

ITEM 11.2	DEE WHY TOWN CENTRE PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2018/501819
ATTACHMENTS	1 Chronology of Events (Included In Attachments Booklet) 2 Probity Plan (Included In Attachments Booklet) 3 External Assessment (Included In Attachments Booklet) 4 Probity Report (Included In Attachments Booklet) 5 Revised Planning Proposal (Included In Attachments Booklet) 6 Revised Warringah Development Control Plan (Included In Attachments Booklet) 7 Submissions Report (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek endorsement to forward the Dee Why Town Centre Planning Proposal to the Minister of Planning and Environment for the making of a local environmental plan and to re-exhibit changes to the Warringah Development Control Plan 2011.

SUMMARY

Council publicly exhibited the Dee Why Town Centre Planning Proposal and amendments to the Warringah Development Control Plan 2011(WDCP 2011) from 24 February to 25 March 2018. The purpose of these amendments was to implement recommendations from the Dee Why Town Centre Masterplan adopted by Council in August 2013.

A total of 25 submissions were received by the public, internal departments, Sydney Water, Transport for NSW, Roads and Maritime Services and the Office of Environment and Heritage.

A number of changes are proposed to the Dee Why Town Centre Planning Controls in response to the above feedback, actions in the North District Plan and recommendations from an external assessment of submissions relating to probity concerns. In summary, these changes include:

- Changes to the Planning Proposal, including:
 - Removal of controls relating to setbacks and awnings (as these are included in the Development Control Plan)
 - Inclusion of a definition for Green Infrastructure for consideration in the Dee Why Town Centre development objectives and design excellence criteria
 - Removal of Key Site F, including the proposed bonus floor space and height, as development has proceeded under existing planning controls
 - Requirements to maintain existing business/employment floor space levels in recognition of the District Plan target of providing an additional 6000 jobs in the Dee Why-Brookvale Strategic Centre

- Removal of allowances for provision of parking above the ground level, as this can be considered on a case by case basis
- For those sites which share a boundary with the Civic Site containing apartment style housing and landscape setbacks without an active building front:
 - amending the publicly exhibited building heights map by not providing a 3m height increase
 - excluding the requirement to provide 2 levels of employment generating floor space.
- Changes to the Development Control Plan, including:
 - Encouraging further pedestrian connections throughout the Town Centre, including pedestrian bridges where feasible
 - Updated controls for Key Sites with more detail on community infrastructure requirements
 - Removal of site layout diagrams
 - Retaining provisions within the existing WDCP2011 that allow 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 Green Infrastructure 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.

It is proposed to re-exhibit changes to the WDCP 2011 as the changes proposed vary significantly from those publicly exhibited. It is recommended that the amended Planning Proposal is forwarded directly to the Minister of Planning and Environment for the making of a local environmental plan as the proposed changes are not considered significant.

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE AND COMMUNITY

That:

- A. Council approve variations to the publicly exhibited Planning Proposal to amend Warringah Local Environment Plan 2011 as outlined in this report, as permitted under S3.35(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).
 - B. Council forward the revised Planning Proposal (Attachment 5) to the Minister of Planning and Environment as permitted under S3.35(3) of the EP&A Act for the making of a local environmental plan under S3.36(2a).
 - C. Council approve variations to the publicly exhibited Warringah Development Control Plan 2011 as outlined in this report.
 - D. Council publicly re-exhibit the revised Warringah Development Control Plan 2011 (Attachment 6) to seek community comment on the proposed changes.
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REPORT

1.0 BACKGROUND

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 Development Control Plan 2011 (WDCP 2011). The intended outcome of the Planning Proposal is to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to implement the Dee Why Town Centre Masterplan (Masterplan) (2013).

A conditional Gateway determination was issued by the Department on 1 April 2015. In summary, the conditions of the Gateway required Council to:

- Demonstrate a 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 provision 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 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.

In May 2016, Council forwarded a revised planning proposal to the Department for an amended Gateway determination.

An amended Gateway determination was issued on 22 September 2016. In summary, the conditions of the Gateway required 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 and the community
- Submit a copy of the revised planning proposal to the Department and seek agreement prior to public exhibition.

