

## PRELODGE MENT ADVICE

**Application No:** PLM2019/0128

**Meeting Date:** 2 July 2019

**Property Address:** 28 Lockwood Avenue BELROSE

**Proposal:** Demolition and construction of a shop top housing development

**Attendees for Council:** Claire Ryan, Principal Planner  
Rebecca Englund, Principal Planner  
Rob Barbuto, Principal Engineer  
Dominic Chung, Senior Urban Designer

### General Comments/Limitations of these Notes

These notes have been prepared by Council 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 specific issues discussed and conclusions reached at the pre-lodgement 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 development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of the Warringah LEP 2011 and Warringah DCP 2011 within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.



## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

**Note:** WLEP 2011 can be viewed at [Council's website](#).

Zoning and Permissibility	
<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	<b>Shop top housing</b> means one or more dwellings located above ground floor retail premises or business premises.
<b>Zone:</b>	B2 Local Centre
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent
<p><b>Comment</b></p> <p>Whilst shop top housing is permitted with consent within the B2 zone, concern is raised that the proposed development does not meet the definition of shop top housing, with the inclusion of retail and storage spaces up to four storeys in height and residential properties that are not above ground floor retail premises.</p> <p>If you are to proceed with the current proposal, further information and legal advice will be required to demonstrate consistency with the shop top housing definition.</p> <p>Please be advised that concern is also raised that the proposed development does not achieve consistency with the objectives of the B2 Local Centre Zone, in that the density of uses proposed is not compatible with the characteristics and uses of the site and its surroundings. This is of particular importance in light of the necessary request to vary the building height development standard, noting that Council must be satisfied that the proposal is in the public's interest, in so far as that the proposal is consistent with the objectives of the zone.</p>	

Principal Development Standards	
<b>4.3 Height of Buildings</b>	
Standard	Proposed
8.5m	9.2m (Up to 17m building presentation in courtyard)
<p><b>Comment</b></p> <p>The proposal indicates a non-compliant height of 9.2m, which equates to an 8.24% variation to the height of building development standard of clause 4.3 of the Warringah LEP 2011. The proposed variation is not supported in its current form, as it does not provide a development that is compatible with the height and scale of surrounding and nearby development. The proposal relies on extensive excavation, and results in unreasonable and unsuitable bulk and scale in an area characterised by low-density residential development and single storey retail premises.</p> <p>You are strongly encouraged to reduce the extent of excavation proposed to more closely reflect existing ground levels and to reduce the overall building height to strictly comply with the 8.5m maximum building height development standard.</p> <p><b>Note:</b> Building heights are measured from existing ground level.</p>	



**STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT (SEPP 65) and APARTMENT DESIGN GUIDE (ADG)**

<b>ADG Design Criteria</b>
<b>2F Building Separation / 3F Visual Privacy</b>
<b>Comment</b> A number of the units do not provide compliant building separation for visual privacy, in the northern corner of the proposed development. Any subsequent development application is to provide compliant building separation in order to provide adequate amenity to all units.
<b>3A Site Analysis</b>
<b>Comment</b> The proposal does not adequately address pedestrian movement through the site, with an intended pedestrian connection from the southern corner, down into the proposed sunken courtyard and up to the eastern edge. Any subsequent development application is to provide greater legibility and permeability, such as via a west-to-east connection leading to the existing pedestrian crossing at existing ground level.
<b>3E Deep Soil Zones / 4P Planting on Structures / 4O Landscape Design</b>
<b>Comment</b> The proposal does not include adequate deep soil zones for significant vegetation. Additionally, the proposal includes vegetation in the courtyard immediately above the proposed basement carpark with inadequate soil depth. Any subsequent development application is to include development in a suitable landscaped setting consistent with the surrounding locality in order to soften the built form and reflect the existing landscaped character of the area.
<b>4A Solar and Daylight Access</b>
<b>Comment</b> Insufficient information has been provided to satisfy Council that the proposal provides compliant solar access to the proposed units or the internal sunken communal courtyard. Any subsequent development application must demonstrate compliance with solar access requirements.
<b>4B Natural Ventilation</b>
<b>Comment</b> Cross ventilation is predominantly reliant on doors to apartments being open, which is not adequate in providing suitable amenity to the apartments. Any subsequent development application must demonstrate compliance with natural ventilation requirements.
<b>4D Apartment Size and Layout</b>
<b>Comment</b> Several apartments provide depths for open plan kitchen/dining/living rooms of greater than 8m. Any subsequent development application must demonstrate compliance with apartment dimension requirements.



