
Warringah Local Environmental Plan 2011

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Part 7

Part 7 Dee Why Town Centre

7.1 Definitions

In this Part:

Dee Why Town Centre means the land shown on the Key Sites Map as the Dee Why Town Centre.

Proposed New Road means the land shown on the Key Sites Map as the Proposed New Road.

Site A means the land shown on the Key Sites Map as Site A.

Site B means the land shown on the Key Sites Map as Site B.

Town Square means the land shown on the Key Sites Map as the Town Square.

7.2 Land to which this Part applies

This Part applies to land within the Dee Why Town Centre.

7.3 Objectives for development within Dee Why Town Centre

The objectives of this Part are as follows:

- (a) to create an attractive living centre that sustains the social, economic and environmental needs of its community and visitors,
- (b) to ensure a balance between the provision of high quality housing with a mix of retail, business, employment, civic, cultural and recreational facilities,
- (c) to ensure that development is consistent with the role of Dee Why as a major centre for the sub-region,
- (d) to create a built environment that has unified and consistent building form that includes:
 - (i) definition of street edges by the establishment of podiums to create walls of 3 and 4 storeys in height, and
 - (ii) above podium level elements that step back to achieve adequate levels of natural sunlight and high levels of amenity to occupiers of the buildings, surrounding development and the adjacent public domain, and
 - (iii) 2 iconic slimline towers in the western part of the centre (Site B) and one smaller tower in the eastern part of the centre (Site A) that will largely provide for a transition in height from west to east, and
 - (iv) mid-rise elements that reflect the simple clarity of design displayed by the tower and podium elements,
- (e) to ensure that taller buildings that are distributed across the Dee Why Town Centre from west to east provide a coordinated, modulated and varied skyline and that the towers are spatially

- separated to provide useable public spaces, including a Town Square,
- (f) to achieve a pattern of development that reflects the underlying urban form in Dee Why with predominantly east-west orientated buildings and high levels of visual and physical permeability,
 - (g) to achieve good sunlight penetration to public spaces and Oaks Avenue,
 - (h) to ensure that development responds to the surrounding natural environment and protects the scenic qualities of Dee Why and its views and vistas,
 - (i) to establish ground floor levels that are occupied by retail uses that:
 - (i) are highly active, accessible to the street and create a lively ambience, and
 - (ii) provide a mix of retail shops, cafes and restaurants at the edges of street, pedestrian areas and open spaces, and
 - (iii) are at the same level as the footpaths and provide opportunities for a generous promenade and distinctive street tree planting for shade and shelter,
 - (j) to accommodate additional employment opportunities, service functions and space for business, consistent with the role of Dee Why as a major centre, by providing at least 2 levels (including the ground floor) of development for non-residential purposes,
 - (k) to ensure that signage associated with the new development is of high quality, is innovative, coordinated and minimised to avoid visual clutter and will complement the overall urban design, streetscape and architectural quality and amenity of the Dee Why Town Centre,
 - (l) to ensure that development within the Dee Why Town Centre is designed to take account of, and be compatible with, the hydrological conditions associated with the Dee Why Lagoon South Catchment,
 - (m) to ensure that development within the Dee Why Town Centre positively contributes to the visual quality and pedestrian comfort of the public domain and provides a seamless integration between public and private spaces.

7.4 Development must be consistent with objectives for development and design excellence

- (1) Development consent must not be granted to development on land in the Dee Why Town Centre unless the consent authority is satisfied that the development:
 - (a) is consistent with the objectives of this Part that are relevant to that development, and
 - (b) incorporates:
 - (i) stormwater management measures, including water sensitive urban design and ecologically sustainable development principles, and
 - (ii) innovative design solutions that minimise stormwater impacts, including stormwater quantity and quality impacts, on the Dee Why Lagoon system, and
 - (iii) finished floor levels and basement car park entry levels that include adequate freeboards to protect against the entry of stormwater from the Council's street drainage system, and
 - (iv) continuous colonnades or pedestrian awnings on those parts of any building that are on the edges of streets or public spaces.

- (2) Development consent must not be granted to development on Site B, at the Howard Avenue frontage, unless the consent authority is satisfied that the development will be lined by trees of distinctive coastal indigenous species that provide landscape elements while not obscuring the views into and out of the Town Square from Pittwater Road or Howard Avenue.
- (3) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on Site A or Site B unless the consent authority is satisfied that the development exhibits design excellence.