From October 2016 to November 2017 Council liaised with public authorities, with significant delays experienced in receiving advice from Transport for NSW (TfNSW) and Roads and Maritime Services (RMS). Final comments, raising no objection to the Planning Proposal, were received from these authorities by letter dated 10 November 2017.

The Planning Proposal was subsequently updated by Council and approved for public consultation by the Department in February 2018. Council placed the planning proposal on statutory public exhibition from 24 February to 25 March 2018.

The Planning Proposal was publicly exhibited together with amendments to the WDCP 2011 that had been endorsed by Council on 19 December 2017.

The Department issued two amendments to the Gateway Determination on 15 March 2018 and 20 June 2018 to update the timing for completion of the Planning Proposal. The amended timeframe for completion of the Planning Proposal is 15 February 2019.

The Chronology of Events (Attachment 1) provides more detail.

2.0 DESCRIPTION OF EXHIBITED PLANNING CONTROLS

The intended outcome of the Planning Proposal is to amend the Warringah Local Environmental Plan 2011 (WLEP2011) to implement the recommendations of the Dee Why Town Centre Masterplan (2013), including:

- Applying certain planning controls to a wider area of the Town Centre (Figure 1)
- “Floor space ratio” standards to better control development potential
- A 3-metre increase in overall height limits (one storey) in exchange for a one storey reduction in podium height limits
- Special provisions for four new Key Sites (Figure 2) in exchange for community infrastructure (e.g. a new road through the Woolworths site).

An amendment to the WDCP 2011 accompanied the publicly exhibited Planning Proposal, proposing amendments to language and structure, and:

- Design criteria for Key Sites
- Measures for energy and water efficiency, and Water Sensitive Urban Design
- Reduced car parking rates for new development
- Car share spaces for larger developments.

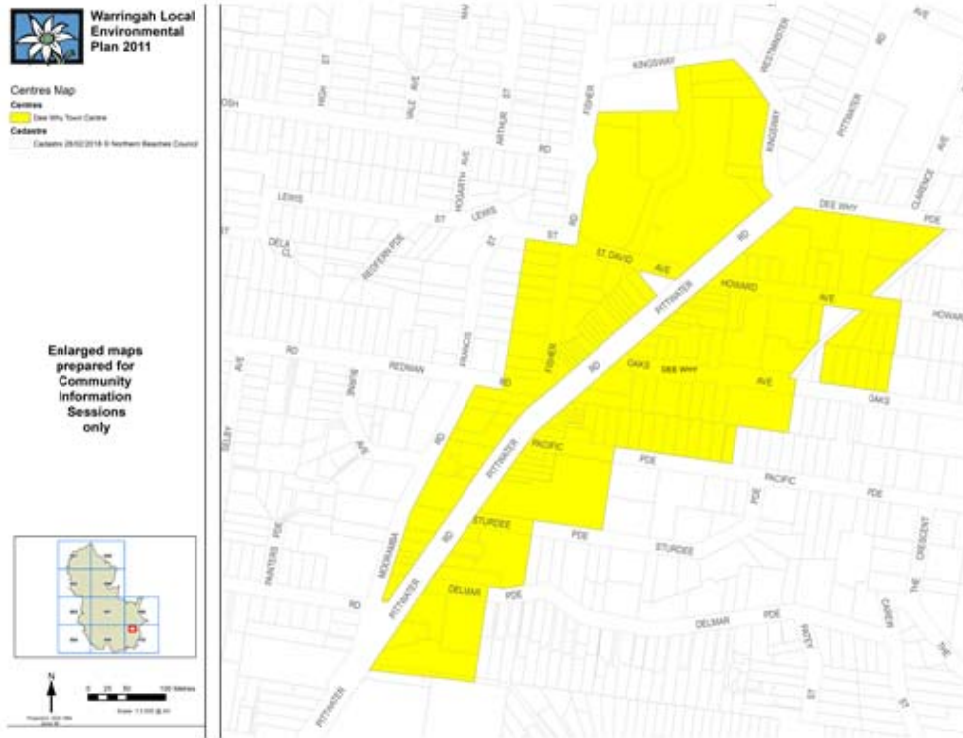


Figure 1 – Publicly Exhibited Centres Map



Figure 2 – Publicly Exhibited Key Site Map

3.0 CURRENT PROVISIONS

3.1 Warringah Local Environment Plan 2011 (WLEP2011)

The WLEP2011 currently defines Dee Why Town Centre as comprising the two key sites A and B (i.e. the land shown on the Key Sites Map – see Figure 3). Specific provisions apply to these sites within Part 7 of WLEP2011, including increased buildings heights that were permitted in exchange for the provision of public infrastructure (e.g. a Town Square and pedestrian connection). The current maximum building height for Dee Why Town Centre is 60m on Key Site B (i.e. the Meriton site).

