



Warringah Council

## NOTICE OF DETERMINATION

**Application Number:** DA2007/1249

### APPLICATION DETAILS

**Applicant Name and Address:** Multiplex Dee Why Pty Ltd, PO Box 172 SYDNEY NSW 2001

**Land to be developed (Address):** Lot 7, DP 8172, 9 Howard Avenue, Lot 1, DP 209503, 11 Howard Avenue, Lot A, DP 371110, 14 Oaks Avenue, Lot 1, DP 212382, 15 Howard Avenue, Lot B, DP 371110, 16 Oaks Avenue, Lot 2, DP 212382, 17 Howard Avenue, Lot 3, DP 212382, 28 Oaks Avenue, Lot A, DP 339410, 884 Pittwater Road, Lot 11, DP 231418, 888 Pittwater Road, Lot 10, DP 231418, 890 Pittwater Road, Lot 1, DP 504212, 892 Pittwater Road, Lot A, DP 416469, 894 Pittwater Road, Lot 1, DP 307937, 896 Pittwater Road, Lot 3, DP 307937, 896 Pittwater Road, Dee Why

**Proposed Development:** Stage One Development Application for a concept mixed use development comprising residential, retail and commercial uses, including 3 storey street front buildings to Oaks Avenue and part of Howard Avenue, an 8 storey commercial office building fronting Pittwater Road, 7 storey mid-rise residential buildings, two residential tower buildings (one of part 15/part 18 storeys and one of part 14/part 17 storeys), a publicly accessible "town square" and north-south pedestrian link, 5 levels of carparking (4 basement levels and 1 above ground level), a bus bay and vehicular access.

### DETERMINATION - APPROVED

**Made on (Date):** 26 February 2009

**Consent to operate from (Date):** 10 March 2009

**Consent to lapse on (Date):** 10 March 2012

### Details of Conditions

*The conditions which have been applied to the consent are applicable to Stage 1 of the development only and are designed to ensure the design and amenity and efficiency outcomes are achieved at Stage 2 of the development. More detailed conditions in relation to ensuring that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia will be imposed at Stage 2.*



Warringah Council

**NOTE:**

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

The following consent is granted for Stage 1 of the development in accordance with Section 83B (3)(a) of the *Environmental Planning and Assessment Act 1979*. The subsequent stage, being Stage 2, will be the detailed design stage of the development and will require the submission of a separate development application.

**STAGE ONE CONDITIONS OF CONSENT**  
**In accordance with Section 83B (3) (a) of the *Environmental Planning and Assessment Act 1979***

**1. Approved Plans**

Stage 1 development consent is granted only for the following:

- (a) The above and below ground building envelopes, but no building works.
- (b) The general arrangement of uses within the development as detailed in the plans described below, being:
  - (i) 4 basement levels, including 3 carparking and 1 retail,
  - (ii) Ground level retail, with a Town Square, Pedestrian Link from Howard Avenue to Oaks Avenue and Colonnade on Pittwater Road,
  - (iii) Loading dock entry/exits on Oaks Avenue and Howard Avenues,
  - (iv) Portal vehicular entry on Oaks Avenue and portal vehicular exit on Howard Avenue,
  - (v) Indented Bus Bay on Pittwater Road,
  - (vi) Level 1 retail,
  - (vii) Level 2 carparking, offices fronting Pittwater Road, residential units and business premises in SE corner,
  - (viii) Level 3 residential units, offices fronting Pittwater Road and landscaped podium,
  - (ix) Levels 4 to 7 residential units, offices fronting Pittwater Road, and
  - (x) Levels 8 to 17 residential units.

