



Pre-lodgement Meeting Notes

Application No:	PLM2023/0147
Meeting Date:	30 November 2023
Property Address:	1 Careel Head Road AVALON BEACH
Proposal:	Development Application Prelodgement Meeting Alterations and additions to shopping centre including basement car parking, a 500sqm liquor store and a 78 space childcare centre
Attendees for Council:	Anne-Marie Young, Principal Planner Tom Prosser, Principal Planner Dominic Chung, Urban Designer Rafiq Islam, Coastal Officer Mia Battisti, Student Planner

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 **Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan**, 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

Specific advice from the Council, in addition to the matter summarised in the table above, are:

1. Confirmation of flood risk associated with the site and any design considerations for the basement.

Response: The ground floor levels of the proposed and existing buildings are shown to be at or above the Flood Planning Level of 3.7mAHD (includes Climate Change level). The new buildings are either outside of the 1% AEP flood extent or outside of the 1% AEP flood storage area. The car parking changes appear to be consistent with the Flood Prone Land DCP Control.

A short Flood Management Letter Report should be provided with the DA.

2. Traffic, parking and vehicular access.

Response: Concern is raised in respect of the intensification of the egress onto the classified road. Vehicular access to the basement is unacceptable and there is no provision for waste collection. The pedestrian path in the basement is also unacceptable as it fails to provide a safe route of travel to the lift. Further the dual access of the lift with the bottle shop and childcare centre is shared not supported.

3. Site servicing requirements, including whether a specific loading zone is required.

Response: As above, the proposal needs to be designed to provide for the servicing needs of the development.

4. Waste management arrangements and whether this can occur out of hours within the car park.

Response: The proposal needs to ensure compliance with Council's waste management plan.

5. Site arrangement and tenancy sizes, noting a fine grain structure to wrap the larger tenancy is considered an appropriate design response.

Response: The design needs to be reconsidered to increase the setback of the building from the southern and eastern boundary and the sign needs to be substantially reduced in height, scale and proportions.

6. Whether the childcare centre requires its dedicated entry, separate from other uses.

Response: Yes, a dedicated entry is required for the childcare centre.

State Environmental Planning Policy (Transport and Infrastructure) 2021

2.119 Development with frontage to classified road

(1) *The objectives of this section are—*

(a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

(b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

(a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

(b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*



- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or (emphasis added)*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Response: An acoustic report is required to demonstrate that there will be no unreasonable impacts from traffic noise and vehicle emissions on the operation of the childcare centre.

2.120 Impact of road noise or vibration on non-road development

(1) *This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*

- (a) *residential accommodation,*
- (b) *a place of public worship,*
- (c) *a hospital,*
- (d) *an educational establishment or centre-based child care facility (emphasis added by Assessing Planner)*

(2) *Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

Response: Any future development application will include an assessment of the applicable provisions of the *Child Care Planning Guideline*. The assessment shall include consideration of the impact of road noise and vibration on the health of the children and staff that will use the proposed childcare centre.

2.122 Traffic-generating development

(1) *This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—*

- (a) *new premises of the relevant size or capacity, or*
- (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) *In this section, relevant size or capacity means—*

- (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*



(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—

(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and

(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to TfNSW within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.

Response: The existing shopping centre has vehicular egress onto Barrenjoey Road. Concern is raised regarding the intensification of the use of this egress onto the classified road. The application will require concurrence from Transport for NSW (TfNSW) who may require that the egress driveway to Barrenjoey Road be closed. It is therefore recommended that the applicant consult with TfNSW prior to the lodgement of any future development application to avoid any future delay in obtaining concurrence. Please note that as a general principle, where feasible, driveway access to and from a site should be to the minor road. Alternative options should therefore be considered for access and egress via Careel Head Road.

Part 3.3 Early education and care facilities—specific development controls

3.23 Centre-based child care facility—matters for consideration by consent authorities

*Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the **Child Care Planning Guideline**, in relation to the proposed development.*



3.26 Centre-based child care facility—non-discretionary development standards

(1) *The object of this section is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.*

(2) *The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—*

(a) location—the development may be located at any distance from an existing or proposed early education and care facility,

(b) indoor or outdoor space

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,

(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

Response: The indicative plans suggest that sufficient indoor and outdoor space is available to meet the proposed childcare centre which will provide spaces for 78 children. However, to address bulk, scale, amenity and setback issues the current proposal requires amendment to increase the setback of the building from the side and rear boundary. In turn, the number of childcare places needs to be reduced to respond to the reduced indoor and outdoor space available.

Any future development application shall be supported with a comprehensive assessment of the indoor space requirements or the useable outdoor play space requirements of the SEPP.

