



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PLM2017/0100 &
PLM2017/00126

Meeting Date: 5 September 2017 and 24
October 2017

Property Address: 9 -15 Lawrence Street, Freshwater

Proposal: Construction of a Shop Top Housing Development

Attendees for Council: Steve Findlay – Development Assessment Manager
Lashta Haidari – Principal Planner
Dominic Chung – Senior Urban Designer
Andrew Ho – Waste Project Officer
Rob Barbuto - Principal Engineer - Major Developments
Clare Tregenza – Strategic Planner

Attendees for applicant: Jeremy Bishop
Ben Craig
Steven Sroba
Alek Novakovic

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, Warringah LEP 2000 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.

SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
Amalgamation	<p>The subject site, whilst it can be developed in its right, to limit the number of driveways for developments along Lawrence Street, Council recommended that the amalgamation of the site with the neighbouring site to the west (No.21 Lawrence Street) would provide a better outcome in terms of facilitating a more comprehensive and integrated development which will be consistent with the Freshwater Village DCP (streetscape, activation, pedestrian safety and amenity).</p> <p>The applicant advised that they have been unsuccessful in the attempts to consolidate.</p> <p>In this regard, it is recommended that documentary evidence should be provided with the Development Application to show that reasonable attempts have been made with the property owner(s) to the west to amalgamate with their property.</p>
Definition of Shop top Housing	<p>This issue was discussed at length at the meeting, where it was agreed that the applicant would obtain their own legal advice on this issue. The legal advice is to be lodged with the Development Application, and Council will during the assessment seek its own legal advice on this issue to ensure permissibility.</p>

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

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

Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011:

The fundamentals	
<p>Definition of proposed development: (ref. WLE P 2011 Dictionary)</p>	<p>Commercial Premises means any of the following:</p> <p>a) Retail Premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:</p> <p>Shop means “premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include</p>

The fundamentals

food and drink premises or restricted premises.”

Food and Drink Premises means “*premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:*

(a) a restaurant or café means “*a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided*”.

(b) a take away food and drink premises means “*premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises*”.

(c) a pub means “*licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises*”.

b) Business Premises’ means a “*building or place at or on which:*

(a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*

(b) *a service is provided directly to members of the public on a regular basis,*

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.”

c) Office Premises means “*a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where*

The fundamentals	
	<p><i>such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used”.</i></p> <p>Residential Accommodation</p> <p><u>Shop Top Housing</u> means “one or more dwellings located above ground floor retail premises or business premises.</p>
Zone:	B2 Local Centre
Permitted with Consent or Prohibited:	<p>Commercial Premises</p> <p><u>Retail Premises</u></p> <ul style="list-style-type: none"> • Shop (Permitted with Consent) • Food and Drink Premises (Permitted with Consent) <ul style="list-style-type: none"> ○ Restaurant/Café (Permitted with Consent) ○ Take Away Food and Drink Premises (Permitted with Consent) <p><u>Business Premises</u> (Permitted with Consent)</p> <p><u>Office Premises</u> (Permitted with Consent)</p> <p>Residential Accommodation</p> <p>Shop Top Housing (Permitted with Consent – Applicant to provide evidence and advice that the proposal is consistent with definition)</p>

Objectives of the Zone
<p>The proposal is considered to be inconsistent with the objectives of the zone for the following reasons:</p> <ul style="list-style-type: none"> • <i>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</i> <p><u>Comment:</u></p> <p>The development includes a range of commercial uses (Retail Premises) which, because of the centralised and accessible location within the Freshwater Village, will serve the needs of people who live in, work in and visit the local area.</p> <p>It is considered that the development, as presented, satisfies this objective.</p> <ul style="list-style-type: none"> • <i>To encourage employment opportunities in accessible locations.</i> <p>Given the increase in commercial floor space and the accessibility of the location, which is serviced by regular public transport, it is considered that the development will encourage additional employment opportunities within the B2 Local Centre zone than what is currently available.</p>

Objectives of the Zone

It is considered that the development, as presented, satisfies this objective.

- *To maximise public transport patronage and encourage walking and cycling.*

Comment:

Freshwater Village is limited in available public and private non-residential car parking which could serve to encourage patrons of the Village to use alternative means of transport, including walking and cycling.

The site is located within close proximity to bus stops which service high frequency Sydney Bus routes running through the Village via the main thoroughfares of Lawrence Street.

