed apartments, and adjoining developments. Windows and balconies have been appropriately sited to provide access to sunlight, minimise potential overlooking, while providing opportunities for passive surveillance of the street. In this regard, windows face both the front and rear elevations, while recessed voids are proposed to provide sunlight while mitigating privacy impacts. Moreover, balconies are proposed to be recessed, while the rear balconies are proposed with a greater than ADG required 12m separation distance to the western neighbour at Nos. 110-112 Oaks Avenue, to maintain visual and acoustic privacy. In this regard, it is considered that there is no adverse visual and acoustic privacy impact despite the proposed rear setback. Notwithstanding the proposed rear setback, the orientation of lots, surrounding topography, building separation to the western neighbour, in addition to the modest flat roof, ensures that outlook to the coast is maintained for adjoining properties and the public domain. 
B11 Foreshore Building Setback	N/A <ul style="list-style-type: none"> The site is not subject to a foreshore building setback control.

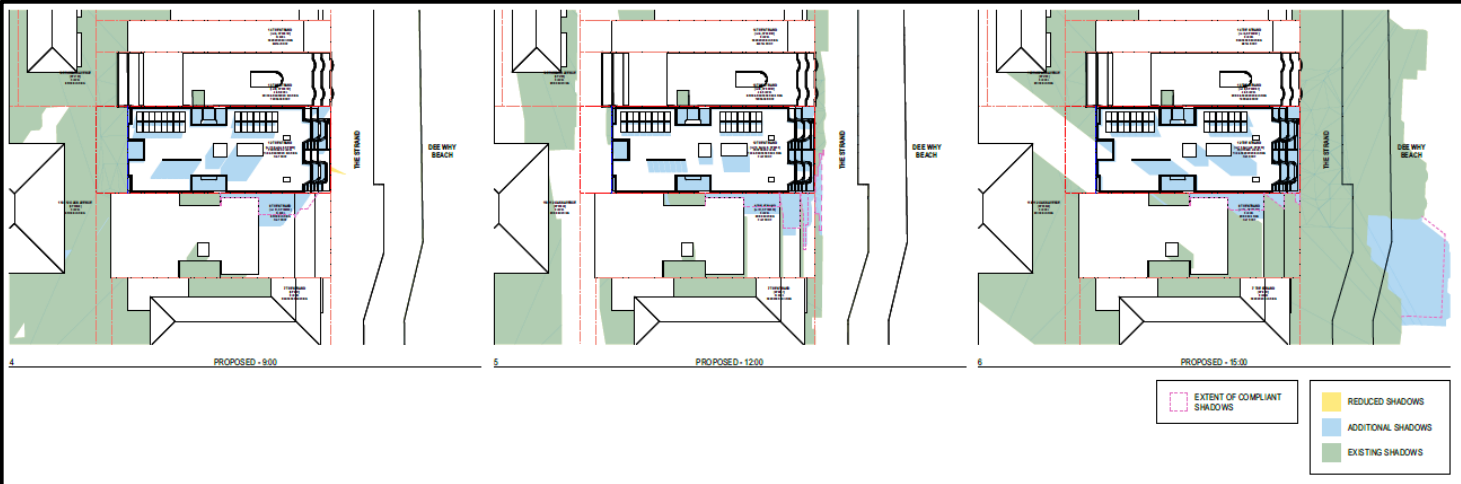
ITEM	PROPOSED
	
B12 National Parks Setback	<p>N/A</p> <ul style="list-style-type: none"> The site is not subject to a National Parks setback control. 
B13 Coastal Cliffs setback	<p>N/A</p> <ul style="list-style-type: none"> The site is not subject to a coastal cliffs setback control. 

ITEM	PROPOSED
B14 Main Roads Setback	<p>N/A</p> <ul style="list-style-type: none"> The site is not subject to a main roads setback control. 
PART C SITING FACTORS	
C1 Subdivision	<p>N/A</p> <ul style="list-style-type: none"> Subdivision does not form a part of this proposal.
C2 Traffic, Access and Safety	<p>Complies</p> <ul style="list-style-type: none"> A Traffic Report, prepared by PDC Consultants accompanies this proposal. The proposal is for separate vehicular and pedestrian access, with the primary pedestrian access from The Strand frontage, with vehicles accessing the basement parking from the rear right of carriageway. Service vehicles can access the loading dock for loading/ unloading via the rear right of carriageway. A waiting bay with traffic control lights is proposed to mitigate congestion on the access ramps, with the traffic report demonstrating that a B99 vehicle can circulate past a B85 vehicle waiting in the waiting bay and that through traffic flow in and out is feasible without reversing. In accordance with the traffic report, swept paths demonstrate that a SRV can enter and exit the site in a forward direction. The proposed car parking and access arrangements have been designed in accordance with Australian Standards, including AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-Street Car Parking.
C3 Parking Facilities & Appendix 1	<p>Justified</p> <ul style="list-style-type: none"> A Traffic Report, prepared by PDC Consultants accompanies this proposal. The proposed car parking provision of 15 spaces is a variation from the required 19 spaces, as follows:


