

Response to submissions on the re-exhibited Dee Why Town Centre Development Control Plan (13 October – 11 November 2018)

Issue/ Item	Summary comment for Report	Council Response	Amendments
1. Introduction	In objectives, remove reference to the 'proposed' Town Square. It is already built.	Agreed	DCP updated
2. About Dee Why Town Centre	The following statements should be removed to ensure the employment potential of Dee Why Town Centre is not downplayed. <i>"The Dee Why Town Centre provides the primary residential component of the Strategic Centre, along with community, retail, service and commercial functions. Brookvale (the other half of the Strategic Centre) provides industrial areas that support niche manufacturing and wholesale industries which, along with Warringah Mall, are one of the largest retail areas in Greater Sydney."</i>	Agreed. The role of Brookvale is subject to a draft Structure Plan. The planning controls for Brookvale and Dee Why will be reviewed in the near future with the development of the Northern Beaches LEP and DCP and supporting studies in employment and housing.	DCP updated
3. Desired future Character	The following objective, which was included in the January 2017 draft, should be added back into the DCP: <i>e. Tall and slim buildings which allow greater solar access and are less visually dominant to the streetscape"</i>	This statement was from the Master Plan and was only relevant when comparing proposed controls to existing controls. It is not relevant on its own. Recommendation: No change	None
4. Streetscape and Public Domain – Requirements - Pedestrian Connections	The below proposed control greatly restricts opportunities to achieve innovative and best-practice place-making using strong pedestrian priority street arrangement such as shared streets and lanes. <i>2. Pedestrian connections must be designed to be clearly distinguished from vehicle access ways.</i> Suggest the requirement can simply state: "Pedestrian connections must be designed to be safe and prioritise pedestrians over motor vehicles".	Both of these issues are important. In particular, Council needs to ensure pedestrian safety in areas such as vehicle crossovers and public car parks. The requirements have been updated to reflect directions in the draft Walking Plan.	DCP Updated
4. Streetscape and Public Domain – Requirements -	Provide a north to south pedestrian access between Stony range and Dee Why Lagoon. Notably between Stony Range and Oaks	The draft DCP contains provisions requiring developers to contribute to the footpath network and	None

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Pedestrian Connections	Avenue.	to encourage publicly accessible through-site links.	
4. Streetscape and Public Domain – Requirements – Kerb Setbacks	<p>Setbacks are almost universally measured from property boundaries.</p> <p>Ideally the kerb would not be the benchmark for the front setback because the kerb position can change over time.</p>	<p>Noted.</p> <p>However, kerb setback controls have been in place for Dee Why Town Centre since the WLEP2000. The DCP proposes to retain these controls to ensure new developments are consistent with recent developments.</p>	None
4. Streetscape and Public Domain – Requirements – Kerb Setbacks - Figure 3 – Red 8 – m	<ul style="list-style-type: none"> - Setbacks would usually be consistent on both sides of the street. - The proposed kerb setbacks are inequitable. - The setback to the northern side of the street should be larger than the southern side of the street - The kerb setback should only apply to the ground floor 	<p>As above. This control has been in place since WLEP2000.</p> <p>Setbacks on the southern side of the street are larger to allow outdoor dining opportunities on north facing footpath areas.</p> <p>The street setbacks need to apply to the entire development, rather than just the ground floor, to avoid the appearance of building bulk when viewed from the public domain.</p>	None
4. Streetscape and Public Domain – Requirements – Kerb Setbacks – Figure 3	The 6m setback for properties adjoining the Civic Site applies to the front boundary, not the kerb	Map amended to remove green 6m kerb setback.	Figure 3 Map updated.
4. Streetscape and Public Domain – Requirements – Kerb Setbacks – Figure 3	The 0m setback for properties on Saint David Avenue would allow buildings to abut the footpath area. The setback should be increased to provide more space for trees and landscaping.	<p>The zero metre set back has been consistent since Warringah Local Environmental Plan 2000.</p> <p>However, it is recognised this setback would not allow space for trees and landscaping or pedestrian access.</p> <p>The map has been updated to require a 4m kerb setback on St David Avenue as recommended in the Masterplan.</p> <p>A 6m setback would still apply to residential flat buildings if built adjoining St David Avenue (i.e. 23</p>	Figure 3 Map updated.

