



Pre-lodgement Meeting Notes

Application No:	PLM2023/0087
Meeting Ra	7 September 2023
Property Address:	21 Oaks Avenue DEE WHY
Proposal:	Shop top housing
Attendees for Council:	Anne-Marie Young, Principal Planner Claire Ryan, Principal Planner Mia Battisti, Student Planner Rosemary Roche, Environmental Health Officer James Brocklebank, Transport Engineer Richard Platt, Riparian and Water Management

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.



State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (2002 EPI 530) (SEPP 65) and the Apartment Design Guide (ADG)

The proposal is inconsistent with ADG standards, including (but not limited to):

- Building Separation – 9m to boundary for 4 plus storeys
- Vehicular access – shall be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create
- Apartment Mix - Mix of apartment types
- Public domain and circulation requirements

Council supports the recommendations of the Design Advisory Panel (DSAP). Refer to DSAP report for a detailed discussion on the ADG and SEPP 65 issues.

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)	Shop Top Housing <i>means one or more dwellings located above ground floor retail premises or business premises</i>
Zone:	MU1 Mixed use
Permitted with Consent or Prohibited:	Permitted with consent



Response: • Concern is raised that the proposal does not adequately achieve the objectives of the MU1 Mixed Use zone (given the issues raised below):

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *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.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Proposed inclusion of additional commercial floor space at L1 assists, though further consideration of the level of activation at the ground floor is required.

It is noted that attempts to consolidate the subject site with adjoining sites have been unsuccessful. Any future development application must be supported by documentation demonstrating attempts to consolidate with adjoining site(s) in accordance with the NSW LEC Planning Principles.

Should adjoining and nearby comparable sites be developed in the same way, the impact to Oaks Avenue would be unacceptable with respect to street activation and pedestrian safety if consecutive driveways interrupting the existing 10-metre-wide footpath are required. Basement design should incorporate ability to allow for punch-through to adjoining sites to reduce the need for additional driveways. Particular consideration should be given to No. 23 Oaks Avenue to the east, which has the potential to become isolated between the subject site and 'Key Site C' at No. 33 Oaks Avenue. The basement levels are to be amended to provide for the ability to 'punch-through' to Nos. 19 and 23 Oaks Avenue. It is understood there is future potential to create a double-width shared driveway between Nos. 19 and 21 Oaks Avenue – demonstration of this (at least in concept) is to be provided.

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	24m	26.4m	No (10% variation)



Part 4 - Principal Development Standards

Response: Clause 4.6 (8A) of the WLEP provides that Clause 4.6 “*does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.*”

The subject site is mapped as Dee Why Town Centre on the Centres Map. The proposal as submitted is therefore **prohibited** due to the height breach.

It is understood that the roof terrace will be deleted in amended plans, thereby removing the non-compliant element. Amended plans have not been received and the applicant is advised to consider the requirement for communal open space under the Apartment Design Guide in any future revision to the scheme.

Plans must also demonstrate actual existing ground levels, rather than just extrapolated levels, given the recent caselaw dictating calculation of building height (Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582).

7.6A Podium Heights

2 storeys

4 storeys

No

Response: The 4 storey podium combined with the 12.5m tower setback adds to the excessive visual bulk of the proposal.

The intention of Clause 7.6A is to create human scale at street level, not to hide the tower portion of the development. A four-storey nil setback podium sets an unwanted precedent along Oaks Avenue – such a design would have more merit on a corner site. The proposed “*wedding cake*” rear setback is supportable on merit, though holds little weight in providing offset for the proposed podium presentation, as the rear is not visible from Oaks Avenue. The opportunity for variation to the podium control exists, though greater setbacks than proposed are required to achieve consistency with the objectives and intention of Clause 7.6A. It is still strongly recommended that the proposal is amended to comply with the control. Any variation of the control will require the submission of a Clause 4.6 variation.



