



Pre-lodgement Meeting Notes

Application No:	PLM2023/0157
Meeting Date:	23 January 2024
Property Address:	45 and 45A Oaks Avenue DEE WHY
Proposal:	Residential Flat Building Development Application Prelodgement Meeting
Attendees for Council:	Daniel Milliken, Manager Development Advisory Services Anne-Marie Young, Principal Planner Adam Croft, Principal Planner James Brocklebank, Transport Engineer Sylvia McGrath and Ray Creer, Waste Services David Hellot, 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.



PROPOSAL AND SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

The proposal consists of the demolition of existing structures on the site and construction of a 3-storey residential flat building (11 units comprised of 1 x 1 bedroom unit, 9 x 2 bedroom units and 1 x 4 bedroom unit) supported by a basement parking level for 17 cars using car stackers and roof top communal open space

On 22 January 2023, the Applicant submitted a survey and amended plans. The amended plans included some contextual information in respect of the windows and balconies to neighbouring properties. The amendments to the proposal included:

Basement:

- Minor increase in the eastern side setback of the basement
- Reduction in car parking spaces to 15 spaces and a change to the car park layout
- Addition of a bin store area

Ground Floor

- The re-location of the pedestrian access to the building to a central position and relocation of the driveway further to the east
- Internal reconfiguration of ground floor layout and change of
- Reduction in the side setback of the building to the east and west
- Change in the unit mix (1 x 1 bed plus study, 9 x 2 bed and 1 x 4 bed)

Upper Floors

- Addition of pergola to roof top area.

Design and Sustainability Advisory Panel (DSAP)

On the 14 December 2023, the original design was presented to the DSAP. DSAP raised issues with the reduced side and front setbacks and resulting amenity impacts (solar and privacy). The Panel also raised issues with the entry sequence and lobby location, the excessive basement which impacts on availability of deep soil, tree / mature canopy loss, and the poor amenity to common open space on roof. The DSAP report concluded:

The Panel do not support the proposal in its current form which is considered an overdevelopment of the site. The Panel considers the site is able to be developed for the purpose of reasonable amenity residential flat buildings with a substantially reduced yield.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)

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

The plans are conceptual, therefore, a detailed assessment against SEPP 65 and the ADG has not been provided. Despite this it is anticipated that the proposal will not achieve compliance with the following requirements of the ADG:

- 2F Building separation
- 3D-1 Communal open space
- 3F-1 Visual Privacy
- 4A-1 Solar Access



- 4D-3 Bedroom dimensions are insufficient when factoring in wardrobe requirements
- 4G-1 Storage – the rooms within each apartment are small and lack sufficient storage areas
- 4K-1 Apartment mix - the proposal does not include a suitable mix of unit types.

The following key concerns are raised:

2F Building separation –

- *Up to four storeys (approximately 12m):*
 - *12m between habitable rooms/balconies*
 - *9m between habitable and non-habitable rooms*

Response: The reduced 2.0m – 3.0m side setbacks results in a separation of 5.8m between the windows to the habitable proposed rooms within the proposed development to the balconies of the existing residential flat building to the west.

The reduced side setbacks will result in a 6.9m separation between the windows to the habitable rooms within the proposed development and the balconies of the residential flat building to the east.

The roof top communal area has a setback of 7.1m to the balconies of the western residential development and 10.7m to the balconies in the eastern residential development.

As such, the proposal is inconsistent with the minimum 12m building separation control.

- *2H Side and rear setbacks*
 - *Test side and rear setbacks with the requirements for:*
 - *building separation and visual privacy*
 - *communal and private open space*
 - *deep soil zone requirements*
 - *On sloping sites, consider increasing side and rear setbacks where new development is uphill to minimise overshadowing and assist with visual privacy*

Response: The non-compliant building separation will result in unreasonable visual privacy impacts to neighbouring properties and poor internal amenity for the residents of the proposed development. Council concurs with the suggestion from DSAP that the number of units needs to be reduced and screens are not supported as a primary solution for privacy, see extract from the DSAP report below:

It is likely that the number of units will have to be reduced to provide the required setback and privacy issues. The typology would result in a reliance on screens. Screens are not supported as a primary solution for privacy and should be used only on secondary windows to habitable rooms.

Furthermore, given the extent of the basement with a nil to 1.0m setback to the western side boundary there is limited scope for meaningful planting required to soften the built form and assist with providing visual privacy.



