



16 May 2024

Ms Michelle Niles
Planning Officer
Social and Infrastructure Assessments
Department of Planning, Housing & Infrastructure
12 Darcy Street (Locked Bag 5022)
PARRAMATTA NSW 2124

Our Ref: 2024/354382

Dear Ms Niles,

Request for Comments – Mixed use development, including residential development for additional affordable rental housing – 4 Delmar Parade & 812 Pittwater Road, Dee Why (SSD-68230714)

I refer to your correspondence dated 19 April 2024 requesting Northern Beaches Council's advice on the request for comment on the Exhibition of SSD-68230714 which is a mixed-use development that is an "uplift" to the previously approved DA2022/0145 (as modified) on the site. The proposal seeks an increase in housing yield effected by the introduction of additional floor levels and basement parking to include affordable rental housing, pursuant to Chapter 2 Clause 16 of *SEPP (Housing) 2021*.

Council is concerned that the additional height and bulk is inconsistent with the urban form delivered through the Dee Why Town Centre Master Plan (DYTCMP). Dee Why was strategically planned for the particular characteristics of the local urban environment to limit adverse impacts from building heights, manage overshadowing, views, setbacks and the like. The current yield of floorspace delivered under WLEP 2011 for the Town Centre will bring the road network to full capacity. Any additional floorspace the SEPP delivers across the town centre will have extreme detrimental impacts on this road network. In addition, the increased height and scale on minimal setbacks to the southern boundary of this proposal compared with that approved development, will increase the visual dominance and overshadowing impacts on the Stony Range Reserve Botanic Garden. These issues were all relevant matters in the assessment of DA2022/0145, and the proposed development as proposed in the current SSD application exacerbates these issues.

For these reasons and others outlined in detailed comments below, Council does not support the State Significant Development application.

This letter and Appendix 1 forms Council's response to your request.

Should you require any further information or assistance in this matter, please contact Alex Keller, Principal Planner on 1300 434 434.

Yours sincerely

A handwritten signature in black ink, appearing to read "Louise Kerr".

Louise Kerr
Director Planning & Place

APPENDIX 1 DETAILED COMMENTS FOR SSD-68230714 NORTHERN BEACHES COUNCIL

Introduction and Background

The Northern Beaches Council (the **Council**) has been requested by the Department of Planning, Housing and Infrastructure (**DPHI**) to provide comments for the new Development Application (DA) for the purposes of a mixed use development comprising 4 x commercial tenancies* and 280 apartments with 3 basements levels for parking, lot consolidation and subdivision, including 15% affordable rental housing (ARH) at No.4 Delmar Parade and No.812 Pittwater Road, Dee Why (the **site**).

Site Characteristics

- (a) The site comprises of 2 land allotments which are legally described as SP32071 and SP32072. The combined Lots are known as No.4 Delmar Parade and No.812 Pittwater Road Dee Why and is zoned “MU1 Mixed Use” pursuant to Warringah LEP 2011.
- (b) The site has an area of 7,790sqm and 2 frontages being an “L” shaped site between Pittwater Road and Delmar Parade, wrapping around the back of No.816 Pittwater Road (“Avis” vehicle rental) and No.2 Delmar Parade (new shop top housing, up to 7 storeys).
- (c) The site to the north at No.822 Pittwater Road, across Delmar Parade, contains a mixed-use building which has a 3 to 4 storey podium and residential tower element up to 9 storeys.
- (d) To the south of the site is a road reserve which contains a car park at the western end and becomes a pedestrian link to Tango Avenue for the remainder of the frontage to the subject site. To the south of the road reserve is the 3.3 hectare Stony Range Botanic Garden. To the east of the site is low density residential land.
- (e) The site has the benefit of a recent development consent for DA2022/0145 and Council is currently in receipt of a modification to add a basement level and reconfigure roof elements.

