

Statement of Environmental Effects

Development Application for a Mixed Use Development including
Affordable Rental Housing

882A Pittwater Road, Dee Why

19 August 2021



PREPARED BY

HAMPTONS PROPERTY SERVICES Pty Ltd

Head Office: Suite 404 | Level 4 | 203-233 New South Head Road | Edgecliff NSW 2027

Tel (02) 9386 7000 | Fax (02) 9386 7001

www.hamptonspropertyservices.com.au

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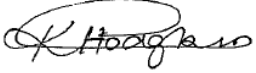
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PROJECT PARTICULARS

Project No.	2020080
Client	Development Link Pty Ltd
Site Address	882A Pittwater Road, Dee Why NSW 2099
Document Name	Statement of Environmental Effects

Prepared by

Date	Document Name	Authorisation	
		Name/Position	Signature
1 June 2021	Statement of Environmental Effects_V1	Kristy Hodgkinson <i>Director</i>	
12 July 2021	Statement of Environmental Effects_V2	Kristy Hodgkinson <i>Director</i>	
19 August 2021	Statement of Environmental Effects_V3	Kristy Hodgkinson <i>Director</i>	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.



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1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Development Link Pty Ltd, to prepare a development application (DA) for a mixed use development at 882A Pittwater Road, Dee Why NSW 2099 (the Site). This development application seeks consent for demolition of existing buildings and structures and the erection of a nine storey building which will contain one (1) ground floor retail premises (food and drink premises); three (3) commercial offices; and twenty (20) affordable rental dwellings (boarding house), and an on-site manager's office/residence. Ancillary elements will include on-site storage and bicycle parking facilities, as well as communal open space areas.

The site is located in the B4 Mixed Use zone, pursuant to the Warringah Local Environmental Plan 2011 (the **LEP**) and the proposal is permissible with development consent from Northern Beaches Council (the **Council**) (Clause 1.6).

This DA has been the subject of two pre-development application meetings with the Council and the matters raised in those meetings is addressed in this Statement of Environmental Effects (SEE). It is essential in undertaking an assessment of the proposed development on this site, that the highly constrained composition of the land, as a result of site isolation, requires a carefully considered, merit-based approach to the implementation of urban form that responds to its neighbours. In that regard, there are a number of factors to be balanced, as well as ensuring a high-quality design outcome that promotes living arrangements that are suited and cost-effective for the intended market for this site.

This DA has been prepared having regard to the following consultant information as set out in the Table below.

Table 1: Consultant Disciplines

Discipline	Consultant
Accessibility	East Coast Accessibility Pty Ltd
Acoustics	Koikas Acoustics
Architecture	Crawford Architects
BASIX	Damien O'Toole
Building Code of Australia	East Coast Approvals Group Pty Ltd
Cost Summary Report	QPC & C Pty Limited
Flooding	Demlakian Consulting Engineers Pty Ltd
Geotechnical	Asset Geotechnical Engineering Pty Ltd
Landscape	Site Image
Stormwater	Demlakian Consulting Engineers Pty Ltd
Survey	Adam Clerke Surveyors Pty Ltd
Traffic	TTPA Pty Limited

This report provides the following:

- a description of the site and the locality surrounding this;
- a description of the proposed development;
- the proposal's response to the pre-lodgement meeting notes;
- the proposal's response to the relevant environmental planning controls; and
- conclusions and recommendations relating to the proposal.

We trust that the enclosed information is sufficient for Council's consideration of the matter and look forward to working with Council during assessment of the development application.



2. THE SITE & ITS LOCALITY

2.1 Site Details

Table 2, below, provides the key information relating to the site.

Table 2: Site Details

Property Address	882A Pittwater Road, Dee Why
Legal Description	Lot B, DP 389449
Site Area	233.7m ²
Site Dimensions	Northern boundary – 33.765m Eastern boundary – 6.4m Southern boundary – 39.27m Western boundary – 8.44m
Existing Use	Retail
Critical Habitat	Nil
Contribution Plan	Dee Why Town Centre Contributions Plan
Environmental Heritage	No
Conservation Area	No
Coastal Protection	No
Mine Subsidence	No
Road Widening or Realignment	No
Hazard Risk Restriction	No
Flood Planning	Yes
Acquisition	No
Biodiversity Certified Land	No
Biobanking Agreements	No
Bushfire Prone Land	No
Property Vegetation Plan	No
Contamination	No

Note. Information above retrieved from Section 10.7(2) Certificate No. plc2021/4488 dated 07/06/2021.

The subject site is generally rectangular but for the angled allotment boundary to the western end of the allotment, fronting Pittwater Road. The site contains a single storey building, used for retail purposes and no on-site car parking services the allotment.

There is an existing stormwater easement aligning the northern site boundary, with a stormwater pit located in the footpath of Pittwater Road, just outside of the site boundary.

The topographical characteristics of the site are described in the Geotechnical Assessment as follows:

Topographically, the site is located in very gently sloping to level terrain above 20m above AHD. The overall ground surface slope across the site is downwards to the east at less than about 1.5°. The ground continues to slope down to the east towards the Pacific Ocean which is located about 1km away. Dee Why Lagoon is located about 0.8km to the north-east of the site.



In relation to the geological conditions, these are described in the Geotechnical Assessment as follows:

The 1:100,000 Sydney Geological Map indicates the site is underlain by Hawkesbury Sandstone.

A number of geotechnical investigations have been previously conducted by Asset and others within 250m of the site. These investigations suggest that the site is underlain by alluvial and residual sand and clay, in turn underlain by sandstone bedrock. Two investigations conducted at sites opposite the subject site on the north-western side of Pittwater Road, encountered sandstone bedrock at varying depths of 0.8m to 6.5m below ground level. That site confirmed rockhead to be dipping significantly to the east. The data suggests the presence of deep buried alluvial channel that trends to the north-east.

Groundwater is anticipated to be between 5m and 6m below the ground level, with a gradient directed towards the east.