ITEM	PROPOSED												
	<ul style="list-style-type: none">Residential car parking requirement:<ul style="list-style-type: none">2 x three-bedroom and 4 x four-bedroom = 9 spaces (9 spaces provided)Visitor = 2 (2 spaces provided)Total Residential = 11 spaces (11 spaces provided)136m² x GLFA car parking requirement = 8 spaces (4 retail staff spaces provided, including 1 x accessible AS2890.6 parking space)Total car parking spaces required = 19Notwithstanding the proposed retail parking shortfall, the proposal is compliant with the residential requirements for off-street parking, with 15 car park spaces provided, accessed via the rear lane right of carriageway.Given the site's vehicle access location via a relatively obscure rear right of carriageway laneway, the site is considered unsuitable for retail visitor parking. The limited visibility and constrained access conditions make it impractical to accommodate high turnover customer parking, reinforcing the rationale for restricting retail parking to staff use only. In this regard, there is a preference to not have retail parking given additional traffic creating added congestion within the right of carriageway, impacting on neighbours.The loading/ unloading and manoeuvring for vehicles servicing the business can also be carried out on the site. Moreover, the site is in close proximity to public transport, with bus stops on both Oaks Avenue and Howard Avenue, being less than 170m walking distance via a safe path of travel.												
C3 (A) Bicycle Parking and End of Trip Facilities	<p>Complies</p> <ul style="list-style-type: none">A Traffic Report, prepared by PDC Consultants` accompanies this proposal.The proposal requires the following bicycle parking: <table><tr><td></td><td>High-Medium Security Level*</td><td>High-Low Security Level**</td><td>Total Required</td></tr><tr><td>Shop top housing</td><td>1 per dwelling = 6</td><td>Visitors: 1 per 12 dwellings = .5</td><td>7</td></tr><tr><td>Business and Retail Premises</td><td>1 per 200m² GFA 194.94m2 retail space = 1</td><td>Visitors: 1 per 600m² GFA 194.94m2 retail space = 1</td><td>2</td></tr></table> <p>= 9 Bicycle parking spaces required</p>		High-Medium Security Level*	High-Low Security Level**	Total Required	Shop top housing	1 per dwelling = 6	Visitors: 1 per 12 dwellings = .5	7	Business and Retail Premises	1 per 200m² GFA 194.94m2 retail space = 1	Visitors: 1 per 600m² GFA 194.94m2 retail space = 1	2
	High-Medium Security Level*	High-Low Security Level**	Total Required										
Shop top housing	1 per dwelling = 6	Visitors: 1 per 12 dwellings = .5	7										
Business and Retail Premises	1 per 200m² GFA 194.94m2 retail space = 1	Visitors: 1 per 600m² GFA 194.94m2 retail space = 1	2										

ITEM	PROPOSED
	<ul style="list-style-type: none"> • The proposal is for 9 secure bicycle parking space, being within bike storage lockers. This is comprised of 6 x residential bike storage lockers within private garages, plus 3 x bike storage lockers within Basement Level 1. • The proposal includes an accessible bathroom on the ground floor, with it is considered justified that the proposed bathroom provides the necessary facilities for change room, toilet, basin, and mirror. • The DCP requires a minimum of one shower cubicle per 7 x retail bicycle parking spaces with the proposal for 2 x retail bicycle parking spaces, with it consider that shower facilities are not required.
C4 Stormwater	<p>Complies</p> <ul style="list-style-type: none"> • Stormwater Water Management Plans, prepared by SYJ Consulting Engineers accompany this proposal. • The plans address the objectives and requirements of Clause 6.3 of the BBLEP2013. Stormwater will be collected via a series of stormwater pits, grates and gutters on the site and directed to a 29.05m³ underground OSD detention tank, located under the rear vehicular driveway. The stormwater will subsequently discharge to the kerb inlet pit within The Strand. The proposal is accompanied by preliminary stormwater management plans and erosion and sediment control plans, which indicate the collection and disposal of stormwater in a controlled manner.
C6 Building over or adjacent to Constructed Council Drainage Easements	Noted
C7 Excavation and Landfill	<p>Complies</p> <ul style="list-style-type: none"> • A Geotechnical Investigation Report, prepared by Green Geotechnics accompanies this proposal. • Excavation to a maximum depth of approximately 8m is proposed to accommodate basement parking of the development. The proposed excavation is not expected to result in any adverse impact on adjoining land.
C8 Demolition and Construction	<p>Complies</p> <ul style="list-style-type: none"> • A Waste Management Plan for the demolition, construction, and ongoing operation accompanies this proposal.
C9 Waste Management	<p>Complies</p> <ul style="list-style-type: none"> • A Waste Management Plan for the demolition, construction, and ongoing operation accompanies this proposal.

ITEM	PROPOSED
PART D DESIGN	
D1 Landscaped Open Space and Bushland Setting	<p>N/A</p> <ul style="list-style-type: none"> The site is not subject to Landscaped Open Space and Bushland Setting control. An Arboricultural Impact Assessment, prepared by Lee Hancock Consulting Arborist accompanies this proposal. 
D2 Private Open Space	<p>Complies/ Justified</p> <ul style="list-style-type: none"> The DCP requires a total of 10m² with minimum dimensions of 2.5 metres for shop top housing developments. The proposal is for primary balcony overlooking the street minimum area of 19.66m², with Level 1 proposed with a 2.4m minimum dimension, while Levels 2 and 3 area greater than 2.5m. The minor minimum dimension non-compliance is considered justified considering the outperformance of the balcony private open space area, and compliance with the ADG.
D3 Noise	<p>Complies</p> <ul style="list-style-type: none"> Mechanical plant and equipment are proposed to be suitably located, with the development to be constructed to comply with the deemed-to-comply provisions of the National Construction Code and EPA criteria with respect to noise. The residential nature of the upper level portion development ensures that no unreasonable acoustic impacts will be generated. The orientation of primary openings to the front of the dwellings, plus generous separation distance at the rear ensures that acoustic amenity is maintained for the adjoining neighbours.
D4 Electromagnetic Radiation	<p>N/A</p> <ul style="list-style-type: none"> Mobile phone base station and associated infrastructure and equipment does not form a part of this proposal.