7.5 Design excellence within Dee Why Town Centre

In determining whether development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
- (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency,
- (d) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,
- (e) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.

7.6 Height of buildings

- (1) The objectives of this clause, in addition to the objectives stated in clause 4.3, are to limit overshadowing to:
 - (a) the front set back areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year, and
 - (b) the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June in any year, and
 - (c) the Town Square on 22 June in any year.
- (2) If the location of the following is varied by not more than 2 metres in any horizontal direction from the location as shown on the Height of Buildings Map, that map is taken to be amended so as to permit that tower in that new location rather than in the location shown on that map:
 - (a) the proposed tower on Site A shown on the Height of Buildings Map as having a maximum height of 52.5 metres,
 - (b) the proposed tower on Site B shown on the Height of Buildings Map as having a maximum height of 75 metres,
 - (c) the proposed tower on Site B shown on the Height of Buildings Map as having a maximum height of 78 metres.
- (3) Nothing in subclause (2) permits development that results in any one or more of the following:

- (a) the floor area of any floor of a tower being greater than it would have been had the location of the tower not been moved,
- (b) less than 2 hours of sunlight being provided between 10.00 am and 2.00 pm on 22 June in any year to:
 - (i) the front setback areas on the southern side of Oaks Avenue opposite Site A, or
 - (ii) the public footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6 metres from the property boundary,
- (c) less than 4 hours of sunlight being provided on 22 June in any year to the Town Square.

7.7 Site A Oaks Avenue above podium elements

- (1) The objectives of this clause are as follows:
 - (a) to allow buildings on land shown as “Area 1” on the Height of Buildings Map and fronting Oaks Avenue to have components above the height permitted by clause 4.3 (2) (the *podium level*),
 - (b) to control building bulk above the podium level on that land,
 - (c) to limit the depth of buildings and control the gross floor area above the podium level on that land,
 - (d) to limit overshadowing to the front setback areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year,
 - (e) to allow design flexibility.
- (2) This clause applies to buildings on land shown as “Area 1” on the Height of Buildings Map.
- (3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 1” on the Height of Buildings Map that has a component above the podium level but only if:
 - (a) the total gross floor area of the components of the buildings above the podium level does not exceed 2,000 square metres, and
 - (b) a minimum of 20% of the east-west length of Site A above the podium level comprises physical breaks or separation between buildings, and
 - (c) any component of the building above the podium level does not extend north beyond the Oaks Avenue rear building alignment line of Site A, being the line 32 metres from the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and
 - (d) the building is sited or located under a plane that projects at an angle of 29 degrees from the height of 28.5 metres above the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and
 - (e) no less than 2 hours of sunlight is provided between 10.00 am and 2.00 pm to the front setback areas on the southern side of Oaks Avenue opposite Site A on 22 June in any year.

7.8 Site B Oaks Avenue above podium elements

- (1) The objectives of this clause are as follows:

- (a) to allow buildings on land shown as “Area 2” on the Height of Buildings Map to have components above the height permitted by clause 4.3 (2) (the *podium level*),
 - (b) to control building bulk above the podium level on that land,
 - (c) to limit the depth of buildings and control the gross floor area above the podium level on that land,
 - (d) to ensure that there is an adequate separation between the above podium level buildings’ envelopes shown on the Height of Buildings Map for the towers and surrounding podium of the Howard Avenue side of the site and the buildings south of the rear building alignment of Site B,
 - (e) to limit overshadowing of the public footpath on the southern side of Oaks Avenue opposite Site B on 22 June in any year,
 - (f) to allow design flexibility.
- (2) This clause applies to buildings on land shown as “Area 2” on the Height of Buildings Map.
- (3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 2” on the Height of Buildings Map that has a component above the podium level but only if:
- (a) the total gross floor area of the components of the buildings above the podium level does not exceed 3,800 square metres, and
 - (b) a minimum of 20% of the east-west length of Site B above the podium level comprises physical breaks or separation between buildings, and
 - (c) any component of the building above the podium level does not extend north beyond the Oaks Avenue rear building alignment line of Site B, being the line 27.5 metres from the Oaks Avenue front building line (which is 2.275 metres from the Oaks Avenue boundary of Site A), and
 - (d) no less than 2 hours of sunlight is provided between 10.00 am and 2.00 pm to the footpath on the southern side of Oaks Avenue opposite Site B at a distance of 6 metres from the property boundary on 22 June in any year.