Part 4 - Principal Development Standards

<p>7.10 Allowance for external ancillary plant and roof access</p>	<p><i>(a) the height of any external ancillary plant or access point is minimised and does not exceed 3.0 metres, and</i></p> <p><i>(b) any external ancillary plant or access point is suitably integrated with landscaping or architectural elements of the building, and</i></p> <p><i>(c) any external ancillary plant or access point is centrally located within the roof area to minimise or completely avoid being visible from the public domain in close proximity to the building, and</i></p> <p><i>(d) the total area of such plant and access points does not exceed 10% of the roof area, and</i></p> <p><i>(e) any balustrade or similar safety restraint (except a building parapet) is set in from the roof edge at least 3 metres</i></p>	<p>The proposal includes a roof access lift to a height of 3.8 metres and balustrading 2.8m from the roof edge.</p>	<p>No</p>
---	--	---	-----------

Response: It is understood that the roof terrace will be deleted in amended plans, thereby removing the non-compliant element. Consideration must then be given to the requirement for communal open space under the Apartment Design Guide.



Part 4 - Principal Development Standards

<p>7.12 Provisions Promoting Retail Activity Refer also to Part G1 Clause 5</p>	<p>2 floor levels of retail/commercial</p>	<p>The proposal includes a small retail premises at the ground level fronting Oaks Avenue, equating to approximately 50% of the street frontage, with the remaining 50% being allocated to pedestrian, vehicular access. The proposal includes three commercial premises (one at Level 01 and two at Level 02), though these are centralised within the site and do not front the street. The total retail/commercial space is 221 square metres, being 11% of the proposed floor space.</p>	<p>No</p>
--	--	--	-----------

Response: The intent of the control is to provide 2 entire levels of retail floor space. The proposal as submitted is inconsistent with the requirements and objectives of the control although it is noted that the addition of level 1 commercial floor space assists to some degree. The ground floor needs to be redesigned to allow additional retail to improve the activation of the street although the applicant at the PLM suggested that the passing bay can be converted to retail in the future as part of the re-development of the adjoining site to be accessed via punch through in the basement. The applicant has suggested that this can be achieved via a condition of consent.

Any future DA shall include details of the basement access punch through and indicative plans to show the conversion of passing bay to retail. Any breach of the control will require the submission of a Clause 4.6 variation.



<p>7.5 Design excellence within Dee Why Town Centre</p>	<p><i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p> <p><i>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i></p> <p><i>(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency,</i></p> <p><i>(d) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,</i></p> <p><i>(e) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.</i></p> <p><i>(f) whether the development connects with and provides a high quality interface with surrounding streets and public domain areas at the pedestrian level,</i></p> <p><i>(g) whether the development contributes to the provision of a network of green spaces, natural systems and semi-natural systems, including parks, waterways, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment.</i></p>	<p>See below</p>
<p><u>Response:</u> Concern is expressed about the ability of the development to achieve the Design Excellence provisions given the impacts of the driveway on the public domain, negative interface at pedestrian level, poor residential amenity, and concerns about ability to meet sustainability controls. Council supports the issues raised by DSAP and recommend that any future application addresses the issues raised by the Panel.</p>		



<p>7.13 Mobility, traffic management and parking</p>	<p><i>(d) the development will improve vehicle access and circulation within the Dee Why Town Centre and will reinforce the priority of pedestrian movements and networks to make the Dee Why Town Centre safe, enjoyable and attractive, and</i></p> <p><i>(e) car parking will be provided principally underground and will accommodate the demand generated by the additional residential, retail and commercial uses, and</i></p> <p><i>(g) if car parking adjoins a street frontage, the amenity of the adjoining and nearby uses is protected, and</i></p> <p><i>(h) loading facilities and waste collection facilities are accommodated in a way that does not adversely impact on the visual amenity of the public domain, the amenity of adjoining or nearby residential properties or conflict with pedestrian access, and</i></p> <p><i>(i) there will be minimal disruption to retail and commercial activity at street level because the proposed development—</i></p> <p><i>(i) minimises the width of footpath crossings and vehicle entrances, and</i></p> <p><i>(ii) ensures that loading facilities are substantially enclosed by occupied floor space, and</i></p> <p><i>(iii) demonstrates high standards of civic design to portions of loading dock and car park entrances that are visible from the street.</i></p>	<p>Vehicular access is proposed within the western boundary of the site.</p>
<p><u>Response:</u> The access driveway will impact on pedestrian movement. Refer to comments from Transport below.</p>		

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.