The reduced side setback contributes to the overdevelopment of the site and is not supported.

3D Communal and public open space

- *Communal open space has a minimum area equal to 25% of the site*
- *2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)*
 - *Communal open space should be consolidated into a well designed, easily identified and usable area*
 - *Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:*
 - *provide communal spaces elsewhere such as a landscaped roof top terrace or a common room*
 - *provide larger balconies or increased private open space for apartments*
 - *demonstrate good proximity to public open space and facilities and/or provide contributions to public open space*

Response: The proposed common open space equates to approximately 100sqm (13% of the site area). The proposal is inconsistent with the 25% minimum requirement. Furthermore, DSAP have recommended that the roof top common open space be set back a minimum of 6m from the side boundaries to prevent unreasonable overlooking, see recommendation 5 of the DSAP report.

Council supports a reduction in the side setbacks of the common roof top open space.

Council supports DSAP recommendation 11 which requires the Applicant to *demonstrate provisions of quality amenity for residents. Objective 3D-2 of the ADG provides detailed design guidance on the type of facilities required for common open spaces.*

The insufficient size and poor quality of the common open space contributes to an overdevelopment of the site noting it is not sufficient for the scale of development proposed.

3F Visual privacy

- *Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: Up to 12m (4 storeys) 6m between habitable rooms and balconies) and 3m non-habitable rooms).*

Response: As discussed above, the side setbacks, between 2.0m – 3.0m are insufficient. The reduced setback will result in unreasonable amenity impacts in terms of visual privacy and are not supported. Refer to discussion under 2F above.

4A-1 Solar Access

- *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter*
- *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.*



Response: Insufficient information has submitted to demonstrate compliance of with the solar access provision detail in Design criteria 1.

Despite this, significant concern is expressed about potential overshadowing impacts to neighbouring properties given the reduced side setbacks on all levels and orientation of the site.

Council support DSAPs concern that the solar access to living areas and private open space is 5/11 apartments 45% and not compliant with the ADG 4A-1. DSAP recommendation 13 requires compliance with ADG 4A-1 Solar Access and ADG 2F Building Separation ADG 3F-1 Visual Privacy.

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)	Residential Flat Building (RFB) <i>means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.</i>
Zone:	R3 Medium Density Residential <u>Objectives</u> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a medium density residential environment.</i> • <i>To provide a variety of housing types within a medium density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i> • <i>To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.</i>
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
4.3 Height of Buildings Objectives (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development, (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access, (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments, (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.	11m	10.6m to parapet	Yes
		11.4m to lift overrun/pergola	No 0.4m (3.63%) breach
<p>Response: DSAP noted that the breach of the 11m height limit could in principle be supported as it enables access to the communal roof and subject to there being no unreasonable amenity impacts to neighbouring properties in terms of solar access and overshadowing, privacy/overlooking or view impacts. Council generally concurs with this position; however, concern is expressed about the additional height breach should the design be amended to include facilities and shade structures required to address the DSAP recommendation 11 namely:</p> <p><i>Communal open space, assuming it is on the rooftop needs to demonstrate provision of quality amenity for residents.</i></p> <p>Careful consideration shall be given to the design of the roof top communal area and the location of the structures required to provide for amenity.</p> <p>Any future development application shall be supported with a Clause 4.6 variation that addresses the objectives of the height control and sufficient environmental planning ground to justify the departure from the development standard.</p>			

***Note:** There is no FSR development standards in the current WLEP, however, the Applicant is advised that it is likely that an FSR development will be introduced into the future LEP. The gross floor area of the proposed development equates to approximately rate to 540.66sqm 0.75:1.

6.2 Earthworks

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,



- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Response: A geotechnical report is required to consider the matters listed above. The report shall confirm if the development needs to be submitted as Integrated Development should there be any impacts on the water-table which would trigger the requirement of approval from The Department of Water NSW. Refer to comments from Council's Riparian and Water Management Officer below.