Childcare planning guideline

2. Design quality principles

The concept plans have been assessed against the following Design Quality Principles:

Principle 1 – Context, Principle 2 - Built form, Principle 3 - Adaptive learning spaces, Principle 4 - Sustainability Principle 4 - Sustainability Principle 5 - Landscape Principle 6 - Amenity Principle 7 – Safety



Response: *Principle 1 Context* - concern is raised in respect of the location of the childcare centre above a liquor store and the shared lift access between the two uses. The childcare drop-off and pick-up areas should be separated from the liquor store entry area.

Principle 2 Built Form - The 7m wall height with zero setback to the southern boundary results in an inappropriate transition of bulk and scale to the adjoining R2 Low Density zone to the south. The proposal will have unreasonable acoustic and solar access amenity impacts to the residential dwellings at 712 and 712B Barrenjoey Road. Further the nil set back of the building to the east will have unreasonable impacts on the apartments at 5-7 Carel Head Road in terms of solar access and acoustic privacy, particular given the location of the existing private balconies and areas of common open space to the neighbouring apartments.

Principle 6. Amenity - The internal amenity of some of the rooms to the childcare centre is compromised given the internal location and limited access to natural light and ventilation.

Principle 7 Safety –

Significant safety concerns are also raised in respect of the access to the childcare centre noting the location, size and dual function of lift providing access to the bottle shop and childcare centre. A separate dedicate access is required to the childcare centre. In addition, the pedestrian path in the basement carpark is not a safe path of travel and needs to be redesigned. The single vehicular access ramp is inadequate to ensure safe ingress and egress into the basement, refer to Transport comments below.

3. Matters for consideration

3.1 Site selection and location - Child care facilities should also be compatible with the surrounding land uses.

Response: As noted above, concern is expressed regarding the location of the childcare centre above a liquor store and issues with pedestrian and vehicular access with the two uses.

Furthermore, the location of the childcare centre with a nil side setback to the adjoining R2 Low Density Residential zone to the south and a nil rear setback to residential apartments to the east raises concerns about the following impacts:

- acoustic and privacy impacts given the nil setback of the upper-level outdoor play area to the southern and eastern boundaries.
- the visual amenity impacts in terms of the additional building bulk on the local character and overshadowing, and
- traffic and parking impacts of the proposal on residential amenity and road safety.

The proposal as present is not compatible with the surrounding land uses.

3.2 Local character, streetscape and the public domain interface

Response: As above, the built form presents an inappropriate transition to the R2 Low Density Residential zone and the Avalon Beach Locality and scenic quality of the area.

3.3 Building orientation, envelope, building design and accessibility

Response: The envelope of the building is excessive, and issues are raised in regard to the internal layout of the childcare centre and pedestrian and vehicular access to the facility, refer to Urban Design and Transport comments below.

3.4 Landscaping



Response: The nil setback to the south is unacceptable and a landscape buffer is required to soften the built form and help protect neighbouring residential amenity.

3.5 Visual and acoustic privacy

Response: As above, concern is raised in respect of the acoustic and privacy impacts given the nil setback of the upper-level outdoor play area to the south and east.

3.6 Noise and air pollution

Response: Any future application shall be supported with an acoustic report, refer to comments from Council's Health Officer.

3.7 Hours of operation

3.8 Traffic, parking and pedestrian circulation -

Response: As above, concern is raised in respect of the traffic, road safety and pedestrian safety, refer to comments from Council's Traffic Engineer.

In summary, the application as presented does not meet the requirements of the Childcare planning guidelines. The design shall be amended to address the requirements and a detailed assessment against the Design Quality Principles and matters for consideration shall be included with any future application.

4. Applying the National Regulations to development proposals

A. Internal physical environment

4.1 Indoor space requirements minimum of 3.25m² per child, storage areas minimum 0.3sqm per child, external storage space minimum 0.2sqm per child internal.

Response: The proposed 78 space childcare centre will require a total of 253.5sqm indoor space, 23.4sqm indoor storage space and 15.6sqm external storage space.

The proposal provides 254sqm of classroom space which is compliant with the indoor space requirements. Only 9sqm of indoor storage space is provided, including a 4.5sqm pram storage room and 7.6sqm of outdoor storage which is inconsistent with the minimum requirement.

The indicative plans suggest that the indoor area provides compliant laundry and hygiene facilities, and administrative space. However, some rooms are internalised with limited access to light and ventilation, and it is unclear how the centre is accessed.

As discussed above, the building needs to be setback from the southern boundary and the indoor space will in response be reduced. Any future application shall include an assessment against the minimum indoor space requirements which is likely to require a reduction in the number of childcare spaces.