Figure 1: Site Location



Source: <https://developer.archistar.ai/>



Figure 2: Aerial Location



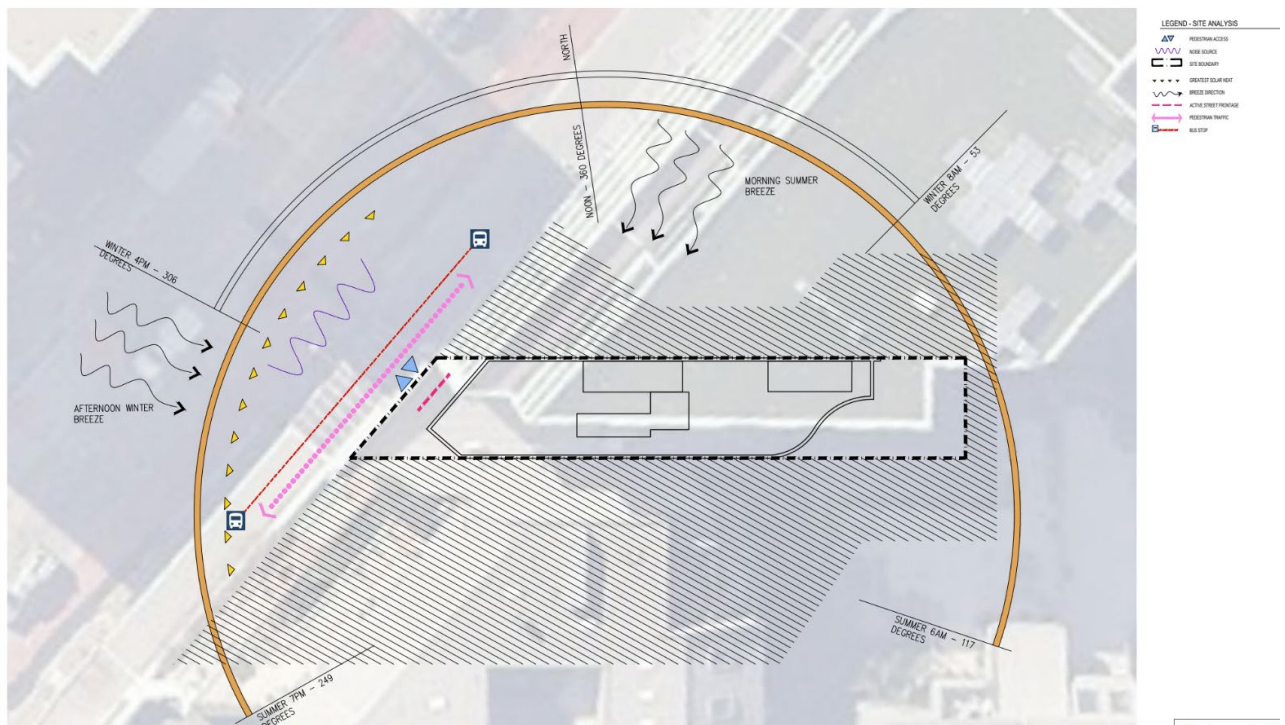
Source: <https://developer.archistar.ai/>



Photograph 1: The subject site on the eastern side of Pittwater Road



Figure 3: Site analysis, prepared by Crawford Architects



2.2 Site Context

The property is bookend-ed to the north and south by existing mixed use developments. To the north is the recently completed integrated site redevelopment undertaken by Meriton, which includes an eight storey building immediately adjacent the site, and a taller, fifteen (15) storey form to the corner of Pittwater Road and Howard Avenue, while to the south is an existing shop top housing development, with ground floor retail and residential uses over four levels above.

The site benefits from direct access to the B-Line bus service, with a stop located twenty metres from the subject site, heading north-east.

The locality surrounding the site provides a variety of uses, which generally contain retail or commercial uses, fronting Pittwater Road, on both the eastern and western sides of the roadway. Where site redevelopment has occurred, this is generally with residential uses above. Similar outcomes have occurred along Howard Avenue to the north and Oaks Avenue to the south, with works on Havana, located at the corner of Pittwater Road and Oaks Avenue, having commenced.



Photograph 2: Bus stop located immediately north-east of the site



Photograph 3: Double height retail space created as part of the Meriton development, to provide a sense of space at the ground floor of the building, while allowing for additional natural light. A similar outcome is proposed for the development.





Photograph 4: Corner of Pittwater Road and Oaks Avenue, where site redevelopment has commenced

Photograph 5: Further north of the site, showing site redevelopments which retain retail at the ground floor, with residential above, along with sites not yet redeveloped at the corner of Howard Avenue



Photograph 6: North of the site, looking east along Howard Avenue



Photograph 7: At the corner of St David Avenue and Pittwater Road, looking north, again demonstrating site redevelopment, with retail prominence at the ground floor and residential development above.



Photograph 8: Views looking north-east from the subject site, demonstrating sites that have not been the subject of redevelopment, where retail land uses dominate at the ground and first floor level



Photograph 9: Redevelopment works which have commenced at the corner of Oaks Avenue and Pittwater Road, with mixed use development beyond this at 10 Oaks Avenue, and connecting in with the rear of the site.



3. THE PROPOSED DEVELOPMENT

3.1 The Proposed Use

The proposed use of the Site is for a **mixed-use development**, which is to include the following:

- **boarding house**¹
- **commercial premises**², to include both a **food and drink premise**³ and **business premises**⁴.

The aforementioned uses, as defined in the Dictionary to the LEP, are permitted with development consent in the zone.

The Objectives of the B4 Zone are reproduced below.

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To reinforce the role of Dee Why as the major centre in the sub-region by the treatment of public spaces, the scale and intensity of development, the focus of civic activity and the arrangement of land uses.*
- *To promote building design that creates active building fronts, contributes to the life of streets and public spaces and creates environments that are appropriate to human scale as well as being comfortable, interesting and safe.*
- *To promote a land use pattern that is characterised by shops, restaurants and business premises on the ground floor and housing and offices on the upper floors of buildings.*
- *To encourage site amalgamations to facilitate new development and to facilitate the provision of car parking below ground.*

¹ **boarding house** means a building that— (a) is wholly or partly let in lodgings, and (b) provides lodgers with a principal place of residence for 3 months or more, and (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. **Note**— Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

² **commercial premises** means any of the following— (a) business premises, (b) office premises, (c) retail premises.