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		Fisher Road).	
4. Streetscape and Public Domain – Requirements – Awnings	<p>The DCP requirement for awning heights is too prescriptive and should instead be a performance-based standard. An alternative performance-based requirement is recommended as follows:</p> <p><i>Awnings heights shall ensure suitable weather protection, having regard to site orientation.</i></p>	<p>Recommendation adopted in order to allow creative responses to the requirements. The objectives clarify the intent of awnings for weather protection and pedestrian amenity.</p> <p>Requirement 1.a. has also been updated to clarify that awnings are required along the full extent of the street frontage of the building, rather than 'continuous', in the event of any misunderstanding that 'continuous' means continuity in design.</p>	None
	<p>1. f. ii. Add reference: "ii.1.5 metres from the face of the kerb or awning cutbacks to accommodate existing and proposed street trees"</p>	Agreed	DCP updated
	<p>Consolidate duplicate controls:</p> <p>i. To slope away from the kerb to hide gutters and downpipes</p> <p>j. To conceal gutters and downpipes</p>	Agreed	DCP updated
4. Streetscape and Public Domain – Requirements – Colonnades	<p>The requirement at 2.a. that colonnades must be continuous for an entire street block is overly prescriptive and impractical.</p> <p>Colonnades are reasonable architectural elements if they are not overly enclosed and if they add to built form diversity within the streetscape. This is acknowledged in requirements 2.b-e.</p>	<p>Accepted.</p> <p>Requirements amended to clarify in which cases colonnades may be permitted.</p> <p>The requirement for colonnades to be continuous for an entire street block has been removed:</p> <p>Note also that 2.b has been removed as internal comments have suggested this statement is too subjective.</p>	DCP updated
4. Streetscape and Public Domain – Requirements — Retail Activation	The requirements for activating streets are strongly supported.	Noted.	None

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5. Design and Architectural Diversity - Requirements - Housing	Requirements relating to housing were not included in the previously exhibited DCP. The objectives should be made clear at the start of the section.	The stated objective is to "To provide a mix of dwellings to cater for the needs of the resident population and to encourage a diverse population".	None
<p>Requirements – Housing</p> <p>1. Housing in new developments must provide for a mix of 1, 2 and 3 bedroom dwellings.</p> <p>For developments with 10 or more dwellings, at least 20 percent of 3 bedroom dwellings must be provided</p>	<p>Requirement 1 that at least 20% 3-bedroom dwellings must be provided is overly prescriptive. The ADG provides a reasonable alternative performance standard for housing mix.</p> <p>63.1% of existing dwellings in the northern beaches are 3 bedrooms or more, while less than 10% of dwellings studio or one bedrooms.</p>	<p>While 63.1% of existing dwellings in the Northern Beaches are 3 bedrooms or more, this is not the case in Dee Why Town Centre.</p> <p>The Apartment Design Guide considerations are too general and are not working in providing a mix.</p> <p>Work undertaken for the new Frenchs Forest centre identified a shortage of 3 bedroom apartments in the Council area.</p>	None
<p>Requirements – Housing</p> <p>2. A mix of one and three bedroom apartments are to be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.</p>	The requirement to locate apartments at the ground level is largely irrelevant when the town centre is intended to have active retail frontages.	<p>Agreed</p> <p>Requirement updated to remove reference to 'on the ground level'.</p>	DCP updated
<p>Requirements – Housing</p> <p>4. All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out in Table 1.</p>	<p>Table 1 setting out the required number of adaptable units could be simplified as follows:</p> <p><i>Where a development comprises at least 5 dwellings, 10% (rounded up to the next whole number) of dwellings shall be capable of being adapted (Class C) under AS 4299.</i></p>	<p>Agreed</p> <p>Requirement updated.</p>	DCP updated

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Requirements – Tower Setbacks	<p>The tower setback of 16 m is excessive.</p> <p>The setback in effect pushes built form towards the south transferring impacts to adjoining sites behind.</p> <p>For the Key Site C in particular, a site-specific outcome should be considered that responds to the site constraints.</p>	<p>These setbacks have been in place since the WLEP2000 and thus, have resulted in buildings that have had to comply with these controls.</p> <p>An objective has been included to clarify the need for tower setbacks to provide solar access to the ground level and reduce the appearance of building bulk from the public domain.</p> <p>Note that exceptions to the tower setbacks can be provided on building corners.</p> <p>Exceptions can be granted on a case by case basis where the objectives of the requirement are met.</p>	DCP Updated with amended objectives
7. Traffic and Parking	<p>The requirement that parking is to be provided underground is overly prescriptive. Particularly knowing the town centre area is flood prone, has a high water table and some sites have a constraints on their basement footprint from adjoining development and existing infrastructure.</p> <p>Requirement 7 a. should be rephrased as follows: <i>7. Parking is to be provided underground.</i></p>	Supported	DCP Updated
7. Traffic and Parking	<p>Insert a new requirement.</p> <p>1. "Residential and Retail car parking spaces are able to be separated in basement car parks by security shutters."</p>	<p>Agreed.</p> <p>An objective has been added to improve the security of residential parking areas in mixed use developments.</p> <p>A requirement has also been added to clarify that security arrangements must be in place to ensure residential car parking areas cannot be accessed by the public (e.g. retail parking to be separated from residential parking by security shutters).</p>	DCP Updated
7. Traffic and Parking – parking rates	<p>The rates for destination parking (office, residential visitor) have not been reduced, unlike the residential parking rates.</p>	<p>The proposed parking requirements reflect the minimum required rates in the RTA Guide to Traffic</p>	None

