



Pre-lodgement Meeting Notes

Application No:	PLM2022/0132
Meeting Date:	DSAP – 28 July 2022
	PLM With Council – The applicant chose not to proceed with a face to face meeting with Council.
Property Address:	35 & 37-39 Carter Road BROOKVALE
Proposal:	Industrial warehouse complex with caretakers apartment
Attendees for Council:	Jordan Davies – Principal Town Planner Alex Keller – Principal Town Planner James Brocklebank – Traffic Engineer Christina Femia – Flood Engineer Max Payne – Team Leader, Environment and Heath David Hellot – Water Quality Aarti Kalia – Development Engineer Kevin Fernando – Stormwater Asset Engineer

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant
<p>Note – The application was presented to the Design Sustainability Advisory Panel (DSAP) on 28 July 2022. The DSAP provided a range of recommendations for to improve the overall scheme and respond appropriately to Council's controls, including setbacks, parking and vehicular access. Overall, the DSAP did not support the proposal and recommended a redesign of the scheme to address some of the fundamental issues identified.</p> <p>Following this, a Pre-lodgement meeting was scheduled to take place with the applicant and Council, including Council's internal referrals. However, given the DSAP advice, the applicant chose not to proceed with the PLM meeting with Council and have advised they will seek to investigate an alternative scheme/design response following the DSAP comments.</p> <p>Even though the applicant has chosen not to proceed with the PLM meeting with Council, these notes provide further advice and guidance for the applicant in any scheme moving forward and includes the referral comments from Council Officers.</p> <p><u>Front Setback</u></p> <p>The DCP requires a 4.5m landscaped front setback to both street frontages. The DSAP comments addressed this requirement, as does the planning comments which are provided later in this report regarding the front setback. In short, the front setback for any new building elements is to be complied with to enhance the street presentation to the site and respond to the emerging character of the Brookvale employment/industrial area.</p>

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

WLEP 2011 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	General Industries Caretakers dwelling
Zone:	IN1 General Industrial
Permitted with Consent or Prohibited:	<i>General Industrials</i> – Permitted with consent <i>Caretakers Dwelling</i> – 'Dwellings' and 'residential accommodation' are prohibited in the IN1 zone. See planning comments later in this report regarding caretakers dwelling

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.



A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
Building Height	11m	11m maximum	Yes

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

WDCP 2011 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

The following notes the identified non-compliant areas of the proposal only.

Part B		
Control	Permitted	Proposed
B7 Front Boundary Setback	4.5m – West Street 4.5m – Carter Road	Varied setbacks, including maintenance of existing building, new portions and car parking encroach front setback
<p>The proposal retains portions of the existing building on the corner of West St and Carter Rd which have a nil setback. Whilst the maintenance of the existing structure could be supported, the new buildings and car parking on the site should be setback a minimum of 4.5m from the front boundary to meet the desired streetscape outcomes for the emerging Brookvale industrial area. The site really only has two building form controls, being building height and front setback, and as such great emphasis is placed on these two controls in achieving the desired character outcomes for the locality.</p> <p>See detailed planning comments later in this report.</p>		

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<p><u>Town Planning</u></p> <p>The proposal was reviewed by DSAP on 28 July 2022. DSAP concluded that:</p> <p><i>“The Panel does not support the proposal in its current form. A complete redesign and different architectural planning strategy is required.</i></p> <p><i>In summary, the proposal should:</i></p> <ul style="list-style-type: none"> • <i>Comply with the 4.5m setback to Carter Road except where the existing building is retained.</i>



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- *If the existing building is not retained, then the 4.5 metre set back should be comply with along the entire frontage to Carter Road and West Street*
- *All rooms in the dwelling should face either Carter Road (or West Street in a re-design) and not overlook the industrial activity.*

The recommendations may only relate to the current proposal, it is likely that an entirely different approach is possible.

The applicant is encouraged to prepare another Pre-DA proposal that does not require the level of detail as in the current documentation.”

In addressing the detailed DSAP report that has been forwarded to the applicant the following DA assessment comments should also be incorporated with the DA preparation.