***Note:** Refer also to the following clauses of the WDCP: **Clause C7 Excavation and Landfill** and **Clause E10 Landslip Risk** (the site is mapped as Landslip Risk Area A)

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
B3 Side Boundary Envelope	5m	Outside the envelope
<p>Response: No side elevations have been submitted to confirm compliance with the control. However, given the 2.0m and 3.0m side setback with no increase in the setback of the upper floor a significant breach of 5m side envelope control is inevitable. Any future application shall provide a detailed assessment of the requirements and the objectives of the control and demonstrate that there will be no unreasonable impacts on residential amenity due to insufficient building separation / and resulting side boundary envelope breach.</p>		
B5 Side Boundary Setbacks B6 Merit Assessment of Side Boundary Setbacks	<u>Requirements</u> -4.5m <i>- Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</i> <i>On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.</i> <u>Objectives</u> <ul style="list-style-type: none"> • To provide opportunities for deep soil landscape areas. • To ensure that development does not become visually dominant. 	Nil (Basement) 2m-3m (above ground)



	<ul style="list-style-type: none"> • <i>To ensure that the scale and bulk of buildings is minimised.</i> • <i>To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.</i> • <i>To provide reasonable sharing of views to and from public and private properties.</i> 	
<p><u>Response:</u> The proposal is inconsistent with the requirements and objectives of the side setback control. The extent of the basement reduces options for deep soil planting which is required for sufficient screen planting to help reduce the visual bulk of the development and provide for privacy. The scale and bulk of the building is excessive, and the proposal provides insufficient building separation to ensure a reasonable level of privacy, amenity and solar access, refer to discussion under the ADG above.</p> <p>It is noted that a 4.5m side setback is provided to the external walls of the residential flat building to the east and a 3.7m setback is provided to the external wall of the residential flat building to the west. These developments pre-date the current controls yet provide for better building separation than the subject proposal. The ADG requires a 6m side setback.</p> <p>On merit, the proposal is inconsistent with the side setback of neighbouring developments and will impact on the amenity of surrounding properties. The proposal is therefore inconsistent with clause B6. It is noted that the ADG requires a 6m side setback, considering the constraints of the narrow 15.2m wide side, it is recommended that the side setback comply with the 4.5m DCP control with the side setback of the upper floors of the building shall be progressively increased. This will require a reduction in the yield of the development to approximately 6 units.</p>		
<p>B7 Front Boundary Setbacks B8 Merit assessment of front boundary setbacks</p>	<p><u>Requirements</u> -6.5m <i>-The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.</i></p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • <i>To create a sense of openness.</i> • <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing</i> 	<p>6m (balcony, retaining walls and basement)</p>
<p><u>Response:</u> The proposal is inconsistent with the requirements and objectives of the control. The design needs to be amended to demonstrate that the front setback is a landscaped common area which is free of structures and to help soften the building from the streetscape and maintain the visual continuity of the streetscape., refer to comments from Council's Landscape Officer.</p>		
<p>B9 Rear Boundary Setbacks</p>	<p><u>Requirements</u> -6m <i>-The rear setback area is to be landscaped and free of any above or below ground structures.</i></p>	<p>5.3m to the basement</p>



<p>B10 Merit assessment of rear boundary setbacks</p>	<p>- On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • To ensure opportunities for deep soil landscape areas are maintained. • To create a sense of openness in rear yards. • To preserve the amenity of adjacent land, particularly relating to privacy between buildings. • To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements. • To provide opportunities to maintain privacy between dwellings. 	
<p><u>Response:</u> The proposal is inconsistent with the requirements and objectives of the control. Furthermore, the proposal will require the removal of the existing mature canopy trees to the rear of the site. These trees currently provide amenity value to the site in that they provide a vegetation screen to neighbouring properties, refer to comments from Council's Landscape Officer below.</p>		
<p>C2 Traffic, Access and Safety</p>	<p>1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.</p>	
<p><u>Response:</u> Refer to comments from Council's Transport Engineer.</p>		
<p>C3 Parking Facilities C3(A) Bicycle Parking and End of Trip Facilities</p>	<p>3. Carparking, other than for individual dwellings, shall :</p> <ul style="list-style-type: none"> • Avoid the use of mechanical car stacking spaces; • Not be readily apparent from public spaces; • Provide safe and convenient pedestrian and traffic movement; • Include adequate provision for manoeuvring and convenient access to individual spaces; • Enable vehicles to enter and leave the site in a forward direction; • Incorporate unobstructed access to visitor parking spaces; • Provide on site detention of stormwater, where appropriate; and • Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1. <p>4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car</p>	