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	<p>Many areas across the Sydney metropolitan area have lower rates (e.g. Manly, Canada Bay and Penrith).</p>	<p>Generating Developments (GTTGD).</p> <p>Manly benefits from the ferry and areas such as Canada Bay and Penrith benefit from rail access. These improved transport options allow a reduction in parking rates.</p>	
8. Car Share	Fully support promoting use of car share	Noted	None
8. Car Share – reducing parking requirements	<ul style="list-style-type: none"> - The provision of car share should be matched with a reduction in private parking spaces - Most Council's provide a clear incentive for the provision of car share spaces (e.g. 1 car share space in exchange for 3 to 10 private parking spaces) - Developers need to understand what level of reduction could be expected. 	<p>Council is providing reduced parking rates for Dee Why to promote a reduction in and reliance on private motor vehicles.</p> <p>With respect to incentivising the provision of car share spaces:</p> <ul style="list-style-type: none"> - Council is developing guidelines for Car Share under their Shared Mobility Policy along with a Parking Plan to be exhibited in 2019. - Credits provided by other Councils are often in areas serviced by rail, unlike Dee Why. <p>However, it is recognised the currently drafted provisions would result in an increase in parking spaces. For this reason, the DCP has been updated to clarify that the number of car share spaces can replace the required parking spaces on a 1:1 basis. This would create no disincentive for developers.</p> <p>Also DCP requirements state that Council may consider a reduced private parking rate on a case by case basis.</p>	DCP Updated
8. Car Share – car share spaces for properties with less than 25 dwellings.	<ul style="list-style-type: none"> - The draft wording of the requirements is unclear on whether developments of less than 25 units are required to provide a car share space. - Car share should be incorporated in all residential buildings, with those buildings that have fewer than 25 dwellings permitted to avoid this requirement should site conditions 	<p>Noted.</p> <p>The DCP has been updated to clarify that developments with less than 25 dwellings are not required to provide car share spaces.</p>	DCP updated.

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	show such provisions to be insurmountable.	If all sites were to have car share spaces, it may result in more traffic movements over footpaths thus impacting on pedestrian safety.	
8. Car Share – location of spaces	<ul style="list-style-type: none"> - It is unclear how town centre sites can provide car share spaces close to the public domain when there are active frontage requirements, requirements that car parking must be in a basement and an assumption that off-street parking areas are to be safe and secure. - Car share spaces are most appropriately located as on street parking. - The location and design guidelines for the City of Port Phillip demonstrate Australian Gold Standard with respect to this aspect. 	<p>Council does not agree that street parking is more suitable as this can result in street parking spaces being empty for long periods of time where these spaces could be used by the public.</p> <p>As above, Council will be developing policy to address Car Share. For the interim, the DCP has been updated to include the location and design requirements based on the City of Port Phillip as suggested in GoGet's submission.</p>	DCP Updated.
8. Car Share – ongoing management arrangements	We recommend Council adopt a strategy of mandating 'car share services' which must be actively in place prior to the provision of an Occupation Certificate. This approach has been highly successful in other NSW Councils who have faced issues with implementation.	<p>Noted.</p> <p>The DCP has been updated with a note explaining that Council will attach conditions of consent requiring car share services to be in place prior to the provision of an occupation certificate.</p>	DCP Updated.
9. Sustainability	Achieving key benchmarks of sustainability is fully supported. However, sustainable outcomes should be incentivised. The City of Sydney incentivises greener buildings through a design excellence pathway.	<p>Achieving a minimum 4 star, Green Star, Design and As Built rating ensures that new developments will achieve Australian Best Practice which is fitting for the redevelopment of a Strategic Centre.</p> <p>Incentives have already been proposed for the redevelopment of Key Sites. Any further incentives would need to be resolved by a separate planning proposal.</p>	None
9. Sustainability	Support sustainability requirements being proposed in the DCP	Noted	None
10. Water Sensitive Urban Design (WSUD)	<p>Clarify</p> <ul style="list-style-type: none"> - Whether WSUD Strategy required for all new development - e.g. fitouts 	Updated to clarify WSUD Strategy is required for all new buildings only.	DCP Updated
11. Landscaping – existing	Concern that that existing street trees cannot be retained if no	Awnings can be designed to accommodate existing	DCP updated