1. The non-compliance with the 4.5 metre (m) front setback and landscaping should be given priority for the upper storey and ground level. In this regard, the retention of the existing corner building is reasonable. For the remainder of the frontages given the demolition, remediation, and substantial refurbishment of the site there is no significant cause to place car parking in the front setback areas. The provision of a 4.5m setback is achievable along most of the Carter Road (western) frontage for the new building elements at ground level and along the upper storey. Additionally, the upper level of the northern frontage can also substantially comply with a 4.5m setback.
2. The 4.5m front setback applies equally to both West Street and Carter Road. The DCP does not grant an exceptions rule to corner lots within the industrial zone. Any variation must be considered on merit. Other similar corner sites in the area suitable for similar redevelopment would also be encouraged to maintain a 4.5m setback.
3. At the corner of Carter Road and West Street a more simplified landscape area / entry steps and the like should minimise the structures and maintain landscaping as the dominant element. The proposed stairs, services, parking, building encroachment and multiple driveways have compromised the front boundary setback objectives.
4. The western frontage along Carter Road is required to maintain a 4.5m setback south of the ramp. Using the building line of the 'existing building' (Warehouse 8) as the basis for the entire new development is not supported as justification. The proposal shows the existing ramp is to be demolished and rebuilt, however it may be more suitable / efficient for the design to have the ramp rise along the southern boundary, rather than centrally.
5. The number of driveway crossovers to Carter Road should be reduced and any carparking and floor space (building) within 4.5m of the front setback minimised. A setback that includes some minor building articulation at 4.0m to 4.5m (stepping equally) may be considered for the new building façade along Carter Road.
6. For West Street the retention of the existing nil setback for proposed warehouse 1, 2 and 3 is acceptable however the pedestrian entry doors should be set inside the building as a foyer alcove / covered entry with any ramp or sloping (wheelchair) access within the building line and not part of the road reserve.
7. The changes to the northern façade raise various concerns for Council's Traffic Engineering and the extent of works are likely to require detailed assessment by Councils Road Assets and Development Engineering. The proposal to “open up” pedestrian access along the northern frontage raises planning concerns in that this



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existing landscape strip is completely compromised by the new footpath that does not link to Harbord Road and appears to not comply with Council's standard footpath width of 1.5m and works will likely raise concerns for the existing public parking use along the northern frontage in terms of use by other surrounding businesses and local customers. Warehouse 2 and 3 may be better suited to be consolidated with a foyer / office entry adjacent Unit 1 facing Carter Road (if the ramp is positioned along the southern boundary).

8. For the upper storey facing West Street the high screen wall between warehouse 6 and 7 should be reduced (lower) to minimum height, noting that the carparking is behind. The high screen appears as a building wall element and should 'read' that the 4.5m setback here is only encroached by the existing single storey and open-air rooftop parking. (e.g. a 1.0m or 1.5m louvre balustrade would be sufficient, particularly if the caretaker unit, and balcony was repositioned to be north facing in place of 'Warehouse 7'.
9. The inclusion of a 'caretaker's' residence, being a dwelling is prohibited. However, in certain circumstances may be acceptable as ancillary by being an 'embedded use' linked to the occupancy of the industrial building. The applicant must demonstrate the 'caretaker' occupancy is genuinely engaged in that for the building and propose a mechanism whereby future residents / change of ownership will ensure the caretaker unit remains genuinely linked to the overall development.
10. The caretaker unit is a dwelling and as such, for 2 bedrooms required 2 dedicated car spaces) not shared with the warehouses. A 1-bedroom unit requires 1 car space. The position of the dwelling may be more suitable to be north facing, in the location of Warehouse 7 which would allow for a 2.5m to 3.0m deep balcony and therefore also the front wall setback to West Street in the north-east corner. Solar access, private open space, carparking, noise protection, BCA and general residential amenity are required to be complied with for the caretaker's unit. The DCP does not contain 'exceptions' to allow lower standards of amenity compliance for caretaker's units.
11. Consolidation of 2 or 3 of the upper storey units may be warranted to enable more efficient parking and more appropriate design response to compliance with the Warringah DCP.
12. No issue is raised if flooding controls (flood planning level) require a minor non-compliance with the 11m height plane, subject to the appropriate design response pursuant to seeking such a variation under Clause 4.6 of the Warringah LEP.

Traffic

Parking

- In terms of parking the plans suggest that the industrial units occupy a GFA of 2405m² which under the WDCP would require 1.3 parking spaces per 100sqm of GFA i.e off street car parking for 31.2 (32) vehicles if assessed as entirely as warehouse. It is however noted that unit 15 is a 2 bedroom residential unit and if approved would require parking for 2 vehicles if assessed as a residential dwelling or 1.2 spaces if assessed as shop top housing. The quantum of car parking is however considered appropriate to support the development's parking needs. With 15 separate units, most of GF less than 100sqm, it will be important to allocate at least 1 parking space to each unit to ensure



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- that parking is not monopolised by any one tenancy. It is noted that the car space allocation shown on the plans doesn't seem to match the adjacent unit numbers
- Three of the parking spaces are shown as being for accessible parking. This is a higher proportion than is required and while providing extra parking for disabled drivers is commendable this may result in there being insufficient parking for able bodies drivers. One accessible space on the ground floor and one on first floor would be sufficient and still exceed minimum requirements
 - Swept path plots for a B85 vehicle shall be provided to demonstrate that forwards ingress and egress from constrained parking spaces is possible. It appears unlikely that forwards entry and egress from ground floor space No.1 will be feasible and adjustment of the building layout to relocate that space to the rear of the building is suggested. A vehicle parked in this spot would impede access to the adjacent door and a vehicle reversing from that spot may conflict with vehicle movements to or from the adjacent driveway.
 - Ground floor parking space No.12, being located adjacent to a wall, should be a minimum width of 2.7m

