

ITEM 11.8	DEE WHY TOWN CENTRE DRAFT DEVELOPMENT CONTROL PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2018/712460
ATTACHMENTS	1 Dee Why DCP Amendments - Submission Responses (Included In Attachments Booklet) 2 Development Control Plan Amendments - February 2019 (Included In Attachments Booklet)

SUMMARY

PURPOSE

To seek Council approval for amendments to Warringah Development Control Plan 2011 relating to Dee Why Town Centre.

EXECUTIVE SUMMARY

Council exhibited proposed amendments to Warringah Local Environmental Plan (WLEP 2011) and Warringah Development Control Plan (WDCP 2011) to implement the recommendations of the Dee Why Town Centre Masterplan (2013) from 24 February to 25 March 2018.

At its meeting on 25 September 2018 Council resolved to adopt the amendments to the WLEP 2011 and re-exhibit further proposed amendments to the WDCP 2011.

The proposed LEP amendments were submitted to the NSW Department of Planning and Environment in October 2018. The changes to the LEP are anticipated to occur shortly.

The further proposed changes to WDCP 2011 were publicly exhibited from 13 October until 11 November 2018 (WDCP 2011 re-exhibition).

Council received ten (10) submissions in response to the WDCP 2011 re-exhibition (Attachment 1). The main issues related to requirements regarding: pedestrian connections, kerb setbacks, awnings and colonnades; objections to the requirement for developments to comprise 20% of 3 bedroom apartments and large tower setbacks; rates for provision of car share spaces and the need to incentivise sustainability and car share. For Key Sites, issues raised included the need to specify the number of parking spaces for Site A; building heights for Site C and requirements around the Civic Centre Site.

A number of changes are proposed to the WDCP 2011 to address issues raised in the re-exhibition (Attachment 2).

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE AND COMMUNITY

That:

- A. Council adopt the amendments to Warringah Development Control Plan 2011 relating to Dee Why Town Centre.
 - B. Council give public notice of the commencement date of Warringah Development Control Plan 2011 that coincides with updates to Warringah Local Environmental Plan 2011.
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REPORT

BACKGROUND

Council placed a Planning Proposal and draft Warringah Development Control Plan (WDCP 2011) amendments on public exhibition from 24 February to 25 March 2018. The intended outcome was to amend both the Warringah Local Environmental Plan (WLEP 2011) and WDCP 2011 to implement the recommendations of the Dee Why Town Centre Masterplan (2013).

Following a review of submissions, Council resolved at its meeting on 25 September 2018 to:

- Send the Planning Proposal to the Minister of Planning and Environment to finalise the amendments to WLEP 2011, and
- Re-exhibit further changes to WDCP 2011, including updated controls for sustainability, retail activation, public domain, housing mix and Key Sites.

The Planning Proposal was forwarded to the NSW Department of Planning and Environment in October 2018. It relates to new provisions for the Town Centre (Figure 1) and Key Sites (Figure 2). The Planning Proposal is currently with the Parliamentary Counsel’s Office for drafting of the LEP amendments. The amendments are likely to be finalised in February 2019.

Further changes to WDCP 2011 were publicly exhibited from 13 October until 11 November 2018 (WDCP 2011 re-exhibition). The re-exhibition was considered necessary as proposed changes to the DCP originally exhibited in February/March 2018 were considered significant. This report summarises the outcomes of the WDCP 2011 re-exhibition and recommends the adoption of amendments to WDCP 2011.

Figure 1 – Dee Why Town Centre



Figure 2 – Key Site Map



Current DCP Provisions

The WDCP 2011 contains special area controls for Dee Why within section G1 – Dee Why Mixed Use Area, including special provisions for 10 designated areas (see Figure 3). It also includes requirements for build-to-lines, central courts and pedestrian links as shown in Figure 4. Provisions relating to build-to-lines require variations in building façades to add visual interest, while central courts were proposed to provide shared parking behind buildings when not provided underground.