The uses shall be consistent with the following table:

Use	Details
<i>Town Square</i>	<i>Minimum 2,250 sqm</i>
<i>Pedestrian Link</i>	<i>Minimum 850 sqm</i>
<i>Colonnade</i>	<i>Minimum 400 sqm</i>
<b>Retail</b>	<b>Maximum of 32,930 sqm</b>
<i>Commercial Offices</i>	<i>Maximum of 5,492 sqm</i>
<b>Residential</b>	<b>Maximum of 24,385 sqm</b>
<b>Business Premises</b>	<b>Maximum of 330 sqm</b>

The detailed Stage 2 development is to be in accordance with the following plans submitted with the Stage 1 concept development application:



Warringah Council

Plan Number, Revision No. and Name	Rev Date	Prepared By:
STAGE 1 DA – 017, Rev A, Proposed Open Space	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 098, Rev A, Indicative Massing Plan - B1/B2/B3/B4	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 099, Rev A, Indicative Massing Plan - LOWER GROUND	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 100, Rev A, Indicative Massing Plan - GROUND	30.5.2008	Hassell Pty Ltd
<b>STAGE 1 DA – 101, Rev B, Indicative Massing Plan – LEVEL 1</b>	<b>23.2.2009</b>	<b>Hassell Pty Ltd</b>
<b>STAGE 1 DA – 102, Rev B, Indicative Massing Plan – LEVEL 2</b>	<b>23.2.2009</b>	<b>Hassell Pty Ltd</b>
STAGE 1 DA – 103, Rev A, Indicative Massing Plan – LEVEL 3	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 104, Rev A, Indicative Massing Plan – LEVEL 4	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 105, Rev A, Indicative Massing Plan – LEVEL 5	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 106, Rev A, Indicative Massing Plan – LEVEL 6	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 107, Rev A, Indicative Massing Plan – LEVEL 7	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 108, Rev A, Indicative Massing Plan – LEVEL 8	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 109, Rev A, Indicative Massing Plan – LEVELS 9-12	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 110, Rev A, Indicative Massing Plan – LEVEL 13	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 111, Rev A, Indicative Massing Plan – LEVEL 14	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 112, Rev A, Indicative Massing Plan – LEVELS 15-16	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 113, Rev A, Indicative Massing Plan – LEVELS 17	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 115, Rev A, Indicative Massing Plan – ROOF PLAN	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 116, Rev A, Indicative Massing Plan – SITE PLAN	30.5.2008	Hassell Pty Ltd
<b>STAGE 1 DA – 120, Rev B, Indicative Section – 1</b>	<b>23.2.2009</b>	<b>Hassell Pty Ltd</b>
STAGE 1 DA – 121, Rev A, Indicative Section – 2	30.5.2008	Hassell Pty Ltd
STAGE 1 DA – 130, Rev A, North Elevation	30.5.2008	Hassell Pty Ltd
<b>STAGE 1 DA – 131, Rev B, South Elevation</b>	<b>23.2.2009</b>	<b>Hassell Pty Ltd</b>
STAGE 1 DA – 132, Rev A, West Elevation	30.5.2008	Hassell Pty Ltd
<b>STAGE 1 DA – 133, Rev B, East Elevation</b>	<b>23.2.2009</b>	<b>Hassell Pty Ltd</b>
STAGE 1 DA – 140, Rev A, Building Numbers	30.5.2008	Hassell Pty Ltd

- (c) In the event of any inconsistency between the approved plans and the supplementary documentation, the plans will prevail.

*Reason: To ensure the Stage 2 DA is in accordance with the approved concept plans.*

## 2. New Development Application Required

This consent is for a concept approval of Stage 1 only. Separate development application(s) will be required for approval of the detailed designs required for Stage 2.

*Reason: To ensure a detailed design DA is submitted and approved prior to construction.*

## 3. Assessment and Determination of Future Applications

The assessment and determination of the Stage 2/3 development application(s) must be generally consistent with the approved plans and conditions of approval contained in this development consent.

*Reason: To ensure the future Stage 2 DA is consistent with the concept proposal.*

## 4. Design Modifications

- (a) The development is to be amended to delete the physical connection between the east and west sides of the Level 2 - Carpark (vehicular bridge) and the Level 3 - Podium (open space pedestrian link). In this regard, the deletion is to ensure compliance with the provisions of Amendment No. 21 – Dee Why Town Centre,



- (b) The western tower (Building 6) is to be amended to fully comply with the building envelope/footprint shown on Map E21 – Buildings Heights.
- (c) The exact portal locations, design, size and configuration are not approved under this consent. The portals are to be designed to comply with the relevant Australian Standards, the requirements of the Roads and Traffic Authority and Council.

