



Pre-lodgement Meeting Notes

Application No:	PLM2024/0043
Meeting Date:	16 July 2024
Property Address:	2 Sydenham Road BROOKVALE
Proposal:	Proposed light industrial development with ground floor café and basement parking
Attendees for Council:	Clare Costanzo, Planner Alex Keller, Principal Planner James Brocklebank, Traffic Engineering Coordinator

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. Note that development contributions levied by the NSW Government and Council (contributions plan) may apply and will form part of the development assessment and may identified with the "con" case when lodging with the NSW Planning Portal.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant	
<p><u>Discussion around amended plans following DSAP</u></p>	<p>Council reviewed the amended plans provided, dated 16 July 2024, following the prelodgement meeting.</p> <p>The plans have been amended to provide all units with a frontage to the street and laneway to benefit from natural air and light to address DSAPS recommendation. Council is supportive of the change to ensure all units have windows along the northern or western elevation. The overall design of the building should take “cues” from the streetscape design impressions published with the Brookvale Structure Plan.</p> <p>Council is also supportive of the consolidation of the goods lift and loading bay. See comments from Council’s traffic engineer regarding the access along Charlton Lane. The aisle ways from the lift appear to be too large for an internal conveyance vehicle. It would be inappropriate to have this as a “shared zone” given the potential industrial nature of the building, unless the building was strictly a storage unit complex only.</p> <p>The Brookvale Structure Plan aims to encourage laneway activation through making them pedestrian friendly and the installation of public art and landscaping. The most recent plans provided do not retain any landscaping along the laneway and further attempts should be made to ensure the laneway will be pedestrian friendly. The proposal does not achieve this desired outcome and is not supported in the way it seeks to overhang and compromise the dual setback area.</p>
<p><u>Setbacks</u></p>	<p>The building in its current form has limited setbacks to both Sydenham Road and Charlton Lane on the upper levels. The setback control for the site is currently 4.5m to both frontages.</p> <p>Council recommends providing compliant setbacks for all levels across both Sydenham Road and Charlton Lane. The front setback area should be landscaped and provide for activation of the street frontages. The setbacks should be stepped-in as the building height increases to encourage articulation. This style of urban design outcome is indicated in the published BSP in how setbacks on corner sites are important to and high-quality streetscape that provides versatile buildings in the transition zone between Pittwater Road west of the site and core industrial area east of the site.</p> <p>Setbacks are discussed in further detail within the prelodgement meeting notes. (It is noted that the treatment of existing setback may have been compromised by incidental works, other uses since the existing building was originally constructed which cannot be used as an indicator to future support for non-compliant setbacks on either road frontage.)</p>



Response to Matters Raised by the Applicant	
<u>Landscaping</u>	<p>The proposal comprises of a small amount of landscaping along Sydenham Road and no landscaping along Charlton Lane. Although there is no numerical value applicable for the site, Council recommends providing for additional at ground landscaping within the setbacks to Sydenham and Charlton Lane in accordance with the desired future character of the Brookvale area.</p> <p>Some landscaping is provided along the Sydenham Road frontage, however there is scope to provide for additional landscaping particularly along Charlton Lane. The impervious treatment proposed for the entire laneway frontage would not be supported if the application was lodged in its current form. The need for 4.5m allows for appropriate tree planting to enhance the employment area and soften the industrialised appearance of the precinct. The BSP will seek to gentrify the nature of Brookvale and therefore achieving compliant setbacks (at all storeys) are an important design outcome. The building design and layout may need to be reconfigured to improve floor efficiency, layout and versatility given the future direction of the BSP to create street and building design outcomes indicated in the published strategy.</p> <p>A Landscape Plan will be required for the lodgement of any development application.</p>



Building Height

The proposed building height significantly exceeds the current building height control for the site. However, the Brookvale Structure Plan has been endorsed by Council and the recommended future height of buildings map for the site indicates a building height of up to 18m (four storeys) – see Figure 1 below.



Figure 1: Brookvale Structure Plan - recommended future height of buildings map

A detailed clause 4.6 should address the design merits in context with the height variation and LEP requirements.

Council has concerns the proposed building height in conjunction with the limited setbacks to both Sydenham Road and Charlton Lane will not satisfy the objectives of the LEP specifically regarding the visual impact of the building.