B. External physical environment

4.9 Outdoor space requirements – each child required 7sqm of external space with adequate shade areas (natural or built structures) for 30% of the area. The area shall be enclosed with a fence or barrier.

Response: The proposed 78 space childcare centre will require a total of 546sqm of external space with 163.8sqm (30%) covered. The proposal provides 547sqm of external space in compliance with the control, however only 72.7% is shaded. As above, the building needs to be setback from the southern boundary and the outdoor space will in response be reduced. It is



therefore likely that the proposal will require a reduction in the number of childcare spaces to correspond to the reduced indoor and outdoor areas available.

It is noted that the proposal is conceptual, and no details have been provided in relation to shade areas or fencing. This information shall be provided with any future development application.

Coastal Management Act 2016 and State Environmental Planning Policy (Resilience and Hazards) 2021

The proposed development is located within the coastal zone of NSW and is subject to the provisions of the Coastal Management Act 2016 (CM Act) and State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP R&H).

Under SEPP R&H the subject site (in part) has been included on the Coastal Environment Area Map and Divisions 3 and 5 of SEPP R&H will be relevant to any development proposed.

Any future development application must address in the Statement of Environmental Effects (SEE) document the objectives and requirements of both the CM Act and the CM SEPP (Divisions 3 and 5) as they relate to development within that coastal management area, refer to comments from Council's Coastal Officer.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and signage

3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

(1) This section applies to an advertisement—

- (a) that has a display area greater than 20 square metres, or*
- (b) that is higher than 8 metres above the ground.*

(2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—

- (a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
- (b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.*

3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

(1) This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.

(2) The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW.

(3) In deciding whether or not concurrence should be granted, TfNSW must take into consideration—

- (a) the impact of the display of the advertisement on traffic safety, and*



(b) the Guidelines.

(4) If TfNSW has not informed the consent authority within 21 days after the copy of the application is given to it under section 3.15(2)(b) that it has granted, or has declined to grant, its concurrence, TfNSW is taken to have granted its concurrence.

Response: The proposed sign measures 4.5m in height is 125.5sqm in area. As such, concurrence will be required TfNSW.

Schedule 5 Assessment criteria

Any future development application must include an assessment of the proposed signs in response to the following criteria:

- 1 Character of the area
- 2 Special areas
- 3 Views and vistas
- 4 Streetscape, setting or landscape
- 5 Site and building
- 6 Associated devices and logos with advertisements and advertising structures
- 7 Illumination
- 8 Safety

Response: The current proposal is not compatible with the existing or desired future character of the Avalon locality due to its excessive height and scale which detracts from visual quality of the Avalon Locality and Category 1 Scenic Protection area. The scale, proportion and form of the sign is not appropriate for the streetscape, setting or landscape or compatible with the characteristics of the site. The sign dominates the adjoining Low Density Residential zone to the immediate south and is visually intrusive. In summary, the proposal is inconsistent with requirements of the SEPP and is not supported. The sign needs to be reduced in height and scale and relate to the part of the building to which it is attached to.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Retail <i>means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:</i> (a) (Repealed) (b) cellar door premises, (c) food and drink premises,



	<p>(d) garden centres, (e) hardware and building supplies, (f) kiosks, (g) landscaping material supplies, (h) markets, (i) plant nurseries, (j) roadside stalls, (k) rural supplies, (l) shops, (la) specialised retail premises, (m) timber yards, (n) vehicle sales or hire premises, but does not include highway service centres, service stations, industrial retail outlets or restricted premises.</p> <p>early education and care facility means a building or place used for the education and care of children, and includes any of the following: (a) a centre-based child care facility, (b) home-based child care, (c) school-based child care.</p> <p>Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following: an advertising structure, a building identification sign, a business identification sign, but does not include a traffic sign or traffic control facilities.</p>
<p>Zone:</p>	<p>E1 Local Centre <u>Objectives</u> To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. To encourage investment in local commercial development that generates employment opportunities and economic growth. To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse, and functional streets and public spaces.</p>



	<i>To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.</i>
Response: While the use is permissible in the zone the proposal is inconsistent with the objective of the zone in that it does not create an urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.	
Permitted with Consent or Prohibited:	Permitted with consent

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
Height of Building	8.5m	8.5m	Yes

Other relevant clauses:

- **5.21 Flood planning**
- **7.1 Acid sulfate soils**
- **7.2 Earthworks refer also to clause B8.1 of the PDCP Construction and Demolition - Excavation and Landfill**
- **7.4 Floodplain Risk Management**
- **7.5 Coastal risk planning**