Summary of proposed development

The redevelopment of the subject land is for the construction of 2 mixed use buildings above three common basement levels configured as follows:

- Building A – a part 6, part 7 storey building, presenting toward Delmar Parade containing ground floor commercial tenancy space and 156 apartments.
- Building B – a part 9, part 10 storey building toward Pittwater Road containing ground floor commercial tenancy space and 124 apartments.

Note: the proposal appears to have 4 commercial tenancies as per TP01.03 and TP01.04 by the wall layout shown which is different to some references in the SSD documentation.

- 15% of the floor space, which is 47 apartments, will be provided as affordable housing.
- All vehicular access into the development is provided via a driveway on the eastern end of the Delmar Parade frontage, which provides access to a ground level loading bay and garbage collection area behind the commercial tenancy, as well as to the basement levels. The basements levels will accommodate 425 car spaces, bicycle parking, garbage rooms, lift and stair access, storage and plant.
- A central open space on the western side of Building A, and in between Buildings A and B, as well as various rooftop spaces, provide for communal open space for the residents of the development.
- Torrens title subdivision of the development into 2 allotments

The Council comments include matters of concern from Councils internal referral departments of:

1. Strategic and Place Planning
2. Development Assessment
3. Traffic and Road Asset
4. Development and Stormwater Engineering
5. Waste Services Management
6. Bushland and Biodiversity
7. Riparian and Water Quality
8. Environmental Health and Building

1. STRATEGIC AND PLACE PLANNING COMMENTS

Summary

The delivery of affordable rental housing is encouraged in context with Council's Dee Why Urban Town Centre Masterplan, however the SSD proposal has significant implications of precedent across the entire Dee Why Town Centre Master Plan area which has already offered significant uplift for shop top housing within capacity limitations of the centre. These limitations include significant traffic management flows within the Town Centre, considerations of views and the urban fabric of the town centre's surroundings, opens space, stormwater management, and the relationship of building bulk impacts within the coastal topography. Concerns also relate to retaining appropriate transition in the urban height and streetscape format between the surrounding land uses, Dee Why Town Centre fringe sites (such as this site) and the core of the Dee Why Town Centre.

Employment generating floorspace

The proposal is inconsistent with clause 7.12 of WLEP 2011 being "*buildings will have at least two floor levels (including the ground floor level) of employment generating*" in favour of dwellings at ground level and level 1. Whilst the gross leasable floor area is similar to that of DA2022/0145, the residential dwelling yield of the current application is higher again and the percentage of employment floor space in the current application is far less than the earlier consent. Careful consideration should be given to this proposed variation since the proposal is effectively a new DA this variation should be revisited and DA2022/0145 not relied on to prevent the proposal from better achieving this objective via the SSD proposal.

Recommendations

The assessment of the proposal by the Department is drawn to the attention of the following relevant strategic planning documents, and being satisfied with achieving the objectives or requirements within:

- Northern Beaches Local Strategic Planning Statement (Towards 2040)
- Dee Why Town Centre Master Plan
- Northern Beaches Public Space Vision and Design Guidelines
- Northern Beaches Environment and Climate Change Strategy 2040 (Protect. Create. Live)
- Northern Beaches Climate Change Action Plan
- Northern Beaches Disability Inclusion Action Plan 2017-2021
- The Dee Why Town Centre 7.11 Contributions Plan applies to the land. This Plan applies a contribution of dwellings and existing credit of commercial floor space. Draft conditions of consent for contributions should be provided on request if the application is to be recommended for approval and once the final quantum of dwellings is finalised. Council's strategic planning section would favour opportunity at the appropriate time to calculate the required contributions and review applicable conditions the Department may recommend relating to the contributions plan.

2. DEVELOPMENT ASSESSMENT COMMENTS

Summary

Council's Development Assessment officers note the following key matters which should be considered in the assessment and the consent authority may not be satisfied that the proposal is supportable where the DA has not addressed those matters of concern.