*Reason: To ensure the development complies with the relevant planning controls and the portal designs satisfy the relevant requirements.*

## **5. Building Envelopes**

The above and below ground building envelopes shown on approved drawings in Condition 1 are only approved on the basis that the final building design, including lift overruns, plant, equipment, services, vents, communication devices, architectural features and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings and structures and the public domain.

*Reason: To ensure compliance with the approved concept plans and satisfactory amenity.*

## **6. Approved Design Roof Top Plant**

All roof top plant and associated equipment incorporated within the Stage 2 DA must be located within the approved building envelopes. The design and external finishes of rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk. Rooftop plant is to be adequately attenuated to avoid acoustic impacts on the development and adjoining and surrounding properties.

*Reason: To ensure satisfactory visual and acoustic amenity.*

## **7. Town Square, Pedestrian Link, Bus Interchange and associated Public Domain Works Plan**

The Stage 2 DA is to be accompanied by a **Public Domain Works Plan** for the improvement of the public domain adjoining the site and publicly accessible areas within the site, including the Town Square, pedestrian link, colonnade, bus interchange and the respective road reserves. The plan is to provide details of the treatment of these areas, including paving, seating, tree and low level planting (including deep root street tree planting), public art, drainage, lighting, flag/banner poles, awnings, feature walls and shade structures. The plan is to demonstrate consistency with Council's requirements and standards. Consultation is to be undertaken with Council prior to and during the preparation of this plan. The improvement of the public domain is in addition to the Section 94A Contributions.

*Reason: To ensure a high standard of design quality for public domain works and that such works satisfy relevant requirements.*



Warringah Council

## 8. Town Square, Pedestrian Link and Bus Interchange Management Plan

The Stage 2 DA is to be accompanied by a detailed **Town Square, Pedestrian Link and Bus Interchange Management Plan**. The plan is to safeguard the use of publicly accessible areas for community events, define minimum access requirements and maintenance regimes.

Specifically, the POM is required to address the following:

- a. Specify the public access provisions for these areas, including the minimum number of days in which the Town Square will be available for community use (to be consistent with the access arrangements under the Voluntary Planning Agreement between the proponent and Warringah Council),
- b. Measures to protect the amenity of the residential units within the development and neighbouring residential units,
- c. The potential for after hours disturbance by patrons using the Town Square and Link,
- d. Security and crowd control within the Town Square and Link and in the vicinity of these areas,
- e. Cleansing and litter removal,
- f. Provisions for the periodic review of the Plan by Council to achieve the highest levels of compliance.

*Reason: To ensure appropriate management and amenity of the publicly accessible areas of the development and adjoining areas.*

## 9. Architectural and Urban Design Report

The Stage 2 DA is to be accompanied by a detailed **Architectural and Urban Design Report** addressing State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the provisions of the Residential Flat Design Code. The Stage 2 design is to demonstrate compliance or fully justify any non-compliance with SEPP 65 and the RFDC. The detailed design of the buildings is to be consistent with the Stage 1 concept design parameters to ensure that the intended development outcome is achieved.

*Reason: To ensure the architectural and urban design outcomes are consistent with the concept approval, SEPP 65 and the RFDC.*

## 10. Design Excellence

The applicant is to provide detailed architectural plans and visual aids in the form of an architectural scale model, photomontages, 3D modelling and a comprehensive sample board of external finishes to demonstrate the design excellence of the development.

*Reason: To ensure design excellence is achieved at Stage 2.*

## 11. Bus Interchange Design

The Stage 2 Development Application is to provide full and precise details of the proposed bus interchange in Pittwater Road, including road pavement design, stormwater drainage, survey detail, kerb and gutter and the like. The location and engineering design of the bus interchange is to comply with the requirements of the Roads and Traffic Authority and Council. The details must address the adjustment/protection of existing public utility assets.