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDCP>

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

Control	Permitted	Proposed
A4.1 Avalon Beach Locality	<i>Desired Future Character Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale.</i>	The excessive bulk and scale of the development and its inappropriate transition to the Low Density Residential zone is inconsistent with the desired character of the



		Avalon locality and the scenic quality of the area.
<p>Response: The excessive bulk and scale of the development and its transition to the adjoining low density residential zone is inconsistent with the desired character of the locality and the scenic quality of the area.</p>		
<p>B3.9 Estuarine Hazard Controls</p>	<p><i>Basement (i.e. below ground level (existing)) carparking facilities: All access, ventilation and any other potential water entry points must be above the Estuarine Planning Level. A clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level separate from the vehicle access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.</i></p>	<p>Insufficient information to confirm compliance.</p>
<p>Response: A base estuary planning level of 2.57m AHD has been adopted by Council for the year 2050. If the design life is higher, it is advisable to consider a base estuarine planning level (EPL) of RL 3.07m AHD. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.05m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m. Refer to comments from Council's Coastal Officer below.</p>		
<p>B4.22 Preservation of Trees and Bushland Vegetation</p>	<p><i>5. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</i></p> <p><i>6. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</i></p> <p><i>7. Development must also avoid any impact on trees on public land.</i></p> <p><i>8. For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted.</i></p> <p><i>9. Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted.</i></p>	



<p>Response: The large Norfolk Island Pine tree and She Oak tree at the frontage of Careel Bay Road shall be retained and appropriate excavation setbacks established.</p>		
<p>B6.2 Internal Driveways</p>	<p><i>Internal Driveways profiles are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards.</i></p>	
<p>Response: The design of the driveway is unacceptable as the single lane ramp into the carpark which is at a grade of 1 in 4 over most of its length will not provide adequately for safe ingress and egress particularly at childcare centre peak drop off and pick up or when Dan Murphys is in its peak operating times. Widening the basement carpark ramp to min 5.5m in width to allow for passing of ingressing and egressing vehicles is required. Access to and from the at grade and basement carpark levels by B99 vehicle vehicles including passing of a B99 & B85 vehicle at critical junctions must be demonstrated with swept path plots. Refer to comments from Council's Transport Engineer.</p>		
<p>B6.3 Off-Street Vehicle Parking Requirements</p>	<p>Adequate space for delivery vehicles is to be provided. 4 bicycle parking spaces within a secure area should be provided. Motorcycle Parking for at least 1 motorcycle should also be provided</p>	
<p>Response: The car parking requirements associated with the proposed uses on the site appear to be met, however, there is no provision for delivery vehicles which is unacceptable. A Dan Murphy's development would typically be serviced on a regular basis by medium rigid trucks and offstreet space to accommodate such deliveries and those to the other retail units should be provided. In addition, the proposal shall provide adequate bicycle and motorcycle parking. Refer to comments from Council's Transport Engineer.</p>		
<p>C2.1 Landscaping</p>	<p><i>Outcomes A built form softened and complemented by landscaping. Landscaping that reflects the scale and form of development.</i></p>	
<p>Response: The nil setback to the southern boundary is not supported and a landscape buffer is required to help soften the visual impact of the built form from the adjoining low density residential zone.</p>		
<p>C2.2 Safety and Security</p>	<p><i>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications</i></p>	



	<p>to minimise the opportunity for crime they include the following:</p> <ol style="list-style-type: none"> 1. Surveillance 2. Access Control 3. Territorial reinforcement 4. Space Management 	
<p>Response: Concern is expressed in respect of the shared access to the childcare centre with the liquor store. The proposal shall be amended to ensure a separate access is provided to the childcare centre. Furthermore, the pedestrian path in the basement is also unacceptable and raises issues in respect of safety. Any future development application shall demonstrate compliance with the CPTED principles.</p>		
<p>C2.11 Signage</p>	<p>The proposed sign reads as a hoarding sign however hoarding signs are noted to be freestanding signs in the PDCP. The sign is attached to the building and most closely compares to a top hamper sign. The following controls apply to top hamper signs:</p> <ol style="list-style-type: none"> i) shall not extend beyond any building alignment or below the level of the head of the doorway or window within the building upon which it is attached; ii) shall not exceed 600mm in height; and iii) shall not have a signage area greater than 5sqm. 	<p>The sign is proposed along the frontage of the childcare centre on the upper floor. The sign extends a length of 20.6m along the first-floor frontage with a 7.3m return which terminates at the southern boundary. The sign is 4.5m in height and has a total area of approximately 125.5sqm.</p>
<p>Response: The “Dan Murphys” sign does not directly relate to the part of the building to which it is attached. The sign is excessive in height and dimension and is not compatible with the desired amenity and visual character of the Avalon locality and presents an inappropriate transition to the adjoining low density residential area. The sign needs to be significantly reduced in size (broken up) to respond to the locality and scenic quality of the area, refer to discussion under SEPP (Transport and Infrastructure).</p>		
<p>C2.12 Protection of Residential Amenity</p>	<p><i>Solar Access</i></p> <p><i>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</i></p> <p><i>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</i></p> <p><i>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</i></p>	<p>Insufficient information to confirm compliance. Shadow diagrams in plan and elevation are required in addition to an acoustic report.</p>