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street trees	awning cut-outs are allowed.	and proposed street trees without the need for cut-outs.	
11. Landscaping – species	The fact that Dee Why Town Centre is located immediately upstream of the Dee Why Lagoon Wildlife Refuge should be recognised in the document and some restrictions imposed on plant species to be used in landscaping to ensure they don't become weeds. This has been a problem in the past and continues to be one.	Council's internal referral process ensures that landscape plans are reviewed by our own landscape architects who determine the suitability of the proposed landscaping including the species. There is only a small list of species that can survive in urban environments and this information is always changing. Consequently, it is not appropriate to include these requirements within the DCP.	None
11. Landscaping – landscaped area at the ground level	The 'minimum 20% of the site area' to be provided as landscaped area should be located on the ground level. Landscaping on balconies, roof top levels and green walls of buildings can be additional, but are not an adequate substitute for landscaped areas at ground level.	Due to building heights, the provision of open space at the ground level would result in areas with limited access to sunlight. In the Town Centre, landscaped areas are better placed on the podiums or roofs. Section 4 – Streetscape and Public Domain – Kerb Setbacks and 11 – Landscaping have been amended to require planting on structures at the street level to enhance views from the public domain.	DCP updated
11. Landscaping – landscaped area	Landscaping on balconies, roof top levels and green walls are part of building structures and do not satisfy the definition of 'landscaped area' in WLEP2011, which is: <i>landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.</i>	Noted. DCP updated to remove reference to buildings and structures A further definition has been added to define 'planting on structures' as referred to in Objective 4P-3 of the Apartment Design Guide.	DCP updated
12. Key Sites Key Site A – Community Uses	Site A is also a suitable site for a Community Hub together with a range of community facilities and services, as it is in a central location within DYTC, at the intersection of pedestrian routes and opposite Walter Gors Park.	The future use of this site will be considered by Council in consultation with the community.	None

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<p>12. Key Sites</p> <p>Key Site A – Number of parking spaces</p>	<p>Site A – The required quantum of public parking should be specified as this site is currently primarily a public car park.</p>	<p>The provision of public parking has been the subject of a Council resolution from March 2015, that Council authorised the sale of this property subject to the proponent/s providing two pricing alternatives for the provision of either 39 or 200 publicly available car parks.</p> <p>As this requirement is the subject of a Council resolution, it has been removed from the DCP.</p> <p>The requirement to provide a road has also been removed as this is stated in the WLEP2011.</p>	<p>DCP updated</p>
<p>12. Key Sites</p> <p>Key Site A – transitional heights</p>	<p>The following requirement is addressed by the height limit controls in the LEP:</p> <p>c. Provide a transitional height to adjoining residential flat buildings to the east;</p>	<p>Agreed, this is now removed.</p>	<p>DCP Updated</p>
<p>4. Requirements - Key Site C</p> <p>a. Maximum building heights:</p> <p>i. 46m for land fronting Oaks Avenue (refer to building heights map);</p> <p>ii. 16m for land fronting Pacific Parade.</p>	<p>Due to the many site constraints and desired design principles on the site, a height of 46 m is insufficient to deliver the desired public benefits.</p> <p>The proposed development cannot benefit from the critical floor space bonus provisions to provide the roadway while still achieving a good-quality built form outcome. A greater height limit will allow for taller, slender buildings with a more sophisticated architectural expression on the site.</p>	<p>The building heights are set within the Planning Proposal and cannot be changed in the DCP.</p> <p>These concerns were addressed in Council's submission summary from the exhibition of the Planning Proposal. In summary, any increase in height for this site would be inconsistent with the objectives of the Dee Why Masterplan to ensure the gradation of built form towers from the Meriton towers to the perimeter three storey residential apartments surrounding the town centre.</p> <p>Council notes the site owner is committed to continuing the ongoing discussions with Council to achieve tangible public benefits and manage important infrastructure while achieving a viable redevelopment of the site.</p>	<p>None</p>
<p>Key Site C - Height</p>	<p>- The proposed building heights are excessive and inconsistent with the Masterplan.</p>	<p>The height control is legislated in the local environmental plan and is only referred to in the</p>	<p>None</p>