Control	Permitted	Proposed
Part G1 Clause x and Part 4K Apartment Mix	20% x 3 bedroom dwellings	Non-compliant 0%
<p><u>Response:</u> The unit mix is inconsistent with the requirements and objectives of the control. Consideration to a greater mix of apartment types is required. The ratio of one- and two-bedroom apartments to three-bedroom apartments is not supported.</p>		
Part G1 Clause 7.6A Tower Setbacks	16m	Non-compliant 12.5m
<p><u>Response:</u> The insufficient tower setback adds to the excessive visual bulk of the development and will create an unacceptable precedent.</p>		

Specialist Advice

Waste Officer

Residential Bin Room

- The size and location of the residential bin room is correct and acceptable to Waste Services.
- Access to the residential bin room must not be impeded by any locked doors or security shutters. It is suggested that a timer lock be fitted to the bin room door that opens from 6.00am to 6.00pm on the scheduled day of collection.
- The bin room door is to be 1200mm wide and able to be latched in the open position.

Residential Bulky Goods Room

- The size and location of the residential bulky goods room is correct and acceptable to Waste Services.
- The bulky goods room door must open outwards and away from the lift and stairwell. It is to be 1200mm wide.

Commercial Bin Room

The commercial bin room contains 4 x 240 litre bins – one for each commercial unit. This is insufficient for the proposed use of these units.

The ground floor commercial unit (retail R 01) appears as a 40 seat café/eat in dining establishment on the proposal. 1 x 240 litre bin is simply not enough capacity for this type of business.

It is suggested that the entire ground floor commercial bin room (4 bins) be allocated to this commercial unit (retail R 01).

The other three commercial units would be required to store 2 x 240 litre bins each. The bins could be located within a designated area within each unit or stored in a separate room on the same level of the building as the unit.

Transport Engineer



Specialist Advice

The PLM proposal is for a shop top housing development comprised of 23 residential apartments, one retail premises and 3 commercial premises. This will be supported by 31 basement parking spaces including 2 x accessible parking spaces.

Parking

The following are the DCP requirements for the Dee Why Town Centre

retail/commercial component requires 72m²@ 6.1 spaces per 100m² plus 151m²@ 1 space per 40m² = 8.2 spaces

residential component (including 10 x 1 bed @ 0.6/ unit, 12 x 2 bed @ 0.9/unit & 1 x 3 bed @1.4/unit plus 1 visitor space per 5 units) requires 23.2 spaces

Total requirement = 8.2 + 23.2 = 31.4 spaces.

The plans suggest that there are 31 parking spaces however the plans show two B2 parking levels with it is understood that one of these is actually the detail for the B1 parking level. On this basis, parking numbers appear to be consistent with DCP requirements. The DA plans should correct this typo and show what spaces are to be allocated to each use.

It is noted that two of the spaces are shown as small car spaces and two as under ramp. The dimensions of the small car spaces and the clearance over the under ramp spaces must be provided on the DA plans to confirm compliance with AS2890.1 requirements.

