



Pre-lodgement Meeting Notes

Application No: PLM2023/0170
Meeting Date: 15 February 2024
Property Address: 35 Carter Road BROOKVALE
Proposal: Development Application Pre-lodgement Meeting
Attendees for Council: Daniel Milliken - DAS Manager
Max Duncan – Principal Planner
Alex Keller – Principal Planner
James Brocklebank – Traffic Engineering
David Hellot – Water Quality
Matthew Makomaski – Development Engineering
Chris McLean – Stormwater / Flood Engineering

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services (DAS) 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>Height of Buildings</p> <p>The site has a cross fall of 1.5m or more and the proposal involves minimal excavation with upper storey maintained to the same level as the building elements to be retained for No.35 Carter Road. The variation proposed is minor and in the context of the northern elevation complying with height and the open carpark area on the upper level the variation is supportable. A detailed clause 4.6 should address the design merits in context with the height variation and LEP requirements.</p> <p>Other feedback</p> <p>These notes include site specific feedback as requested in relation to the proposed development in particular its architectural expression and setbacks relative to Carter Road and West Streets. This also includes advice on vehicular access, car parking and servicing and confirmation of any landscape theme that Council might consider appropriate within the Carter Road Setback. Advice is also provided for West Street.</p> <p>DA lodgement requirements</p> <p>A list of deliverables is also provided. (note: Council may request further information during the assessment period due to considerations being made pursuant to the EPA Act 1979). This may also include matters relating to the public road reserve.</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	
<p>Definition of proposed development: (ref. WLEP 2011 Dictionary)</p>	<p>Warehouse / distribution - means a <i>building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.</i></p> <p>Industrial activity - means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and</p>



	<p><i>includes any storage or transportation associated with any such activity.</i></p> <p>Café – food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises. (see WLEP 2011 for full description of types of food and drink premises.)</p>
Zone:	E4 General Industrial
Permitted with Consent or Prohibited:	Permitted with consent
<p><u>Comment:</u></p> <p>The proposal has not been presented for purpose built self-storage units and therefore this is not commented on as potential use. The likely retention / re-occupation of part of the building for vehicle smash repairs may be detailed within the DA for future intended use if applicable.</p>	

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
11.0m	Yes (subject to clause 4.6)	12.52m As per Dwg 200	No (Variation 1.52 to 1.43m, subject to final DA details)



Part 4 - Principal Development Standards

The proposal shows compliance with the height line across the northern elevation and the non-compliance along the southern elevation is commensurate with the cross fall and split level variation in the site. The DA / Clause 4.6 variation will need to clearly show height in section based on **existing ground level**. This may be an excavated level based on previous development / site excavation / benching. (Height above natural ground level may be shown as supplementary detail)

Comments from Council's engineering team advise flood impacts along Carter Street from stormwater flow. This may affect the height of the building for further changes to the building when addressing flood comments provided below and design changes the applicant may use to respond to flood management.

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 B7 Warringah DCP

Control	Permitted	Proposed
Front Boundary Setback (West Street)	4.5m	Nil
<p>The site plan / ground floor plan does not show likely need for a new footpath connection and driveway crossovers along the road reserve as the building changes will need to accommodate new pedestrian access to the public domain.</p> <p>Unit IN011 is a new structure on a nil setback with a blank wall facing the street apart, from the mezzanine / office. The concrete wall line should be marginally stepped in / use alternative material treatment for the upper storey if the northern wall for IN07 and IN011 are both new concrete walls. For IN011 the inclusion of additional windows space to allow natural light may be appropriate to match the arched northern window in the opposite corner of the building (IN07) facing West Street.</p>		
Front Boundary Setback (Carter Road)	4.5m	4.0m to 4.5m
<p>The variation to the Carter Road front setback is associated with retaining elements of the existing brick building on No.35 Carter Street (Lot 15). The remaining setback area of the building to the south is compliant however the use of the 4.5m setback is intended to maximise landscaping to enhance amenity of industrial / employment area streetscapes. The proposal is not altering the setback to West Street and is likely to result in paved footpath areas along this frontage (therefore reducing the public landscaping in West Street. As such the remaining landscape setback is only along one frontage. The terrace areas in front of IN04 and the café shop should include some</p>		



Part B7 Warringah DCP

additional landscape elements such as planter boxes with reduced the paving area) to maximise landscaping opportunities along Carter Road frontage. It is however acknowledged that some paving apron is suitable for the café amenity and ground level unit amenity.

The site plan / ground floor plan does not show likely need for footpath connection and driveway crossovers along the road reserve (or trees) that are already there or will be needed for the new building arrangement. These additional landscape details (use of appropriate native planting) should be included with the DA details.