	<p><i>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</i></p> <p><u>Privacy</u> <i>Private open spaces and living rooms of proposed and any existing adjoining dwellings may be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</i></p> <p><i>Elevated decks, verandahs and balconies may incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. Such areas shall not be modified to be incorporated into the dwelling.</i></p>	
<p>Response: Shadow diagrams have not been submitted, nonetheless significant concern is raised in respect of the potential amenity impacts, both solar and acoustic privacy, to the neighbouring residential properties at No. 712 and 712A Pittwater Road given the nil setback to the southern boundary. Concern is also raised in respect of the acoustic and solar impacts to the private and common outdoor areas of the residential apartments at No. 5-7 Careel Head Road given the nil setback to the east. The proposal as presented is inconsistent with the requirement and outcome of the control and should be redesigned to provide a 3m side and rear setback as a minimum, refer to clause D1.9 below.</p>		
<p>D1.1 Character as viewed from a public place</p> <p>D1.4 Scenic protection - General</p>	<p><i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i></p> <p><i>The bulk and scale of buildings must be minimised.</i></p> <p><i>Landscaping is to be integrated with the building design to screen the visual impact of the built form.</i></p>	
<p>Response: The signage reads as a full storey in height and the 26m length is unacceptable. The 27.7m long two storey (7m high) blank wall on the southern boundary is unacceptable. The bulk and scale of the development is unacceptable and there is no landscaping to help screen the visual impact of the built form to the southern neighbour. Furthermore, the site is mapped as Category 1 scenic protection and the excessive bulk and massing of the sign and the development as it presents to the south will impact on the visual quality of the area.</p>		
<p>D1.9 Side and rear setback</p>	<p>3m side and rear setback required</p> <p><u>Objectives</u></p> <p><i>-To achieve the desired future character of the Locality.</i></p> <p><i>-The bulk and scale of the built form is minimised.</i></p>	<p>Nil setback to the side and rear is proposed.</p>



	<p><i>-Equitable preservation of views and vistas to and/or from public/private places.</i></p> <p><i>-To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.</i></p> <p><i>-To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.</i></p> <p><i>-Substantial landscaping, a mature tree canopy and an attractive streetscape.</i></p> <p><i>-Flexibility in the siting of buildings and access.</i></p> <p><i>-Vegetation is retained and enhanced to visually reduce the built form.</i></p> <p><i>-A landscaped buffer between commercial and residential zones is achieved.</i></p>	
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Response: The proposal is inconsistent with the requirements and objectives of the control and the bulk and scale of the development is not compatible with the desired future character of the Avalon Locality. Furthermore, the proposal will result in unreasonable impacts on neighbouring residential amenity including solar access and acoustic privacy.

The nil setback to the southern boundary is not supported and the building needs to be setback 3m to allow sufficient space for landscape planting. Likewise, the outdoor area of the childcare centre needs to be setback 3m from the rear boundary to help protect the amenity of the adjoining residential apartments.

The proposed basement also has a nil setback to the side and rear boundaries and concern is expressed about the potential impacts to the neighbouring properties. The excavation should also be setback 3m from the rear and side boundaries in accordance with the control. Furthermore, the excavation shall consider impacts on significant mature trees.

***Note:** Refer to the additional controls referenced in the referral responses below.

<p>Specialist Advice</p>
<p>Transport Engineer</p>
<p>It is noted that egress from the at grade carpark is currently to Barrenjoey Road. As a general principle, where feasible, driveway access to and from a site should be to the minor road. Barrenjoey Road is a State Road under the care and control of Transport for NSW and the retention of carpark egress to Barrenjoey Road is of concern, noting the high volumes of traffic on that road and the intensification of traffic movements resulting from the proposed development. It is considered possible that TfNSW may require that the egress driveway to Barrenjoey Road be closed. The potential to provide both ingress and egress to and from Careel Head Road should be explored.</p> <p>The car parking requirements associated with the proposed uses on the site appear to be met. Parking on-site should meet DCP requirements to minimise impacts on the surrounding on-street parking supply. In this respect it is noted that clause B6.3 of the Pittwater DCP requires adequate space for delivery vehicles. A Dan Murphy's development would typically be serviced on a regular</p>



Specialist Advice

basis by medium rigid trucks and offstreet space to accommodate such deliveries and those to the other retail units should be provided.