*Reason: To ensure adequate details are provided for the assessment and approval of the bus interchange at Stage 2.*

## 12. Architectural Screening of Above Ground Carpark Level (Level 2)

Full details of the architectural screening of the Level 2 carpark are to be submitted with the Stage 2 DA. The details are to specifically address the streetscape and aesthetic outcomes, including construction materials, pattern, texture and colours. The design is to integrate with the design of the development. The design solution is also to address the lighting impacts of the illumination of this level and car headlights on neighbouring residential amenity.

*Reason: To ensure satisfactory visual and aesthetic outcomes for the carpark level.*

## 13. Street, Town Square and Pedestrian Link Activation Plan

The retail spaces fronting the street, town square and pedestrian link are to be designed to maximise activity and interaction with these spaces to maximise safety, liveliness and vibrancy. An Activation Plan is to be submitted with the Stage 2 DA.

*Reason: To ensure sufficient activation of the areas within and surrounding the development.*

## 14. Portals

The portals as shown on plan approved plan (STAGE 1 DA – 100, Rev A, Indicative Massing Plan – GROUND, dated 30.5.2008, prepared by Hassell Pty Ltd) and related plans are not approved as part of this consent. Rather, full details of the location, design, construction materials and external treatment of any entry and exit portals are to be submitted for approval with the Stage 2 DA, addressing compliance with AS 2890, the requirements of the Roads and Traffic Authority and Warringah Council.

In particular, the location of proposed portals within the public road reserve could impact on the development of appropriate traffic lanes/ carriageway on both Oaks and Howard Ave. The location of the portals must take into account the required road/ carriageway needed for the traffic model operation and streetscape development. The impact of the proposed portals on pedestrian crossings, Taxi Zones and Bus Stops near the town centre is to be addressed.

*Reason: To ensure the portals satisfy relevant standards and requirements and provide a high quality streetscape outcome.*

## 15. Public Art

The **Arts and Cultural Plan** is to be submitted with the Stage 2 DA and will identify opportunities for the integration of public art in the publicly accessible areas of the development, themes for public art (informed by the seaside setting, surrounding escarpment, trees and rock outcrops, the aboriginal history of the area and environmental sustainability), durability, robustness and longevity. The public art concepts shall be prepared by a person with expertise in public art. The provision of public art is in addition to the Section 94A Contributions.

*Reason: To ensure public art is relevant to the site and its environs and enhances the character and interest of the public areas of the development.*



## 16. Advertising and Signage

Any signage is to satisfy the requirements of Warringah Local Environmental Plan 2000, State Environmental Planning Policy No. 64 – Advertising and Signage in terms of location, size and content. A detailed **Signage Strategy** for the development is to be submitted with the Stage 2 DA. The signage strategy is to include information on the location, type and number of signs proposed for the development.

*Reason: To ensure compliance with the relevant signage standards.*

## 17. Wind Effects

A **Wind Effects Report** shall be submitted with the Stage 2 DA. Details of the integration of devices to minimise the wind tunnel effect and downdrafts, including awnings, devices, trees, blades, etc are to be provided addressing the town square, pedestrian link, communal podium level and bus interchange are to be incorporated into the Stage 2 development application.

*Reason: To ensure a satisfactory wind environment for the development and its surrounds.*

## 18. Sun Control Devices

Details of solar protection and glare control for north and west facing residential units and commercial office to be provided with the Stage 2 and are to maximise internal amenity and internal environment control.

*Reason: To ensure adequate solar control for internal amenity.*

## 19. Residential Unit Mix

The proportions of studio, 1, 2 and 3 bedroom units is have regard to housing affordability principles and the requirements of SEPP 65.