ITEM	PROPOSED
	<p>to the south. Moreover, shadows falling to the public domain to the east are consistent with a compliant building height, with minor additional overshadowing to Ted Jackson Reserve from the height variation indiscernible (Figure 41).</p>  <p>Figure 41: Extract of Shadow Diagrams, illustrating solar access to neighbouring developments is maintained</p>
D7 Views	<p>Complies</p> <ul style="list-style-type: none"> Notwithstanding the proposed height, storey height, and front setback variations, the orientation of lots, surrounding topography, building separation to the western neighbour, in addition to the modest flat roof, ensures that outlook to the coast is maintained for adjoining properties and the public domain. In this regard, it is considered that there is no adverse view sharing impacts despite the proposed side and rear setbacks.
D8 Privacy	<p>Complies</p> <ul style="list-style-type: none"> The proposal has been designed and sited to ensure adequate visual and acoustic privacy between each of the proposed apartments, and adjoining developments. Windows and balconies have been appropriately sited to provide access to sunlight, minimise potential overlooking, while providing opportunities for passive surveillance of the street. Windows face both the front and rear elevations, while recessed internal voids are proposed to provide sunlight while mitigating privacy impacts. Moreover, front balconies are proposed to be recessed, while the rear balconies are proposed

ITEM	PROPOSED
	<p>with a greater than ADG required 12m separation distance to the western neighbour at Nos. 110-112 Oaks Avenue, to maintain visual and acoustic privacy. In this regard, it is considered that there is no adverse visual and acoustic privacy impacts.</p> <ul style="list-style-type: none"> • An Acoustic Assessment, prepared by Acoustic Logic accompanies this proposal.
D9 Building Bulk	<p>Complies</p> <ul style="list-style-type: none"> • The proposal has been designed to reduce the visual impact from bulk and scale, with the four-storey presentation to the street frontage and proposed front setback compatible with the surrounding properties along The Strand, being not visually dominant in the streetscape (Figure 42), thereby being an appropriate infill development. The proposed variety of architectural features are considered to be of a high standard which will enhance the character of The Strand, including indentation and recesses, deep set balconies to front and rear elevations, privacy screens, and steps in the eastern elevation (front façade) floor levels with height, creating good articulation to the built form and building façade. • Moreover, the proposed rear setback is consistent with the adjoining neighbour to the north and side setbacks are consistent with the existing provision, northern neighbour, and character of The Strand. • It is acknowledged that the proposal is for a variation to the front setback. However, this is considered acceptable as the proposal is consistent with Nos. 13-14 The Strand creating a 'street wall', plus the approved upper level balconies adjoining development at Nos. 9-11 The Strand (Mod2010/0063), and nil street frontage setback at Nos. 18-19 The Strand (Mod2018/0193). Moreover, despite the front setback variation, no unreasonable adverse amenity impacts are associated with the proposed development with regards to visual bulk, overshadowing, loss of visual or acoustic privacy, impacts to views, or traffic and parking impacts. • The proposed colours, materials and finishes enhance the architectural design of the dwellings and are suitable for the contemporary design and foreshore setting. The mix of materials which include concrete finish, off form concrete, rendered brick, anodised aluminium windows, glass balustrade, tiles, and breeze blocks, provide an interesting presentation and variation contributing to the streetscape character. • New landscaping to the front and rear balconies, plus side elevation recessed cut outs is proposed including palms, shrubs, grasses and groundcovers. Landscape plantings soften the built form and will have a positive visual impact on the streetscape over time. In this regard the proposal is not considered to present an adverse visual bulk and scale impact.

ITEM	PROPOSED
	 <p data-bbox="616 869 2072 932">Figure 42: Existing development with nil boundary front setbacks to the north of the subject site at Nos. 13 - 14 The Strand</p>
D10 Building Colours and Materials	Complies <ul style="list-style-type: none"> The proposed colours, materials and finishes enhance the architectural design of the development and are suitable for the contemporary design, and surrounding foreshore character. The mix of materials which include concrete finish, off form concrete, rendered brick, anodised aluminium windows, glass balustrade, tiles, and breeze blocks, provide an interesting presentation and variation contributing to the streetscape character.
D11 Roofs	Complies <ul style="list-style-type: none"> The proposal is for a flat roof, with central hot water, lift overrun, and the air conditioning condenser units, and other services recessed into the centre of the roof, being indiscernible from the adjoining neighbours and the public domain.

ITEM	PROPOSED
D12 Glare and Reflection	Complies <ul style="list-style-type: none"> The proposal is capable of compliance with the DCP for impacts from artificial illumination or sun reflection, and can be applied as a condition of determination.
D13 Front Fences and Front Walls	Complies <ul style="list-style-type: none"> Front fences and front walls do not form a part of this proposal.
D14 Site Facilities	Complies <ul style="list-style-type: none"> The residential bin room and separate commercial waste room are located on the ground floor of the development. Waste will be collected by a private contractor using a small rigid vehicle (SRV) or smaller, in accordance with the Traffic Impact Statement, prepared by PDC Consulting submitted with this proposal. The bin storage area and loading dock are located within the building and will not detract from the streetscape. A common mail box is located within the residential entranceway/ lobby of the proposal. Clothes drying facilities are capable of being accommodated within the rear (western) balconies to each dwelling.
D15 Side and Rear Fences	N/A <ul style="list-style-type: none"> Side and rear fences do not form a part of this proposal.
D16 Swimming Pools and Spa Pools	N/A <ul style="list-style-type: none"> Swimming pool and spas do not form a part of this proposal.
D17 Tennis Courts	N/A <ul style="list-style-type: none"> Tennis courts do not form a part of this proposal.
D18 Accessibility and Adaptability	Complies <ul style="list-style-type: none"> An Access Report, prepared by accompanies this proposal. The proposal is accompanied by an Access Report and BCA Report prepared by Credwell, which confirms compliance with the relevant DCP, DDA, ADG and Australian Standards.
D19 Site Consolidation in the R3 and IN1 Zone	N/A
D20 Safety and Security	Complies