	<p>parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.</p> <p>7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.</p>	
<p>Response: Seventeen car parking spaces are required and only 15 car parking spaces using car stackers are proposed. Furthermore, no parking for people with a disability or bicycle parking have been provided. As such, the proposal is inconsistent with the car parking and bicycle parking rates, refer to comments from Council's Transport Engineer below.</p>		
<p>D1 Landscaped Area</p>	<p>Requirement 50% (384m²)</p> <p>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</p> <p>c) Landscaped open space must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</p> <p>Objectives</p> <ul style="list-style-type: none"> • To enable planting to maintain and enhance the streetscape. • To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife. • To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building. • To enhance privacy between buildings. • To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants. • To provide space for service functions, including clothes drying. • To facilitate water management, including on-site detention and infiltration of stormwater. 	<p>Proposed - 306.8sqm (39.3%), as amended, including 82.2sqm landscape strip noted to be 1m deep along the side boundaries.</p>



<p>Response: The proposal is inconsistent with the requirements and objectives of the control representing a 77.2sqm (10.7%) breach of the control. It is strongly recommended that the building side setbacks are increased, the number of units decreased, and the basement reduced, which in turn will allow for more landscape open space.</p>		
<p>D6 Access to Sunlight</p>	<p><u>Requirement</u></p> <p>2. <i>At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</i></p> <p><u>Objectives</u></p> <p>1. <i>To ensure that reasonable access to sunlight is maintained.</i></p>	<p>Insufficient information to demonstrate compliance, however, concern is expressed about impacts to neighbours.</p>
<p>Response: Shadow diagrams have not been submitted to demonstrate compliance with the control. Despite this, concern is expressed about the potential shadow impacts to neighbouring properties given the reduced setback at all levels of the building. Furthermore, it is noted that units within the adjoining developments contain windows and balconies orientated towards side boundaries. A greater separation is required to ensure solar access to neighbours is maintained.</p>		
<p>D7 Views</p>	<p><u>Requirement</u></p> <p>1. <i>Development shall provide for the reasonable sharing of views (in accordance with the Tenacity Planning Principles)</i></p> <p><u>Objective</u></p> <ul style="list-style-type: none"> • <i>To allow for the reasonable sharing of views.</i> • <i>To encourage innovative design solutions to improve the urban environment.</i> • <i>To ensure existing canopy trees have priority over views.</i> 	<p>Insufficient information to confirm compliance</p>
<p>Response: Any future application shall be supported with a view loss assessment that demonstrates compliance with the control and the objectives.</p>		
<p>D8 Privacy</p>	<p><u>Requirement</u></p> <p>1. <i>Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</i></p> <p>2. <i>Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</i></p> <p>3. <i>The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</i></p>	



	<p>4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.</p> <p>5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.</p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> • To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours. • To encourage innovative design solutions to improve the urban environment. • To provide personal and property security for occupants and visitors. 	
<p><u>Response:</u> The proposal is inconsistent with the requirements and objectives of the control. The reduced side setbacks and insufficient building separation results in unreasonable impacts on neighbouring amenity in terms of visual privacy. Windows to habitable rooms are sited 3m from the side boundary and less than 6m from balconies to neighbouring properties. Screening devices to the windows of habitable rooms does not justify a departure from the side setback control, refer to discussion under side setbacks and the ADG above.</p>		
<p>D9 Building Bulk</p>	<p><u>Requirements</u></p> <ol style="list-style-type: none"> 1. Side and rear setbacks are to be progressively increased as wall height increases. 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. 6. Use colour, materials and surface treatment to reduce building bulk. 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works. 8. Articulate walls to reduce building mass. <p><u>Objectives</u></p> <ul style="list-style-type: none"> • To encourage good design and innovative architecture to improve the urban environment. • To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. 	<p>There is no stepping of the building and insufficient space for screen planting to reduce the visual bulk.</p>
<p><u>Response:</u> The proposal is inconsistent with the requirements and objectives of the control. The side setbacks are not increased as the wall height increases. The scale, bulk and</p>		



massing of the proposed building is excessive and represents an overdevelopment of the site.

Specialist Advice

Transport Engineer

The site lies outside the Dee Why Town Centre and parking as per Appendix 1 of the Warringah DCP is therefore required i.e.