The new basement parking level will accommodate parking for 24 cars including 5 staff spaces. There is concern that the single lane ramp into the carpark which is at a grade of 1 in 4 over most of its length will not provide adequately for safe ingress and egress particularly at childcare centre peak drop off and pick up times or at times when Dan Murphys is in its peak operating times (Friday, Saturday late afternoon & evenings). Widening the basement carpark ramp to min 5.5m in width to allow for passing of vehicles is required. Access to and from the at grade and basement carpark levels by B99 vehicle vehicles including passing of a B99 & B85 vehicle at critical junctions must be demonstrated with swept path plots.

With regard to the basement carpark it is noted that there is a pedestrian path that terminates at a wall of the lift. Anyone using this "safe" path of travel would then need to exit the path and proceed through a parking space, which may well be occupied in order to access the lift. The pedestrian path as currently shown is therefore of little value. It should be redesigned to provide a continuous path of travel to/from the lift door. The parking spaces adjacent to the path should be allocated for preschool drop off and pick up and signposted with a 10min time limit during childcare centre hours to cater for such use.

The prelodgment report advises that it is proposed to formalise 5 parking spaces along Barrenjoey Road. This is not supported. At this location, parking on Barrenjoey Road is not feasible given the width of the road and the presence of unbroken barrier lines. Formalisation of parking on Careel Head Road is not necessary and even it were done, this would not impact offstreet parking requirements associated with the development proposal.

The Pittwater DCP requires that bicycle parking be provided for business developments. For this development 4 bicycle parking spaces within a secure area should be provided. Motorcycle Parking for at least 1 motorcycle should also be provided. The provision of such facilities caters for travel by modes other than cars.

A traffic and parking impact report should be provided with a DA and must as a minimum address the concerns outlined above.

Urban Designer

The proposal is recommended to be reviewed by the Design and Sustainability Advisory Panel (DSAP) as the project will be of great community interest. The applicant is encouraged to explore other layout options and resolve the following issues:

1. Consult Traffic NSW on the vehicular egress to Barrenjoey Road as per Council Road Engineer's comment. If the proposed egress is not accepted, an alternative scheme to have vehicular entry and exit off Careel Head Road will be required. The proposal should also incorporate a loading/ unloading area showing truck movements around the site.
2. The proposed overall layout is highly constrained by the location of the existing retail shop walls. Moreover, the proposed basement carpark excavation will be difficult as it is sitting partially below the retained existing shops. The applicant should explore other design options where the existing shop walls are not retained.
3. Incorporate the required building setback and building envelope controls to ensure the character of the streetscape and amenities to surrounding properties are maintained, eg. building setback controls - 3.5m to Careel Head Road boundary, 10m to Barrenjoey Road and 3m to the south boundary. Refer to Council planner's comments for the comprehensive list.



Specialist Advice

4. Ensure that adequate sunlight access and noise nuisance considerations are applied to the surrounding residential properties.
5. Childcare drop-off and pick-up areas should be separated from the liquor store entry area. The circulation layout could be improved with more welcoming stairs and lift lobbies that allow for controlled access and proper childcare centre operation requirements. Refer to the NSW Childcare Planning guideline for more information.
6. Sign board for 'Dan Murphy' should not be too dominant like an advertising billboard. It should be integrated harmoniously into the building façade design. Refer to Council planner's comments for the comprehensive list of requirements.

Flooding Engineer

The ground floor levels of the proposed and existing buildings are shown to be at or above the Flood Planning Level of 3.7mAHD (includes Climate Change level). The new buildings are either outside of the 1% AEP flood extent or outside of the 1% AEP flood storage area. The car parking changes appear to be consistent with the Flood Prone Land DCP Clause.

A short Flood Management Letter Report should be provided with the DA. The main reason is to demonstrate that the extensions in the 1% AEP flood extend will not cause adverse flood affects. Flood modelling is not expected to be required. The Letter Report should confirm the proposal is consistent with Clause B3.11 of the Pittwater DCP.