Public Interest

Concern is raised that regardless of the SEPP promoting ARH and the previous DA2022/0145 being supported by the Sydney North Planning Panel, significant community concerns were raised principally for reasons over the totality of floor space proposed, excessive building height, excessive overshadowing impacts, site isolation concerns (to the 'Avis' site – No.816 Pittwater Road), flooding, urban design and heritage landscape impacts. The SSD proposal will inevitably re-ignite previous public concerns raised in submissions to DA2022/0145 albeit it with a significantly larger and upscaled development and increased impacts. It is noted that originally the development scheme did not allocate the desired commercial floor space pursuant to clause 7.12 of the Warringah LEP 2011. This new independent (replacement) DA scheme for the site retains a similar concession to commercial space desired.

Comments:

The Master Plan assumes that the likely dwelling potential for the Dee Why Town Centre is 1,245 dwellings, by applying an average of 100sqm per dwelling and 80% take up rate across available sites in the precinct. In considering this the DYT CMP at [p65] states:

“Council has resolved that the development potential maximum for the Dee Why Centre is to remain at the level achievable under the current LEP until substantial infrastructure upgrades can be undertaken.”

The critical infrastructure upgrades include the construction of 2 new roads to relieve traffic gridlock. Other infrastructure include Public open space in the core of the centre has been delivered. Generally, the proposal is a significant change to the scheme envisaged under the present DYT CMP and relevant Part 7 provisions within *Warringah*

LEP 2011. Such an increase in height and scale is disruptive to the integrity of the master plan and objectives of Clause 7.5 of Warringah LEP 2011. In particular:

[cl7.5 (a)] ***whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,***

- The enlarged proposal is not compatible No.818 Pittwater Road for continuity with the streetscape in material, podium design and fenestration. The additional upper storeys add significant bulk without being stepped back to reduce upper massing and visual impact on the surrounding area.

[cl7.5 (b)] ***whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,***

- The increased building height, unbroken colour scheme and massing adds further overshadowing to Stony Range Flora Reserve and adjacent residential land and does not improve the amenity of the public domain or streetscape of Pittwater Road.

[cl7.5(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,***

- Sustainable design principles for privacy (visual and acoustic), ventilation, solar access will be much more difficult to achieve for adjacent land, particularly the undeveloped site at No.814-816 Pittwater Road.

[7.5(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.***

- Opportunities to better address communal access and communal recreational areas are limited and do not display “exemplary and innovative” treatment. This includes the lack of access to the adjacent reserve and non-compliant ADG building separation for upper storey levels. Additionally, the positioning of open space on roof tops that contribute to additional building heights that is inconsistent with the height plane permitted by the LEP.

[cl7.5(f)] ***whether the development connects with and provides a high quality interface with surrounding streets and public domain areas at the pedestrian level,***

- The additional storeys increase the abrupt transition of the development along Pittwater Road adjacent to Stony Range Reserve and the additional storeys are not sufficiently setback to reduce the appearance of building scale from the public domain of Stony Range Flora Reserve. Additionally, the pedestrian access to Stony Range Flora Reserve is minimal, with the public amenity from within the reserve further diminished by the additional height added and massed solid white balustrades proposed. The landscape heritage values of the Stony Range Flora Reserve are further diminished by the additional height which has an overbearing effect with increased overshadowing across the north-west corner of the Stony Range Flora Reserve.

[cl7.5(g)] ***whether the development contributes to the provision of a network of green spaces, natural systems and semi-natural systems, including parks, waterways, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment.***

- The proposal relies on the approved building footprint but proposes additional residential storeys with minimal contribution to creating a network

to link green space and expansion of canopy trees for the urban environment. The proposal, should deliver a greater connectivity to adjacent bushland and connectivity within the site for commercial uses at the ground level and level 1 that contribute to a vibrant and high-quality living environment, including employment and other business opportunities for Dee Why Town Centre.