Specialist Advice

Planning

Units IN03 and IN06 are clearly shown as an inter-connected unit but also identified two Units appearing to serve (intended) car repair operations. If this is to be one unit / one operator it should be identified / configured as such.

The main reversing bay in the lower carpark should be labelled as a dedicated reversing space and the parking areas identified for intended unit allocation, as well as marking in all dedicated internal loading docks to demonstrate that deliveries and the like will / can occur within the units (and not across the parking area / traffic aisles).

Units IN13 and IN10 have not vehicle access to their main loading / unloading entry. This appears to create unfavourable situation where vehicles or persons with articles have to cross over adjacent entry / departure area and across the driveway or parking spaces further from their units. If Units IN13 was merged with IN12 and IN10 merged with IN09 larger more accessible and versatile units would be achieved for warehousing / industrial purposes. (This may also allow opportunity for IN011 to be marginally increased in area, up to 12m wide for the corner unit).

Part of the floor space calculations also appear out with IN10 showing no deduction for loading space but IN13 similarly deducted, but neither Unit could accommodate a loading vehicle accessing the interior.

Comments by DSAP are supported and will be required to be addressed with the design response refinement. This may include minor changes to fenestration (minor reduction for selected glazing panels).

Engineering

A. Flooding

The property is located outside of the Flood Planning Area (Medium Flood Risk Precinct) so the property is not identified as a flood control lot. Council however believes that a Flood Planning Level should apply to the Carter Road boundary of the site due to the risk of inundation during a 1% AEP Flood event. This is particularly relevant to the proposed lower carpark and driveway access. Based on Council's flood modelling the habitable levels/ flood planning levels are to be set at the higher of 400 millimetres (mm) above the adjacent top of kerb that fall from 16.1 to 15.6 to 15.1 to 14.9 between the northwest corner of Lot 15 to the southwest corner of Lot 1.



Specialist Advice

- The enclosed ground floor car park must be protected from inundation up to the Flood Planning Level. All access, ventilation, driveway crests and any other potential water entry points to the enclosed car parking and industrial units shall be above the Flood Planning Level.
- Council will not accept any options that rely on electrical, mechanical, or manual exclusion of the floodwaters from entering the enclosed carpark.

B. On-Site Detention

- Stormwater discharge from the site is required to be restricted back to the State of Nature event (100% pervious) for all storms from the 20% to the 1% AEP event. Modelling is to be undertaken using DRAINS software in accordance with ARR2019 methodology utilising an initial-continuing loss hydrological model. Provide DRAINS model to Council for perusal. Refer to Council's Water Management for Development Policy Version 2, 26 February 2021 for more information.

C. Site Discharge

- Discharge to the kerb is to be limited to 20 l/s in the 1% AEP event. If this cannot be achieved through the on-site detention system, a connection to the nearest Council stormwater pipe will be required.

D. Geotechnical Requirements

- A geotechnical report will be required in accordance with Part E10 – Landslip Risk of the Warringah DCP 2011.

E. Road Reserve Works

- A 1.5-metre-wide footpath construction will be required along the Carter Road frontage and the West Street frontage subject to determination of building set back requirements on West Street.

Traffic Engineering

The development proposes 13 industrial units with a total GFA of 2,077.16m² a coffee shop with a GFA of 28.33m² is also proposed.

Parking requirements as per the Warringah DCP are calculated as 28 spaces with 26 provided. The shortfall will need to be justified in a traffic report. It is noted that 2 accessible parking spaces have been provided with one on each parking level which is acceptable.

It appears that most Industrial units will be accessible by a small rigid truck which is acceptable noting the small size of the units. It also appears that 3.5m of overhead clearance will be available to and from the street on the internal car ramps which is adequate for access by a small rigid truck however, it is unclear if 3.5m clearance is available to each of the units or internally within the units. It is also unclear how deliveries will be achieved to units that are not accessible by truck. Further information



Specialist Advice

with the DA will be required to clarify this and an internal delivery bay provided for a small rigid vehicle will need to be provided near any units that can't be accessed by truck to ensure that is addressed. It is assumed that deliveries by vehicles larger than a Small rigid truck will not be required. This should be confirmed in the traffic report and if so, any DA approval would have a condition of consent drafted to that effect.

A long section plot of the full length of the access ramp with a clearance plot for the B99 vehicle and a small rigid truck will be required to demonstrate that vehicle scraping and adequate overhead clearance is available throughout the site.

Redundant vehicle crossings on both Carter Road and West Street are to be reinstated to kerb and gutter and parking reinstated. Signage adjustments to facilitate this are to be undertaken at the applicants cost in conjunction with the DA and a signposting plan will be requested as a condition of consent for Traffic Committee consideration and approval.