<b>4H Acoustic Privacy</b>
<p><b>Comment</b></p> <p>The proposed development includes conflicting room uses in relation to acoustic privacy. For example, there are numerous examples of living rooms and/or balconies of one unit being immediately adjacent to a bedroom of another unit. Additionally, there appears to be several bedrooms placed immediately adjacent to mechanical services.</p> <p>The proposed internal courtyard and adjacent retail uses may also impact upon the amenity of the proposed residential apartments above. Any subsequent development application must demonstrate suitable acoustic privacy for all units.</p>
<b>4Q Universal Design</b>
<p><b>Comment</b></p> <p>No details of adaptable dwellings have been provided. The proposed development must achieve a benchmark of 20% of the total apartments (12 apartments) incorporating the Liveable Housing Guideline's silver level universal design features.</p> <p>Please also be advised that a draft amendment to Warringah DCP 2011 has been publically exhibited, requiring 10% of dwellings to be capable of being adapted to meet the Class C requirements of AS4299.</p>

#### **WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)**

**Note:** The WDCP 2011 can be viewed at [Council's website](#).

<b>Part B Built Form Controls</b>	
<b>B6 Merit Assessment of Side Boundary Setbacks, B8 Merit Assessment of Front Boundary Setbacks, B10 Merit Assessment of Rear Boundary Setbacks</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
Merit	Predominantly nil
<p><b>Comment</b></p> <p>The proposed setbacks are not acceptable, in that they are inconsistent with the low density streetscape and the setbacks of neighbouring development. Further, the proposal is inconsistent with the objectives of B6, B8, and B10, in that minimal deep soil is provided, the proposal is visually dominant, the bulk and scale of the development is not minimised, a sense of openness is not achieved, and the visual continuity and pattern of buildings is not reflected. Greater setbacks to the street, minimised building height and earthworks, and additional landscape planting are required.</p> <p>The application proposes a public interface at the north-west corner of Basement 2, projecting towards the adjoining public reserve and Ashworth Avenue. Noting the low-density residential character of this street, the proposed public interface is not supported in this location.</p> <p>In response to the comparably narrow depth of the Lockwood Avenue road reserve, the low-density character of the street, and the desire for the retention and enhancement of street trees, a greater setback is required along this entire frontage.</p>	



<b>Part C Siting Factors</b>
<b>C2 Traffic, Assess and Safety</b>
<b>Comment</b> The proposed driveway is not acceptable in the proposed location, as Council will not relocate the existing pedestrian crossing immediately adjacent, given its optimal location for sight lines and in consideration of the nearby loading docks. Any subsequent development application must relocate the driveway and demonstrate that proposed vehicular and pedestrian access minimises traffic hazards and conflict with pedestrians.
<b>C3 Parking Facilities</b>
<b>Comment</b> The proposed development does not provide any parking for the proposed extensive retail uses. Any subsequent development application is to provide compliant parking for the proposed uses, in accordance with Appendix 1 Car Parking Requirements of the WDCP 2011. Appendix 1 of the WDCP 2011 requires that 75 residential, 12 visitor, 39 gym, and 304 retail spaces be provided. The proposal includes 129 spaces, all allocated for residential use. The development application must also demonstrate it meets any need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.
<b>C4 Stormwater</b>
<b>Comment</b> No details of proposed stormwater management measures were provided at pre-lodgement stage. A suitable Stormwater Management Plan and Stormwater Drainage Assets Plan, addressing proposed measures and Council's existing stormwater assets on site are required.