These provisions were not included in the past two exhibitions of WDCP 2011, as they did not address the Masterplan (e.g. Key Sites), were considered out of date, and in some cases duplicated design requirements for mixed use developments outlined in the NSW Government’s Apartment Design Guidelines (2015).

Figure 3 - Dee Why Areas within WDCP 2011

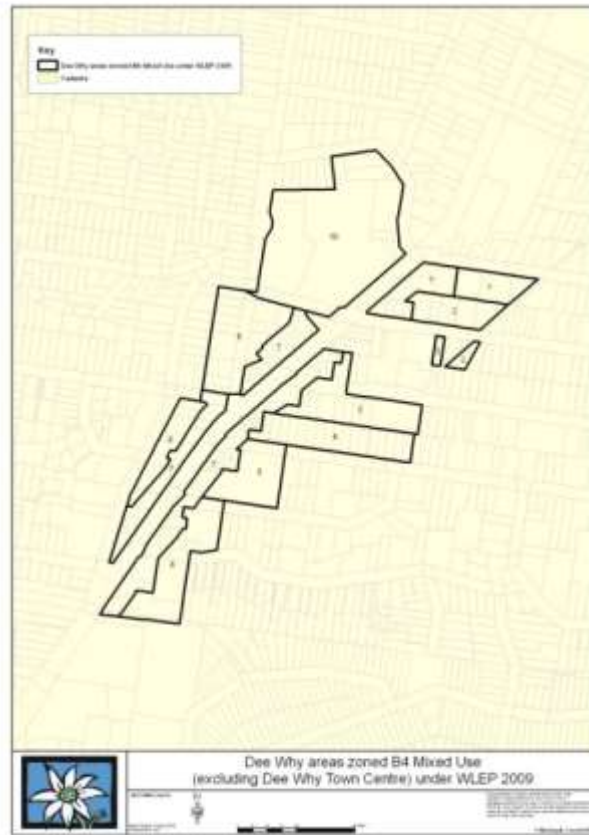
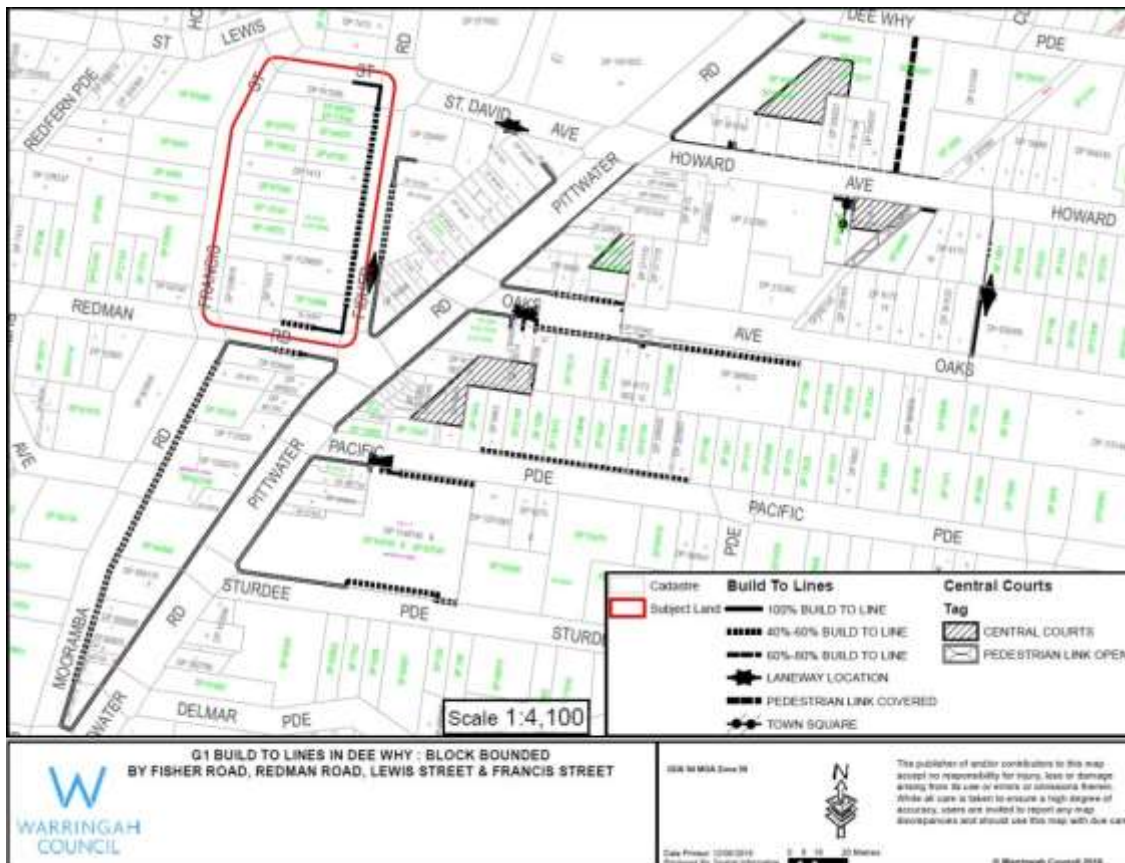