Vehicle Access

Carpark ramps are only single width with circulation areas also constrained. This creates issues in terms of vehicle to vehicle conflict. Two way ramps are much preferred in terms of safety and amenity but on such a narrow site this is impractical. Consolidation would enhance the ability to provide two way ramps with alternate vehicle access arrangements via the existing Right of Way passing between No.s 15 & 19 Oaks Avenue or via consolidation with adjacent lots preferred. It is understood that adjacent sites are reluctant to consolidate and this will need to be confirmed in writing with the DA. The constrained nature of the site means vehicle to vehicle conflict either on the ramps or within circulation areas is inevitable even with traffic light control and convex mirrors on the ramps. It is unclear how this vehicle to vehicle conflict will be overcome. The traffic report submitted with the DA must demonstrate how the parking levels will be made workable and compliant with As/NZS2890.1

It is also undesirable to have driveways serving single sites in this part of the Dee Why town centre. This will lead to pedestrian safety and amenity implications associated with vehicles crossing the wide footpath in a high pedestrian traffic area. The provision of vehicle access to this single site will then set an undesirable precedent with it then difficult to prevent similar vehicle access proposals on other adjacent single lot sites. Given the very close proximity of this site to the B-Line bus stop a quantum of residential parking below DCP requirements could be considered if it allowed creation of passing bays on each parking level. The limited use of car stackers or tandem parking could also be considered as a means of improving circulation.

There is widening at the top of the carpark ramp to provide a passing bay that has not been dimensioned. The passing bay should be sufficiently sized to allow a B99 vehicle to pull in to allow a B85 vehicle to egress. The B99 vehicle must then be able to continue into the site without having



Specialist Advice

to reverse back into the street front pedestrian area. This will need to be demonstrated with swept path plots. The passing bay should be located entirely behind the building alignment.

At the prelodgement meeting it was suggested that the developer would be open to conditions requiring the creation of a ROW along the western boundary or east/west through the carpark to facilitate shared access to adjacent lots. These options would be welcomed to reduce the number of vehicle crossings to Oaks Avenue, better passing opportunities and through site circulation and should be proposed in concept form on the DA plans.

As discussed at the prelodgement meeting, the extension of the basement parking levels under the footpath would be supported in principle by the traffic team if appropriate agreements were negotiated and an improved circulation arrangement and an acceptable level of parking was provided.

Substation and charging station

The preliminary advice from Ausgrid regarding decommissioning of the substation and relocation of the charging station is noted. All costs associated with decommissioning of the substation and relocation of the JOLT charging station and marked bay are to be borne by the developer. An alternate location for the charging station that is acceptable to Council and JOLT, ideally remaining on the street frontage of 21 Oaks Avenue, is required.

Car Share

As there are less than 25 dwellings there is no requirement for a car share bay with this development

Development Engineer

Groundwater

The site is likely to be affected by groundwater seepage. The development is to comply with the requirement of Water Management Act 2000. Tanking of the basement levels will likely be required. Reproduced below is Councils Standard condition for tanking:

The basement area is to be permanently tanked. The Applicant is to submit structural details of the tanking, prepared by a suitably qualified Engineer. Where temporary dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore license from the NSW Office of Environment and Heritage. The bore license must be obtained prior to commencement of dewatering works. All requirements of Water NSW are to be complied with and a copy of the approval must be submitted to the Certifier.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To prevent ingress of sub-surface flows into the basement area and to comply with State Government Requirements.

On site Detention

Not required as site is flood affected.

Stormwater Management

Refer to Councils Water Management for Development Policy Version 2, 26 February 2021 and AS/NZS 3500.3:2003 Part 3: Stormwater Drainage for requirements.



Specialist Advice

Where discharge from the site is limited to 30 litres per second in a 1% AEP storm event, it should be directed to the kerb. Where this is exceeded, a connection to Council's piped system is required.

Stormwater is to be discharged from the site by gravity. Provide DRAINS or other suitable modelling for site stormwater discharge. Pumped flow to the kerb will only be accepted for small sections of driveways not vehicle crossings that drain to the basement car park. Any groundwater seepage into the basement parking (if tanking is shown not to be required) will need to be discharged directly to Council's piped system.

Parking

Basement parking and access driveway design in accordance with AS/NZS 2890.1:2004. Please ensure that Section 3.3 (b) Vehicular control points is complied with.