*Reason: To ensure adequate provisions are made for affordable housing.*

## 20. Podium Landscape Design

The Stage 2 DA is to be accompanied by a detailed **Landscape Plan**, prepared by a Landscape Architect or landscape designer for the internal communal podium open space areas. Details of the landscaped treatment of the communal podium areas at Level 3 of the development is to address safety, crime prevention, casual surveillance, the provision of courtyards in association with larger residential units adjacent the podium and recreational facilities for residents, including BBQ's, children's play areas, shelter and relaxation. The design is to also include:

- a. details of retaining walls, mounding and planter boxes,
- b. location, numbers and types of plant species,
- c. drainage and watering systems,
- d. deep soil planting zones,
- e. planting procedure and maintenance.

*Reason: To ensure satisfactory landscape amenity for communal open spaces.*



## 21. Recreational Facilities

A **Communal Recreation Strategy** is to be submitted with the Stage 2 DA providing details of a range and size of active and passive facilities for future residents, including a swimming pool, gymnasium and children's playground.

*Reason: To ensure adequate facilities are provided for future residents.*

## 22. Use of Renewable and Recyclable Materials

The Stage 2 DA is to be accompanied by details of how renewable and recyclable materials can be integrated into the design of the development.

*Reason: To ensure ESD principles are provided for in the development.*

## 23. Ecologically Sustainable Development (BASIX and Green Star Rating)

The detailed Stage 2 application for the development is to be accompanied by an **Ecologically Sustainable Development Report**, which demonstrates the manner in which a "best practice" rating, as defined by the Green Building Council of Australia, is to be achieved, and the development is to be certified by an Accredited Certifier that a rating demonstrating best practice will be achieved. The Stage 2 application will also demonstrate compliance with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

*Reason: To ensure ESD principles are provided for in the development.*

## 24. Motorcycle and Bicycle Parking

The Stage 2 DA shall incorporate adequate levels of motorcycle parking in the basement and bicycle parking within the public domain areas of the development.

*Reason: To ensure that alternative forms of transport are provided for in the development.*

## 25. Shadow and Sunlight Access Report

The Stage 2 DA is to be accompanied by a detailed **Shadow and Sunlight Access Report** addressing the requirements of General Principle "CL62 Access to sunlight of Warringah Local Environmental Plan 2000 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

*Reason: To ensure satisfactory levels of compliance with relevant standards.*

## 26. Traffic and Parking Report

A **Traffic and Parking Report** is to be submitted with the Stage 2 DA addressing carparking area, ramp, portal design, loading dock design, provisions for garbage trucks, disabled parking and motorcycle parking. The number of carparking spaces is to comply with Schedule 17 of Warringah Local Environmental Plan 2000, the design of the carpark layout and vehicular access is to demonstrate compliance with the relevant Australian Standards. Any variation to these controls is to be supported by detailed traffic surveys and associated information to justify such variations.



In relation to service vehicles, the following matters are to be addressed in the report:

- a. The design of the access driveway to and proposed loading bays is to be in accordance with the Standards Australia AS 2890.1-2004 and AS 2890.2-2002.
- b. Access for service vehicles should be separated from general traffic access.
- c. The proposed delivery bays are to be conveniently located with respect to the proposed uses on the site.
- d. Provision is to be made for removalist's trucks servicing the residential units.
- e. The number and type of loading facilities is to be further considered and justified.
- f. The design of proposed access arrangements is to take into consideration the impact on pedestrian crossings and pedestrian movements and safety along the frontage roads.

**Reason:** *To ensure traffic and parking issues satisfy relevant standards.*

## **27. Pedestrian and Bicycle Access**

The Stage 2 DA is to address the issue of pedestrian crossings in Oaks Avenue and Howard Avenue and any changes required as a result of the development are to be identified and are to complement the pedestrian networks for the Dee Why Town Centre. Consideration is to be given to the need for signalling the pedestrian crossings, particularly the Oaks Ave crossing should be considered for traffic operation and safety reasons.

The movement of pedestrians across the Pittwater Road intersection is to be considered in detail particularly in relation to the left turn south bound movement from Howard Avenue to Pittwater Road.