Coastal Officer

Relationship with other documents

- *Pittwater 21 Development Control Plan*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater Estuary Mapping of Sea Level Rise Impact Study (Cardno 2015)*
- *Coastal Management Act 2016*
- *State Environmental Planning Policy (Resilience & Hazards) 2021*

Coastal Management Act 2016 and State Environmental Planning Policy (Resilience & Hazards) 2021

The proposed development is located within the coastal zone of NSW and is subject to the provisions of the Coastal Management Act 2016 (CM Act) and State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP R & H).

Under the SEPP R&H, the subject site has been included on the 'Proximity to Coastal Wetlands, Coastal Environment Area Map as well as the Coastal Use Area Map, as such the requirements of section 2.8, 2.10 and 2.11 apply. The objectives and requirements of both the CM Act and the SEPP (R&H) must be addressed within the Statement of Environmental Effects (SEE) Report as they relate to development within these coastal management areas. In addition, the general SEPP (R & H) clause 2.12 relating to an increase in risk of coastal hazards must also be addressed within the SEE report.

ESTUARINE RISK MANAGEMENT

Estuarine Hazards

The subject property has been identified as being affected by estuarine wave action and tidal inundation - future on Council's Estuarine Hazard Mapping. The Estuarine Risk Management



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Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.9 Estuarine Hazard Controls: Business, light industrial and other development will apply to any development of the site.

Estuarine Planning Level (EPL)

In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuary planning level of 2.57m AHD has been adopted by Council for the year 2050 i.e., if the design life of proposed development is 30 years or less. If the design life is higher, it is advisable to consider a base estuarine planning level (EPL) of RL 3.07m AHD. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.05m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m. No further reduction is applicable.

The relevant B3.9 Estuarine Hazard Controls: Business, light industrial and other development specifically sets up the following controls for basement carpark:

- Basement (i.e., below ground level (existing)) carparking facilities: All access, ventilation and any other potential water entry points must be above the Estuarine Planning Level. A clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level separate from the vehicle access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.

A statement addressed within the Statement of Environmental Effects (SEE) Report in relation to the proposed development outlining how it has been designed and will be constructed to address the Estuarine Hazard.

Reports Required:

- Statement of Environmental Effects (SEE) Report

Development Engineering

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

Location: 3/1 Careel Head Road AVALON BEACH

Proposal: Alterations and additions to existing local shops including addition of a childcare, bottle shop, site landscaping, basement carpark and a new egress to Barrenjoey Road

Access:

1. Site has vehicular access via an existing driveway on Careel Head Road, A long section of the driveway from street gutter to parking facility with chainage, grades and existing & proposed levels are to be included in the submission.
2. Vehicular access to be restricted to forward in & forward out movements. Traffic Team to comment on parking arrangement within the site.
3. New egress from Barrenjoey Road is proposed, Barrenjoey Road is a State Road, under care and control of Transport for NSW (TfNSW), concurrence from TfNSW will be required.
4. The driveway crossing is to be in accordance with Council's Vehicular Crossing profile which is available on Council's web page.

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



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Stormwater

1. Subject site falls towards Barrenjoey Road. If the proposed hardstand area is increased more than 50sqm then an Onsite stormwater detention (OSD) system will be required as per Council's Water Management for Development Policy.

The policy is available in Council's web page. <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy.pdf>

2. Site is mapped as Low to Medium Flood risk.

Geotech

1. Excavations more than 3m deep are proposed for the basement, report on geotechnical risks and their management with Form 1 and 1a is to be submitted with development application.

Riparian and Water Management

The project will be subject to the water management for development policy section 4.0 Protecting the environment with specific attention to 4.1, 4.3.

The development of a water quality treatment chain to meet the generic water quality targets (table 5) is likely for that project. Water conservation in general and rainwater tanks are an essential part of the project.

The integration of water sensitive measure promoting vegetation and infiltration is highly recommended with consideration of vegetated swale, tree pits, raingarden/optimisation of planter boxes...

As a reminder the water management report and water quality model are to be submitted as part of the DA for assessment.

The geotechnical report is to clearly demonstrate the position of the water table in relation to the basement levels and indicate if water table dewatering during construction will be required.

Integrated development to WaterNSW for dewatering approvals might be required.

Landscape Officer

The northern corner of property No. 1 Careel Bay Road supports a large Norfolk Island Pine and a She Oak at the frontage to Careel Bay Road and both trees provide prominence and shall be investigated for retention, to be either both or as a minimum the Norfolk Island Pine which has long term environmental benefits for the locality in terms of streetscape appeal and amenity, and appropriate excavation setbacks shall be established. All other vegetation across No. 1 Careel Bay Road are exempt species and No.3 Careel Bay Road supports no prescribed vegetation. Existing trees and vegetation within adjoining properties shall be protected.