³ **food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following— (a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub, (d) a small bar. **Note**— Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

⁴ **business premises** means a building or place at or on which— (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital. **Note**— Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

The proposed uses on the Site are consistent with these objectives for the following reasons:

- The integration of land uses on the Site allows for both residential and non-residential uses that are compatible with each other within the same allotment, while suitably separated to ensure that adequate amenity is achieved. The uses are also consistent with those on allotments within the immediate vicinity of the Site which also comprise a range of residential and non-residential uses.
- The highly constrained width of the Site means that car parking cannot be accommodated within the building. At only 8.4m wide there is insufficient width to accommodate a driveway that would access parking (either at, or below, ground). Given this constraint, a key priority for redevelopment of this Site has been to focus on the provision of space for on-site bicycle parking with a detailed system of wall racks proposed on the first floor and providing seventeen (17) spaces. The Site is also located on the B-Line bus service, with a bus service heading south-west along Pittwater Road, less than 50m from the Site, and a service heading north-east along Pittwater Road, on the opposing side of the street, less than 100m walk. Localised bus service stops are also located directly in front of the Site. Therefore, the range of uses that are proposed on the Site make this highly accessible in terms of alternative transport modes, such as cycling, while also being highly accessible in terms of public transport services. The range of services is set out in the Traffic and Parking Report and identifies that there are more than twenty (20) bus services per hour connecting Dee Why to the CBD, such that *The site is assessed to benefit from excellent access to a ready public transport network. Therefore, the site is deemed suitable for the incorporation of non-private vehicle-based travel planning strategy.*
- The scale and intensity of development on this Site is commensurate to its immediate context, particularly having regard to its limited geometry, thus ensuring that the scale and intensity of development thereon, is consistent with that achieved on adjoining properties, to create a consistent and compatible urban form with the streetscape, without compromising public space or civic activity.
- The design of the building, despite its narrow frontage and constraints for building services (e.g., fire hydrant, ramp for waste and a hydrant and booster pump room), provides along its remaining available frontage, an entry space to a shared lobby, which is also serviced by a food and drink premises, to enhance the degree of activation to Pittwater Road, which is a primary and classified road servicing the locality and further afield. The composition of this frontage, with a double door opening, creates a human scale to this section of Pittwater Road and, given its proximity to the B-Line bus stop provides an appropriate location for a food and drink premises to service this section of the roadway and enhance localised activation at street level.

The degree of activation is heightened by the void space provided to the building opening that enables a sense of light to this space such that it is inviting when viewed from the street and not seen as a small enclosure, despite the limited size of the available opening. The sense of space that



is created by this void will also create a degree of safety due to the sense of openness and light that is created.

At the upper building levels, both balconies and window openings attached to habitable rooms at each level ensure that a degree of activation to the frontage is reinforced when viewed from Pittwater Road, at the street interface of the Site, thus reinforcing the human scale of this building that it nestled between buildings of varying heights that flank each side of the Site.

- The proposed uses within the building are entirely consistent with the promoted land use pattern.
- The subject site is the last remaining allotment within this section of Pittwater Road and is already flanked by sites to the east and west that have been the subject of redevelopment.

The proposed uses will therefore be consistent with the zone objectives and are permissible with development consent.

3.2 The Proposed Works

The proposed works are set out on a floor-by-floor basis below.

Table 3: Proposed Works on a Level-by-Level Basis

Plan Reference	Floor/Elevation	Proposed Works
A010, Rev C	Demolition	Removal of all existing buildings and structures.
A100, Rev R	Ground	<p>The ground floor comprises a new double entry door to Pittwater Road which provides access to a shared lobby for all uses within the building. On the southern side of the shared lobby, is a café, which will be enclosed by a roller shutter during non-operational periods. This is predominately designed with a take-away offering; however, some limited seating is provided at the western end of the ground floor, providing passive surveillance over Pittwater Road.</p> <p>Building services are located to the east of the café, including a store room, fire stair and lift servicing all levels of the building.</p> <p>Due to the limited width of the site, a combined waste room is proposed; however, the commercial waste area will be caged and locked to ensure that separation with the residential waste area is achieved. As a garbage truck cannot enter the site, a passage is provided along the western side of the site to the street, where bins will be wheeled about for collection. This is provided with a 1:8 ramp to ensure ease of access, with the passage being shared with the fire egress stair.</p>

Plan Reference	Floor/Elevation	Proposed Works
		<p>A separate bulky goods waste storage area is also provided in the waste room.</p> <p>Adjacent the waste room, on the eastern side is an accessible toilet, which access is achieved via a 1:20 ramp.</p> <p>At the rear, eastern end of the site is a commercial office space, 27.2m² in size, which overlooks a landscaped area along the eastern property boundary.</p> <p>Letterboxes are located at the south-western corner of the site, accessible external to the building.</p>
A101, Rev R	First Floor	<p>On the eastern side, for the front portion of the building, a void is proposed over the ground floor entry below to create a sense of openness and space when entering the building, given the limited width of the site. Beyond this is a lightwell, continued through the building.</p> <p>On the western side is an extensive bicycle storage room, accessible from the lift and with ramp access to this, providing storage for seventeen (17) bicycles.</p> <p>Beyond the lift and fire stair which are positioned mid-way through the building, is a commercial office space at the rear, eastern end of this level, and includes amenities and storage. Adjacent the storage room, on the western side are building services, including fire extinguisher, lobby ventilation and garbage exhaust. Fire rated glass blocks are proposed opposite the building services to create natural light into the corridor after leaving the lift towards the entry to the commercial space.</p> <p>The building line is set back 4.4m from the property boundary to enable overlooking to the landscaped area below.</p>
A102, Rev R	Level 2	<p>Two boarding units are proposed at this level at the western end of the building comprising internal kitchenette, laundry and bathroom.</p> <p>Beyond the building services in the middle of the building is a commercial office suite at the rear, 63.7m² in area and containing its own services and amenities.</p> <p>The rear of the building is set back 6m from the property boundary to enable overlooking to the landscaped area on the ground floor,</p>



Plan Reference	Floor/Elevation	Proposed Works
		while also ensuring that adequate fire separation is achieved through the use of blade walls along the northern and southern property boundaries.
A103, Rev R	Level 3	Four boarding rooms are proposed at this level, being two at the eastern end and two at the western end of the building comprising internal kitchenette, laundry and bathroom, as well as a balcony to each.
A104, Rev R	Level 4	Four boarding rooms are proposed at this level, being two at the eastern end and two at the western end of the building comprising internal kitchenette, laundry and bathroom, as well as a balcony to each.
A105, Rev R	Level 5	Four boarding rooms are proposed at this level, being two at the eastern end and two at the western end of the site comprising internal kitchenette, laundry and bathroom to each. Three of the four rooms are provided with balconies and one is provided as an accessible room (L5.04).
A106, Rev R	Level 6	Three boarding rooms are proposed, including a managers residence located at the western end of the building, which is provided with a separate courtyard on the western elevation overlooking Pittwater Road. The remaining two rooms, at the eastern end have an internal kitchenette, laundry, bathroom and balcony. One of the two rooms is also accessible.
A107, Rev R	Level 7	Three rooms are provided to this level and all contain an internal kitchenette, laundry, bathroom and balcony. L7.03 is an accessible room.
A108, Rev N	Level 8	This level contains one room on the western elevation, including internal kitchenette, laundry, bathroom and balcony. An internal communal room, 20m ² in area is provided at the eastern end with an external space attached to this, including bbq facilities and landscaping. A vergola is provided over part of the external space for weather protection.
A109, Rev N	Roof	This level contains mechanical plant and the lift overrun.
A300, Rev S	Eastern Elevation	The building will be constructed of precast concrete finish, with paint treatment.