<b>Part D Design</b>
<b>D9 Building Bulk</b>
<b>Comment</b> The proposed development presents unacceptable building bulk in the low density residential locality of Belrose, and does not minimise the visual impact of the development when viewed from adjoining properties, streets, and land zoned for public recreation purposes. The proposal must demonstrate closer adherence to the requirements of D9 Building Bulk, by: <ul style="list-style-type: none"><li>• Providing greater setbacks to the street, closer in compliance with the existing prevailing building line;</li><li>• Minimising building height and the need for cut and fill, by allowing the building mass to step down the slope, and relating building height and scale to topography and site conditions; and</li><li>• Providing greater landscape plantings to reduce the visual bulk.</li></ul>

<b>Part E The Natural Environment</b>
<b>E1 Preservation of Trees or Bushland Vegetation</b>
<b>Comment</b> Refer to comments from Council's Landscape Officer in the section of these notes relating to Specialist Advice.



## Part F Zones and Sensitive Areas

### F1 Local and Neighbourhood Centres

#### Comment

The proposed development is inconsistent with the objectives of this control, which aim to provide a range of small-scale shops and business uses at street level with offices or low-rise shop top housing to create places with a village-like atmosphere. Further, the proposal is antipathetic to the established scale and pattern of development and existing streetscapes.

#### Specialist Advice

Referral Body	Comments
<p><b>Development Engineering</b></p>	<p>Council's Principal Engineer has commented on the proposal as follows:</p> <ol style="list-style-type: none"> <li>1) <i>The proposed location of the driveway entry point is not supported, the existing pedestrian crossing is to remain in place. The positioning of this pedestrian crossing was considered to be in the optimal location when the road works were approved in Glenrose Place. The driveway entry point is to be relocated to an alternative position accordingly. I have also discussed this issue with Patrick B and he supports Council position</i></li> <li>2) <i>On site stormwater detention is to be provided in accordance with Councils "water management policy" Please note the pre-developed flows are to be limited to state of nature up to the 1 in 100 year ARI</i></li> </ol>
<p><b>Landscaping</b></p>	<p>Council's Landscape Officer has commented on the proposal as follows:</p> <ol style="list-style-type: none"> <li>1. <i>Existing Trees</i>  <i>An Arborist's Report is required to be submitted with any application addressing the health and significance of existing trees, trees to be removed and trees to be retained. Justification for removal of trees with High landscape significance is to be provided. Compensatory tree planting should be included in the event that significant trees are proposed to be removed. The proposal appears to remove all existing significant trees and provide only planting over basement slab. Retention of and provision for large canopy trees is considered important in this locality. Landscape Plans are to be provided with any application.</i></li> <li>2. <i>Pedestrian through links.</i>  <i>Connectivity between Lockwood Ave and Glenrose Place should be provided.</i></li> <li>3. <i>Glen Street Precinct.</i>  <i>Landscaping in general terms should enhance the concept of the Glen Street hub as embracing the natural environment being within a suburb with physical and visual links to the National Park areas to the north and east. The proposal provided does not effectively address this character. The sunken courtyard essentially surrounded by built form appears a highly urban</i></li> </ol>