Comment and Recommendations on General Design Changes

The 'softening' of the building corners by using curved edged and increased use of natural materials (hardwood feature work, brick, sandstone) to better "tie-in" the building with No.2 Delmar Parade and the adjacent reserve setting is an important consideration for the urban surroundings. The singular white massing and height of the corner tower as a 'gateway' to Dee Why should be reconsidered as it creates an excessive and abrupt change to that envisaged by the DYT CMP.

The overshadowing and cross ventilation compliance should be considered closely given the scale of the building and comparison with 'view from the sun' diagrams. It is likely that compliance with solar and cross ventilation may reduce for particular apartments that are toward the southern side and central positions of the site with regard to Apartment Design Guide (ADG) compliance. Additionally, the proposal should address the likely impact of development opportunities that may seek the same or similar "uplift" on No.816 Pittwater Road be considered with 3D concept analysis.

Overall, the building bulk and height appearance of the SSD proposal is over-accentuated by the lack of stepping in the upper storeys to provide greater articulation to the vertical wall plane and adequately break up massing. Generally, the upper storeys should have increased setbacks to reduce visual bulk and massing and better follow the overall format demonstrated in Part 2 of the ADG.

3. TRAFFIC & ROAD ASSET ENGINEERING COMMENTS

Summary

High level requirements for assessment will be the provision of a transport impact assessment to address the impact on the regional road network within the Dee Why area and in particular surrounding streets. The road network impacts need to be considered in this context and not just from a single site perspective.

Comments

Full intersection traffic counts and SIDRA network modelling for the AM, PM and midday weekend peak periods should be undertaken to support the proposal at the following affected intersections:

- Delmar Parade/Pittwater Road
- Pittwater Road/Sturdee Parade
- Pittwater Road/Pacific Parade

The above modelling should be undertaken with both the existing AM peak turn ban restrictions in place at Delmar Parade/Pittwater Road and also with a full median closure in place on Pittwater Road at Delmar Parade. As it is likely that TfNSW will require that closure of the median take place in conjunction with this development to limit right turn crash potential

- The closure of the median on Pittwater Road coupled with the increased AM peak outbound and PM peak inbound traffic generated by the development will create broader road network traffic implications in the surrounding area. Circulation of traffic to/from the site via Headland Road, Quirk Street, Carew Street, Sturdee Parade, Pacific Parade and The Crescent must be reviewed in conjunction with the development application.

Road infrastructure requirements:

- Accessible pathway links from Delmar Parade to Dee Why bus stops (north bound and south bound).
- To facilitate pedestrian access to/from bus services on Pittwater Road improved pedestrian access arrangements crossing Delmar Pade (upgrade median to pedestrian refuge / marked pedestrian crossing must be considered.
- A closure of the median on Pittwater Road an extension of the right turn bay into Sturdee Parade will be required to prevent right turns-in and out of Delmar Parade. This will be required for safety reasons.
- Potential traffic circulation impacts on Sturdee Parade, Pacific Parade, Carew Street and Headland Road, Dee Why.

Pick up and drop off requirements:

- Pick up/ Drop off provision should be through a combination of onsite visitor and customer parking. Ground level parking within the site, for Taxi / 'Uber' should also be considered.
- Emergency vehicle access and evacuation locations.

Parking provision:

- A car park in accordance with SEPP Housing requirements and addressing ADG, including appropriate ventilation and basement facilities (wash-bay / storage / services)
- Impact of the development (including at various construction phases) on the available parking in the local area will needs to be considered including potential impacts of parking servicing the adjacent Stony Range Flora Reserve (directly adjacent the southern boundary), and kerbside parking nearby within the low-density residential area east of the site.

Parking for all Delivery and Service Vehicles generated by the development must be accommodated on-site with appropriately sized and located Loading Bays provided and enabling forwards entry and egress and egress by the largest anticipated vehicle accessing the site. Adequate overhead clearance must be demonstrated to be available.