Council recommends increasing the setbacks to Sydenham Road (4.5m all levels) and Charlton Lane (façade articulation (<0.5m) or consistent 4.5m with fenestration) and to provide for further articulation to higher storeys and reduce the visual impact of the building. This is particularly important given its prominent corner location within close proximity to Pittwater Road and future shop top housing. Council will not support the undesirable precedent submitted at the PLM given that this is likely to



Response to Matters Raised by the Applicant

	compromise the future statutory controls and detailed new planning controls currently being formulated to accompany the BSP even before they are formally adopted and gazetted.
--	---

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)	Light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following: <ul style="list-style-type: none"> (a) high technology industry, (b) home industry, (c) artisan food and drink industry, (d) creative industry. Takeaway food and drinks premises means a premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.
Zone:	E4 General Industrial
Permitted with Consent or Prohibited:	Permitted with consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
4.3 Height of buildings	11m	16.4m	No



Part 4 - Principal Development Standards

Comment:

The proposed building height presents a variation to the control of 11m by 5.4m or 33%. The application will require determination of the application by the Northern Beaches Planning Panel. The application must be accompanied by a Clause 4.6 to request a variation to the development standard. 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.

Council acknowledges that the site is located within the endorsed Brookvale Structure Plan and there is a recommended height of 18m. A variation to the building height could be supported on merit subject to the applicant demonstrating that strict compliance is unreasonable and there are sufficient planning grounds for the variation. Council will not support any building height greater than 18m, or if the application seeks a height variation *and* floorspace encroachment into either street frontage (creating a double non-compliance that would undermine future controls currently being formulated for the BSP & planning changes to come).

Council also recommends increasing the setbacks to Sydenham Road and Charlton Lane to the upper levels. It is unlikely a variation to the building height would be supported if the application was lodged in its current form. This is consistent with the strong and consistent approach Council has taken with other similar proposals and to defend against reduced building setbacks from floor space overhanging the 4.5m setback control, such as at No.2 Cross Street.

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 Built Form Controls

Control	Permitted	Proposed
B7 Front Boundary Setback (Sydenham Road)	4.5m	6m (ground), Nil setback (upper levels)

Comment:

The proposed setback to the upper levels of the building would not be supported if the works were lodged as a development application. The upper levels must be setback in accordance with the control requiring 4.5m. The building in its current form does not meet the objectives of the control, specifically to create a sense of openness and to protect and enhance the visual quality of streetscapes.

In addition, the nil setbacks do not comply with the objectives of D9 Building Bulk, this is discussed in further detail within these prelodgement notes.



Part B Built Form Controls		
The reduced setback of the upper levels creates an under-croft area at ground level which will not facilitate the growth of substantial plantings and landscaping at ground level.		
B7 Front Boundary Setback (Charlton Lane)	4.5m	4m (ground), Nil setback (upper levels)
<u>Comment:</u> The proposed setback to the upper levels of the building would not be supported if the works were lodged as a development application. The upper levels must be setback in accordance with the control requiring 4.5m. The building in its current form does not meet the objectives of the control, specifically to create a sense of openness, maintain the visual continuity and pattern of building and landscape elements and to protect and enhance the visual quality of streetscapes. The intended future urban design outcomes are indicated in the published BSP including streetscape images that provide design cues for future development. Site consolidation would assist better outcomes if building cannot gain suitable efficiency, floor plates or parking elements that can be achieved with wider sites.		



Part B Built Form Controls

The Brookvale Master Plan does not provide specific setbacks however the aims and objectives are to enhance the streetscape and pedestrian connectivity, particularly on corner allotments and sites directly adjoining laneways. The figures shown from the Brookvale Master Plan are indicative examples of the desired future character of the area.



Figure 2 Indicative image of desired future character (exert from Brookvale Master Plan)

The proposal should provide a superior streetscape outcome with 4,5m setback at ground level to that shown above. Note the versatile office / light industrial spaces above with broad opening spaces at ground level including innovative use of bi-fold garage doors that act as awnings.



Part B Built Form Controls



Figure 3 Indicative image of desired future character (exert from Brookvale Master Plan)

The figures above both provide for buildings with increased setbacks as the building height increases to allow for articulation and creating a sense of openness. The façade treatments of this building will be important given the prominent location on the corner and close proximity to Pittwater Road making it form part of the entry to the precinct. The proposal should enable a more enhanced street level to that shown above with 4.5m setback. Note the use of natural or recycled brick at ground level, mixed commercial / industrial ground level, change in building space. The subject site would need to “tie-in” with this close residential premises that will be to the west of the site and should there have similar façade materiality.