	<p><i>design response, rather than one which responds to peri-urban forest concept. Further design resolution is recommended.</i></p>
<p><b>Urban Design</b></p>	<p>Council's Senior Urban Designer has commented on the proposal as follows:</p> <ol style="list-style-type: none"> <li>1. <i>The proposal exceeds the 8.5m building height control with the proposed built form. The surrounding existing buildings are generally one to two storeys freestanding buildings. The proposed building design should emulate a built form of two storey with a roof form and articulation to the street façade in order not to create a long linear form. It should be broken up to create an appropriate residential/ commercial interface between the surrounding low density residential and commercial areas.</i></li> <li>2. <i>The retail areas around the sunken plaza proposed do not have active street frontages required by shop top housing (Warringah LEP definition - shop top housing means one or more dwellings located above ground floor retail premises or business premises). The development should not feel like a basement shopping complex located below a residential development.</i>  <i>The proposed pedestrian flow to bring foot traffic down 4.6m to the sunken plaza level and then make them go up 10.8m (3 storeys) to get up to the south-eastern corner of the site at Lockwood Avenue would need to be proven whether it is feasible and will work in the retail context of Belrose Local Centre. Pedestrian access to the south-western corner of the site at Lockwood Avenue should also be considered.</i>  <i>Connectivity between commercial and residential zones surrounding the site should be provided through the provision of public, pedestrian through-links across the site providing access from Lockwood Avenue to Glenrose Place. They should be made easy and conducive to use.</i></li> <li>3. <i>The solar analysis shows that only certain parts of the sunken plaza area get about 1 to 2 hours of sun in winter. If the plaza were to be raised to street level of Glenrose Place and be more open to the street edge, there will be more solar access and street activation from Glenrose Place.</i></li> <li>4. <i>Apartment Design Guide (ADG) building separation, sunlight, cross ventilation and orientation aspects:</i>  <i>The proposal needs to demonstrate that solar access of 3 hours to 70% of principal living spaces can be achieved. Cross ventilation to 60% of apartments will not be achieved with majority of apartments proposed being single aspect currently.</i>  <i>An L- shape residential building configuration would work better, opening the courtyard and commercial plaza to the north and full sun exposure ensuring residential and commercial units get visual and acoustic privacy, outlook, natural ventilation and daylight access.</i></li> <li>5. <i>Supplementary landscaping and retention of significant mature trees and parkland at the corner of Lockwood Avenue and Glen Street will be needed to maintain the verdant street character of the area.</i></li> </ol>



	<p>6. <i>Awning design should form a unified element within the streetscape and complement the architectural style of the host building. Awnings are to be uncomplicated, regular forms constructed from high quality materials with simple detailing to reduce visual clutter in the streetscape and to provide visual continuity to the pedestrian realm.</i></p> <p>7. <i>Loading dock and garbage collection service areas details and location to be provided.</i></p>
<p><b>Traffic Engineer</b></p>	<p>Council's Traffic Engineer has commented on the proposal as follows:</p> <ul style="list-style-type: none"> <li>• <i>Driveway width should be a minimum 5.5m for two-way traffic flow.</i></li> <li>• <i>Sight splays (2.5x2.0m) should be maintained for vehicles exiting the driveway</i></li> <li>• <i>The car park should be designed in accordance with AS2890.1</i></li> <li>• <i>Provision of motorcycle parking and bicycle parking should be made available within the basement</i></li> <li>• <i>Accessible parking spaces should be located near lifts</i></li> <li>• <i>The number of spaces should be in accordance with Council's DCP and should all be provided onsite</i></li> <li>• <i>The applicant will need to submit a Traffic and Parking Impact Assessment</i></li> </ul>
<p><b>Stormwater Assets</b></p>	<p>Council's Stormwater Assets Engineer has commented on the proposal as follows:</p> <p><i>My observations regarding the development are below.</i></p> <ol style="list-style-type: none"> <li>1. <i>Proposed "Shop Top Housing" project site is burdened by a 20m (approx.) long 225mm pipe around the North-East corner. See map below.</i></li> <li>2. <i>The site is almost flat but appears to slope towards N-E corner</i></li> <li>3. <i>Drainage flow management plan need to consider increased flow due to development and the flow capacity of the downstream 375mm/450mm pipes. It appears the D/S pipes has had tree root blockage concerns in the past.</i></li> <li>4. <i>Detention of flow will be required due to the nature of the development (need to be assessed by development engineers)</i></li> <li>5. <i>The records indicates the reserve area adjacent (North) to Glenrose PI is a medium flood hazard area.</i></li> <li>6. <i>Development needs to comply with Council policies (see our standard comments below)</i></li> </ol>