Plan Reference	Floor/Elevation	Proposed Works
		Windows will be constructed with aluminium framing and the balustrade of toughened glass.
	Western Elevation	The building will be constructed of precast concrete finish, with paint treatment. Windows will be constructed with aluminium framing and the balustrade of toughened glass.
A301, Rev P	Street Elevation	The building will be constructed of precast concrete finish, with paint treatment. Windows will be constructed with aluminium framing and the balustrade of toughened glass.
A302, Rev G	South Elevation	The building will be constructed of precast concrete finish, with paint treatment. The window openings in the corridor on each level will be provided with fire rated glass blocks, to enable natural light into the space, while not compromising the boundary conditions. Textured concrete will be used on the upper building levels at the southern end of the site for that section of the wall that is on an angle.
A303, Rev C	Northern Elevation	The building will be constructed of precast concrete finish, with paint treatment

3.3 Accessibility Requirements

The Accessibility Report demonstrates that, based on the drawings, the proposed development either complies with the relevant Australian Standards, or is otherwise capable of complying with a specific performance solution. These matters would ordinarily be addressed at the Construction Certificate Stage during detailed design development of the project.

3.4 Building Code of Australia / National Construction Code

The BCA report accompanying this application demonstrates that the proposal either complies, or is capable of complying with the BCA and NCC requirements.

Those aspects of the development that are identified as not complying will be addressed via a performance solution, or otherwise amended as part of the construction certificate documentation.

3.5 Flood Mitigation

The Flood Assessment Report identifies the site as being located in the medium flood risk planning precinct. This Assessment notes the following:



- As the site is entirely covered with built form, the proposed development does not result in any loss of flood storage
- As the site is covered with existing building form and the overland flow occurs through Pittwater Road and Oaks Avenue, there will be no impact on the floodway or flood behaviour.
- There are no modifications to existing major drainage or stormwater systems as a result of the development, such that the area of the collected stormwater will not change.

In terms of building design and structural elements, the construction of these is required to be in accordance with the following:

- *All structural elements below the Flood Planning Level are to be constructed of reinforced concrete and/or reinforced concrete masonry and designed to withstand the forces of flood water, debris and buoyancy. Considering the flow depth does not exceed 200mm this can be readily achieved with conventional construction practices.*
- *Potentially, if the overland flow reaches the structure, the reinforced concrete slab and subfloor walls of this structure may be subject to stormwater. These elements are to be constructed from flood compatible building materials.*
- *The electrical design shall ensure that all new electrical equipment and similar have suitable waterproofing or are located above the Flood Planning Level and that all existing electrical equipment etc shall have suitable devices cutting off electricity supply should flood waters be detected.*
- *The floor level of retail areas, entry staircases etc, located on the ground level of the proposed development shall be located at or above the required Flood Planning Level.*

By considering the above, the proposed development will comply with the Building Components and Structural Soundness requirements.

The assessment also notes that the building levels have been designed to prevent stormwater ingress to habitable levels, which are all at, or above, the flood planning level and access passageways and ramps below the level are designed in a watertight manner and bunded to prevent water ingress at the lower levels.

With respect to potential risks associated with flooding, the proposed development has been designed to ensure that the habitable floor levels are designed such that there is sufficient safety for occupants during the event of a storm, with appropriate ramps to provide passage to higher ground above both the flood planning and PMF events. The most appropriate response would be to shelter in place in the event of a storm event and there would not be the need for intervention by emergency services.

In regard to the actual flood level this is nominated at RL 18.35. Compliance is achieved when the ground floor level along the façade is 550mm freeboard above the 100-year ARI flood level. The proposed levels at the front of the building achieve this level which will protect those areas at the rear of the ground floor which are below the freeboard.



On the basis of the above the conclusions of this assessment are that the proposal complies with the Council's requirements (Part E11 , DCP 2011)

3.5 Earthworks

The soils in which the proposed works will take place may be undertaken with conventional earthmoving equipment with subgrade preparation to be in accordance with the Geotechnical Report.

Footing design parameters are also to be in accordance with AS2159 – 2009 as set out in the Geotechnical Report.

3.6 Landscaping

All landscaping works are as shown on the Landscape Plan accompanying this application. This includes the On-Site Detention Tank, located adjacent the southern boundary of the site.

3.7 Stormwater

The proposed stormwater arrangements, including on site detention, are provided on the accompanying plans.

3.8 Soil Erosion & Sediment Control

The proposed soil erosion and sediment control measures, are provided on the accompanying plans.

3.9 Waste Management

The proposed waste management solutions for both construction and operational phases of the development are addressed in the Waste Management Plan.



4. PRE-DEVELOPMENT APPLICATION MINUTES

A pre-lodgement meeting was held with the Council on 26 November 2020, at which a significant number of comments were made by the Council, resulting in a second pre-lodgement meeting being undertaken on 14 January 2021. The minutes of that meeting were reviewed in detail, particularly as it relates to non-compliance with the relevant planning policy and the scheme has been significantly amended to achieve compliance with these.

In addition, the minutes make reference to Clause 4(3) of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the associated Apartment Design Guide. As addressed below, these are not relevant to this application; however, where possible the principles of these documents have been employed in further refining the architectural design of this application.

Matters that are not otherwise addressed in this report are addressed below.

Car Parking

Reference is made to the density of development as it relates to car parking, seeking that rooms are made larger to off-set the number of car parking spaces required in accordance with the ARH SEPP. This is not considered an appropriate response for the following reasons:

- the application seeks to provide seventeen bicycle lockers per boarding room which promotes alternative transport usage than motor vehicles, thus reducing the impact of the development on the surrounding road network
- even if access were available, the cost of building a basement car park for the benefit of three car parking spaces is cost prohibitive and a cost that would otherwise be passed on through the development, thus compromising the ability to provide affordable rental housing, which forms the predominant basis of this application
- the site is located on the B-Line bus route which provides regional bus services, as well as more immediate services within the locality. The proximity and frequency of the services means that the strategic location of the site provides significant opportunity for the users of the development to rely upon public transport means
- a Green Travel Plan accompanies the application to promote alternative transport means to and from the site

Rear Setback

The ground and first floor levels of the development fall short of the six metre setback that is considered desirable.