7.9 Site A Proposed New Road above podium elements

- (1) The objectives of this clause are as follows:
- (a) to allow buildings on land shown as “Area 3” on the Height of Buildings Map to have components above the height permitted by clause 4.3 (2) (the *podium level*),
 - (b) to control building bulk above the podium level on that land,
 - (c) to limit the depth of buildings and control the gross floor area above the podium level,
 - (d) to allow design flexibility.
- (2) This clause applies to buildings on land shown as “Area 3” on the Height of Buildings Map.
- (3) Despite clause 4.3, development consent may be granted to the erection of a building on land shown as “Area 3” on the Height of Buildings Map that has a component above the podium level but only if:

- (a) the total gross floor area of the components of the buildings on the land shown as “Area 3” on the Height of Buildings Map above the podium level does not exceed 1,000 square metres, and
- (b) any component of the building above the podium level does not extend west beyond the Proposed New Road rear building alignment line, being the line 19.5 metres from the Proposed New Road front building line (which is the western alignment of the Proposed New Road), and
- (c) the building is sited or located under a plane that projects at an angle of 45 degrees from the height of 25 metres above the Proposed New Road from the east to west direction, and
- (d) the height of the building does not exceed 43.5 metres.

7.10 Allowance for external ancillary plant and roof access

- (1) The objectives of this clause are as follows:
 - (a) to ensure that the height, scale and number of permanent or temporary external ancillary structures located on roofs of buildings do not add to the perceived height of buildings or detract from the roof form of buildings,
 - (b) to ensure that roof forms are attractive when viewed from surrounding vantage points, including when viewed, at a short distance, from the public domain and surrounding apartment buildings, and when viewed, from a long distance, from the southern and western hill sides that have northerly and easterly aspects, respectively, over Dee Why,
 - (c) to promote low scale vegetative landscaping of podium roofs of buildings and the use of podium roof spaces as areas for passive recreation for residents of the buildings concerned.
- (2) Development consent must not be granted to development on land in the Dee Why Town Centre involving the construction of a new building or external alterations to an existing building unless the consent authority is satisfied that:
 - (a) the height of any external ancillary plant or access point is minimised and does not exceed 3.0 metres, and
 - (b) any external ancillary plant or access point is suitably integrated with landscaping or architectural elements of the building, and
 - (c) any external ancillary plant or access point is centrally located within the roof area to minimise or completely avoid being visible from the public domain in close proximity to the building, and
 - (d) the total area of such plant and access points does not exceed 10% of the roof area, and
 - (e) any balustrade or similar safety restraint (except a building parapet) is set in from the roof edge at least 3 metres, and
 - (f) no external ancillary plant is located on the roof of the tall tower located on Site A or the two slimline towers on Site B.

- (3) In this clause:

external ancillary structure means an access point or ancillary plant or a balustrade or similar safety restraint.