Council Stormwater Infrastructure

Any Council stormwater assets on subject site will need to be accurately located by a pipe locating company and plotted by a registered surveyor. Refer to advice from Council's Floodplain Planning Engineer for easement requirements.

Flooding Engineer

The Flood planning level of 17.88mAHD as marked on the plans is acceptable. Subject to a sufficient Flood Management Report and flood modelling, the development should be ok for flooding. I won't come to the PLM if that's ok. Feel free to call me in if needed. Below are my comments.

A Flood Management Report (FMR) required to review the design against prescriptive controls in E11 of the WDCP. The Flood Planning Level (FPL) of 17.88mAHD as marked on the plans is acceptable (at the marked locations). The flood levels vary on the site, so a comprehensive Flood Information Report is recommended to be obtained from Council (unless Council's TUFLOW flood model is licenced).

It is noted that the rear of the building extends slightly into the 1% AEP (100 year) flood extent as well as the Probable Maximum Flood (PMF) extent. Justification in the FMR is needed to demonstrate that the development will not result in net-loss of flood storage at the rear and not make flooding worse for other properties. Modelling may be required to demonstrate this. Confirmation that only the first 5m of the street frontage is below FPL. Justification why the lobby can't be raised to the FPL is also required.

Riparian and Water Management

Site Context

The site is within the Dee Why Lagoon catchment and stormwater from site will enter the lagoon. Dee Why Lagoon is a declared Wildlife Refuge that contains several threatened ecological communities listed under the NSW Biodiversity Conservation Act 2016.

The proposal is for a mixed commercial and residential development for a lot size less than 1000 square metres and does not include subdivision. Impervious surfaces would be increased by more than 50 square metres.

Water Management Policy and Legislation

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



Specialist Advice

site is within the Dee Why Town Centre for which Section G Special Area Controls of the Warringah DCP 2011 apply.

Water Quality Management

WMD Policy

The outcomes Council seeks for this proposal include:

- a) The integration of water sensitive urban design measures to address stormwater management;
- b) Improvement of the quality of stormwater discharged;
- c) minimising impervious areas where possible, reusing rainwater and stormwater, and providing treatment measures that replicate the natural water cycle (e.g., infiltration).

The proposal must include a filtration device that removes organic matter and coarse sediments from stormwater prior to discharge from the land. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Warringah DCP 2011

Part D22 Conservation of Energy and Water

The reuse of stormwater for on-site irrigation and domestic use is encouraged.

Part G1 Dee Why Town Centre, 10 Water Sensitive Urban Design (WSUD)

A water sensitive urban design (WSUD) Strategy shall be prepared for all new buildings. The Strategy shall demonstrate compliance with WSUD objectives of this DCP and with Council's WMD Policy. The Strategy must be prepared by a Civil Engineer, who has membership to the Institution of Engineers Australia (NPER-3) and include the following:

- Catchment analysis plan – Clearly showing the surface type (roof, road, landscape, forest etc) and the total areas. This must be consistent with the land use nodes within the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Model;
- Stormwater quality requirements – Demonstrate how Stormwater Quality Requirements of the Water Management Policy will be met, including the location, size and configuration of stormwater treatment measures proposed for the development i.e., a stormwater plan;
- A MUSIC model - Prepared in accordance with the NSW MUSIC Modelling Guidelines unless alternative modelling parameters are justified based on local studies. Details of the modelling of those elements, parameters and assumptions used. All MUSIC data files must be provided to Council. Two models are required to be submitted – the existing site, and the proposed development. The modelling should demonstrate a neutral or beneficial effect over the existing scenario;
- Integration with the urban design – Identify how the treatment measures will integrate with the development layout and the surrounding area. Proprietary devices in isolation to WSUD features are unlikely to be approved.

Construction dewatering

The proposal includes a 2-storey basement.

The development application is to include a Geotechnical report describing the potential interference with the groundwater table and if approvals must be obtained from WaterNSW.

If the development is expected to interfere with groundwater and dewatering is required, then the development will be subject to the integrated development assessment process for construction dewatering and be referred to WaterNSW.