ITEM	PROPOSED
	<ul style="list-style-type: none"> • The proposal provides for a secure vehicular entry and secure entry to residential units and retail tenancies. • Windows to first floor habitable rooms, plus first floor balconies provide opportunities for casual surveillance of the streetscape. • Entranceways facing the street will building identification signage and street numbers provides a good sense of address. • Separate retail and residential entrances provide for territorial reinforcement and a sense of safety and security. • Separate pedestrian and vehicular access provides for reduced potential conflict.
D21 Provision and Location of Utility Services	Complies <ul style="list-style-type: none"> • The supply of services such as water, gas, telecommunications and electricity, plus sewerage and drainage are capable of being provided in accordance with the DCP and will be specified at the Construction Certificate phase of the development.
D22 Conservation of Energy and Water	Complies <ul style="list-style-type: none"> • As outlined in the accompanying BASIX Certificate, the proposed development is capable of compliance with the State Government's environmental sustainability targets including water efficiency measures such as water saving shower heads, taps, and appliances. • The open plan nature of the combined living areas of each apartment, with dual aspects apartments, plus incorporated lightwells with voids above optimises solar access and cross ventilation, while reducing energy use for heating, lighting, and cooling. In this regard, 83.3% of apartments receive 2 x hours of solar access between 8.30am and 3pm during midwinter, while 100% of units are cross ventilated.
D23 Signs	Complies <ul style="list-style-type: none"> • Building identification signs and building numbers will be prominently displayed at the front of the built form addressing The Strand. • Signage associated with the retail tenancies will be submitted under a separate development application for the use and fit-out of the retail premises.
PART E THE NATURAL ENVIRONMENT	
E1 Preservation of Trees or Bushland Vegetation	Complies <ul style="list-style-type: none"> • An Arboricultural Impact Assessment, prepared by Lee Hancock Consulting Arborist accompanies this proposal. • The arborist report confirms that tree removal does not form a part of this proposal.

ITEM	PROPOSED
E7 Development on land adjoining public open space	<p>Complies</p> <ul style="list-style-type: none"> The proposed development is across from Ted Jackson Reserve and the Dee Why Beach foreshore. An unreasonable impact to the landscape character and public use and enjoyment of the adjoining park is not expected from the proposed shop top housing development. It is acknowledged that some minor additional overshadowing of the adjoining lots to the south, east, and west is associated with the proposed height variation of the shop top housing development. However, the proposed height variation is associated with a minor portion of the flat roof. In this regard, despite the proposed minor building height variation and four-storey height, shadow diagrams accompanying this application indicate that the shadowing associated with the height variation will not have an unreasonable impact, with at least 2 x hours of sunlight between 9am and 3pm during midwinter is maintained to east facing living areas of apartments to the south at Nos. 9-11 The Strand. Moreover, given the generous building separation no unreasonable additional overshadowing of Nos. 110–112 Oaks Avenue is associated with the proposal, with only minor indiscernible additional overshadowing to Ted Jackson Reserve from the height variation.
F1 Local and Neighbourhood Centres (13. The Strand, Dee Why)	<p>Complies</p> <p>1. <i>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.</i></p> <p>The built form of the proposal has been carefully modelled to suit each unique interface, whilst upholding a consolidated and homogenous response. The bulk and scale of the proposal is in keeping with the desired future character of The Strand and has been monitored across the site at individual junctions to ensure that there are reasonable building alignments, proportions and articulations where necessary.</p> <p>The staggered balcony setbacks and consideration of the neighbour attempts to establish a streetscape and enhance the qualities and identity of The Strand. In this regard, the development achieves a built form that has good proportions and a balanced composition of elements. The built form and scale also responds appropriately to the existing and future local context and the streetscape character to become a homogenous building.</p> <p>The subject site's surrounding context necessitates careful consideration of the interface between the public and residential domains. The proposal envisages an integrated urban response to ensure safety and security is optimised within the development and the public domain. Opportunities for passive surveillance of public areas have been maximised through the proposed development, with balconies located off the living rooms along The Strand façade for passive surveillance of the public domain and along the rear lane off the bedrooms as the open rear lane to the west of the subject site presents a concern to</p>

ITEM	PROPOSED
	<p>safety for the public domain. The residential lobby entry is clearly defined, secure and well-lit as appropriate for its purpose. Other CPTED design principles have also been considered and implemented where possible.</p> <p>The common lobby area has been designed to best practice, ensuring the utmost amenity, with a light well for natural light, ventilation and outlook. Equitable access to all communal facilities within and beyond the building is prioritised. The commercial units have been designed to maximise amenity for The Strand without deep ground level spaces.</p> <p>The retail tenancies have been setback 3m from the boundary to allow for seating along The Strand to activate the public domain without blocking the pedestrian footpath.</p> <p>2. The minimum floor to ceiling height for buildings is to be 3.0 metres for ground floor levels and 2.7 metres for upper storeys.</p> <p>The proposal is for 3.9m floor to ceiling heights on the ground floor and 2.7m floor to ceiling heights on upper levels. However, the ground floor ceiling heights is considered acceptable given the proposed ground floor is for retail tenancies, and is consistent with the adjoining neighbours, while the DCP Character Statement for The Strand requires minimum 3.6m floor to ceiling heights.</p> <p>3. The design and arrangement of buildings are to recognise and preserve existing significant public views.</p> <p>Notwithstanding the proposed height, storey height, and setbacks, the orientation of lots, surrounding topography, building separation to the western neighbour, in addition to the modest flat roof, ensures that outlook to the coast is maintained for adjoining properties and the public domain. In this regard, the adjoining properties to the north and south retain views to the coast form east facing windows and balconies. Moreover, the adjoining property to the rear is addressed to Oaks Avenue. This three-storey residential flat building is orientated to the south and has a generous building separation from the subject site and existing and screen planting, demonstrating that existing views to the east are limited.</p> <p>4. Development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents.</p> <p>No unreasonable adverse amenity impacts are associated with the proposed shop top housing development with regards to visual bulk, overshadowing, loss of visual or acoustic privacy, impacts to views, or traffic and parking impacts. The proposal has been designed to reduce the visual impact bulk and scale, with the four-storey presentation to the street frontage and proposed front setback compatible with the surrounding properties along The Strand, being not visually dominant in the streetscape. The proposed variety of architectural features are considered to be of a high standard which will enhance the character of The Strand</p>