7.11 Town Square and pedestrian connections

- (1) The objective of this clause is to ensure that development within the Dee Why Town Centre will include a Town Square that will be the heart of the community and will contain attractive, useable open spaces that are interlinked by a secure network of pedestrian connections.
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building on Site B unless the consent authority is satisfied that the development will:
 - (a) be consistent with the establishment and maintenance of a Town Square that addresses Howard Avenue and that will:
 - (i) occupy all of the land shown as “Town Square” on the Key Sites Map, and
 - (ii) be a flexible, multi-use space that will be suitable to accommodate markets, entertainment and community events and serve as a meeting place for the general public, and
 - (iii) be surrounded by colonnades at its perimeter that will provide all weather access to the ground floor retail outlets, and
 - (iv) include landscaping throughout the space that provides an appropriate canopy of indigenous tree species to enhance its amenity, and
 - (b) include retail uses located at ground level at the perimeter of the Town Square that will provide opportunities for alfresco dining, casual seating and recreation, and
 - (c) ensure that residential accommodation situated above the Town Square will provide maximum visibility of the Town Square and bring life and vitality to the Town Square throughout the day, and
 - (d) incorporate and maintain a north-south Pedestrian Connection that will link the Town Square with Oaks Avenue that will:
 - (i) occupy all of the land shown as “Pedestrian Connection” on the Key Sites Map, and
 - (ii) in conjunction with the Town Square, provide a strong physical and visual connection between Howard Avenue and Oaks Avenue ensuring a high level of permeability for the Dee Why Town Centre, and
 - (iii) provide a generous pedestrian and retail precinct, and
 - (iv) be lined by retail development, with double storey colonnades providing access on a 24 hour, 7 days a week basis, and
 - (v) be designed to ensure all weather access to ground level retail, food and beverage outlets, and
 - (vi) have a clear width of not less than 14 metres to ensure high levels of sunlight access and provide view lines through the development.
- (3) Despite clause 4.3, development consent may be granted to the construction of a pedestrian footbridge, on the land shown as “Pedestrian Footbridge” on the Key Sites Map that provides a connection between the first floor level of buildings located within Site B, if the consent authority is satisfied that the footbridge:
 - (a) will not adversely affect the incorporation and maintenance of the north-south Pedestrian Connection, and

- (b) will be constructed of light-weight and transparent material, and any visual impact of the footbridge will be minimised.

7.12 Provisions promoting retail activity

- (1) The objective of this clause is to promote retail activity on the ground and first floors of new buildings in the Dee Why Town Centre.
- (2) Development consent must not be granted to development in the Dee Why Town Centre unless the consent authority is satisfied that:
 - (a) the ground floor level of buildings on Sites A and B will not be used for any of the following (other than the provision of access to any of the following):
 - (i) residential accommodation,
 - (ii) medical centres,
 - (iii) office premises, and
 - (b) the first floor level of buildings on Sites A and B will not be used for residential accommodation (other than the provision of access to such accommodation).
 - (c), (d) (Repealed)

7.13 Mobility, traffic management and parking

- (1) The objective of this clause is to ensure improved vehicle access and circulation in the Dee Why Town Centre through good design and the management of traffic flows within the existing and new roads servicing the centre.
- (2) Development consent must not be granted to the construction of new buildings in the Dee Why Town Centre unless the consent authority is satisfied that:
 - (a) any development on Site A will be consistent with the establishment of a new north-south street, between Howard and Oaks Avenue, along the eastern side of Site A, shown on the Key Sites Map as the Proposed New Road, and
 - (b) the Proposed New Road will have a minimum width of 18 metres where it adjoins Lot 1, DP 526306 (St Kevin's Church) and 20 metres where it adjoins Strata Plan 1493, and
 - (c) the development is designed to respond to an on-street traffic circulation pattern that is one way in an anti-clockwise direction around the centre via Oaks Avenue, the Proposed New Road and Howard Avenue, and
 - (d) the development will improve vehicle access and circulation within the Dee Why Town Centre and will reinforce the priority of pedestrian movements and networks to make the Dee Why Town Centre safe, enjoyable and attractive, and
 - (e) car parking will be provided principally underground and will accommodate the demand generated by the additional residential, retail and commercial uses, and
 - (f) if the development is on Site B, there will be a maximum of one level of above ground car parking that will:
 - (i) be located on level 2 (excluding the ground floor level), and
 - (ii) incorporate appropriate architectural screening that is visually integrated and coordinated with the design of the building facades of the remainder of the

development and will ensure that vehicles are screened completely from surrounding vantage points and that the streetscape and urban design quality of the development is protected, and

- (g) if car parking adjoins a street frontage, the amenity of the adjoining and nearby uses is protected, and
- (h) loading facilities and waste collection facilities are accommodated in a way that does not adversely impact on the visual amenity of the public domain, the amenity of adjoining or nearby residential properties or conflict with pedestrian access, and
- (i) there will be minimal disruption to retail and commercial activity at street level because the proposed development:
 - (i) minimises the width of footpath crossings and vehicle entrances, and
 - (ii) ensures that loading facilities are substantially enclosed by occupied floor space, and
 - (iii) demonstrates high standards of civic design to portions of loading dock and car park entrances that are visible from the street.