Part D Design

Control	Permitted	Proposed
D9 Building Bulk	Consistent with the objectives	n/a

Comment:

The proposed nil setback of the upper levels is not supported and the building in its current form and is inconsistent with the objectives and requirements of this control. Side setbacks are to be progressively increased as wall height increases to minimise the visual impact of development when viewed from adjoining properties and streets.

The indicative elevations shown in the prelodgement architectural plans show some vertical articulation in the form of varying materiality however this does not reduce the building mass and Council recommends increasing the setbacks for the upper levels. In addition, further landscape plantings are to be provided to reduce the visual bulk of new buildings.



Specialist Advice

Design and Sustainability Advisory Panel

The Panel supports overall aspects of the proposal (including the proposed use, bulk and scale on the site) but would encourage a reconsideration of the internal planning to provide better amenity, improved access to natural light and air, a better resolution of the boundary wall along the east (to remove windows), improved floor-to-floor heights especially on the ground floor, a more beneficial address to the frontage of Charlton Lane, a front setback in conformance with the DCP, and further refinement of the materiality and aesthetics.

The Panel notes the significant variation to the building height control and considers the height variation has merit in this context, however, is mindful of the planning issues regarding the timing of the new height controls under the future comprehensive LEP to follow the BSP strategy. Therefore, lodgement of any DA for redevelopment of the site would be more appropriate to wait until the BSP provision are fully formulated, exhibited and certain.

Please see the *Design and Sustainability Advisory Panel* report for further information. If you do not have access to this report please contact Council. Development assessment concurs with the recommendations of the DSAP report and recommends making a genuine attempt to address these.

Traffic Engineering

The prelodgement proposal is for demolition of existing structures and construction of a multilevel light industrial building.

The proposal will be accessed off Sydenham Road via 6m wide driveways. The plans shown at the PLM differed from those previously provided for review. One showed a smaller (6m long) loading bay accessed off Sydenham Road in front of the goods lift. The other option presented was for a larger loading bay capable of accommodating a medium Rigid Vehicle adjacent to a goods lift and accessed off Charlton Lane. The second option is preferred as it allows for a larger range of delivery vehicle sizes. The option for the 'loading bay' accessed off Sydenham Road is not favoured as it is likely to result in larger vehicles queueing across the footpath. Clearance of 4.5m over the Loading Dock will be required to allow for MRV access. The goods lift and loading dock should be located adjacent to one another for ease of facilitating deliveries.

There are currently 2 vehicle crossings to Sydenham Rd and several along the Charlton Lane frontage. Any redundant vehicle crossings should be removed and reinstated as kerb and gutter. With crossings only retained where they are required for access to off-street parking. Compliant 4.5m setbacks also provide safer pedestrian space (including better loading vehicle clearance from the footpath) with low landscape areas that enhance the streetscape.

If Charlton Lane is to be activated for pedestrian access, safe and unimpeded pedestrian access along the Charlton Lane frontage, not on the road pavement will be required. There was some discussion about retaining some vehicle crossings in front of units off Charlton Lane however this is not favoured as it will inevitably lead to parking on the footpath area. Pedestrian sight line triangles adjacent to driveways will be required and must be demonstrated on the DA plans.

It is noted that parking well in excess of DCP requirements is proposed. This is not opposed in this location provided the parking requirements of each individual use on the site are met, including accessible and bicycle parking requirements.



Specialist Advice

A traffic and parking impact report addressing the parking requirements, access arrangements in terms of AS2890 requirements. Swept path plots for a B99 circulating through the carpark layers, showing B85 and B99 passing at critical points and demonstrating access for the largest delivery vehicle to/from the loading dock will be required.

Environmental Health

Contaminated Land

There is a significant excavation for two levels of basement parking therefore Land Contamination will need to be considered. A Preliminary Site Investigation (PSI) will need to be undertaken. If the PSI reveals potential contamination and further assessment is recommended, a Detailed Site Investigation is to be conducted.

The investigations and reports will need to be completed in accordance with the Contaminated Land Sampling Design Guidelines NSW EPA, Consultants reporting on contaminated land guidelines NSW EPA.

Food Safety

Provide detailed architectural plans of the kitchen area including location of mechanical ventilation and exit point for exhaust unit.