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	<ul style="list-style-type: none"> - The Council should not be giving concessions to the developer that impacts our lifestyle. 	DCP.	
Key Site C – New Road	<ul style="list-style-type: none"> - Road is not needed - Will cause traffic chaos in Pacific Pde - The proposed road, should only be for pedestrian and bikes use - The pedestrian crossing must be kept in Pacific Parade. - Replacing the pedestrian arcade with a road is a retrograde step for the Town centre. 	<p>Traffic modelling indicates that the road is needed to improve traffic flow.</p> <p>Pedestrian access will be retained and enhanced with provision of a new public road allowing access at all times unlike the existing arcade which closes at night.</p> <p>There is currently no proposal to remove a pedestrian crossing from Pacific Parade. Any amended location will be considered in the detailed design.</p>	None
Key Site C – Road 4. The new pedestrian/vehicular roadway must be 15 metres wide and designed to accommodate: a. Parking lane/s; b. Adequate space for pedestrians, cyclists and outdoor seating and dining; c. Priority controlled intersections at Oaks Avenue and Pacific Parade.	<ul style="list-style-type: none"> - The width of the roadway should not be specified in the DCP and the width should be based on a civil design. - If a minimum width is to be prescribed it should be 11 m. - It is likely only to be able to accommodate one way traffic 	<p>A 15 metre wide roadway is required by Council in order to safely accommodate adequate space for pedestrians, cyclists, outdoor seating and dining and vehicular access and parking. This width was included in the publicly exhibited DCP diagram.</p> <p>A detailed design for the road has not been provided as Council to allow flexibility in line with associated updated traffic modelling.</p> <p>The objectives of the road are expressed within part 4. Streetscape and Public Domain.</p>	None
13. Civic Centre Site – public access	The developer of 23 Fisher Road has demonstrated that public access to Pacific Lodge is not safe or feasible.	<p>Reference to the ‘Pacific Lodge’ has been removed.</p> <p>Reference has instead been made to the PCYC and public car park.</p>	DCP Updated
13 Civic Centre Site	<ul style="list-style-type: none"> - The Civic Centre site is so prominent that it should be the subject of its own masterplan, developed with full community 	It is agreed that the future use of this site is important. The future of this site will be considered	None

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	<p>involvement.</p> <ul style="list-style-type: none"> - The vision has changed over the years with no public discussion. For example, is a library included or not? - Aspects of the controls seem to be out of date. For example, is a footbridge across Pittwater Road any possibility now? 	<p>by Council in consultation with the community.</p> <p>The proposed DCP provisions do not prevent the development of a site specific Masterplan and the new State Heritage Listing will place further design requirements.</p> <p>A footbridge across Pittwater Road from this site is now unlikely to be achieved.</p> <p>The requirement has been updated to reflect the need to improve connectivity within the Civic Centre Site (with the Police Citizen's Youth Club and public car park) and with the Dee Why Town Centre.</p>	
13. Civic Site – heritage area	The proposed building between Pittwater Road and Civic Centre would obscure the view of the heritage building and landscape area.	The impending State Heritage listing of this site will result in increased scrutiny of new buildings and their relationship to the heritage listed vegetation, buildings and associated view corridors.	None.
13. Civic Site – setbacks along Fisher Road and St David's Avenue	The increase in setbacks to 6m along Fisher Road and St Davids Ave should not be incorporated given the control's objectives can be achieved through a reduced setback of 4m as is permitted through the existing controls. If desired, more qualitative controls should be introduced rather than restrictive numerical controls which have the potential to result in a poorer planning outcome.	<p>The map has been updated to require a 4m kerb setback on St David Avenue as recommended in the Masterplan (rather than the existing 0m setback).</p> <p>A 6m front boundary setback would apply to the construction of residential flat buildings. This allows for the provision of apartments in landscape settings of a similar scale to adjacent residential areas.</p>	None
14. Residential Flat Buildings	Remove reference to the objective to provide housing in 'a similar scale to adjacent residential areas' as this may be misconstrued to mean development in the Town Centre.	The objective has been clarified to refer to residential zones so there is no confusion with the scale provided in the B4 Mixed Use Zone.	DCP Updated
General	Why does Council bother with these DCPs when you don't adhere to them anyway?	Council intends to adhere to DCPs. Merit based assessments are permitted under NSW Planning law.	None

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General	We request a meeting as soon as possible to progress the redevelopment of the site so that an exciting vision can be realised.	Suggest they contact Council to arrange a pre-lodgement.	None
General	Generally support the amendments proposed and credit Council for responding to concerns outlined in previous submission.	Noted	None
General	TfNSW has reviewed the amendments to the Dee Why Town Centre DCP and has no comments.	Noted	None