

ITEM 10.5	DRAFT AMENDMENTS TO WARRINGAH DEVELOPMENT CONTROL PLAN 2011 - DEE WHY TOWN CENTRE
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2016/418524
ATTACHMENTS	1 Draft DCP Amendments - 2017 (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek endorsement to exhibit proposed amendments to the Warringah Development Control Plan 2011 (DCP) relating to the Dee Why Town Centre.

SUMMARY

At its meeting on 23 September 2014, Council resolved to seek a Gateway determination from the Department of Planning and Environment (the Department) and to subsequently publicly exhibit the Dee Why Town Centre Planning Proposal (Planning Proposal) and accompanying draft amendments to the Warringah DCP 2011.

On 22 September 2016, the Department issued an amended Gateway determination for the Planning Proposal which required, amongst other things, redrafting of certain aspects of the Planning Proposal and consultation with relevant state agencies.

The Planning Proposal has been delayed due to significant time taken in receiving advice from Transport for NSW and Roads and Maritime Service. Final comments, raising no objection to the Planning Proposal, were received from these authorities by letter dated 10 November 2017. Accordingly, the Planning Proposal will be placed on exhibition in early 2018.

It has been recognised that there is a need to update the draft DCP amendments to ensure they remain consistent with the revised Planning Proposal and current local planning context. The proposed amendments to the DCP (Attachment 1) will be placed on exhibition concurrently with the Planning Proposal in early 2018. Council will have the opportunity to consider the Planning Proposal and associated DCP amendments again following exhibition.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council endorse the exhibition of draft amendments to the *Warringah Development Control Plan 2011*, dated January 2017 for a minimum period of 28 days.

REPORT

BACKGROUND**Status of Dee Why Town Centre Planning Proposal**

At its meeting on 23 September 2014, Council resolved to seek a Gateway determination from the Department of Planning and Environment (the Department) and to publicly exhibit the Dee Why Town Centre Planning Proposal (Planning Proposal) and accompanying draft amendments to the Warringah DCP 2011. Council resolved:

“That Council:

- A) Forward the Planning Proposal to the Department of Planning and Environment seeking Gateway Determination.*
- B) Upon Gateway Determination publicly exhibit the Planning Proposal and the draft amendments to the Warringah Development Control Plan concurrently.*
- C) Adopt the findings from the Dee Why Town Centre Traffic Model Update (March 2014) by GHD Australia.*
- D) Note the submission made by Mr Robert Player”*

Council submitted the Planning Proposal to the Department on 6 November 2014. The intended outcome of the Planning Proposal is to amend Warringah Local Environmental Plan (LEP) 2011 to implement the Dee Why Town Centre Masterplan (Masterplan) (2013).

In summary, the Planning Proposal recommends:

- Redefining the boundaries of the Dee Why Town Centre so that a number of standard development controls apply to all land within the B4 Mixed Use zone in the town centre
- Introducing four new “key sites” in the town centre with site specific development provisions to facilitate key public benefit outcomes e.g. the provision of new roads
- Increasing the maximum permissible height of buildings in the town centre by 3 metres (excluding certain key sites) in exchange for a reduction of podium heights of buildings
- Establishing floorspace ratio controls for all sites in the town centre
- Housekeeping amendments to Part 7 (Dee Why Town Centre) of Warringah LEP 2011 in light of the above changes.

A conditional Gateway determination was issued by the Department on 1 April 2015 requiring amendments to:

- Demonstrate consistency with ‘A Plan for Growing Sydney’
- Remove draft clauses from the Planning Proposal and replace with a plain English summary of the intended effect of the changes
- Remove references to the provisions of contributions, infrastructure improvements, dedication of land and/or undertaking of works in exchange for additional development density
- Clearly articulate both the existing controls and the proposed planning controls for each ‘Key Site’

- Ensure the Key Sites Map is consistent with the Department's technical mapping requirements for local environmental plans.

An amended Planning Proposal was submitted to the Department in May 2016. An amended Gateway determination was issued by the Department on 22 September 2016, requiring Council to:

- Remove draft clauses from the Planning Proposal and include a plain English explanation of the intended planning outcomes
- Clarify that the legal drafting has not been determined and is subject to drafting by Parliamentary Counsel
- Remove references to the provision of contributions, infrastructure, improvements, dedication of land and/or undertaking of works in exchange for additional development density
- Justify and explain the inclusion of Key Site F
- Consult with state agencies
- Submit a copy of the revised Planning Proposal to the Department and seek agreement prior to public exhibition
- Consult with the community following agreement with the Department.

The Planning Proposal has not progressed due to significant delays in receiving advice from Transport for NSW and Roads and Maritime service, as required by the Gateway determination. Final comments, raising no objection to the Planning Proposal, were received from these authorities by letter dated 10 November 2017.

Council will be in a position to publicly exhibit the Planning Proposal following final approval of the Department for the changes required by the amended Gateway determination. It is anticipated that this approval will be obtained in January 2018, with public exhibition occurring in February 2018.

Draft DCP amendments proposed in 2014 and revised in 2017

The draft DCP amendments in 2014 proposed changes to Parts G1 and H, and Appendix 1 for the Dee Why Town Centre. The draft controls included general development controls, site amalgamation requirements, building heights, pedestrian connections, building articulation and design, basement car parking, energy and water efficiency targets, landmark and corner site requirements, controls relating to key sites, town centre character areas and amendments to car parking rates. Since this time a further review and refinement of the DCP has been undertaken. Accordingly, the update controls are now provided for consideration and endorsement for exhibition purposes.