Excluding Key Sites A and B, WLEP 2011 currently permits building heights of between 16 metres and 27 metres within this zone (see Figure 4).

The commercial precinct is zoned 'B4 Mixed Use' (see Figure 5). Currently, Dee Why Town Centre is the only B4 Mixed Use Zone under WLEP2011. Residential flat buildings are permitted within this zone however the zone objectives require the promotion of 'active building fronts, contributing to the life of streets and public spaces' and 'a land use pattern that is characterised by shops, restaurants and business premises on the ground floor'. These objectives are re-enforced by Clause 6.7 of the WLEP 2011 which states the following:

Development consent must not be granted to a residential flat building in Zone B4 Mixed Use with a dwelling at the ground floor level.

Although relevant for the commercial component of the Town Centre, the above zoning does not take into account those sites which share a boundary with the Civic Site and that contain apartment style housing with landscape setbacks, and which are a similar scale to the adjacent R3 Medium Density Zone (see Figure 6). This includes 15-23 Fisher Road which is currently occupied by an aged care and assisted living facility (see discussion 4.11). These sites do not contain active building fronts and are not characterised by shops, restaurants and business premises on the ground floor.

As well, there are a number of existing residential flat buildings located on the northern side of Pacific Parade without any shops, restaurant and business premises on the ground floor.



Figure 3 – Existing Key Sites Map for Dee Why Town Centre



Figure 4 – Current provisions for Building Heights in WLEP2011

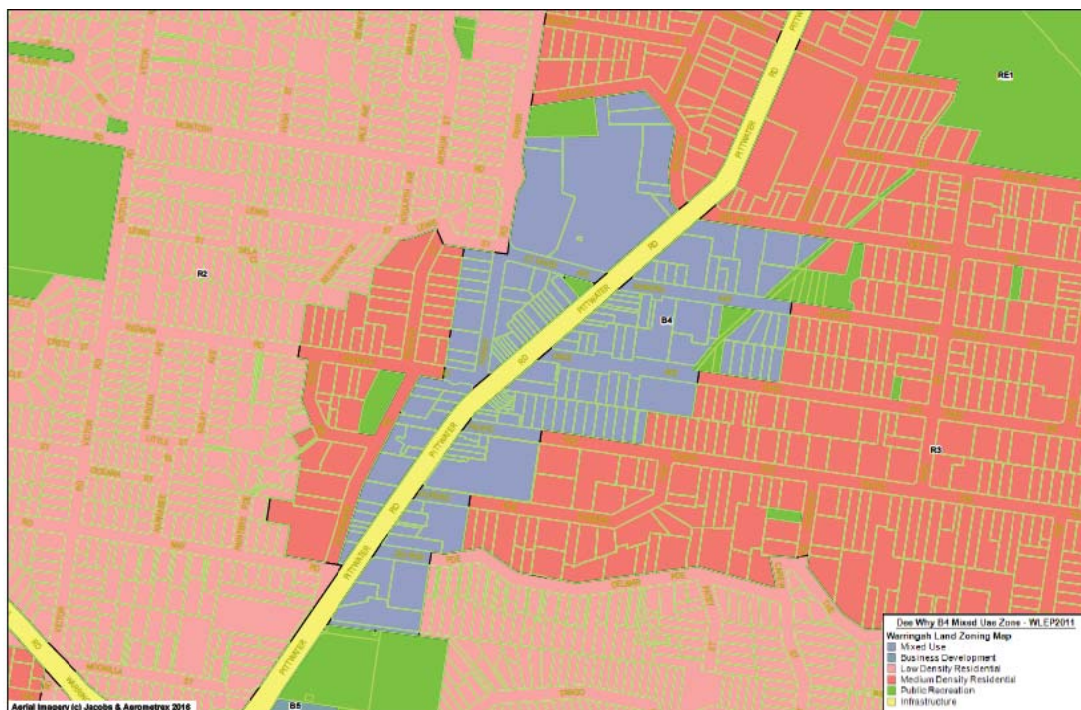


Figure 5 – Current provisions for B4 Mixed Use Zone in Dee Why Town Centre in WLEP2011