Further consideration is to be given to providing a grade separated pedestrian crossing across Pittwater Road for pedestrian access and intersection operation. The applicant is to consult with the RTA in relation to this matter prior to the Stage 2 DA being lodged.

Provision is to be made for bicycle access and parking/lockers in the development of the road design and car parks.

Pedestrian movements are to be separated from traffic where possible.

The Dee Why Town Centre has been identified for a High Pedestrian Activity Area 40km/h. The proposed development will increase pedestrian activity and need for implementation of the HPAA. The proposed road carriageway/streetscape treatments are to complement and make provision for possible traffic control treatments to achieve the HPAA. The proponent is to consult with Council in relation to this matter prior to the lodgement of the Stage 2 DA.

**Reason:** *To ensure a safe and functional pedestrian environment.*

## **28. Bus Transport and Taxis**

The Stage 2 DA is to address the impact of the exit portal on bus and taxi movements in Howard Avenue. Retaining the existing Howard Avenue bus stop could obstruct portal exit.

The proponent is to consult with Sydney Buses and the Taxi Council in relation to the location of bus stops and taxi ranks prior to the lodgement of the Stage 2 DA.



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The formalisation of the main bus stops in Howard Ave and Pittwater Road are to take into consideration the provision of bicycle parking in a close and convenient location.

The traffic studies have identified the need for modifying the kerb radii at corner of Oaks and Pittwater Road to accommodate buses. The impact of the modifications is to be assessed as to whether sufficient footpath area is preserved.

**Reason:** *To ensure adequate provisions are made for buses and taxis in the development.*

## 29. Environmental Noise Impact Assessment

The Stage 2 DA is to be accompanied by a detailed **Environmental Noise Impact Assessment** addressing the requirements of General Principle 43 – Noise of Warringah Local Environmental Plan 2000, and including noise sources (mechanical plant, loading dock and garbage removal operations, basement carparking, residential apartments, retail spaces) and noise control measures in relation to glazing, mechanical equipment, sound transmission between premises, construction noise and compliance with the BCA.

The report is also required to specifically address the noise impacts on the residential units above the Town Square and Pedestrian Link and nearby residential units in Howard Avenue and Oaks Avenue and where adverse impacts are likely, outline management initiatives in order to contain those impacts. This is to be co-ordinated with a Plan of Management for the Town Square and Pedestrian Link.

**Reason:** *To ensure a satisfactory acoustic environment.*

## 30. Security Review/Crime Prevention Report

The Stage 2 DA is to be accompanied by a detailed **Security Review/Crime Prevention Report** addressing Crime Prevention Through Environmental Design (CPTED) and is to demonstrate compliance with the four CPTED Principles outlined in 'Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning). The report is to address safety and security issues and make specific recommendations on lighting, entrances, lobbies and the like. The assessment is to address the requirements of the NSW Police.

**Reason:** *To ensure a satisfactory level of for future residents, workers and visitors.*

## 31. Phase 2 Contamination Report and Remediation Action Plan

The Stage 2 DA is to be accompanied by a detailed a **Phase 2 Environmental Assessment**, prepared in accordance with the relevant NSW Department of Environment and Climate Change guidelines and the relevant contaminated land planning guidelines under Section 145C of the Environmental Planning and Assessment Act 1979 to determine the extent of the contamination and a **Remediation Action Plan (RAP)** to outline how the site is to be remediated before it is suitable for the proposed mixed development use and the disposal offsite of any contaminated fill.

**Reason:** *To satisfy relevant statutory requirements.*



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### 32. Geotechnical Report

The Stage 2 DA is to be accompanied by a detailed **geotechnical Design Report** containing sufficient detail on the approved concept design of the basement to confirm feasibility of the design philosophy adopted and allowing impacts on the adjoining structures to be identified. This is to include predicted levels of movement of the basement walls so that “trigger” levels for intervention are identified. **A Construction Monitoring Program** is to be included in this report.