*Standard comments of Stormwater Asset section:*

*The Council's stormwater map which is available on the webpage. (Please follow the relevant link below and select the 'Stormwater' map from the 'No Overlay Map' drop down menu. You can then search by address and use the zoom functionality to see pipe diameters and asset id numbers. i.e. 1200mm and SPP or SPI etc).*

*<https://services.northernbeaches.nsw.gov.au/icongis/index.htm>*

*To demonstrate compliance with Council's Development Control Plan – Northern Beaches Council's Water Management policy PL 850 Water (Section 6- Building Over or Adjacent to Council Drainage Systems and Easements. see links below), it is recommended that the following details are submitted with any application.*

- Accurately locate, confirm dimensions including depth and plot to scale Council's stormwater pipelines and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. (Evidence of methodology used for locating stormwater system should be provided)*
- If the applicant proposes to use a CCTV pipeline survey to confirm the location of the pipeline, it is recommended that the survey is carried out in accordance with Council's guideline attached.*
- All structures are to be located clear of any Council pipeline, pit or easement.*



	<ul style="list-style-type: none"> <li>• Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with the above-mentioned Policy.</li> <li>• Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's policy are to be submitted.</li> </ul> <p>Water Management Policy PL850:  <a href="https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-policy/2017327805watermanagementpolicy.pdf">https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-policy/2017327805watermanagementpolicy.pdf</a></p> <p>Building Over or Adjacent to Constructed Council Drainage Systems and Easements technical specifications (Section6):  <a href="https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/building-over-or-adjacent-constructed-council-drainage-systems-and-easements-technical-specification.pdf">https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/building-over-or-adjacent-constructed-council-drainage-systems-and-easements-technical-specification.pdf</a></p>
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<b>Relevant Council Policies</b>
You are advised to review Council's <a href="#">Development Assessment Management Policy</a> .

<b>Documentation to accompany the Development Application</b>
<ul style="list-style-type: none"> <li>• Electronic copies (USB)</li> <li>• Completed/signed Application Form with owners consent</li> <li>• Statement of Environmental Effects</li> <li>• Cost of works estimate/ Quote</li> <li>• Site Plan</li> <li>• Floor Plan</li> <li>• Elevations and sections</li> <li>• A4 Notification Plans</li> <li>• Survey Plan (including boundary survey)</li> <li>• Site Analysis Plan</li> <li>• Demolition Plan</li> <li>• Excavation and fill Plan</li> <li>• Waste Management Plan (Construction &amp; Demolition)</li> <li>• Waste Management Plan Ongoing</li> <li>• Certified Shadow Diagrams, including hourly diagrams of individual apartments to demonstrate compliance with the ADG</li> <li>• BASIX Certificate</li> <li>• Energy Performance Report</li> <li>• Schedule of colours and materials</li> <li>• Landscape Plan and Landscape Design Statement</li> <li>• Arboricultural Impact Assessment Report</li> <li>• Photo Montage</li> <li>• Model</li> <li>• Erosion and Sediment Control Plan / Soil and Water Management Plan</li> <li>• Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist</li> <li>• Stormwater Drainage Assets Plan</li> <li>• Traffic and Parking Report</li> </ul>



- Access Report
- BCA Report
- Acoustic Report
- Fire Safety Measures Schedule
- SEPP 65 Report and certification
- Geotechnical Report
- Preliminary Contamination Report (noting proximity to service station)

*Please refer to Development Application Checklist and 2018/2019 lodgement requirements for further detail.*

### **Concluding Comments**

These notes are in response to a prelodgement meeting held on 2 July 2019 to discuss demolition and construction of a shop top housing development at 28 Lockwood Avenue, Belrose. The notes reference preliminary plans prepared by DKO Architecture dated May 2019.

The proposal is not acceptable and requires significant redesign in relation to the matters raised above. Council is not satisfied that there is appropriate demand for the significant proportion of commercial floor space proposed, particularly noting the proximity of the proposal to the existing shopping centre and in light of the low density nature of surrounding development. The proposal presents as an overdevelopment of the site, inconsistent with the objectives of the B2 Local Centre zoning and the existing and desired scale of the local centre.

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.