Figure 6 – Lots that share a boundary with the Civic Site with apartment style housing and landscape setbacks without an active building front

3.2 Current DCP Provisions

The Warringah Development Control Plan 2011 (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 7). It also includes requirements for build to lines, central courts and pedestrian links as shown in Figure 8. Provisions relating to build to lines required variations in building façades to add visual interest, while central courts were proposed to provide shared parking behind buildings when not provided underground.

These references were not included in the publicly exhibited Development Control Plan, 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 7 – Dee Why Areas within WDCP 2011

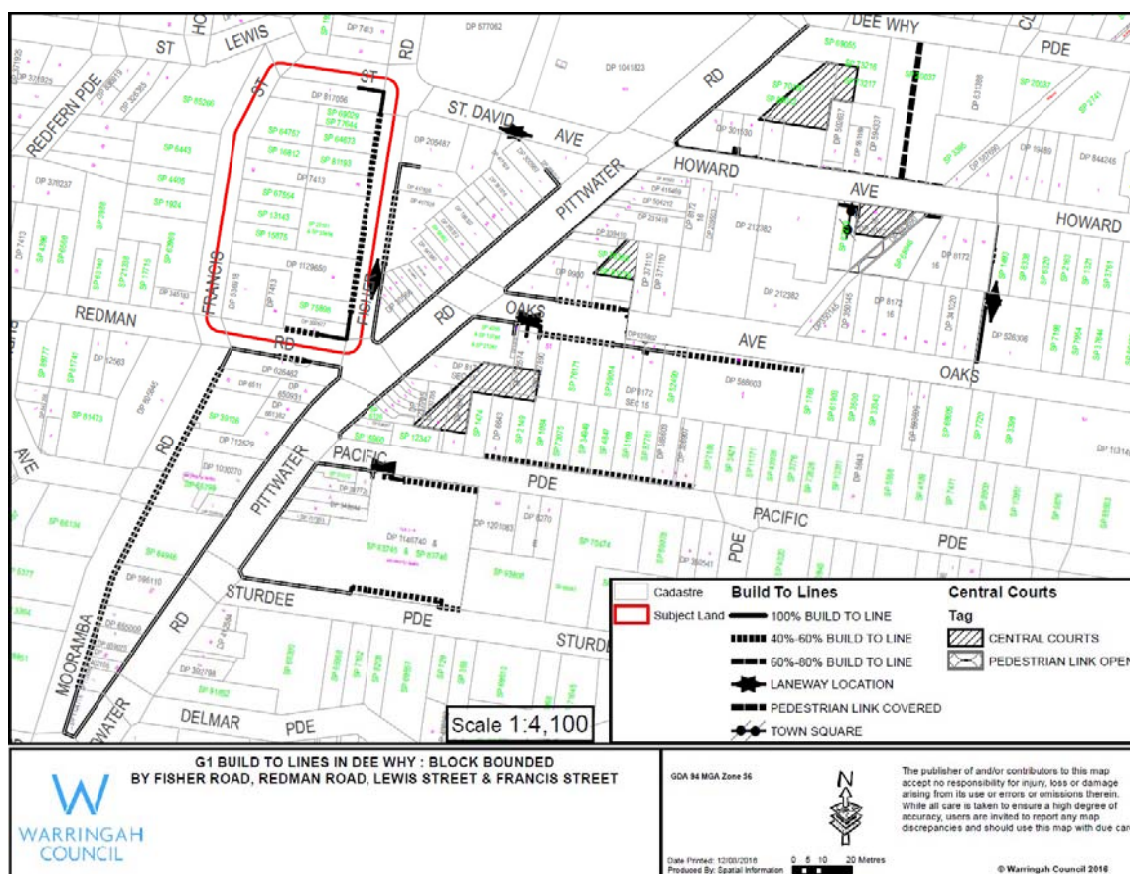


Figure 8 – Build to lines in Dee Why and Central Courts

4.0 CONSULTATION

Council placed the Planning Proposal and draft WDCP2011 on public exhibition from 24 February to 25 March 2018. During this time, Council engaged the community through the following activities:

- Updates to the project website with frequently asked questions and links to exhibition documents (<https://yoursay.northernbeaches.nsw.gov.au/dee-why-town-centre-planning-controls>)
- Targeted emails to respondents to the exhibition of the Master Plan, visioning forum and public domain improvements
- Email to Council's community engagement register
- Notices in the Manly Daily 24 February, 3 March and 17 March 2018
- Notification letters to 5,572 owners and occupiers within and adjoining the B4 Mixed Use area
- Two drop-in sessions at the Dee Why Civic Centre (attended by 8 people) on Saturday 3 March 2018 from 10am-12pm and Thursday 8 March 2018 from 5pm-7pm
- Availability of printed materials at Council's Customer Service Centres (Manly, Dee Why and Mona Vale) and Dee Why Library.

A total of 25 submissions were received by the public as well as internal submissions and submissions from Sydney Water, Transport for NSW, Roads and Maritime Services and the Office of Environment and Heritage. In summary, the main issues raised were:

- Probity concerns about plans for Council-owned sites and sites benefiting the Police
- Traffic resulting from increased development
- Pedestrian safety and accessibility
- Parking
- Community infrastructure
- Building heights, podiums and setbacks
- Floor space ratios
- Provisions promoting retail activity
- Green infrastructure
- Rezoning requests
- Site specific issues regarding:
 - 23 Fisher Road
 - Key Site A, C, D and F
 - Civic Site.

The below report describes changes to the exhibited planning controls. More detail can be viewed in the attached Submissions report (Attachment 7).

4.1 Probity

In order to address the conflict of roles, Council engaged an external Probity Advisor (Procure Group Pty Ltd) and adopted a Probity Plan (Attachment 2) to govern the process of review of public submissions relating to Council owned property.

In accordance with the Probity Plan, Council engaged a consultant to make an independent external assessment (Attachment 3) about how to proceed with the Planning Proposal and draft WDCP2011 as they relate to the Civic Centre site and the other sites and matters referred to in the submissions received. All recommendations from the independent assessment have been incorporated in the proposed changes.

4.2 Traffic resulting from increased density

RMS and Transport for NSW have no concerns understanding the planning proposal would not result in a substantially different intensity of development compared to what is permissible under the existing controls.

A minor increase in densities on Key Sites C and D are required at this time in exchange for essential community infrastructure to improve the local traffic network.

The removal of bonus provisions for Key Site F (see discussion – Key Site F) will mean the Planning Proposal would now only result in a proposed increase of 3,847m² or 48 dwellings to those already permitted (from Key Site C and D).

4.3 Pedestrian Safety and Accessibility

A new pedestrian bridge over Pittwater Road was earmarked to link the new Meriton development with Key Site F (the Carlyle, formerly known as Cobalt). As the Carlyle chose to proceed under the existing planning controls, this concept did not progress.

However, further pedestrian connections should be considered with any new developments in the Town Centre. The DCP has been strengthened to encourage further pedestrian connections, including pedestrian bridges where feasible.

Furthermore, provisions for adaptable housing have been included to accommodate changing needs for residents without requiring costly and energy intensive alterations.

4.4 Parking

The publicly exhibited DCP proposed a reduction in parking rates which reflect the minimum required rates under NSW Government guidelines. In recognition of changing trends, the exhibited DCP contained provisions encouraging car share spaces to reduce reliance on private vehicle ownership.

The following changes to the planning controls are proposed relating to parking:

- Within the Planning Proposal, reference has been removed to the allowance for 1 level of above ground parking. Although this was recommended in the Masterplan, these proposals can be considered on a case by case basis as part of a merit based assessment
- Within the DCP, controls have been updated for car share and new controls included for electric vehicle charging points and freight and delivery requirements.

