



New South Wales

# **Warringah Local Environmental Plan 2011 (Amendment No 23)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

AMANDA HARVEY

As delegate for the Minister for Planning and Public Spaces

## **Warringah Local Environmental Plan 2011 (Amendment No 23)**

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### **1 Name of Plan**

This Plan is *Warringah Local Environmental Plan 2011 (Amendment No 23)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to land within the Dee Why Town Centre under the *Warringah Local Environmental Plan 2011*.

### **4 Maps**

The maps adopted by *Warringah Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## Schedule 1 Amendment of Warringah Local Environmental Plan 2011

**[1] Clause 4.4**

Omit the clause. Insert instead—

**4.4 Floor space ratio**

- (1) The objectives of this clause are as follows—
  - (a) to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,
  - (b) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,
  - (c) to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,
  - (d) to manage the visual impact of development when viewed from public spaces,
  - (e) to maximise solar access and amenity for public areas.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

**[2] Clause 4.6 Exceptions to development standards**

Omit “Key Sites Map” from clause 4.6(8A). Insert instead “Centres Map”.

**[3] Clause 4.6(8B)**

Insert after clause 4.6(8A)—

- (8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.

**[4] Clause 7.1 Definitions**

Omit “Key Sites Map” from the definition of *Dee Why Town Centre*.

Insert instead “Centres Map”.

**[5] Clause 7.1**

Insert in alphabetical order—

*Site C* means the land shown on the Key Sites Map as Site C.

*Site D* means the land shown on the Key Sites Map as Site D.

*Site E* means the land shown on the Key Sites Map as Site E.

**[6] Clause 7.3 Objectives for development within Dee Why Town Centre**

Insert “on Site A and Site B” after “built environment” in clause 7.3(d).

**[7] Clause 7.3(n)–(p)**

Insert after clause 7.3(m)—

- (n) to achieve a consistent built form character that features podiums that define street edges, and to reduce the visual scale of built form, except on land on Site A or Site B,

- (o) to ensure that development is designed with consideration of transport infrastructure,
- (p) to ensure that development within the Dee Why Town Centre is designed to contribute 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.

**[8] Clause 7.4 Development must be consistent with objectives for development and design excellence**

Omit “on Site A or Site B” from clause 7.4(3).

Insert instead “on land within the Dee Why Town Centre”.

**[9] Clause 7.5 Design excellence within Dee Why Town Centre**

Insert after clause 7.5(e)—

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

**[10] Clause 7.6 Height of buildings**

Insert after clause 7.6(1)—

- (1A) This clause applies to the height of buildings on Site A and Site B.

**[11] Clause 7.6A**

Insert after clause 7.6—

**7.6A Podium heights**

- (1) The objectives of this clause are as follows—
  - (a) to achieve a consistent built form character that features podiums that define the street edge, and to ensure upper level setbacks reduce the visual prominence of building height,
  - (b) to maximise building separation for the purposes of visual appearance, privacy and maintaining solar access to adjoining properties and the public domain.
- (2) Development consent may be granted to the erection of buildings on the following land with the following maximum podium heights—
  - (a) Site A—3 storeys,
  - (b) Site B—4 storeys,
  - (c) land fronting Pittwater Road (except land on Site A or Site B)—3 storeys,
  - (d) land not fronting Pittwater Road (except land on Site A or Site B)—2 storeys.
- (3) This clause does not apply to the following land—
  - (a) Part Lot 11, DP 577062 (known as 23 Fisher Road, Dee Why),

- (b) Lot CP, SP 81758 (known as 25 Fisher Road, Dee Why),
- (c) Lot CP, SP 75040 (known as 20 Kingsway, Dee Why),
- (d) Lot CP, SP 4066 (known as 18 Kingsway, Dee Why),
- (e) Lot CP, SP 83379 (known as 4–16 Kingsway, Dee Why),
- (f) Lot CP, SP 1902 (known as “Kingsway Court”, 2 Kingsway, Dee Why).

**[12] Clause 7.12 Provisions promoting retail activity**

Omit clause 7.12(1). Insert instead—

- (1) The objectives of this clause are as follows—
  - (a) to promote retail activity on the ground and first floors of new buildings in the Dee Why Town Centre,
  - (b) to promote employment generating uses in addition to retail activity.