**Reason:** *To ensure geotechnical issues are adequately addressed in the Stage 2 design.*

### 33. Groundwater Report (including dewatering)

The Stage 2 DA is to be accompanied by a Groundwater Report which addresses issues identified in the peer review of the applicants groundwater report submitted with the concept DA. The report is to include a detailed groundwater and settlement monitoring plan with appropriate intervention values.

**Reason:** *To ensure groundwater issues are adequately addressed in the Stage 2 design.*

### 34. Construction and Demolition Environmental Management Plan

The Stage 2 DA is to be accompanied by a detailed **Demolition and Construction Management Plan**. The plan is to address issues including pedestrian movements and safety, traffic management, stormwater and wastewater disposal, waste management, air quality, noise management, truck parking, construction staging, noise and vibration control plan, recycling and resource efficiency, soil and water sediment control management plan (including a **Dust Management Strategy**).

Specifically, the **C&DMP** is to address the following in terms of traffic related matters:

- a. Public Car parking arrangements whilst the development is under construction.
- b. Construction staff parking.
- c. Construction vehicle access to and from the site during excavation and building works.
- d. The need for a work zone adjacent to the site frontage is to be considered as part of the construction management plan.

The **C&DMP** is also to provide details of all geotechnical and groundwater monitoring points, how they will be monitored, responsibilities for carrying out the monitoring, intervention trigger levels and actions to be taken if intervention levels are reached. Council is to be given an observational role to assist with the implementation of the CMP.

**Reason:** *To ensure all construction related impacts and methods are appropriately managed.*

### 35. Staging Plan

The Stage 2 DA is to be accompanied by a detailed **Staging Plan**, including demolition, remediation, excavation, construction, landscaping, town square, public art, public domain works, bus bay and portals.

*Reason: To provide details as to the staging of the development.*

### 36. Lighting Design Statement

The Stage 2 DA is to be accompanied by a detailed **Lighting Design Statement** which addresses issues of the number, type, design, luminosity and location of major lighting fixtures, the issue of glare and reflection, including building colours and materials, internal and external lighting of the building, Town Square and Pedestrian Link and the public domain.

*Reason: To minimise the impacts of lighting.*

### 37. Waste Management Plan

The Stage 2 DA is to be accompanied by a detailed **Waste Management Plan**, which addresses the generation of waste from the residential and commercial uses, the location of garbage storage areas and the recycling and re-use of demolition materials.

*Reason: To ensure the efficient and sustainable treatment of waste.*

### 38. Pedestrian Mobility Plan and Access Report

The Stage 2 DA is to be accompanied by a detailed **Pedestrian Mobility Plan and Access Report** providing details of access and facilities for people with a disability in accordance with the Building Code of Australia, AS 1428.2 and be addressing the Disability Discrimination Act 1992.

*Reason: To ensure satisfactory provisions are made for disabled and less mobile persons.*

### 39. Electricity Substation

The design of any electrical substation(s) must be integrated into the design of the final development and not intrude within the public domain or detract from the streetscape presentation of the development. The location of any future substation must be included with the Stage 2 Development Application and is to comply with Energy Australia Requirements.

*Reason: To ensure adequate arrangements are made for infrastructure.*

### 40. Site Infrastructure and Services

The Stage 2 DA is to be accompanied by a detailed **Infrastructure and Services Reports** to demonstrate how the development can be adequately and properly serviced. The report is to include an outline of any necessary augmentation of existing services. All infrastructure planning and design is to be undertaken in consultation with the relevant authorities, including Energy Australia, AGL, Sydney Water and Telecommunications Providers.

Specifically, a survey plan to Australian Height Datum of the location of all utility services in the Pittwater, Oaks and Howard road reserves is to be provided.



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The applicant is advised that Council also intends to upgrade the complete stormwater drainage augmentation works in the Pittwater, Oaks and Howard road reserves. Accordingly the line of the basement structure and entry/exit vehicle portals may be required to be moved towards the existing property boundaries.