4.5 Community Infrastructure

With respect to the public works required for Key Sites, the Masterplan intended changes to the WLEP2011 as follows:

A new Clause entitled 'Public domain delivery incentives Key Sites C, D & E' will be required which details the proposed conditions under which additional building height will be considered in exchange for public benefits.

However, a detailed description of the public works associated with the Key Sites C, D and E was excluded from the Planning Proposal as Gateway conditions required Council to remove any references to the provision of contributions, infrastructure, improvements, and dedication of land and/or undertaking of works in exchange for additional development density.

However, it is recognised that there is a need for adequate description of the intended public works in the planning controls. The DCP has therefore been updated to reflect this.

4.6 Building Heights and podiums

The publicly exhibited Planning Proposal included the following increases in height:

- A 3m height increase across the Town Centre in exchange for a reduction in podium heights of 2 and 3 stories to encourage slimmer, slightly taller buildings or order to activate the ground level, allow greater solar access and reduce the visual dominance of buildings at the street level
- Key Site C – 46m in exchange for the construction and dedication to Council of a new shared pedestrian/vehicular roadway mid-block between Oaks Avenue and Pacific Parade

- Key Sites E and F – 49m in exchange for the provision of a through site shared pedestrian/vehicular link, landscaped open space areas and other pedestrian connections to Pittwater Road.

The above heights formed part of the Masterplan recommendations which were adopted by Council in August 2013. As above, the increased height on Key Sites is required in exchange for essential community infrastructure to improve the local traffic network.

However, the 3m increase in height is not considered appropriate on lots that share a boundary with the Civic Site containing apartment style housing and landscape setbacks. These sites are separated from the Town Centre and are unlikely to be redeveloped with an active building front (Figure 6). Consequently, it is proposed to amend the publicly exhibited building heights map to exclude a 3m height increase for these lots, instead retaining the existing building heights.

4.7 Setbacks

Recommendations in the Masterplan set minimum kerb and tower setbacks that were narrower than the desired setbacks under the WDCP2011. For example, the current DCP requires setbacks from the kerb of 5m on Pittwater Road and 8m on the northern side of Oaks Avenue, whereas the Masterplan proposes minimum setbacks from the kerb of 4m wide and 3.6m wide.

If the Masterplan recommendations relating to setbacks were adopted as part of the WLEP2011 as recommended, there is concern that these requirements would over-ride the desired setbacks in the current DCP, with a risk that new developments would be inconsistent with setbacks of existing developments. It would also erode the opportunities for enhanced pedestrian safety, landscaping and outdoor dining.

Consequently, the planning controls have been updated to remove setbacks from the Planning Proposal and retain setbacks in the existing WDCP2011.

4.8 Provisions promoting retail activity

Currently, developments in Dee Why outside of Key Site A and B are only required to provide non-residential uses on the ground floor as required under Clause 6.7 'Residential Flat Buildings in Zone B4 Mixed Use'.

Except for those developments with apartment style housing adjoining the Civic Site (Figure 6), Clause 6.7 can lead to the reduction of employment floor space as older developments with two levels of retail and/or commercial floor space are replaced with new developments with just one floor. This would be inconsistent with the Ministerial Direction 1.1 Business and Industrial Zones and would be in conflict with Actions of the North District Plan to contribute to the employment growth target within the Brookvale – Dee Why Town Centre.

The following amendments are proposed to the publicly exhibited Planning Controls in response to public submissions and actions in the North District Plan:

- Amendments to the Planning Proposal to:
 - For Key Sites, prohibiting residential accommodation, medical centres and offices from the ground floor, and residential accommodation on the first floor
 - For all other sites within Dee Why Town Centre, require at least 2 levels of employment generating floorspace (including the ground floor), excluding those developments with apartment style housing adjoining the Civic Site (Figure 6).
- Amendments to the DCP to promote retail activation of the ground level.

4.9 Green Infrastructure

With the release of the Government Architect's draft Greener Places Policy, and the Greater Sydney Commissions' North District Plan, an opportunity exists to include provisions promoting green infrastructure within the planning controls. Within this Policy, Green Infrastructure is defined as *'the network of greenspaces, natural systems and semi-natural systems including parks, rivers, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment'*.