Footpath and wheelstops in West St

- The proposal to introduce wheelstops and construct a footpath on the south side of West Street is noted. There is not a strong demand for a footpath on the south side of West Street in terms of the pedestrian network as there is an existing footpath on the north side. It is however acknowledged that a footpath on the south side would facilitate safer pedestrian access to units 1,2 & 3 so its introduction is not opposed in principle subject to the issues below being satisfactorily addressed. The applicant needs to demonstrate that the proposal is workable and there is concern about the broader impacts that may result by its introduction.
- Vehicles parked in the existing angle parking bays currently overhang the proposed footpath area however as the parking bays are only approx. 5.0m deep (to the low point of the dish gutter). The installation of wheelstops to keep parked vehicles clear of the footpath area would increase the degree of vehicle protrusion into West Street and require the installation of "90 degree front to kerb, vehicles under 6m only" parking restrictions to ensure the wheelstops were of benefit in preventing vehicle overhang of the footpath (i.e the rear overhang of vehicles such as utilities could still render any footpath impassable). The increased level of vehicle protrusion into West Street would also need to be reviewed to ensure that adequate road width remained for turning into/out of the dock area at No.31 Carter Road by delivery vehicles. Extended parking bay markings and edge linemarking would also need to be provided to define bays of 5.4m in length and guide passing traffic
- The proposed footpath would also cross the vehicle crossings serving 3 units none of which currently facilitate compliant sight lines (as per AS2890.1 clause 3.2.4) to any pedestrians on the footpath. Redesign of the building facades to allow compliant sightlines to pedestrians would be required.
- Finally, the proposed footpath would terminate at the eastern extremity of the site. Given the changes to the parking arrangements, this would result in a disconnect in the parking alignment and would also result in a footpath leading nowhere i.e it would provide no broader community benefit. The footpath extension, wheelstops and parking adjustments should therefore extend along the full length of West St between Carter Rd and the footpath at Harbord Rd.

Vehicular access



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- The development as a whole relies upon the use of 4 vehicle crossings, two of them at double width. This results in a high degree of impact upon kerbside parking and a less efficient parking arrangement on the site. It would be preferable if the number of vehicle crossings were reduced.
- The northernmost vehicle crossing to Carter Road is 4.645m in width. This is adequate for a single vehicle but insufficient for two vehicles to pass. This driveway should be widened to a minimum of 5m in width for at least the first 5.5m inside the property boundary to allow for passing of a B99 and B85 vehicle at the boundary. The 4.6m width is likely to result in vehicles meeting head on and one having to reverse back into Carter Road to allow the other to egress.
- Swept path plots for a B99 vehicle circulating throughout the parking levels between Carter Rd and the parking space for warehouse 14 and return should also be provided.

The above aspects as well as commentary on the traffic generation from the site should be reviewed in a traffic and parking impact report to be lodged with the DA

Development Engineer

These comments are only preliminary in nature and a detailed assessment can only be provided upon DA lodgement:-

Access:

1. The internal driveway access grades, parking layout, number of driveways and driveway crossing widths must be addressed by Council's Traffic Engineers.
2. The driveway crossing will be assessed once the application is lodged. The driveway crossings is to be in accordance with Council's Vehicular Crossing profile which is available in Council's web page.

<https://www.northernbeaches.nsw.gov.au/planning-development/permits-and-certification/driveway-and-vehicle-crossings>

3. Provision of footpath along frontage of site in West Street and connect to existing footpath in West Street.

Stormwater:

Property is affected by the 1 in 100 year ARI flooding. In this regard, onsite stormwater detention will not provide any benefit to the stormwater catchment and therefore is not required for this development.

However the proposal of two new pits and pipe within road reserve of Carter Road requires comments from Council's Stormwater Team.

Flood Engineer

The current flood data for the site is from the Dee Why and Curl Curl Lagoons Floodplain Risk Management Study and Plan (2005). This is an old study and Council is currently working on a draft Flood Study for the Greendale Creek catchment which will cover this site.

The Flood Study will likely be adopted next year.



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The Flood Planning Level for the site should be 0.3m above the top of gutter. New floor levels within the development shall be at or above the Flood Planning Level.

The Flood Management Report should demonstrate how the proposed development meets the flood controls in the LEP and DCP.