ITEM	PROPOSED
	<p>and foreshore setting, including indentation and recesses, deep set balconies to front and rear elevations, privacy screens, and steps in the floor levels, creating good articulation to the built form and building façade. Moreover, the proposed rear setback is consistent with the adjoining neighbour to the north and side setbacks are consistent with the existing provision of the northern adjoining neighbour, plus character of The Strand. In this regard, the proposed height, storey height, and setbacks are not considered to present an adverse visual bulk and scale impact.</p> <p>It is acknowledged that some minor additional overshadowing of the adjoining lots to the south, east, and west is associated with the proposed height variation of the shop top housing development. However, while the proposed height variation is associated with a minor portion of the flat roof, plus the building services and lift overrun which are recessed within the centre of the roof, the shadowing associated with the height variation falls predominantly onto the roof of the proposed or adjoining development to the south. Moreover, shadows falling to the public domain to the east are consistent with a compliant building height, with minor additional overshadowing to Ted Jackson Reserve from the height variation indiscernible.</p> <p>In this regard, despite the proposed minor building height variation and four-storey height, shadow diagrams accompanying this application indicate that the shadowing associated with the height variation will not have an unreasonable impact, with at least 2 x hours of sunlight between 9am and 3pm during midwinter is maintained to east facing living areas of apartments to the south at Nos. 9-11 The Strand. Moreover, given the generous building separation no unreasonable additional overshadowing of Nos. 110–112 Oaks Avenue is associated with the proposal, with only minor indiscernible additional overshadowing to Ted Jackson Reserve from the height variation.</p> <p>The proposal has been designed and sited to ensure adequate visual and acoustic privacy between each of the proposed apartments, and adjoining developments. Windows and balconies have been appropriately sited to provide access to sunlight, minimise potential overlooking, while providing opportunities for passive surveillance of the street. In this regard, windows face both the front and rear elevations, while recessed voids are proposed to provide sunlight while mitigating privacy impacts. Moreover, front balconies are proposed to be recessed, while the rear balconies are proposed with a greater than ADG required 12m separation distance to the western neighbour at Nos. 110-112 Oaks Avenue, to maintain visual and acoustic privacy. In this regard, it is considered that there is no adverse visual and acoustic privacy impact despite the proposed height, storey height, and setbacks.</p> <p>Notwithstanding the proposed height, storey height, and setbacks, the orientation of lots, surrounding topography, building separation to the western neighbour, in addition to the modest flat roof, ensures that outlook to the coast is maintained for adjoining properties and the public domain. In this regard, the adjoining properties to the north and south retain views to the</p>

ITEM	PROPOSED
	<p>coast form east facing windows and balconies. Moreover, the adjoining property to the rear is addressed to Oaks Avenue. This three-storey residential flat building is orientated to the south and has a generous building separation from the subject site and existing and screen planting, demonstrating that existing views to the east are limited.</p> <p>The proposal includes a variation in the provision of retail parking spaces. However, the proposed retail parking shortfall, the proposal is compliant with the residential requirements for off-street parking, with 15 x car park spaces provided, accessed via the rear lane right of carriageway. Given vehicle access is via a relatively obscure rear right of carriageway laneway, the site is considered unsuitable for retail visitor parking. The limited visibility and constrained access conditions make it impractical to accommodate high turnover customer parking, reinforcing the rationale for restricting retail parking to staff use only. In this regard, there is a preference to not have retail parking given additional traffic creating added congestion within the right of carriageway, impacting on neighbours. However, the loading/ unloading and manoeuvring for vehicles servicing the business can also be carried out on the site. Moreover, the site is in close proximity to public transport, with bus stops on both Oaks Avenue and Howard Avenue, being less than 170m walking distance via a safe path of travel.</p> <p>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.</p> <p>The row of developments along The Strand have all been developed at different stages, thus leading to different setbacks, building heights and materiality which create an incohesive context and neighbourhood character. The primary eastern frontage comprises of ground floor retail and three storeys of east-facing living areas and balconies which look out to Dee Why Beach. To integrate with the context, the building has been divided into a strong podium decorated with tiles and a tower form which steps back as it rises in storeys matching the development to the north at No. 13 The Strand. Despite having different floor-to-floor levels due to changes in the NCC over the years, the top floor balcony and upstand matches up and creates a cohesive streetscape. The staggered balcony setbacks and consideration of the neighbour attempts to establish a streetscape and enhance the qualities and identity of The Strand.</p> <p>6. Buildings greater than two-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.</p>