The proposed changes to the DCP for exhibition purposes include amendments to Parts G1 and H, and Appendix 1 for the Dee Why Town Centre (see Attachment 1). The proposed DCP changes will provide more detailed design guidelines to supplement proposed LEP controls contained in the Planning Proposal.

The key differences between the draft DCP amendments in 2017 and 2014 are:

- The removal of planning controls which are also contained in the Planning Proposal, to avoid duplication
- The removal of certain images, which are now out of date
- The removal of 'Town Centre Character Areas' as these planning controls will be superseded by LEP controls contained in the Planning Proposal

- Minor restructuring of certain sections
- Simplified language so that the development controls are clear and user friendly
- Review of car parking rates having regard to Roads and Maritime's Guide to Traffic Generating Developments and to the assessment of recent developments in the Dee Why Town Centre
- The requirement for larger developments to provide a car share parking space to reduce the reliance on private car ownership and encourage the use of sustainable transport.

A summary of the proposed changes is outlined in Table 1.

Table 1: Summary of proposed changes in the DCP

No	Part	Proposed control	Explanation
1	G1	Identification of the revised Dee Why Town Centre	Identifies all land zoned B4 Mixed Use under the LEP to correspond with the Dee Why Town Centre Planning Proposal.
2	G1	Desired character for the Dee Why Town Centre	Desired character principles are based on the development controls proposed in Part G1. These principles will ensure that development is compatible with the desired character of the Dee Why Town Centre.
3	G1	General development controls	The general development controls provide requirements relating to a variety of matters including active street frontages, floor to ceiling heights, traffic and parking and view impacts.
4	G1	Building articulation and design controls	These controls provide detailed design guidelines addressing building articulation and design. Set-back requirements for above podium elements (towers) are included to minimise the appearance of building mass. Development controls relating to building elements such as balconies, verandahs, service elements etc. are included to ensure that these elements are integrated into the overall building form.
5	G1	Car parking and vehicular access design controls	These development controls provide more detailed design requirements for car parking and vehicular access. These controls aim to minimise overall building bulk and scale of parking facilities. Locational requirements for vehicular access points are also included to minimise disruption to pedestrians and cyclists.
6	G1	Car Share	Guidelines for the provision of off-street car share parking spaces have been introduced for larger developments with more than 50 dwellings. These controls are based on an assessment of 11 Development Control Plans in the Sydney Metropolitan Area and align with outcomes identified in the Warringah Sustainable Transport Strategy.
7	G1	Site amalgamation requirements	These development controls aim to avoid the isolation of small sites that could not be reasonably developed. Specific submission requirements will apply to proposed developments that are likely to result in the creation of an isolated site.

8	G1	Corner site controls	These development controls provide design guidelines for lots on corner sites to encourage good design outcomes.
9	G1	Energy and water efficiency controls	Sustainability rating systems have been introduced to ensure substantial new developments incorporate the latest practice for energy and water efficiency.
10	G1	Water sensitive urban design controls	Guidelines for water sensitive urban design have been introduced to encourage innovative design and a sustainable town centre.
11	G1	Key site controls	Further detailed development controls for key sites are identified to ensure that they are developed in accordance with the intended outcome of the Masterplan. The development controls include site layout options to ensure good relationships between buildings within and surrounding the key site.
12	G1	Civic Centre site controls	Although not identified as a Key Site in the Planning Proposal, the Civic Centre is identified in the Masterplan as the focus of civic activity. Specific development controls including site layouts and setbacks will ensure that any future development corresponds to the site's opportunities and constraints.
13	H	Car parking rates in the Dee Why Town Centre	It is proposed to amend the DCP to adopt the requirements of the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments (GTTGD) having regard to recent approvals for development in the town centre. Car parking requirements will be lower under this standard than the current general DCP standard. The proposed parking rates in the draft DCP for residential uses in the Dee Why Town Centre are based on the "Metropolitan Sub-Regional Centres" category in the GTTGD, not the "Metropolitan Regional Centres" category, as the Dee Why Town Centre is not serviced by rail or light rail. The parking rates for retail and commercial uses are based on independent advice from Council's traffic consultants. This advice was based on an analysis of the traffic and parking impacts associated with the approved development application for Key Site B.

CONSULTATION

The draft DCP amendment will be placed on public exhibition for a minimum period of 28 days concurrently with the Planning Proposal. The Planning Proposal will be placed on public exhibition once final agreement is reached with the Department on its final form.

TIMING

The matter will be reported to a Council meeting following public exhibition. If the draft DCP amendments are adopted by Council, they will come into effect when the Planning Proposal is published on the NSW legislation website.

FINANCIAL CONSIDERATIONS

All work required to exhibit the draft DCP amendments are accommodated within the current operational budget of Strategic and Place Planning.

SOCIAL CONSIDERATIONS

Together with proposed Local Environmental Plan amendments, the draft DCP amendments will assist in achieving the vision established by the Dee Why Town Centre Masterplan including consolidating the centre core and improving building design, improving pedestrian and vehicular connections, creating safer, more accessible and more enjoyable public spaces, enhancing the vibrancy of the centre, more sustainable development, and greater opportunities for investment. These changes are anticipated to have significant positive social impacts.

ENVIRONMENTAL CONSIDERATIONS

Negligible environmental impact is anticipated as a result of the draft DCP amendments. Positive environmental outcomes would result from the more detailed development controls on energy and water efficiency, water sensitive urban design and decreased car parking rates.