**[13] Clause 7.12(2)(a)**

Omit “on Sites A and B”. Insert instead “on Site A, Site B, Site C, Site D or Site E”.

**[14] Clause 7.12(2)(c) and (d)**

Insert at the end of clause 7.12(2)(b)—

- , and
- (c) buildings will have at least two floor levels (including the ground floor level) of employment generating space, and
- (d) development on the ground floor level of buildings in the Dee Why Town Centre will contribute to an active street life in accordance with the document titled *Our Greater Sydney 2056 North District Plan* published by the Greater Sydney Commission in March 2018.

**[15] Clause 7.12(3)**

Insert after clause 7.12(2)—

- (3) This clause does not apply to the following land—
  - (a) Part Lot 11, DP 577062 (known as 23 Fisher Road, Dee Why),
  - (b) Lot CP, SP 81758 (known as 25 Fisher Road, Dee Why),
  - (c) Lot CP, SP 75040 (known as 20 Kingsway, Dee Why),
  - (d) Lot CP, SP 4066 (known as 18 Kingsway, Dee Why),
  - (e) Lot CP, SP 83379 (known as 4–16 Kingsway, Dee Why),
  - (f) Lot CP, SP 1902 (known as “Kingsway Court”, 2 Kingsway, Dee Why).

**[16] Clause 7.13 Mobility, traffic management and parking**

Omit clause 7.13(1). Insert instead—

- (1) The objectives of this clause are as follows—
  - (a) to ensure improved vehicle access and circulation in the Dee Why Town Centre through good design and the management of traffic flows within the existing and new roads servicing the centre,
  - (b) to ensure increased road network capacity and improved vehicle circulation through the Dee Why Town Centre,
  - (c) to encourage alternative forms of transport from private vehicle use,
  - (d) to minimise the disruption of pedestrian movement and safety,

- (e) to reduce the visual scale of parking, loading and waste collection facilities.

**[17] Clause 7.13(2)(b)**

Insert “any development on Site A for the purposes of” before “the Proposed New Road”.

**[18] Clause 7.13(2)(c) and (f)**

Omit the paragraphs.

**[19] Clause 7.14**

Insert after clause 7.13—

**7.14 Community infrastructure floor space in Dee Why Town Centre**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the development of particular sites within the Dee Why Town Centre delivers certain public improvement works,
  - (b) to encourage additional development within the Dee Why Town Centre that incorporates adequate access networks,
  - (c) to provide a range of development that supports community and visitor needs.
- (2) This clause applies to land on Site C, Site D or Site E.
- (3) The consent authority may consent to development that results in additional floor space or exceeds the maximum floor space ratio, or exceeds the maximum building height, in accordance with subclause (4) if the consent authority is satisfied that the development meets the following community infrastructure objectives—
  - (a) for land on Site C—the development includes pedestrian and vehicular access that provides a suitable level of connectivity between Oaks Avenue and Pacific Parade,
  - (b) for land on Site D—the development makes sufficient provision for articulated vehicles to access Pacific Parade from Pittwater Road,
  - (c) for land on Site E—
    - (i) the development includes a pedestrian and vehicular access network with a suitable level of connectivity throughout Site E, and
    - (ii) vehicular access to the land will not compromise the function and flow of the surrounding arterial roads, and
    - (iii) pedestrian access is prioritised at ground level.
- (4) The consent authority must not consent to the erection of a building on land to which this clause applies if—
  - (a) for a building on land on Site C—
    - (i) the floor space ratio exceeds 3.6:1, and
    - (ii) the building height exceeds 46 metres, or
  - (b) for a building on land on Site D—the floor space exceeds the floor space achieved by applying the maximum floor space ratio plus a gross floor area of 240 square metres, or
  - (c) for a building on land on Site E—

- (i) for land fronting Pittwater Road—the building height exceeds 49 metres, or
  - (ii) for land fronting Fisher Road or St David Avenue—the building height exceeds 20 metres.
- (5) In deciding whether to grant development consent, the consent authority—
  - (a) must be satisfied that the development is consistent with the objectives of this clause, and
  - (b) must be satisfied that the community infrastructure is reasonably necessary at Dee Why, and
  - (c) must take into account the nature of the community infrastructure and its value to the Dee Why community.

**[20] Dictionary**

Insert in alphabetical order—

***Centres Map*** means the Warringah Local Environmental Plan 2011 Centres Map.