The following amendments are proposed to the publicly exhibited Planning Controls in response to public submissions and actions in the North District Plan:

- Updates to the Planning Proposal to include a definition of Green Infrastructure and reference to Green Infrastructure within the objectives and design excellence criteria.
- Updates to the DCP to encourage the retention and provision of Green Infrastructure within the Town Centre.

4.10 Rezoning Requests

Property owners from the Dee Why RSL Club and KFC Site adjoining the Dee Why Town Centre asked Council to reconsider the boundary within the Planning Proposal.

The Dee Why Town Centre boundary has been determined by the B4 Mixed Use Zone under WLEP2011, as the controls relate to development to be constructed within a mixed use zone. Any requests to consider the above lots within the Dee Why Town Centre would require an amendment to the zoning map. As this Planning Proposal does not involve changes to the zoning of any properties, it cannot be considered at this stage.

4.11 Key Site A – Oaks/Howard Car Park

The publicly exhibited planning controls did not propose any changes to existing planning provisions for this site, except for some design parameters within the DCP. However, a number of submissions brought up the following concerns:

- That Site A be reclassified to "Community Land", or an Independent Review be established by the Minister for Planning and Environment into the development of Site A, including the relative merits of an alternative "Open Space development"
- Opposition to removal of car parking, particularly for patrons of neighbouring St. Kevins.

The above concerns were assessed by Council's independent planning consultant. Their recommendations were as follows:

1. *In the current situation, where the current planning proposal does not seek to alter the planning controls with regards to Site A, it would be inappropriate to change the classification of the land or conduct an enquiry that would change Council's previous resolutions for the future development of Site A.*
2. *That the draft DCP be amended to recognise the need for parking/standing facilities for wedding vehicles, funeral vehicles, etc., to be provided adjacent to St. Kevins Church.*

The DCP has been updated to recognise the need for parking/standing facilities for wedding vehicles, funeral vehicles, etc., to be provided adjacent to St. Kevins Church.

4.12 Key Site C

The intent for Key Site C was identified in the Masterplan as follows:

With respect to Site C (the Woolworths Site), additional building height will be considered in exchange for the construction and dedication to Council of a new shared pedestrian/vehicular roadway mid-block between Oaks Avenue and Pacific Parade. In this case the maximum permissible height considered will be 46 metres above ground level.

With respect to the above, discussions between Council and the proponent have progressed to the stage where it is recognised that a bonus provision is required to compensate for the loss of floor space resulting from the dedication of this land.

The Development of this site is the subject of ongoing discussion between owner and Council. Plans for the redevelopment of this site are confidential until a Development Application is lodged.

The following changes have been made to the DCP in response to submissions:

- Updates to the DCP to include details of the pedestrian and vehicular access network required by Council
- Removal of the site layout options in the publicly exhibited WDCP2011 as they are out of date and do not reflect consistent setbacks with adjoining developments.

4.13 Key Site E and F

The intent of Key Site E, identified in the Masterplan as 'the triangular site', and the exhibited planning controls are as follows:

With respect to Site E (The 'Triangular Site') located at the Centre of the Town Centre, additional building height up to a maximum of 49 metres above ground level will be considered in exchange for the provision of a through site shared pedestrian/vehicular link, landscaped open space areas and other pedestrian connections to Pittwater Road.

In the publicly exhibited Planning Proposal, the triangular site was split into Key Sites E and F to correspond with the development application for 697-701 Pittwater Rd Dee Why 'Carlyle' (formerly Cobalt), which was approved by the Joint Regional Planning Panel for a mixed-use development with basement parking up to 9 storeys in height (refer to DA2011/0887 and 2011SYE080DA, as modified by Mod 2012/0087). Works associated with this consent commenced late 2016 and are almost complete.

The following changes have been made to the Planning Proposal and DCP in response to submissions:

- For Key Site E:
 - Remove the site layout options provided in the publicly exhibited WDCP2011 as they are out of date and do not reflect consistent setbacks with adjoining developments.
- For Key Site F:
 - Remove references to Key Site F within the written controls and maps, as the publicly exhibited planning controls referred to a historical (not endorsed or exhibited) proposed Voluntary Planning Agreement. There was no Voluntary Planning Agreement made and development of the site has proceeded under existing planning controls. As such, it is considered the bonus provision is no longer required.