1 x 1 bed unit @ 1 space = 1 space

9 x 2 bed units @ 1.2 spaces each = 10.8 spaces

1 x 4 bed unit @ 1.5 spaces = 1.5 spaces

Total residential parking = 13.3 (14) spaces

Visitor parking @ 1 space per 5 units or part thereof = 3 spaces

Total parking requirement = 16.3 **(17) spaces**

The developer proposes 15 spaces which is not compliant with DCP requirements and also proposes 12 of the spaces in car stackers. Cars parked in car stackers are considered suitable only for use by residents of the same unit i.e. the 12 spaces in car stackers would only be suitable for use by 6 of the units. This ensures access to and from cars in a stacker unit is available at all times. The proposed parking arrangement also means only 9 of the 11 units would have access to offstreet parking and that there would be no visitor parking. The parking arrangement is therefore considered unsuitable for the proposed unit mix and number of units. Given that the development lies just outside the Dee Why Town Centre consideration could be given to a slightly reduced level of parking noting the proximity to Council's carpark across the road which could cater for visitor parking however, there is a high on-street parking demand and parking in line with the required 14 residential spaces would be necessary. Any departure from DCP requirements will need to be justified in a parking and traffic impact report lodged for consideration with the DA

As the development comprises more than 5 dwellings there is a requirement for 10% of units to be adaptable. This also means that a parking space that can be converted for adaptable use or that is a disabled space is required for each adaptable unit. No such spaces have been shown on the plans.

The proposed driveway is single width but is shown as being 5.5m wide for 6m inside the property boundary this should allow for passing by two vehicles meeting from opposing directions but this will need to be verified by swept path plots showing passing of a B85 & B99 vehicle.

Manoeuvring to/from critically located parking spaces by B85 vehicles will also need to be demonstrated by swept path plots.

The driveway across the nature strip has not been shown on the plans. The 5.5m width should be continued across the nature strip to meet the kerb and a long section plot between the road and the basement (with grades) should be lodged with the DA

Bicycle parking has not been shown but is required in line with DCP requirements i.e. 1 bicycle parking space for each unit plus one for visitors. The location and numbers of bicycle parking spaces should be shown on the DA plans

Waste Management Officer

Amended Plans 22/1/24



The proposal is for 11 residential units which will require the following bin allocation.

- 4 x 240 litre garbage bins
- 5 x 240 litre recycle bins
- 2 x 240 litre vegetation bins

Each bin is 600mm wide and 750mm deep.

Residential Bin Room

There is a bin room shown on the plans in the basement. This is unacceptable

A bin room must be provided at street level within 6.5 metres of the property boundary with the street that complies with Councils design requirements.

The room must be large enough to contain the required number of bins (11 x 240 litre) with aisles a minimum of 1 metre wide between rows of bins or between a row of bins and a wall.

The access door must be 1.2 metres wide.

Bulky Goods Waste Storage Room

There is no bulky goods room shown on the plans.

A room must be provided. In the basement is acceptable.

The room must be a minimum of 4 cu metres, either square or rectangular in shape.

The minimum ceiling height must be 2.1 metres.

The minimum door width is 1.2 metres. The door must open outwards from the room.

Landscape Officer

The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the Warringah Development Control Plan (WDCP), and in this instance the following: D1 Landscaped Open Space and Bushland Settings; and E1 Preservation of Trees or Bushland Vegetation.

Additionally, as a residential flat building, the Apartment Design Guide (ADG) applies under State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65), including the objectives of control 3E Deep Soil Zones, 4O Landscape Design, and 4P Planting on Structures.

The Pre-Lodgement documents are generally conceptual without any specific information including:

- › compliance to landscape area under WDCP
- › compliance to deep soil requirements under ADG
- › indication of landscape character to the front and rear setbacks to achieve the landscape outcomes of WDCP control D1
- › indication of tree preservation in consideration of E1

D1 Landscaped Open Space and Bushland Settings

A Landscape Plan is required as prepared by a qualified professional (Landscape Architect or Landscape Designer), to demonstrate that the proposed development satisfies the DCP clause, including:

- › establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building



- › provide privacy between buildings and/or provide privacy to private open spaces
- › retention of existing trees
- › landscape design elements for communal open space including amenity comfort structures and facilities (i.e.. shade structures, outdoor living facilities, planters and vegetation)

E1 Preservation of Trees or Bushland Vegetation

Existing vegetation of prominence and amenity value is located at the rear of the property. Existing Jacaranda and Lillypilly vegetation provides a visual screening to the rear property at 56 Pacific Parade. Whilst the Jacaranda trees are exempt, under a development application, Landscape Referral will assess the amenity value that these trees provide in consideration of any merit to retain or remove.