The proposed childcare facility is located on level 1 and it is assumed the boundary treatment is a solid noise attenuation solution and thus the NSW Department of Planning, Industry and Environment (DPIE) - Child Care Planning Guidelines, section 3.4 Landscaping, is not applicable in this instance. However, this raises concern regarding the boundary treatment facing the adjoining R2 residential lots to the rear of 712 and 712A Barrenjoey Road that face a 7.2 metre high solid wall, and this matter shall be assessed by Planning staff. Landscape Referral



Specialist Advice

recommend that a more desirable solution is to include a landscape buffer as transition from the E1 zone to the R2 zone.

Based on the pre-lodgement information presented, an Arboricultural Impact Assessment report and a Landscape Plan shall be submitted in accordance with Council's DA Lodgement Requirements.

Environmental Health

Contaminated Land

Excavation for basement car parking is proposed. Information on the level of land contamination, if any, is unknown therefore the applicant will need to engage a suitably qualified consultant to undertake a Preliminary Site Investigation (Phase 1).

The preliminary site investigation (PSI) report should:

- identify all past and present potentially contaminating activities
- identify potential contamination types
- discuss the site condition
- provide a preliminary assessment of site contamination
- assess the need for further investigations.

If the PSI report indicates contamination onsite and further investigation is warranted, a Detailed Site Investigation (Phase 2) is to be undertaken by a suitably qualified consultant.

If the PSI report clearly demonstrates that site activities have been non-contaminating, there may be no need for further investigation or site sampling.

The detailed site investigation report should give comprehensive information on:

- issues raised in the preliminary investigation
- the type, extent and level of contamination and assess:
- contaminant dispersal in air, surface water, groundwater, soil and dust
- the potential effects of contaminants on public health, the environment and building structures
- (where applicable) off-site impacts on soil, sediment and biota
- the adequacy and completeness of all information available to be used in making decisions on remediation.

If the results of the detailed site investigation indicate that the site poses unacceptable risks to human health or the environment – on-site or off-site, and under either the present or the proposed land use – then a remedial action plan needs to be prepared and implemented.

Industrial (Noise/Air pollution)

Demolition. Excavation and construction Plan of Management addressing types of noise sources potential impact on neighbour residents and control measures.

Noise

An acoustic consultant's report will need to be prepared to assess potential noise impacts to the proposed childcare centre. Taking into consideration the operation of the retail units, vehicle movements, neighbouring activities. The consultant will need to provide noise mitigation measures



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to achieve a reasonable noise level within the childcare sleeping rooms. Mitigation measures to the outdoor play area – protecting those residential receivers nearby. Consideration of the location of plant rooms, lifts, air conditioning units, etc.

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;
 - Sections;
- Landscape Plan
- Certified Shadow Diagrams in plan and elevation (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Photomontage
- Materials and colour schedule
- 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 Management Report, refer to Flooding comments
- Traffic and Parking Report
- Arboricultural Report
- Acoustic Report
- Preliminary Site Investigation (PSI) report
- Geotechnical Report (which includes an assessment of ground water)
- Water Management Report and Water Quality Model
- Energy Performance Report

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 5 December 2023 to discuss alterations and additions to the Careel shopping village at 1-3 Careel Head Road, Avalon Beach. The notes reference the plans prepared by CDA architects received on 11 November 2023.

The proposal seeks consent for substantial demolition, alterations and additions to the existing Careel village neighbourhood shopping centre. Given the extent of demolition and the scale of the development, which includes extension of the retail development into No. 3 Careel Head Road, it is recommended that any future application be presented as new retail development, childcare centre and signage.

Significant concern is raised in respect of the transition of the development to the adjoining R2 low density residential zone to the immediate south. The proposal presents a 7m wall to the southern neighbour with no setback which will result in unreasonable visual impacts due to the excessive bulk and scale and amenity impacts in terms of overshadowing and acoustic impacts with the play area to the childcare centre having a nil setback.

Likewise, the nil setback to the eastern neighbour will also result in unreasonable amenity impacts to the neighbouring apartments.

The design of the childcare centre raises significant safety issues in terms of the vehicular access to the basement car park and the pedestrian path within the basement which presents an unsafe path of travel. The dual access of the lift with the bottle shop and childcare centre is not supported and a dedicated entry to the childcare centre is required.

In summary, the concept proposal is not supported, and a redesign is required to address the issues raised in these PLM notes.

It is strongly encouraged that a further PLM be lodged which can be reviewed by the Design and Sustainability Advisory Panel (DSAP) noting that the project triggers a consideration by the Panel being a for a childcare centre for more than 60 children and will be of great community interest.

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.