**Reason:** *To ensure adequate arrangements are made for infrastructure.*

#### **41. Infrastructure –Roads and Footpath Works**

The Stage 2 Development Application is to be accompanied by engineering plans for the full road reconstruction in Oaks and Howard Avenues, including kerb and gutter reconstruction, associated street stormwater drainage and inlet pits, line marking, traffic signage etc.

Full width paving and associated streetscape works will be required to be constructed along the Howard and Oaks avenue frontages.

All works are to be designed in accordance with Council's Engineering specification – Auspec 1 and other Council specifications. The proponent shall also demonstrate the road geometry complies with Council's specifications.

The roadworks and associated street stormwater works will be required to be commenced after Council completes the Dee Why CBD stormwater drainage augmentation works.

**Reason:** *To ensure adequate arrangements are made for infrastructure.*

#### **42. Management of Site Stormwater**

The Stage 2 development application shall address the following:

- a. Provide a **Stormwater Management Plan** that details on site stormwater detention (OSD) in accordance with Council's OSD technical specification.
- b. The stormwater management plan shall also demonstrate the provision of Water Sensitive Urban Design (WSUD) measures in accordance with Council's draft - "Water Sensitive Urban Design Policy and technical guidelines".

The proposed buildings are to feature rainwater harvesting tanks for toilet flushing and irrigation. Pollution control devices are also to be provided.

The stormwater management plans shall also demonstrate compliance with the State Environmental Planning Policy –BASIX.

**Reason:** *To ensure adequate arrangements are made for infrastructure.*

#### **43. Flood Report (Flood Protection-Bund wall)**

The **Flood Report** submitted with the Stage 2 DA shall incorporate a bund wall to be built around the site and have a freeboard above the 1 in 100 year ARI overland flow top water levels as identified in the Lyall and Associates –"Central Business District Flood Study". This is to prevent the ingress of overland flow during basement excavation and construction.

After Council's Dee Why CBD drainage augmentation works are completed and the adjoining street drainage systems are connected by the proponent to these trunk drainage lines the bund wall will be removed.

**Reason:** *To ensure adequate arrangements are made for infrastructure.*



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#### **44. Councils Existing Stormwater Infrastructure running through the site**

The Stage 2 development application is to address the existing Council 750mm stormwater drainage line which runs from Pittwater Road to Councils box culvert adjoining the eastern boundary of the subject site. In this regard, the drainage line must be maintained through the site or diverted around the site at the cost of the proponent during basement excavation and construction works.

The proponent will be required to contribute the sum of \$300,000 for the provision of amalgamated stormwater drainage line into the Dee Why CBD drainage augmentation works to be constructed in Pittwater Road and Howard Avenue.

*Reason: To ensure adequate arrangements are made for infrastructure.*

#### **45. Hydrant/Booster Location**

The Stage 2 Development Application is to clearly identify the proposed location of all required fire hydrants and booster valves. The hydrant/booster valve and fire services location must be verified as being acceptable to the NSW Fire Brigade.

*Reason: To ensure adequate arrangements are made for infrastructure.*

#### **46. Section 94A contributions**

A quantity surveyors report must be submitted for the development application for Stage 2 to enable Section 94A contributions to be assessed for all components within this Stage.

*Reason: To enable accurate calculation of section 94A contributions*

#### **47. Lease of Road Reserves**

The lease of the road reserves for the proposed portals, overhangs and basement encroachments in the road reserves of Oaks Avenue and Howard Avenue are to be formally arranged with Warringah Council prior to the submission of the Stage 2 DA. The proponent is to consult with Council as to the lease requirements.

*Reason: To facilitate the orderly development of land.*

#### **NOTE: Building Code of Australia**

The Stage 2 DA is to be accompanied by a more detailed assessment to ensure the development is capable of meeting the performance requirements of the Building Code of Australia.



### **Right to Review by the Council**

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

*NOTE: A fee will apply for any request to review the determination.*

### **Right of Appeal**

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**Signed**      on behalf of the consent authority

Signature \_\_\_\_\_  
Name      Steve Findlay

Date      10 March 2009