At Level 2, the building is setback six metres from the rear property boundary, with the external balcony attached to the rear of the building forward of this. Given that this is attached to a commercial, as opposed



to a residential use, it is not considered that this would be a highly trafficked area such that it would cause adverse impacts to the property at the rear.

Above this height, the northern section of the building achieves the rear setback of 3m; however, to provide articulation to the rear form, and having regard to the narrow site composition, the balcony for those rooms on the southern side of the building are forward of this distance. However, angular screening is proposed up to Level 7 to ensure that adequate privacy is achieved to the east and south of the site. The angled design means that this encroachment is not hard up against any of the property boundaries and extends itself into the rear of the site, without adverse impacts. This architectural composition will enable sufficient flexibility for surrounding sites at later stages.

Internal Residential Amenity

As evidenced by the pre-DA minutes the light well has been retained on the northern side of the building to facilitate cross ventilation which enhances the internal amenity of rooms given the highly constrained nature of the site.

To ensure visual privacy across the light well, privacy battens are proposed midway through this area, for approximately two-thirds of the width of the ventilation core. This will enable views to be deflected through this space, while also ensuring that natural ventilation is not obstructed. From an acoustic perspective, the impacts are considered minimal as the ventilation corridor attaches to a bedroom, which can be siphoned from the rest of the room, with an internal sliding door, such that the noisier spaces within the room can be quarantined to deflect potential noise issues.

Building Built To Lines

Advice from Council indicates that the Meriton building is forward of the built to lines on the basis of public benefit and thus acceptable. To ensure a continuum in urban form, the proposed development aligning with the composition of that building, having regard to the angled alignment of the street frontage, is the most appropriate design solution. The angular design of the building edge ensures that this will not be obtrusive at the lower levels of the building, where the proposed form is provided on a return angle away from the adjoining site, thus enhancing separation.

The public benefit attributable to this development is the provision of accommodation that is affordable, within the Town Centre to assist those with a lesser ability to afford rental accommodation in the private market, particularly where there is high demand from key worker segments such as Northern Beaches Hospital. The site provides the opportunity for those on lesser incomes to afford accommodation within the Town Centre, and be able to obtain access to facilities, services and retail shops with ease, without relying upon private transport means, instead in a location of high public transport offering and pedestrian accessibility. By enabling this extension of the building form provides the opportunity to increase the quantum of accommodation for this purpose which is well within the public interest.



5. SECTION 4.15 EVALUATION

This application is required to consider section 4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act), the provisions of which are set out and addressed below.

Table 4: Section 4.15 of EP & A Act

Clause No.	Title/Clause	Comment
4.15	Evaluation	
(1)	Matters for consideration—general	
	In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
	(a) the provisions of:	
	(i) any environmental planning instrument, and	<ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability: BASIX) 2004 (SEPP BASIX) ○ State Environmental Planning Policy (Affordable Rental Housing) (SEPP ARH) ○ State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) ○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) ○ LEP <p>The proposal is considered below having regard to these requirements.</p>
	(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	<p>Draft State Environmental Planning Policy (Environment)</p> <p>Draft Remediation of Land State Environmental Planning Policy</p> <p>Draft State Environmental Planning Policy (Housing) 2021</p>
	(iii) any development control plan, and	Warringah Development Control Plan 2011 (DCP)
	(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.

Clause No.	Title/Clause	Comment
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable.
	(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable.
	that apply to the land to which the development application relates,	
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the proposed development are extremely limited. The limited site area, within the context of the Dee Why Town Centre presents a number of challenges, which have been overcome by proposing a use of the site that focuses on affordability in terms of both the non-residential and residential uses. The impacts of these uses are entirely consistent with the zoning of the land, while reducing the environmental footprint of the development through reduced excavation and soil disturbance as no on-site car parking is provided. In addition, this outcome also ensures that the proposed development will not result in adverse pollution impacts, no compromise pedestrian environments through the need for vehicular access points or similar. In terms of social and economic impacts, the provision of affordable housing within the Town Centre and proximate to land uses such as Northern Beaches Hospital, provides a significant opportunity to be provided in an accessible location at a price point that is different in the market place to other offerings.
	(c) the suitability of the site for the development,	The site is entirely suitable for the proposed development, being of a mixed-use outcome that is consistent with the character of the locality, while providing a building form that sits comfortably between various redeveloped sites. The design and layout of the dwelling takes account of the various land uses, their floor plates and the interrelationship of these buildings within the confined area available.
	(d) any submissions made in accordance with this Act or the regulations,	The Applicant is will to response to any submissions made during notification of the application.



Clause No.	Title/Clause	Comment
	(e) The public interest.	<p>The public interest is best served through the implementation of this development for the following reasons:</p> <ul style="list-style-type: none"> ○ the provision of active retail space at the ground floor level is consistent with the desired outcomes of both the zoning and the Dee Why Town Centre, while also promoting increased opportunities for passive surveillance over this adjoining roadway, adjacent to public transport ○ the provision of affordable rental housing enables a price point within the market place to be accommodated to assist with rental shortages within the locality, providing opportunities for key worker housing near public facilities and services ○ the provision of small-scale commercial space that is again affordable, within the town centre, based on its modest size ○ the provision of cycling storage facilities to encourage the use of bicycles, and walking, given the proximity of the Town Centre, without providing on site car parking, thus reducing the environmental impact of vehicles in terms of pollution impacts on nearby road systems ○ limitation in excavation that otherwise result in soil disturbance and excavation on a site with limited capacity, while potentially impacting the condition of adjacent buildings. <p>The proposal is therefore well within the public interest.</p>

SEPP ARH

The proposed development seeks consent for a **boarding house**, containing twenty (20) rooms, and an additional manager's office and residence, which forms part of the proposed mixed-use development. Part 2 addresses **New affordable rental housing** and Division 3 expressly deals with **Boarding Houses** and applies to land which is located within the B4 Mixed Use zone (among others).



Cl. 29 sets out **Standards that cannot be used to refuse consent**. Subclause (1) deals with floor space ratio and permits an increased quantum of floor space where a residential flat building is permitted with development consent in the zone. As the permitted floor space ratio is greater than 2.5:1, an additional amount of floor space is permitted, that being 20%. Therefore, the permitted floor space ratio is 4.8:1. The proposed gross floor area is 4.51:1.

Subclause (2) provides a further set of matters in which the **Standards cannot be used to refuse consent**, noting that consent may still be granted even where compliance is not achieved. The proposal is assessed having regard to these below.