Specialist Advice

To undertake construction dewatering, the following approvals must be obtained from WaterNSW:

- water supply work approval;
- water access licence (WAL) - unless the project qualifies for an exemption, please refer to the fact sheets for more information;
- water use approval.

Refer to WaterNSW guidelines for construction dewatering and also for the minimum requirements for Geotechnical investigation reports:

<https://www.watarnsw.com.au/customer-services/water-licensing/dewatering>

https://www.watarnsw.com.au/__data/assets/pdf_file/0005/167279/Fact-sheet-Geotechnical-investigation-reports-Minimum-requirements-FA.pdf

The development will be subject to a Council issued dewatering permit which can be requested by contacting catchment@northernbeaches.nsw.gov.au. A Council issued dewatering permit can be issued after the Development Application is successful.

Council response to questions regarding water management

It was asked if Council would consider the construction of a bio-retention swale in the easement at the rear of the property, next to concrete channel, for water treatment. Stormwater team has advised that no private infrastructure/assets for water treatment can be constructed in the easement, excluding a pipe outlet to the concrete channel. Any water treatment infrastructure would need to be on private land outside the easement, with a pipe connecting to the channel.

Environmental Health

An acoustic report will need to be prepared to address potential noise issues during demolition, construction and for the development once operational. The report is to address the following but not limited to:

1. Is noise from the demo and construction going to cause a noise disturbance to the neighbouring residents? How will this be managed?
2. Vibration issues that may impact on neighbouring residents during demolition.
3. Acoustic report will need to consider location of windows for the residential units, how close are they to air con units outside if applicable, any exhaust outlets that may impact on the residential receivers?
4. Pump room on level 1 – will it cause an noise disturbance.
5. Noise from vehicle use on Oaks Avenue affecting bedrooms Oaks Avenue,
6. Noise from vehicles associated with the development using ground floor – will there be noise impacts to residents on level 1.
7. Retail on ground level affecting Units on Level 1,
8. Lift noise impacting of residential receivers
9. What form of ventilation is proposed for the kitchen area in each apartment? Odour issue and noise
10. Mechanical exhaust needed – inlet and discharge outlet location, smoke odour

A site specific management plan required. It will need to address how dust/air generation will be managed, how is noise from demolition and construction to be managed and what is the complaints process.

Note: To avoid repetition the comments from Council's Principal Planner are included in the body of these notes.



Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Landscape Plan
- Schedule of colours and materials
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist and MUSIC model
- SEPP 65 Design Verification Certificate
- BASIX Certificate
- Acoustic report
- Plan of management for Light spill/pollution
- Phase 1 Contamination Report (as a minimum)
- Geotechnical Report and potentially an Acid Sulphate Management Plan if detected in the geotechnical survey
- Flooding Report
- Access Report
- BCA Report
- Traffic Report
- Water Management Report
- A water sensitive urban design (WSUD) Strategy including a MUSIC model
- Address the relevant controls within the SEPP (Sustainable Buildings) 2023 which will come into force on 1 October.

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 7 September 2023 to discuss a shop top housing development at 21 Oaks Avenue, Dee Why. The notes reference the plans prepared by Gartner Trovato Architects dated 11 July 2023. It is acknowledged that sketch plans were presented at the PLM that have been prepared as an initial response to the DSAP recommendations. These plans have not however been submitted to Council.

Based on the information submitted with this PLM Council the proposal cannot be supported as it is prohibited due to the height breach. Further, significant concerns remain about the numerous other breaches of the site-specific planning controls. The proposal results in unreasonable impacts on streetscape due to excessive height, bulk and scale and will have negative impacts on the public domain due to the extent of the driveway and insufficient retail activation at ground level. The proposal has the potential to negatively impact of the amenity of neighbouring properties and results in poor amenity outcomes for the future occupiers of the development. It is strongly recommended that the issues raised in these notes are addressed prior to the submission of any future Development Application.

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.