ITEM	PROPOSED
	<p>A single-storey podium has been proposed along The Strand with nil setback to sit in line with the neighbouring buildings. The upper floors of the building steps back like the northern neighbour at No. 13 The Strand, which ensures that the built form is appropriate, assists in defining the public domain and contributes to the character of the streetscape.</p> <p>7. Applicants are to demonstrate how the following significant considerations meet the objectives of this control:</p> <ul style="list-style-type: none"> • 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 • Architectural style and façade detailing including window and balcony details. <p>The objectives of the F1 Local and Neighbourhood Centres of the DCP are as follows:</p> <ul style="list-style-type: none"> • To encourage good design and innovative architecture. • To provide a safe and comfortable environment for pedestrians. • To provide a range of small-scale shops and business uses at street level with offices or low-rise shop-top housing to create places with a village-like atmosphere. • To enhance the established scale and pattern of development and the continuity of existing streetscapes. • To enhance the public domain. • To increase adaptability, environmental performance and amenity of buildings. <p>The above significant considerations of the proposed shop top housing development are considered to meet the objectives of F1 Local and Neighbourhood Centres of the DCP, in the following manner:</p> <ul style="list-style-type: none"> • The scale and proportion of the built form has been carefully modelled to suit each unique interface, whilst upholding a consolidated and homogenous response. The bulk and scale of the proposal is in keeping with the desired future character of The Strand and has been monitored across the site at individual junctions to ensure that there are reasonable building alignments, proportions and articulations where necessary. • To integrate with the context, the building has been divided into a strong podium decorated with tiles and a tower form which steps back as it rises in storeys matching the development to the north at No. 13 The Strand. Despite having

ITEM	PROPOSED
	<p>different floor-to-floor levels due to changes in the NCC over the years, the top floor balcony and upstand matches up and creates a cohesive streetscape.</p> <ul style="list-style-type: none"> • The staggered balcony setbacks and consideration of the neighbour attempts to establish a streetscape and enhance the qualities and identity of The Strand. In this regard, the development achieves a built form that has good proportions and a balanced composition of elements. The built form and scale also responds appropriately to the existing and future local context and the streetscape character to become a homogenous building. • The proposed colours, materials and finishes enhance the architectural design of the dwellings and are suitable for the contemporary design and foreshore setting. The mix of materials which include concrete finish, off form concrete, rendered brick, anodised aluminium windows, glass balustrade, tiles, and breeze blocks, provide an interesting presentation and variation contributing to the streetscape character. • New landscaping to the front and rear balconies, plus side elevation recessed cut outs is proposed including palms, shrubs, grasses and groundcovers. Landscape plantings soften the built form and will have a positive visual impact on the streetscape over time. In this regard the proposal is not considered to present an adverse visual bulk and scale impact. <p>8. Footpath awnings should be designed to allow for street tree planting.</p> <p>Works within the Council road reserve do not form a part of this proposal. However, the street frontage is capable of accommodating lightweight planter boxes for street landscaping.</p> <p>9. Awnings should be consistent in design, materials, scale and overhang with adjacent retail developments.</p> <p>The adjoining developments to the north and south having existing concrete awnings, with the proposal for concrete awnings consistent with neighbouring developments. The nil boundary setback of the proposed awning/ first floor balcony provides a recessed entranceway, being consistent with the adjoining development to the north of the subject site.</p> <p>10. Awnings should have an adequate clearance from the kerb.</p> <p>The proposal is for an awning/ first floor balcony with a floor to ceiling height of 3.9m being consistent with neighbouring developments to the north and south.</p>

ITEM	PROPOSED
	<p><i>The Strand, Dee Why</i></p> <p><i>Ground floor premises along The Strand, Dee Why will be characterised by restaurants, cafes, shops and leisure-related uses that create active building fronts and contribute to the life of the streets. Housing will characterise upper floors.</i></p> <p>The ground floor of the proposed shop top housing development includes 2 x ground floor retail tenancies fronting The Strand, capable of accommodating restaurants, cafes, shops, or leisure-related uses, contributing to active the street frontage.</p> <p><i>Despite Requirement 2, the minimum floor to ceiling height for buildings on land zoned B2 Local Centre at The Strand, Dee Why, is to be 3.6 metres for ground floor levels and 2.7 metres for upper storeys.</i></p> <p>The proposal is for 3.9m floor to ceiling heights on the ground floor and 2.7m floor to ceiling heights on upper levels. However, the ground floor ceiling heights is considered acceptable given the proposed ground floor is for retail tenancies, and is consistent with the adjoining neighbours.</p> <p><i>The interrelationship between the beach and park and development along The Strand is an important aspect of the character of the area. The design of buildings and shopfronts will have a strong complementary relationship to their beach and parkland setting and help create comfortable, interesting and safe pedestrian environments. Outdoor eating areas in particular will be encouraged.</i></p> <p>The interrelationship between the proposal and the adjoining foreshore area is described in the accompanying 3D Image (Figure 43).</p>

ITEM	PROPOSED
	 <p data-bbox="636 1310 2051 1342">Figure 43: Extract 3D Image, illustrating interrelationship between the proposal and the adjoining foreshore area</p>