An Arboriculturally Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.

The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).

Landscape concerns / advice

Concern is raised that the front setback area is not clearly identified as common area to permit the setback to be utilised as a landscape area with tree and other planting for the full setback width to soften the building, and any change of levels with retaining walling should be either at the front boundary or incorporated into the building alignment.

Along the rear setback retention of the existing vegetation shall be analysed to maintain the current visual privacy to the rear property at 56 Pacific Parade. Additionally augmented vegetation screening shall be provided.

Development Engineer

1. OSD will be required for the proposal in accordance with Council's Water management for Development Policy.
2. The plans seems to show the OSD tank under a portion of the first floor bedroom which is not acceptable. The tank cannot be located under any habitable rooms.
3. Connection of stormwater to the kerb in Oaks Ave is acceptable.
4. The driveway crossing is to be in accordance with Council's Normal profile and the redundant crossing reinstated to kerb and footpath.
5. The internal grades are to be in accordance with AS/NZS 2890.1:2004 providing a maximum 1 in 20 grade for the first 6 metres. A review of the submitted profile indicates that the final transition into the basement may be too steep 15% instead of 12.5%.
6. A Geotechnical report is to be provided including an assessment of the level of the water table. If the basement is to be located below the water table then the basement will need to be tanked.

***Note:** Council's Flooding Engineers raise no issues and confirm that a Flood Management Report is not required

Riparian and Water Management Officer

The proposal is subject to:



- Coastal Management Act 2016;
- State Environmental Planning Policy (Resilience and Hazards) 2021 (clauses 2.8 and 2.12);
- Northern Beaches Water Management for Development Policy (WM Policy); and
- Relevant LEP and DCP clauses.

Water Sensitive Urban Design (WSUD)

Objectives

- Improve the quality of water discharged to our natural areas
- To integrate water sensitive urban design features in the built environment
- Water conservation

Northern Beaches Water Management for Development Policy (WM Policy)

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 Water Management Policy.

The following is to be developed:

- 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;
MUSIC model - Prepared in accordance with the Council 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. Refer table 5 water quality targets of the Northern Beaches Water Management for Development Policy.
- 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.
- Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources.

Dewatering

The proposed basement is likely to intercept the existing groundwater table.

The development application is subject to WaterNSW approvals and is integrated development.

Please refer to WaterNSW guidelines:

Minimum requirements for building site groundwater investigations and reporting Information for developers and consultants

https://water.dpie.nsw.gov.au/__data/assets/pdf_file/0003/541605/minimum-requirements-for-building-site-groundwater-investigations-and-reporting.pdf

forming part of:

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

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



Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Clause 4.6 Variation
- SEPP 65 Design Verification
- BASIX Certificate
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Landscape Plan including landscape calculations
- 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 (if any change is proposed to the driveway) including swept path plots showing passing of a B85 & B99 vehicle
- 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
- Arboricultural Impact Assessment
- Geotechnical Report
- Traffic and Parking Report
- Photomontage

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 23 January 2024 to discuss demolition works and construction of a Residential Flat Building at 45 and 45A Oaks Avenue, Dee Why. The notes reference the amended plans prepared by Mackenzie Architects dated 15 January 2024.

The amended plans do not adequately address the issues raised by the DSAP and the proposal continues to represent an overdevelopment of the site.

In summary, the following issue remain with the amended scheme:



Concluding Comments

The reduced side setback and insufficient building separation results in excessive visual bulk and unreasonable amenity impacts to neighbouring properties in terms of overlooking, solar access and potential view loss. The proposal also results in poor amenity for the future residents.

The extent of the basement with a nil to 1m western side setback reduces the options for deep soil planting required to help soften the visual impact of the building to the neighbouring properties and minimise privacy impacts. Furthermore, the mature canopy trees within the rear setback are of amenity value and the loss of these trees is a concern. The size and quality of the common open space proposed at roof level is insufficient to meet the requirements of the ADG.

Insufficient car parking is provided, issues are raised in respect of the car stackers option, the bin room is unacceptable, and no bulky waste storage area has been provided.

In conclusion the proposal is not supported, and it is strongly recommended that the design is revised to reduce the density (yield) with a minimum 4.5m side setbacks and stepping of the building at the upper levels. A further PLM would be of benefit to ensure that the revised design adequately addresses the issues raised by the DSAP and the Referral Officers in these notes.

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.