Figure 4 - Build to lines in Dee Why and Central Courts



Exhibited Planning Controls

A summary of amendments to WDCP 2011 that were re-exhibited include the following:

- Encouraging further pedestrian connections throughout the Town Centre.
- Updated controls for Key Sites providing more information regarding community infrastructure requirements.
- Retaining provisions within the existing WDCP 2011 that require greater setbacks than the minimums specified in the Masterplan.
- Further provisions promoting retail activation of the ground level.
- Provisions regarding design requirements for the public domain including the promotion of public art.
- Updated controls for car share and new controls for electric vehicle charging points and freight and delivery requirements.
- Updating the controls requiring a 5 Star Green Star rating for commercial development to require a 4 Star Green Star rating for all new buildings with a cost of works over \$5 million including both commercial and residential uses.
- Provisions promoting housing mix and adaptable housing.
- Provision of landscaping within the town centre.
- Requirements for parking/standing facilities for wedding vehicles, funeral vehicles, etc., to be provided adjacent to St. Kevins Church.
- Updates to address the impending State Heritage Listing of the Civic Site.

CONSULTATION

Council re-exhibited amendments to WDCP 2011 from 13 October until 11 November 2018. The exhibition material included:

- Notification letters to surrounding owners and occupiers.
- Notices in the Manly Daily.
- One drop in session at Dee Why Civic Centre.
- Availability of printed material at Dee Why Customer Service Centre.
- Updates to the project website with frequently asked questions and links to exhibition documents.
- Targeted emails to respondents to the exhibition of the Master Plan.
- Email to Council's community engagement register.

Submissions

Council received ten (10) submissions in total. Five (5) submissions from the general public, one (1) submission from a car share operator (GoGet), two (2) submissions from architects representing land owners (23 Fisher Road and Site C) and one (1) internal submission. The final submission was from Transport for NSW who had no comments.

In summary, the submissions raised the following issues:

Streetscape and public domain

- The need for additional pedestrian connections.
- Kerb setbacks are either too great for Site C or too small for St David Avenue (kerb setbacks dictate the width of the footpaths).
- Requirements too prescriptive for awning heights and colonnades.
- Support for retail activation.

Design and architectural diversity

- Objection to the proposed minimum requirement for 3 bedroom dwellings to comprise 20% of all dwellings in new developments.
- Tower setbacks are too excessive on Oaks Avenue.

Traffic and parking

- Need to reduce parking requirements for office spaces or residential visitors.
- Car share:
 - Support for encouraging car share.
 - Request to incentivise the provision of car share.
 - Request to provide a rate of reduction for private parking spaces.
 - Suggested amendments to location and design of car share spaces.

Sustainability

- Support for sustainability requirements.
- Request for sustainability to be incentivized.