ITEM	PROPOSED
	<p><i>Above the second storey, buildings will step back from The Strand, Oaks and Howard Avenues and Dee Why Parade and building height will be restricted to maintain solar access to the parklands and ensure the scale of buildings does not dominate public spaces or views from the park or beach.</i></p> <p>The height, bulk and scale of the development will be perceptible in a modest and discreet manner from the street, is not considered to be visually dominant in the streetscape, and does not introduce a significant impact to neighbours, with it considered that the siting and scale of development is appropriate for the site and surrounding context, and will preserve the amenity of neighbouring properties. The proposed variety of architectural features are considered to be of a high standard which will enhance the character of The Strand and foreshore setting, including flat roof, indentation and recesses, deep set balconies to front and rear elevations, privacy screens, and steps in the eastern elevation (front façade) floor levels with height, creating good articulation to the built form and building façade.</p> <p>The Moreover, the proposal is consistent and compatible with surrounding existing and approved developments including Nos. 9-11 The Strand under Mod2010/0063, determined 01/07/2010; Nos. 13-14 The Strand, and Nos. 18-19 The Strand under (Mod2018/0193) determined 05/12/2018 (Figures 2 & 3).</p> <p>The proposed four-storey height is considered acceptable, given the adjoining neighbour at Nos. 13-14 The Strand is a five-storey shop top housing development, while the adjoining neighbour at Nos. 9-11 The Strand has approval for a four/ five-storey shop top housing development under Mod2010/0063, determined 01/07/2010 (Figures 4 & 5). Furthermore, Nos. 18-19 The Strand has approval for a four-storey shop top housing development Mod2018/0193, determined 05/12/2018 (Figure 6). Moreover, despite the storey height variation, no unreasonable adverse amenity impacts are associated with the proposed development with regards to visual bulk, overshadowing, loss of visual or acoustic privacy, or impacts to views.</p> <p>It is acknowledged that some minor additional overshadowing of the adjoining lots to the south, east, and west is associated with the proposed height variation of the shop top housing development. However, while the proposed height variation is associated with a minor portion of the flat roof, plus the building services and lift overrun which are recessed within the centre of the roof. In this regard, despite the proposed minor building height variation and four-storey height, shadow diagrams accompanying this application indicate that the shadowing associated with the height variation will not have an unreasonable impact, with at least 2 x hours of sunlight between 9am and 3pm during midwinter is maintained to east facing living areas of apartments to the south at Nos. 9-11 The Strand. Moreover, given the generous building separation no unreasonable additional overshadowing of Nos. 110-112 Oaks Avenue is associated with the proposal, with only minor indiscernible additional overshadowing to Ted Jackson Reserve from the height variation.</p>

ITEM	PROPOSED
	<p><i>The corners of Howard Avenue and The Strand, however, are to be strongly defined by virtue of building height and design. Vehicular access for the purposes of servicing at the rear of commercial premises along The Strand needs to be retained.</i></p> <p>Construction Management Plans will be submitted at the Construction Certificate stage of the development, outlining traffic management and demonstrating retention of vehicular access to the rear lane during construction.</p>

5. SECTION 4.15 CONSIDERATIONS

In considering this Integrated Development Application, Council must consider the relevant planning criteria in Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

This assessment has taken into account the following provisions:

5.1. STATUTORY POLICY AND COMPLIANCE – S.4.15 (1) (a)

The proposal has been assessed in relation to all relevant planning instruments and legislation in this Statement of Environmental Effects, including:

SEPP (Housing 2021)

Comment: The proposal is considered to achieve a high degree of compliance with Chapter 4 of the Housing SEPP and the ADG, particularly in relation to:

- 100% of the apartments receive cross ventilation
- The sizes of the three and four-bedroom apartments outperform the minimum requirements
- The dimensions of the living and bedroom areas outperform the ADG
- The amount of private open space for upper level apartments outperform the ADG, with compliant minimum dimension.

It is acknowledged that the proposal varies from the ADG for solar access, communal open space, and deep soil.

It is acknowledged that the proposal is for a variation to solar access. However, the proposed units will receive abundant solar access in the morning during midwinter, with 83.3% of apartments receiving 2 x hours of sunlight between 8.30am and 3pm during midwinter. In this regard it is noted that the DSAP note in their minutes that the “*minor ADG solar non-compliance which the panel would consider acceptable due to the exceptional aspect of the site and solar access prior to 9am midwinter*”.

With regard to communal open space, the variation is considered justified given the outperformance of the provision of private open space for each apartment, including balconies for all bedrooms, plus the proximity to Dee Why Beach foreshore and Ted Jackson reserve. Moreover, the variation for deep soil is considered justified given the site context, with the existing nil provision of deep soil, while the proposal is for landscape planters to all upper levels and landscaped recessed cut outs on the ground floor and Level 1.

SEPP (Sustainable Buildings) 2022

SEPP (Resilience and Hazards) 2021

Comment: These SEPPs have been satisfactorily addressed.

Warringah LEP 2011

Comment: The proposed demolition and shop top housing development is permissible in the E1 Local Centre zone and meets the zone objectives by providing for ground floor retail with active frontage, plus upper level residential development, that contributes to a vibrant and active local centre. In this regard, the proposed development is considered to represent a high-quality design outcome which sits comfortably with the contemporary character of The Strand streetscape.

The proposal includes a minor height variation of 7.6% (990mm) to the proposed flat roof, with a 21.23% (2.76m) variation from the numerical development for the building services (hot water plant). In this regard, the height variation results from the minimum ceiling height requirements of the ADG, services required by the NCC, and the sloping nature of the site, with a rise of approximately 2.2m from east to west.

However, this is considered justified given the height, bulk and scale of the development will be perceptible in a modest and discreet manner from the street, is not considered to be visually dominant in the streetscape, and does not introduce a significant impact to neighbours, with it considered that the siting and scale of development is appropriate for the site and surrounding context, and will preserve the amenity of neighbouring properties in a reasonable manner. In this regard, it is considered that the proposal will not be responsible for any unreasonable environmental impacts in relation to loss of visual impacts from bulk and scale, visual or acoustic privacy, overshadowing, or loss of view.

Moreover, the proposal is consistent with surrounding existing and approved developments including Nos. 9-11 The Strand under **Mod2010/0063**, Nos. 13-14 The Strand, and Nos. 18–19 The Strand under (**Mod2018/0193**).