Stormwater Asset Engineer

Based on the plans submitted, Council's stormwater assets team is generally supportive of the public Stormwater System proposed within the public road reserve. However please note the below:

- The proposed public stormwater system is to comply with Council's Water Management for Development policy.
- The Stormwater Services Plans provided show a 375mm Class 3 RCP stormwater pipeline traversing across the roadway. This would not be supported. A minimum **375mm Class 4 RCP pipeline** will be required if traversing across the roadway.
- The proposed stormwater pits will need to be constructed in accordance with Council's Standard Drawings and Specifications. This can be provided to you when required by contacting Council's Development Engineering team.
- Hydraulic design plans and an accompanying report detailing the proposed Council drainage system will need to be prepared and submitted to Council demonstrating compliance with Council's Water Management for Development Policy.

General information regarding Council's Water Management for Development Policy is outlined below:

- To demonstrate compliance with Warringah Council's Development Control Plan 2011 and Northern Beaches Council's Water Management for Development policy, it is recommended that the following details are submitted with any application:
 - Accurately locate, confirm dimensions including depth and plot to scale Council's public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. (Evidence of methodology used for locating stormwater system should be provided);
 - If the applicant proposes to use a CCTV pipeline survey to confirm the location of the pipeline, it is recommended that the survey is carried out in accordance with Council's guideline attached;
 - All structures are to be located clear of any Council pipeline, pit or easement and comply with minimum vertical and horizontal clearances;
 - Hydraulic design plans and an accompanying report detailing the Council drainage system upgrade prepared by a Civil Engineer registered on the NER demonstrating compliance with Council's Policy;
 - Footings of any structure adjacent to an easement, pipeline or channel are to be designed in accordance with the above-mentioned policy; and
 - Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's policy are to be submitted.
- **Warringah DCP 2011:**

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>



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- **Water Management for Development Policy:**

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy.pdf>

Environmental Health

Environmental Health have been requested to provide comment on the provided information from the proposal of an industrial warehouse complex with caretakers apartment. As part of this referral acoustics relating to the caretakers apartment and contamination was assessed.

Acoustics

The development application must be supported with an acoustic assessment. However, most developments must model how the development will not cause acoustic amenity impacts on neighbouring developments. As this development is located in an industrial area modelling is instead on how the caretakers apartment will be protected for the impacts associated with the surrounding industrial area and the development itself. Acoustic reports should list required attenuation measures for the built form of the caretakers apartment and provide the required RW values for walls, ceiling, floors and fixtures fittings and such as doors and windows.

Contamination

Given historic industrial use of the site and proposed excavation of the properties to facilitate the development a minimum of a phase 1 contamination report and a hazardous materials survey of the properties. Findings of the phase 1 will determine if a phase 2 is required. If a phase 2 is required preference is to have this documentation prior to determination especially as there is proposed habitation on the development. The caretakers apartment must not solely rely on natural ventilation based on being in an industrial area and have access to an air intake on the roof of the development.

Water Management

The project is triggering water quality requirements due to the size >1000sqm.

Table 5 of the Water Policy for Development is applicable. A water quality strategy including infiltration and reuse should be developed based on water sensitive design.

Note the Hydrological target in addition to the water quality parameters.

A rainwater tank with internal reuse will be appreciated, acknowledging the limited potential for reuse.

For the development of a sustainable building Council recommend the consideration of green roof and walls.

Increasing green roof and wall numbers will provide multiple benefits including:

- slowing and cleaning stormwater;
- reducing the impacts of the Urban Heat Island effect;
- creating additional space for urban greening, food production and private open space;
- improving air quality;
- improving amenity and liveability of the city;
- increasing the absorption of carbon dioxide;
- increasing habitat to support biodiversity;
- improving building efficiency through heating, cooling and sound insulation;



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- improving the efficiency of solar panels; and
- extending roof life.

Note that Council will need a water quality model (Music of equivalent) to support the application. Please refer to section 4.1.2 Standards of Design.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Flood Report
- BCA Report
- Access Report
- Preliminary Contamination (Phase 1) assessment
- Acoustic Report (assessing the impact upon the caretakers dwelling)
- Traffic and Parking Impact Report
- Water Quality Model
- Stormwater Asset Plan and Pipe Survey
- Subdivision Plan (for lot consolidation)
- Photomontage

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.



Concluding Comments

These notes are in response to a pre-lodgement request to discuss at an Industrial Warehouse Complex with Caretakers Dwelling. The notes reference the plans prepared by SARM Architects dated 11 February 2022. It is noted that the proposal was considered at the DSAP meeting on 28 July 2022, however, the applicant chose not to proceed with the face to face Pre-lodgement meeting with Council's experts. Therefore, these minutes reflect the written comments provided by each of Council's experts for the applicant's information in progressing a future scheme.

Overall, there are several issues with the current proposal that would prevent Council from supporting the application. These are detailed in Council's planner's comments and the comments provided by the DSAP.

The applicant is encouraged to consider all the comments provided by Council and DSAP and resubmit another pre-lodgement meeting in the future to progress the scheme.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.