Landscaping

- Request for specification of native species.
- Request for landscaping at the ground level.
- Clarification of the definition for 'landscaped area'.

Site A

- Request to specify the number of public parking spaces to be provided.

Site C

- The height of 46 m is insufficient to deliver the desired public benefits (x 1).
- The proposed building heights are excessive (x 2).
- The proposed road is not needed.
- The proposed road should be pedestrian only.
- The proposed road is too wide.

Civic Site

- Public access to Pacific Lodge is not safe or feasible.
- The site needs its own masterplan, developed with full community involvement.
- The proposed building will obscure the soon to be State heritage listed site.

Other

- Suggested redrafting on various issues and minor corrections and clarifications.

Proposed Amendments and Submissions Response

The below list is a summary of proposed amendments to WDCP 2011 to address issues raised during the re-exhibition. Further detailed responses to submissions can be viewed in Attachment 1 and Attachment 2.

Streetscape and public domain

- Pedestrian connections – updated requirements with respect to safety.
- Kerb Setbacks - amendments to the kerb setback map to require:
 - A 4m kerb setback on St David Avenue as recommended in the Masterplan (changed from 0m within the current controls)
 - Clarification that the 6m setback for properties adjoining the Civic Centre Site is a 6m front building setback and not a kerb setback.

Awnings and colonnades

- Minor drafting amendments.

Design and architectural diversity

- Minor drafting amendments to objectives and requirements for adaptable dwellings.

Traffic and parking

- Requirement to ensure residential car parking areas can't be accessed by the general public in mixed use developments.
- Car share:
 - Clarification that properties with less than 25 dwellings are not required to provide car share.
 - The allowance for each car share space to replace one (1) regular car parking space to ensure there is no disincentive.

- Updated controls with respect to location and design of car share spaces.
- Updated advice to ensure that 'car share services' are in place prior to issue of occupation certificates.

Landscaping

- Requirements for facades at the street level to incorporate landscaping on structures, for example with green walls, green roofs or planter boxes.
- Updates to definitions.

Key Site A

- Removal of reference to public parking spaces as this is the subject of a separate Council resolution.
- Removal of reference to the requirement for a road as this is specified in WLEP 2011.

Civic Centre Site

- Requirements to improve connectivity within the site.
- Removing the requirement for continuous access through the site to the heritage listed Pacific Lodge.
- Residential Flat Buildings - updates to clarify the side boundary setback.
- Minor corrections and clarifications.

Note that no changes were made to building heights as a result of these submissions as the heights are controlled by WLEP 2011 (not WDCP 2011) which has already been approved by Council.

Furthermore, the request to reduce the kerb and tower setbacks on Oaks Avenue were not supported as these controls have been in place since the commencement of Warringah Local Environmental Plan 2000.

NEXT STEPS

Further minor amendments may be required to the draft DCP amendments to align with the final drafting of the Dee Why Town Centre Masterplan LEP amendments. The DCP amendments will come into effect when notice is given of the commencement in the Manly Daily.

TIMING

Council aims to give notice of commencement of the amended WDCP 2011 to coincide with commencement of the amended WLEP 2011.

FINANCIAL CONSIDERATIONS

Adoption of the amended WDCP 2011, aligned with amended WLEP 2011, will facilitate the provision of community infrastructure identified through the Dee Why Town Centre Masterplan. The new controls will stimulate development which will contribute to developer contributions to fund further public domain improvements.

SOCIAL CONSIDERATIONS

Implementation of the amended WDCP 2011 will support sustainable and efficient development for Dee Why Town Centre.

ENVIRONMENTAL CONSIDERATIONS

Implementation of the amended WDCP 2011 will support developments which require Water Sensitive Urban Design, and Energy and Water efficiency in all new developments.

GOVERNANCE AND RISK CONSIDERATIONS

The adoption of the amended WDCP 2011 will aid in the implementation of the Dee Why Town Centre Masterplan 2013 and actions of the North District Plan.