Warringah DCP 2011

Comment: The high degree of compliance of the proposal in relation to the relevant provision for shop top housing in the WDCP2011 confirms that the proposal represents a desirable and appropriate outcome for the subject site. While the proposal varies from the DCP for storey height and front setbacks, these are considered justified in this instance, being consistent with the local context, with no adverse amenity impacts.

In this regard, the proposed front setback is consistent with Nos. 13-14 The Strand creating a 'street wall', plus the approved upper level balconies adjoining development at Nos. 9-11 The Strand (**Mod2010/0063**), and nil street frontage setback at Nos. 18-19 The Strand (**Mod2018/0193**).

Moreover, the proposed four-storey height is considered acceptable, given the adjoining neighbour at Nos. 13-14 The Strand is a five-storey shop top housing development, while the adjoining neighbour at Nos. 9-11 The Strand has approval for a four/ five-storey shop top housing development under **Mod2010/0063**, determined 01/07/2010 (**Figures 4 & 5**). Furthermore, Nos. 18-19 The Strand has approval for a four-storey shop top housing development **Mod2018/0193**, determined 05/12/2018.

The proposal is considered acceptable on merit for nil side boundary setbacks, and proposed rear boundary setbacks, being consistent with the existing provision and adjoining properties, with no adverse impacts to public domain and surrounding properties in regard to streetscape, bulk and scale, overshadowing, privacy, or view sharing.

While the proposal includes a proposed shortfall in parking for retail space, the proposal is compliant with the residential requirements for off-street parking, with 15 car park spaces provided, accessed via the rear lane right of carriageway. In this regard, the vehicle access to the subject site is via a relatively obscure rear right of carriageway laneway, the site is considered unsuitable for retail visitor parking. The limited visibility and constrained access conditions make it impractical to accommodate high turnover customer parking, reinforcing the rationale for restricting retail parking to staff use only. In this regard, there is a preference to not have retail parking given additional traffic creating added congestion within the right of carriageway, impacting on neighbours. However, the site is in close proximity to public transport, with bus stops on both Oaks Avenue and Howard Avenue, being less than 170m walking distance via a safe path of travel.

5.2. NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - S.4.15(b)

Throughout the period of construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

Upon completion of the proposed dwelling house, the day-to-day use of the development is unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian / vehicular traffic flows.

The proposed residential development will not result in the loss of views or outlook from any surrounding public or private place.

The proposal is considered to be appropriate and will not be responsible for any adverse environmental impacts in regard to loss of privacy, loss of view, noise, or traffic and parking impacts.

The proposed development will not be detrimental to the social and economic environment in the locality and Northern Beaches LGA.

5.3. SUITABILITY OF THE SITE FOR DEVELOPMENT - S.4.15 (c)

The size and shape of the site is suitable for the proposed development and the proposal does not create any adverse bulk or scale impacts. The proposal will not result in any loss of amenity to neighbouring properties.

5.4. SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT - S.4.15 (d)

It is acknowledged that the consent authority must consider and assess all submissions made regarding this development application.

5.5. THE PUBLIC INTEREST – S.4.15(e)

Amenity impacts have been minimised, and the proposal is considered to be a positive contribution to the built and natural environment in this part of Dee Why.

6. CONCLUSION

This Statement of Environmental Effects has demonstrated that the proposed demolition and construction of a shop top housing development at No. 12 The Strand represents a reasonable and desirable outcome for the subject site.

The proposed shop top housing development is permissible in the E1 Local Centre land use zone in accordance with the WLEP2011. Furthermore, the proposal is considered to satisfy the zone objectives by providing for ground floor retail with active frontage, plus upper level residential development, that contributes to a vibrant and active local centre. In this regard, the proposed development is considered to represent a high-quality design outcome which sits comfortably with the contemporary character of The Strand streetscape.

It is acknowledged that the height of the shop top housing exceeds the height limit in a section of the roof, lift overrun, and services (hot water plant), but it is considered that the siting and scale of development is appropriate for the site and surrounding context, and will preserve the amenity of neighbouring properties in a reasonable manner in regard to visual bulk and scale, view sharing, overshadowing, or privacy impacts. Moreover, the proposed height is consistent with approved and existing developments along this part of The Strand.

The proposal is considered to achieve a high degree of compliance with Chapter 4 of the Housing SEPP and the ADG, while it is acknowledged that the proposal varies from the ADG for communal open space, deep soil zone, and solar access these are considered to be justified in this instance.

It is acknowledged that that proposal varies from the DCP for required three-storey height, front boundary setback. However, these are considered justified and consistent with the character of this part of The Strand. Moreover, while the proposal includes a proposed shortfall in parking for retail space, the proposal is compliant with the residential requirements for off-street parking, with 15 car park spaces provided, accessed via the rear lane right of carriageway, considered unsuitable for access to retail parking.

The proposal suitably responds to formal Pre-DA advice (**PLM2024/0095**), in particular having regard to height and storey height, Part F1 Local and Neighbourhood Centres of the DCP, waste management, floor layout at the rear ground level, storage, parking and traffic, setbacks, privacy, and details of laneway access.

Overall, it is considered that the proposed development represents a high-quality design outcome which achieves a high level of internal amenity and a desirable streetscape outcome for The Strand. Importantly, the proposal also reasonably maintains amenity to surrounding dwellings and positively contributes to the surrounding streetscape and locality. Furthermore, the proposal is considered to be in the public interest as it promotes the orderly development of land.

Based on these considerations, the proposal is considered to be appropriate for the site and worthy of support.

7. APPENDIX 1 – CLAUSE 4.6 HEIGHT