Environmental Health

Industrial buildings

The site currently has rooftop parking for what appears to be approximately 10 spaces.

There is limited information on the proposed occupancy of the units, however based on the details provided, including the proposed 26 on-site parking spaces, there are no noise producing activities that Environmental Health that would generate concern in relation to noise given the location and General Industrial zone.

Food Safety (café)

Detailed architectural drawings will need to be provided for the proposed café demonstrating its compliance with Australian Standard 4674:2004.

Landscape

It is observed that an existing mature *Brushbox* street tree is located forward of 37 Carter Road within the road reserve verge and additionally Council has planted new *Brushbox* street trees within the verge forward of 35 Carter Road. Any development application documents shall locate the existing *Brushbox* and the planted new *Bushbox* street trees to enable Council to assess impact or otherwise potential for additionally street tree planting.

A *Tree Protection Plan* prepared by a qualified Arborist shall be submitted specifically to indicate tree protection measures to preserve the street trees forward of the development property including tree protection fencing between the kerb and the footpath.

A Landscape Plan shall be submitted in accordance with Council's DA Lodgement requirements, and Landscape Referral advise that the garden areas should support small



Specialist Advice

tree planting that is located more than two metres from any building alignment, to soften the bulk and scale, and enhance the streetscape amenity. Additionally, all garden areas shall support mass planting.

Landscape Referral advise that consideration of relocating the ramp access with associated balustrade from the front boundary towards the building to allow a minimum 1 metre wide garden bed or wider from the boundary to the edge of the ramp will provide a more suitable streetscape amenity that is able to be planted.

Design and Sustainability Advisory Panel (DSAP)

The DSAP has provided detail advice on further refinements and design opportunities for the proposal as per its report comments dated 1 February 2024. In summary the DSAP provided the following conclusion:

“The Panel supports the proposal in its current – and yet preliminary - form. Whilst much work remains to be done, the overall form and direction of the proposal is supported. The Panel encourages the applicant to develop the design further -in line with the recommendations made above- and looks forward to reviewing this work in the future”.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Clause 4.6 request to vary development standard.
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
 - Photomontage and external materials / colours schedule
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Estimated Development Cost (this is to be prepared by a Quantity Surveyor and include supporting statement on EDC prepared as per NSW Department of Planning requirements).
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan (overlaid / annotated with information regarding setback, height controls, road/pathways, adjacent site considerations, site constraints)
- Demolition Plan. (include notation to remove / replace redundant crossing as applicable)
- Excavation and fill Plan
- Traffic and Parking
- Contamination report (phase 1)



- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan details with gradients shown and long section to kerb line.
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Concept strata layout if proposed / allocation of access.
- Access details shown for pedestrian safety / parking allocation.
- Concept signage space superimpose / intended for elevations.
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist and DRAINS model.
- Landscape plan for front setback landscape area.
- BCA and Access report
- Water quality model.
- Draft site consolidation plan and strata concept (demonstrating allocation of space for units including café and car repair / industrial units.)

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 meeting held on 15 February 2024 to discuss demolition and construction of new industrial units, including alterations and additions to an existing industrial building at No.35 to No.39 Carter Road, Brookvale. The notes reference the plans prepared by Figgis & Jefferson Tapa Architects dated 22.12.2023.

In summary, the proposal is supported however there needs to be some critical changes and refinements made for the DA. These are detailed within the DSAP recommendations and include matters of external material selection (glazing / brick / concrete appearance), landscaping, streetscape, sustainability inclusions, building configuration and access.

Additionally, these notes include recommended changes / additional information should also address or resolve consideration to the floor layout / configuration for the long-term use. The long-term use and operational functionality of IN10 and IN13 appear restricting and difficult for regular light industrial / warehouse use activity (see discussion in these notes). Adjustment / amalgamation of those units is recommended so every unit has its own proper loading dock (drive in drive out) and can assign its own car spaces



Concluding Comments

(employee / visitor) in front of / beside the Unit.

The arrangement with IN03 and IN06 appears ambiguous due to likely impacts on West Street. The existing parking in West Street is public parking and the loading docks and new access / new units will require some re-arrangement / clarification and likely footpath works that should be identified (see traffic comments). Intended works along Carter Road frontage will also require identification for the DA.

The building height variation is supportable, however some additional treatment / setback for Unit IN011 should be included with the design adjustments required with the building appearance to the West Street at this northern side.

The PLM cannot provide detailed comment on the Brookvale Structure Plan (BSP) due to its likely long-term timeline, however the proposed concept appearance is in keeping with the BSP seeking to improve the general appearance of industrial redevelopment for the local streetscape amenity, local employment and encouraging high quality sustainable buildings with appropriate parking and versatile modernisation of industrial land redevelopment.

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.