4.14 Civic Site

The Masterplan proposed the following vision for the Civic Hub:

'The redevelopment of this block intends to achieve Council's Vision for a community hub on the Civic Precinct. As a primary driver towards a successful Town Centre in Dee Why, the Civic Centre precinct is proposed to act as a 'one-stop shop' for a diverse range of community facilities and services related to health, early childhood, police services/shop front, performing arts and entertainment, cuisine and retail.'

The NSW Heritage Office has recommended listing of the Dee Why Civic Precinct on the State Heritage Register. The NSW Heritage Council has endorsed this action and it is currently with the Minister for Heritage for gazettal. Once this occurs, the Civic Precinct (Civic Hub) within the Dee Why Town Centre will have additional protection under the provisions of the *Heritage Act 1977*. It is noted that the proposed listing would not prevent further development on the Civic precinct site as envisaged by the Council endorsed Dee Why Town Centre Master Plan.

Updates have been made to the DCP to address the impending State Heritage Listing of the part of the Civic Site.

4.15 Sustainability

The publicly exhibited DCP included controls requiring new commercial developments to achieve a minimum 5 star Green Star Design and As Built rating in the Green Building Council of Australia rating system. This would require new commercial developments to demonstrate Australian excellence in sustainability.

However, a large portion of future development in the Dee Why Town Centre will be residential and there is no requirement in BASIX to address apartment style housing. It is therefore proposed that provisions in the DCP be expanded to require all new developments with a cost of works over \$5 million to achieve a minimum Green Star Design and As Built rating which is currently 4 Stars. This would ensure that new larger developments demonstrate best practice in sustainability, regardless of whether they include residential or commercial uses.

5.0 NEXT STEPS

It is proposed to re-exhibit changes to the WDCP 2011 as the proposed post-exhibition changes are considered significant. Changes to the Planning Proposal are generally in response to submissions and are not considered to be a substantial departure from the exhibited proposal. Therefore, it is recommended to forward this to the Minister of Planning and Environment for the making of a local environmental plan.

6.0 CONSULTATION

Further community consultation is proposed on updates to the publicly exhibited WDCP2011 for the Dee Why Town Centre.

7.0 TIMING

If Council forwards the revised Planning Proposal (Attachment 5) to the Minister of Planning and Environment as permitted under S3.35(3) of the EP&A Act for the making of a local environmental plan under S3.36(2a), the new local environmental plan will be made by February 2019 in accordance with the commitment provided by the State in the Gateway Determination.

If Council Publicly re-exhibits the Warringah Development Control Plan 2011 (Attachment 6) to notify the community of proposed changes, it is expected that a new Development Control Plan will be exhibited during September 2018 and reported back to Council for adoption by February 2019.

The Dee Why Planning Controls will again be reviewed in the development of the new Local Environmental Plan due to be submitted to the Department of Planning and Environment by June 2021.

8.0 FINANCIAL CONSIDERATIONS

Adoption of the Dee Why Town Centre Planning Proposal and changes to the Warringah Development Control Plan 2011 will facilitate the provision of community infrastructure identified through the Dee Why Town Centre Masterplan. They also aim to stimulate development which will aid in providing developer contributions for public domain improvements.

9.0 SOCIAL CONSIDERATIONS

Implementation of the new Planning Controls will assist in the delivery of much needed infrastructure.

10.0 ENVIRONMENTAL CONSIDERATIONS

The Planning Proposal suggests consideration of Green Infrastructure in all new developments in Dee Why. The Development Control Plan stipulates requirements for Green Infrastructure, Water Sensitive Urban Design, and Energy and Water efficiency in all new developments.

11.0 GOVERNANCE AND RISK CONSIDERATIONS

Adoption of the Dee Why Town Centre Planning Proposal and changes to the Warringah Development Control Plan 2011 will aid in the implementation of the Dee Why Town Centre Masterplan 2013 and Actions of the North District Plan.

Probity considerations are addressed in the attached Probity Report (Attachment 4).