Table 5: Clause 29 Assessment Matters

Clause	Comment	Compliance
2. A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
<p>a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<p>The permitted building height is 27m. The proposed building height is 27m.</p>	Yes
<p>b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>The front setback has no presentation of landscape treatment with adjoining buildings presented to the boundaries.</p>	Yes
<p>c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter,</p>	<p>Refer to solar studies.</p>	No
<p>d) private open space if at least the following private open space areas are provided (other than the front setback area):</p>		
<p>i. one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p>	<p>The private open space area has dimensions 6.5m x 5.8m.</p>	Yes
<p>ii. if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is</p>	<p>The private open space area for the manager's room is 9.25m, with a minimum dimension of 2.5m.</p>	Yes

Clause	Comment	Compliance
provided adjacent to that accommodation,		
e) parking if:		
i. in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and	The site is located in an accessible area and thus requires the provision of 3.2 spaces. As detailed above, the site is highly constrained such that no car parking spaces are proposed on the site.	No
ii. in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and		Not applicable
iii. in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,		Not applicable
f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:		
i. 12 square metres in the case of a boarding room intended to be used by a single lodger, or	Room 5.01 is designed for a single lodger and is less than the required 12m ² .	No
ii. 16 square metres in any other case.	All rooms designed for two lodgers exceed the requirement of 16m ² .	Yes
1. A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	All rooms are provided with private kitchen and bathroom facilities.	Yes

Clause 30 provides **Standards for boarding houses**, which requires the consent authority to be satisfied on each item, prior to granting development consent. These matters, having regard to the proposal, are set out below.

Standard	Comment	Compliance
a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	A communal living area is provided on Level 8 at the rear of the building	Yes



Standard	Comment	Compliance
b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	All rooms have 25 square metres or less excluding kitchen or bathroom as evidenced previously.	Yes
c) no boarding room will be occupied by more than 2 adult lodgers,		Yes
d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,		Yes
e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,		Yes
f) (Repealed)		
g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	All uses on the ground floor are for commercial purposes.	Yes
h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Four bicycle spaces are required; seventeen (17) spaces are proposed, thus significantly exceeding the required provision. The site is not accessible via motorcycle; therefore, no such parking is provided.	Yes / No
30A Character of local area		
A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The character of the local area is defined by a number of planning instruments applying to the site, including, the B4 Mixed Use zone objectives; Part 7 Dee Why Town Centre, which are addressed in Appendix 1. Conclusively, the proposed development is compatible with the character of the local area as: <ul style="list-style-type: none"> ○ the design provides a built form that is responsive to 	Yes



those directly adjoining the site, as well as to the rear, responding to the character of Pittwater Road, while also being designed to the rear having regard to adjoining residential uses that the site interfaces with

- the nature of the uses provided, including retail commercial and residential uses, are entirely consistent with surrounding land uses
- the materiality to be employed on the building's exterior is contemporary and thus responsive to newer developments generated within proximity to the site
- the architectural design outcome to the street frontage and rear is well articulated through the use of balcony treatment and windows to provide variation to the composition of each façade, while being responsive to the interface that each interacts with.

In addition to the above is the Northern Beaches Local Strategic Planning Statement, which is addressed below.

The proposed development holistically achieves this standard.

SEPP BASIX

In accordance with Cl. 6, the proposed development is a BASIX affected development in terms of the residential components of the development. the BASIX Certificate accompanies this application.

ISEPP

Division 17 deals with **Roads and Traffic** and Subdivision 2 specifically with **Development in or adjacent to road corridors and road reservations**. Cl. 101 address **Development with frontage to classified road** and Cl. 102 addresses the **Impact of road noise or vibration on non-road development**. In this case, Pittwater Road is a classified road (MR164). The objectives of the clause seek to ensure that development does not affect



the ongoing operation and function of the road, while also seeking to reduce the potential impact of traffic noise and vehicle emissions on development adjacent to a classified road.

Subclause (2) precludes development consent being granted in certain circumstances including:

- where vehicular access can be provided to a site from a road other than a classified road
- demonstrating the safety, efficiency and ongoing operation having regard to vehicular access to the land, smoke and dust from the development and the nature, volume and frequency of vehicles using the development
- where development is sensitive to noise, that it is located and designed to ameliorate potential traffic noise or vehicle emissions.

The proposed development does not seek to provide vehicular access from the site onto the classified road and, given that the site is constrained on its three remaining sides by existing development, there is no alternative location for vehicular access to and from the site. Therefore, there will be no impact in terms of the safety, efficiency and ongoing operation of the road network.

In relation to sensitivity to noise, the Acoustic Report identifies that the maximum allowable indoor traffic noise is L_{Aeq} 35 dB in a bedroom between 10:00pm and 7:00am and elsewhere in the building, L_{Aeq} elsewhere in the building at any other time. This level is increased when windows are open within a development, such as to allow natural ventilation, increasing these to L_{Aeq} 45 dB and L_{Aeq} 50 dB at the respective times.

The predicted maximum external façade traffic noise during the daytime is 72 dB and 68 dB during the night time. This being the case, that the traffic noise levels would exceed the sensitivity criterion, a series of construction recommendations are provided in the Acoustic Report. These measures are identified in Section 4.3 Construction Materials.

The Acoustic Report identifies that ten (10) of the twenty (21) residential occupancies (which includes the manager's residence) are not capable of achieving the requisite noise level with windows open, being those facing Pittwater Road. These dwellings would otherwise need to rely upon borrowed air from elsewhere in the dwelling; be provided with a component of fresh air through a ducted air conditioning system; be provided with a small air supply fan and an acoustically treated duct; or by installing a wall mounted ventilator. Most importantly, any such system should not cause penetration to the building façade such that the acoustic integrity is compromised.

SEPP 55

Cl.7 requires that a consent authority must not grant consent to a development, unless it has considered:

- whether the land is contaminated
- if it is contaminated, that it is suitable in such a state, or will be after remediation, for the intended use



- it the land requires remediation, that this will occur prior to the land being used for that purpose.

The development application tracking system on the Council’s website, for the Site provides applications back to 2004. These applications are for a range of uses, including for a bank and subsequently a real estate agent. There are no other accessible records on the Council’s website detailing the previous use of the Site.

While the land is not identified as being within an investigation area (cl. 7(4)(a)) and based on the uses identified above, do not fall within Table 1 to the contaminated land planning guidelines, further investigation may be required to determine uses prior to 2004, given that residential use is to occur on the site (cl 4(b) and (c)).

The Geotechnical Report also provides the following in relation to subgrade preparation works:

Any waste soils being removed from the site must be classified in accordance with current regulatory authority requirements to enable appropriate disposal to an appropriately licenced landfill facility.