Conditions of Consent

If the SSD is recommended for approval, Council's Traffic Engineers would favour opportunity at the appropriate time to review any draft traffic related conditions. Please note these may also require additional time for review by Council's Traffic Committee.

4. DEVELOPMENT AND STORMWATER ENGINEERING

Summary

The site is identified as subject to overland flow and groundwater seepage and therefore the information and evaluation will need to be incorporated in the assessment consideration. (It is noted that an analysis it was previously done in context of DA2022/0145).

Comments

The tanking required for the recent modification to DA2022/0145 requested this be deleted, which Council does not support, as the geotechnical and hydrogeological reports fail to address the impacts of the continual pumping of groundwater. Reference is also made to the *Sydney Coastal Council's Groundwater Management* document as a reference document to ensure appropriate basement tanking.

Conditions of Consent

If the SSD is recommended for approval, all conditions of consent applied by Engineering services to DA2022/0145 (or equivalent engineering conditions from the Department) should be retained and applied to this proposal. Council would favour opportunity at the appropriate time to review any draft conditions on engineering matters.

5. WASTE SERVICES MANAGEMENT

Summary

The scale of the proposal is significant and waste collection services will be a critical consideration.

Comments

Waste collection services must be accommodated appropriately that are safe and convenient to use. The service will involve heavy rigid vehicles entering upon the property to collect waste from a dedicated waste collection loading dock. Council's Waste Management Policy contains detailed requirements for the provision and adequate waste management facilities including facility / bin service design requirements. It is to be noted there has been some reconfiguration of the waste storage areas from that approved with DA2022/0145 to accommodate the additional waste requirements of the increased number of dwellings.

Residential Waste Collection

- 1) Garbage and recycling service.

Residential waste facilities approved for DA2022/0145 have been appropriately up scaled to cater for the additional number of dwellings contained within this proposal.

- 2) Green waste Service

No changes have been proposed to the green waste bin storage and collection procedures in this proposal. No changes are required by Council for the new proposal.

- 3) Bulky Goods Collection Service

The bulky goods storage room has been increased in capacity to accommodate the addition waste generated by the additional dwellings.

Access to the bulky goods room for service staff is unacceptable and will need to be re-designed. Access to the room is via two sets of double doors which overlap onto each other blocking access

to the room. The room needs direct access to the landing in the loading dock located at the top of the ramp NOT via two sets of double doors.

Consultation with Councils' Waste Officer will need to be undertaken to ensure compliant access is provided to the bulky goods room.

Commercial Waste Collection

Waste generated from commercial premises within the proposal is to be stored and collected separately from the residential waste.

Two separate commercial waste storage rooms have been provided for this purpose.

Conditions of Consent

If the SSD is recommended for approval, all conditions of consent applied by the Waste Officer to DA2022/0145 should be retained and applied to this proposal. Council would favour opportunity at the appropriate time to review any draft conditions on waste service matters.

6. BUSHLAND AND LANDSCAPE COMMENTS

Summary

The site contains an array of mature trees and replacement of the tree canopy can take many decades to achieve the same amenity benefits, particularly between buildings and toward the street frontages and buffer areas toward low density residential land and Stony Range Flora Reserve. The reserve is a regional botanic garden of native bushland and an important open space for the community of the northern beaches. The *Stony Range Management Strategy Plan* (1994) states that the primary role of the Reserve is for display of native plants from all over Australia, in addition to the local flora. The Plan lists three main management objectives for the 3.64 hectare Reserve, including the "*Conservation of the endemic plant communities and the display of Australian Flora for public enjoyment and education.*"

Comments

Landscaping along the southern setback should include shade tolerant species endemic to the area and suitable for low light conditions. Detailed landscape design plans should be required if the proposal is considered for approval by the Department to ensure specific materials, layouts and plant schedules are appropriate for long term sustainability.