Food preparation and storage areas need to demonstrate compliance with Australian Standard 4674:2004 Design, construction and fit-out of food premises

Noise

At this stage the intended occupancies for the light industrial units haven't been determined. The proposed (19) light industrial units on this property would not be out of character for the area. An acoustic report would not be required at this stage given we do not know what businesses will occupy the units.

The increased traffic generation is unlikely to cause a noise disturbance given the area is generally busy.

A Demolition, Excavation and Construction Noise Management Plan will need to be lodged with the DA. This must include but not limited to, what is expected during each phase, type of activity to occur, duration of works, person of contact and complaints protocol.

Water Management

The site is in the catchment for Greendale Creek and Curl Curl Lagoon. The lot is over 1000 square metres in size and appears to have an entirely impervious surface. It is proposed to demolish the existing site structures and construct storage premises. The proposal includes some minor landscaped areas.

Key guiding documents for water management are the Warringah DCP 2011 and the Northern Beaches Water Management for Development Policy (WMD Policy).



Specialist Advice

Warringah DCP 2011

Note Warringah DCP sections C4 Stormwater and D22 Conservation of Energy and Water. Common themes among these sections and the WMD Policy are improved water quality discharging from site, Integrated Water Sensitive Urban Design (WSUD), minimising impervious areas and so allowing water to infiltrate into the soil (replicating natural water cycle), and capture and reuse of rainwater.

C4 Stormwater also has the following requirements:

- Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.
- The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

WMD Policy

Section 4.1 of the WMD Policy applies and as such the proposal is required to meet the Table 5 – General Stormwater Quality Requirements.

Evidence that the proposal will meet the stormwater quality requirements should be provided in the form of a MUSIC model or equivalent. Refer to sections 4.1.2 Standards of Design, and section 4.1.3 Demonstrating Compliance for further guidance.

Construction Dewatering

The proposal includes a basement level. A Geotechnical report must be submitted including a description of the potential for groundwater table interference and if approvals must be obtained from WaterNSW.

Development Engineering

Stormwater

The proposed development will require on-site stormwater detention (OSD) in accordance with Council's Water Management for Development Policy. The pre-developed site discharge (PSD) is to be calculated using a fraction impervious area of 0% i.e. the state of nature condition for all design storms up to and including the 100 ARI storm event. The applicant's consultant is to use the 'Drains' hydraulic model to design the system and provide the calculations with the submission to Council. The OSD tank is to be located in an open area that will permit 24 hour access".

Stormwater from the site including the basement pump-out system is to be connected to Council's piped drainage system in Sydenham Road adjacent to number 14. Pit and pipe details for the system are to be submitted with the application.

Access

The proposal includes a driveway access to the basement and shows a goods lift and loading bay. It is unclear if the applicant is proposing a number of driveway crossings to service the goods lift and loading bay. It is considered that this use must be raised with Council's Traffic Team to



Specialist Advice

determine the number of crossings. Should the applicant have any further questions please contact Council's Traffic Engineering team.

The frontage to Sydenham Road will need to be reinstated to footpath and turf for the section opposite the proposed driveway. The sections of old driveway along Charlton Lane are also to be reinstated to kerb and gutter.

Lodgement requirements

A Geotechnical report is required with recommendations for the development.

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;
 - Sections; and
 - Concept signage plan (if part of application).
- 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
- 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
- Traffic and Parking Report
- Demolition, Excavation and Construction Noise Management Plan/Report
- Preliminary Site Investigation
- Geotechnical Report
- Landscape Plan
- Building Code of Australia and Access Report
- Owners consent

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 16 July 2024 to discuss demolition works and the construction of a new industrial premises, comprising nineteen (19) light industrial units across three (3) levels with ground floor café and two (2) levels of basement car parking at 2 Sydenham Road, Brookvale. The notes reference the plans prepared by Walsh Architects dated 17 April 2024 and 16 July 2024.

The proposal would not be supported in its current form and you would be requested to make amendments. Council strongly recommends increasing the setback of the upper levels to Sydenham Road and Charlton Lane to 4.5m and providing additional landscaping at ground level within both frontages.

In addition, it is important the recommendations made within the DSAP report are incorporated into the proposal for the lodgement of any future development application. The current proposal is not supported. The lodgement of any DA for redevelopment of the site would be more appropriate to wait until the BSP provision are fully formulated and exhibited, giving greater certainty for a design that provides a good fit with future re-development of adjacent land and urban design and streetscape outcomes that are more consistent with the planning intent of the BSP currently being formulated.

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.