Where any filling is required, the Geotechnical Report also provides the following:

Any soils to be important onto the site for backfilling and reinstatement of excavated areas should be free of contamination and deleterious material and should include appropriate validation documentation in accordance with current regulatory requirements which confirm its suitability for the proposed land use. Asset can provide further advice on this matter is required.

SEPP 65

Cl. 4 deals with **Application of Policy** and confirms that this applies to development that is for the purpose of a residential flat building; shop top housing or mixed use development with residential accommodation where:

- (a) *the development consists of any of the following—*
- (i) *the erection of a new building,*
 - (ii) *the substantial redevelopment or the substantial refurbishment of an existing building,*
 - (iii) *the conversion of an existing building, and*
- (b) *the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) *the building concerned contains at least 4 or more dwellings.*

In this case, the proposal consists of the erection of a new building that is greater than three storeys at ground level and above and contains more than four (4) dwellings; however, subclause (4) excludes the



application of this Policy to development for the purpose of a boarding house. Therefore, this Policy does not apply.

The LEP

The proposal is consistent with the Aims (Clause 1.2) as it will:

- reinforce the role of Dee Why Town Centre, providing opportunities for employment through the provision of additional commercial and retail space as part of this proposal
- providing a balanced approach to residential and non-residential uses, particularly by providing an affordable form of accommodation that is proximate to various retail and commercial services, as well as Northern Beaches Hospital, thus supplying key worker housing at an affordable level, that is highly accessible
- provision residential accommodation that provides a high level of amenity, despite the constraints of the site in terms of size, while providing an approach to the bulk and scale of development that is responsive to the building form that directly adjoins the three boundaries of the site
- providing an alternative form of accommodation that will assist population growth on an isolated site, without impacting upon the character and amenity of the immediate locality
- providing commercial spaces that can harmoniously integrate with the residential use of the building and being of a smaller size so as not to encourage intensive land use, the nature of which may otherwise compromise the amenity of residential use within the site itself
- providing suitable outcomes in terms of environmental quality, through high quality urban design with a strong representation to the streetscape that is well balanced and proportional with development on the adjoining allotments
- allowing for the efficient use of infrastructure, particularly that of the public transport network, which is adjacent the site and of which provides extensive access to the locality and further afield, making it a site that does not warrant the provision of on-site car parking, not only because of its constraints, but also because of its high degree of accessibility
- managing environmental constraints, particularly that of flooding, as set out previously
- in terms of community well-being, the proposal will provide a sound social and economic response to the locality, by providing both employment opportunities, but also affordable accommodation that is proximate to retail and commercial facilities, as well as community services, such as Northern Beaches Council, thus providing sound community outcomes and enhancing well-being.

The remaining provisions of the LEP are addressed at Appendix 1.

Northern Beaches Local Strategic Planning Statement (LSPS)

The LSPS which has been adopted by the Council assists in the consideration of character of the locality, both existing and desired. The relevant aspects of this are addressed below.



Vision

Four fast, frequent public transport corridors connect Frenchs Forest, Brookvale, Dee Why, Mona Vale and Manly to the Eastern Economic Corridor and the rest of Greater Sydney. Innovative and emerging transport technology, such as electric cars and autonomous vehicles, are part of the broader transport network, and with safe and convenient walking and cycling paths, more people choose to live without a car.

People live and work close to transport, making it easier for them to reach more services and opportunities within 30 minutes. New developments respond to local character, heritage and the natural environment. A diverse mix of affordable and innovative housing gives residents more choice, creating more inclusive neighbourhoods that connect people across generations.

The proposal is responsive to the Vision, being located on the public transport corridor, with a bus stop twenty metres from the site, which provides broader access in the locality, in conjunction with providing on site bicycle parking, thus reinforcing the opportunity of living without vehicular transport, which is consistent with the theme of *more people choosing to live without a car*. The proposal also provides a form of affordable and innovative housing, with communal spaces to enable a greater degree of interaction between residents, creating a greater sense of inclusiveness. The opportunity presented by affordable housing also improves access to living and working locations within thirty minutes of the site, as well as providing employment generating opportunities on the site itself.

Priorities

In terms of the relevant priorities, the proposal reinforces

- **Priority 7** with no car parking being provided on site thus assisting in creating a low-carbon community
- **Priority 9** by providing both housing and employment generating land uses in a location where sufficient infrastructure is available, in particular public transport accessibility
- **Priority 12** by creating an inclusive community within the confines of the site through the implementation of communal areas, both internal and external for interaction, thus enabling socially connected communities. This is also reinforced with the proposed café at the ground level, adjacent the bus stop, again to encourage a degree of interaction between local commuters
- **Priority 15** by providing choice in accommodation, in a location that may otherwise be unaffordable, but now available in a location that has a high degree of access to facilities, services and infrastructure
- **Priority 16** by providing affordable housing
- **Priority 17** by providing development that is responsive to demographic changes, particularly with the expansion of both educational and health facilities proximate to the site



- **Priority 25** with the intention of Dee Why being a thriving cosmopolitan centre, with this proposal seeking to utilise a small site between two existing redeveloped portions of land that will enable the retail and commercial offering of a modest scale, to accommodate a diversity of business interests that are accessible and have the ability to accommodate employment generating floor space within the Town Centre.

Similar to both the zone and town centre objectives, the consistency of the development with the above priorities is a reflection of the proposal's ability to be consistent with the emerging character of both the local government area, and within the confines of Dee Why itself.

In considering character, of relevance is the decision of SJD DB2 v Woollahra Municipal Council NSWLEC 1112, at Paragraph 72, which states as follows:

The design of the proposed development should sit comfortably with its neighbours to the east, and its neighbour to the west in order to meet the objective of the standards to be consistent with, and compatible with, the desired future character. The development on the Site is only perceived in that context. It is not readily visible from any location other than within this block of Cross Street. Although one should not exclude from consideration in a more general sense the broader locality, it is here the immediate locality of this defined block on the southern side of Cross Street which is determinative of the preferred form of development for the Site.

Similarly, in this case, while the proposal has some level of visibility in the broader scale afforded by Pittwater Road, this is somewhat limited, particularly at street level with awnings and built structures that otherwise impede the sense of space beyond the lower levels of buildings. It is therefore the immediate locality which defines the desired future character of the site. The proposed development provides horizontal building alignments that are commensurate with neighbouring development, particularly of the more recent Meriton development, emulating the higher void space at the ground/first floor level, and then similarly employing a similar grid of building levels between the site and those neighbouring to create a consistency in the streetscape appearance that enables a visual connectivity in this section of Pittwater Road. At the upper building level, this is scaled to reflect the height of each of the adjoining developments, of which there is a disparity resulting in a transitional form between the two. Upper-level setbacks are also similarly employed to ensure that the resulting built form is not visually intrusive in the streetscape, thus providing a consistent and coherent approach to the appearance of the streetscape and thus consistent with the character of the area.