Landscaping conditions should be consistent with those imposed pursuant to DA2022/0145.

No works are to be carried out in the Stony Range Flora Reserve.

Conditions of Consent

If the SSD is recommended for approval, landscape conditions of consent to DA2022/0145 (or equivalent landscaping conditions from the Department) should be retained and applied to this SSD proposal. Council would favour opportunity at the appropriate time to review any draft conditions on landscaping matters.

7. WATER QUALITY COMMENTS

Groundwater

There is known ground water considerations for the site as a dewatering permit (GTA's) were issued by *WaterNSW* under the requirements of integrated development for the site and the existing development approval on the site requires the basement to be permanently tanked.

Water Quality

The site lies within the Dee Why Lagoon Catchment and the lower catchment can experience significant runoff. Riparian areas around the edge of Dee Why lagoon have significant remnant habitat value for the coastal environment and therefore water quality (dewatering, erosion control and long term OSD runoff) will affect the local riparian ecology. Large scale developments potentially increase that risk where the use is intensified (i.e. with loss of natural ground level landscape buffers and natural deep soil, urban runoff intensification)

On-site detention, while lowering the peak of the flood, does not reduce the impacts of increased quantities and duration of flows.

Development would need to demonstrate the implementation of water sensitive urban design principles (WSUD) summarised in a water management report:

- Use of treatment chains
- Maximisation of opportunities for infiltration through
 - vegetated stormwater treatment
 - disconnecting impervious areas to prevent water going directly to stormwater pipes
 - pervious paving for outdoors ground level open space.
- reuse of rainwater/stormwater within buildings and for the irrigation of landscaping, green roofs, or green walls.

A water model (MUSIC or equivalent) to be supplied to Council for comments.

In addition to than simply addressing water quality 'targets' for pollutant removal, the applicant must demonstrate an approach that meets the objectives of water sensitive design and considers how stormwater management and treatment also assists with urban cooling, amenity, reducing demand for potable water and maintaining groundwater aquifers through infiltration and minimisation of impervious areas.

Council's *Water Management for Development Policy* is consistently applied across the LGA and Table 5 ongoing water quality requirements are applicable for this site.

Construction Management

For residential land uses the biggest impact to water quality occurs during construction. Council proactively regulates construction sites for sediment controls.

The applicant would be required to demonstrate an exemplary approach to sediment management during construction that included the use of a sediment basin and testing of all tailwater before being released from the site. Fine sediment must not be allowed to leave the site, given the impact it would have on Dee Why Lagoon with either connection flows.

- Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and*

Construction - Volume 1, 4th Edition (2004) and Council's Water Management for Development Policy.

- Monitoring Erosion and Sediment Control Site Performance plan

Monitor the site and adjust erosion and sediment control (ESC) practices to maintain the required performance standard defined by the project ecologist to guarantee the protection of the site downstream environment with specific attention to the either catchment accommodating the stormwater off the site. Monitor the effectiveness of the ESC through a combination of site inspection and water quality monitoring.

Conditions of Consent

If the SSD is recommended for approval, Council would favour opportunity at the appropriate time to review any draft conditions on local water quality matters.

8. ENVIRONMENTAL HEALTH AND BUILDING

Summary

The scale of the proposal is significant and acoustics along with land contamination will need to be assessed to understand the overall impact and assess if the site is suitable for the proposed use.

Comments

- An acoustic Report dated 19 March 2024 has been provided assessing noise from proposed mechanical plant, vehicle movements, residential common area and other sources at the development site.
- A Detailed Site Investigated dated 4 May 2022 has assessed potential land contamination onsite. The report concluded that the site is suitable for the proposed high-density residential land use, associates landscaping and bowling greens, noting a number of recommendations are followed.

Conditions of Consent

If the SSD is recommended for approval, Council would favour opportunity at the appropriate time to review any draft conditions on Environmental Health and Building matters.

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- **END OF RESPONSE** -