On this basis, both the proposed uses and the building forms proposed are entirely consistent with both the existing and desired future character of the locality to accord with the LSPS and, in turn the character requirements of the ARH SEPP.



Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect was released by the NSW Department of Planning, Industry & Environment in January 2018, but is yet to be gazetted. There is no additional risk attributable to the site based on the Category 1 remediation list which is to be revised.

Draft Housing SEP

The draft Housing SEPP was released for consultation on 28 July 2021 and seeks to amend the provisions relating to boarding houses, as set out at Part 2, Division 2. As this has been released for consultation, it is a relevant consideration as part of the assessment of this development application. The relevant provisions are reproduced below and assessed accordingly.

Table 6: Draft Housing SEPP Compliance Assessment

Development Standard	Comment	Compliance
22. Boarding houses permitted with consent		
(1) Development for the purposes of a boarding house may be carried out with consent on land on which development for the purposes of a boarding house is permitted with consent under another environmental planning instrument	A boarding house is permitted in the B4 Mixed Use zone under the LEP.	Yes
23. Non-discretionary development standards – the Act, s.4.15		
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a boarding house that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		Noted
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—		
(a) for development on non-heritage land in a zone in which residential flat buildings are permitted—a floor space ratio not exceeding—	Residential flat development is not permitted in the B4 Mixed Use zone.	Not applicable
(i) the maximum permissible floor space ratio for residential accommodation on the land, and		



Development Standard	Comment	Compliance
(ii) (ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,		
(b) if paragraph (a) does not apply—a floor space ratio not exceeding the maximum permissible floor space ratio for residential accommodation on the land,	The proposed floor space ratio exceeds that permitted on the land.	No
(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,		Yes
(g) for a boarding house containing more than 6 boarding rooms—		
(i) a total of at least 30m ² of communal living area plus at least a further 2m ² for each boarding room in excess of 6 boarding rooms, and	Based on the number of rooms (excluding the manager's residence as this benefits from its own private open space), 58m ² of communal living area is required.	Yes
(ii) minimum dimensions of 3m for each communal living area,	The total communal living area (indoor and outdoor) is 64.2m ² .	
(h) communal open spaces—		
(i) with a total area of at least 20% of the site area, and	Based on a site area of 233.7m ² , the required communal open space required is 46.74m ² . The proposed communal open space area measures 44m ² .	No/Yes
(ii) each with minimum dimensions of 3m,	The minimum dimension exceeds 3m.	
(j) if paragraph (h ⁵) does not apply—		
(i) for development within the Greater Sydney region—at least 0.5 parking space for each boarding room, or	The site is located within the Greater Sydney Region and therefore requires 10.5 spaces.	No
(ii) otherwise—at least 1 parking space for each boarding room,		
(k) at least 1 motorcycle parking space for every 5 boarding rooms,	Due to site constraints, motorised parking provision is not physically achievable on the site.	No

⁵ This appears to be an incorrect reference with subclause (i)



Development Standard	Comment	Compliance
(l) at least 1 bicycle parking space for each boarding room.	Seventeen bicycle spaces are proposed to service the development.	No
24. Standards for boarding houses		
(1) Development consent must not be granted under this Division unless the consent authority is satisfied that—		
(a) the design of the development will be compatible with the character of the local area, and		Yes
(b) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m ² , and		Yes
(c) no boarding room will be occupied by more than 2 adult residents, and		Yes
(d) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and		Yes
(f) for a boarding house on land zoned primarily for commercial purposes—no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and		Yes
(g) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living room, and		Yes
(h) the minimum lot size for the development is not less than—		
(iii) for development on other land—the minimum lot size requirements for residential flat buildings under a relevant planning instrument,		NA
(j) if the boarding house exceeds 3 storeys—the building will comply with the minimum building separation distances		No

Development Standard	Comment	Compliance
specified in the Apartment Design Guide,		
(k) the development has a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following for each boarding room—		
(ii) for a boarding room intended to be used by a single resident—12m ² ,		Yes. No
(iii) otherwise—16m ² .		
(2) Subsection (1)(f) does not apply to a part of a building that—		
(a) faces a service lane that does not require active street frontages, or		NA
(b) is used for any of the following purposes—		
(i) lobby for a residential, serviced apartment, hotel or tenanted component of the building,		Yes
(iii) access for fire services,		
(iv) vehicular access.		

The DCP

The relevant provisions of the DCP are addressed at Appendix 2.



6. CONCLUSIONS & RECOMMENDATIONS

This DA seeks development consent for a mixed-use development at 882A Pittwater Road, Dee Why for demolition of existing buildings and structures and the erection of a nine-storey building which will contain one (1) retail premises (food and drink premises); three (3) commercial offices; and seventeen (17) affordable rental dwellings (boarding house), including a manager's residence. Ancillary elements will include on-site storage and bicycle parking facilities, as well as communal open space areas.

The site is located in the B4 Mixed Use zone, pursuant to the **LEP** and the proposal is permissible with development consent from the **Council** (Clause 1.6).

This DA has been the subject of two pre-development application meetings with the Council and the matters raised in those meetings is addressed in this Statement of Environmental Effects (SEE). It is essential in undertaking an assessment of the proposed development on this site, that the highly constrained composition of the land, as a result of site isolation, requires a carefully considered, merit-based, approach to the implementation of urban form that responds to its neighbours. In that regard, there are a number of factors to be balanced, as well as ensuring a high-quality design outcome that promotes living arrangements that are suited and cost-effective for the intended market for this site.

While there are minor non-compliances evident with regard to the ARH SEPP, again, these aspects are derived from the isolation of the site as it relates to car parking and motor-cycle provision. However, the opportunity for increased bicycle provision, along with the site's immediate proximity to public transport services, provides a significant opportunity for the provision of affordable housing within the town centre.

The activation opportunities that are also proposed with regard to the provision of retail and commercial space will ensure a building that presents with a high degree of activity and interaction that is conducive to the Town Centre environment.

The opportunity for urban regeneration of this site is enhanced by its location, while providing a high proportion of affordable housing to service the local population, particularly proximate to institutions such as hospital and educational facilities.



APPENDIX 1: LEP COMPLIANCE ASSESSMENT



APPENDIX 2: DCP COMPLIANCE ASSESSMENT