Additionally, the development should include an on-site parking provision at ground level and/or within the basement car parking area for bicycles which would further encourage local walking and cycling to the Village centre.

It is considered that the development, as presented, satisfies this objective.

- *To provide an environment for pedestrians that is safe, comfortable and interesting.*

Comment:

The development provides an appropriate level of articulation and activation at street level in the form of the arcade entry and architectural design elements to each commercial frontage along the Albert Street facade.

It is considered that the development, as presented, satisfies this objective.

- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Comment:

The development is to be designed to step down the site to reflect the natural slope of the land.

The proposed building achieves a built form which sensitively responds to the streetscape, the character of the Village and relates favourably in both architectural scale and landscape treatment to neighbouring mixed-use and residential land uses.

It is considered that the development, as presented, satisfies this objective.

- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

Comment:

The north-facing boundary of the site abuts the R2 Low Density Residential zone which predominantly consists of low density detached style residential dwellings in landscaped settings (although a medium density development is directly adjoining).

The development has been generally designed to respect this context in appropriate setbacks to the driveway and the upper levels of the rear buildings. However, careful consideration is to be

Objectives of the Zone

given to the interface between the site and the neighbouring low density land in the maintenance of amenity and the reduction of impact through a sensitive and appropriate treatment of building bulk and scale. In this regard, a comprehensive site analysis is to be provided with any development application.

It is considered that the development, as presented, satisfies this objective.

Principal Development Standards:

Standard	Permitted	Proposed	Comment
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<p>Height of Buildings: Note: Building heights under WLEP 2011 are taken from existing ground level.</p>	<p>11.0m</p>	<p>+11.0m as indicated on the plans</p>	<p>Not complaint</p> <p>Given the history of the site (refer to the recent Land and Environment Court case under Freshwater Village Developments Pty Ltd v Warringah Council [2011] NSWLECV 1127), Council will not support any significant variation to the Height of Buildings Development Standard.</p> <p>Any proposed variation to the building height standard must be minimal and formally requested in writing and address the provisions of Clause 4.6 in WLEP 2011 and provide full and compelling justification as to why the building is unable to comply with the height limit and what the impacts of the variation will have on views, solar access and scenic/visual amenity of the locality.</p> <p>It was suggested in the meeting by the Applicant that roof top terraces might be proposed, however, such elements would not comply with the height control and introduce amenity issues for surrounding properties (not supported).</p>
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Part 5 Miscellaneous Provisions	
Provision	Comment
<p>5.3 Development near zone boundaries</p>	<p>The subject site is adjoined immediately to the north by the R2 Low Density Residential zone. The Statement of Environmental Effects is to address and satisfy the relevant subclauses of this clause in addition to the provision of a comprehensive site</p>

	analysis which shows how the development sensitively responds to, and respects, the uses, built form, scale and amenity of the neighbouring zone.
Part 6 Relevant Additional Local Provisions	
Provision	Comment
6.2 Earthworks	<p>The development will involve earthworks which may have an impact upon the environmental functions and processes, neighbouring uses and features of the surrounding land.</p> <p>The Objectives contained under Clause 6.2(3) will be required to be addressed in the Statement of Environmental Effects to ensure that any impact is minimised. Additionally, a Soil and Erosion Plan for earthworks is to be submitted with the Development Application.</p> <p>See below in relation to a Geotechnical Report.</p>
6.4 Development on Sloping Land	<p>The subject site is located within Area A which is defined by a slope of less than 5°.</p> <p>Any excavation works on the site will be required to be analysed and supported by a comprehensive Geotechnical Report prepared by a suitably qualified geotechnical engineer. The Report is to be submitted with a Development Application.</p>

Warringah Development Control Plan 2011 (WDCP 2011)

Consideration of proposal against Warringah Development Control Plan 2011:

Warringah Development Control Plan			
Part B: Built Form Controls			
Control	Requirement	Proposed	Comment
B2. Number of storeys	Refer to Part G5 Freshwater Village for area specific controls which requires buildings on land shown coloured on the DCP map 'Number of Storeys' must comply with the maximum height of 3 storeys.	3 storeys	Complies
B5 & B6. Side Boundary Setbacks	Refer to the Part G5 Freshwater	5.5m - 6m	The rear setbacks of the development

Warringah Development Control Plan			
	<p>Village for area specific controls which requires a minimum side setback of 2.0m where a side boundary adjoins land zoned for residential purposes. Additionally, this setback area is to be landscaped and densely planted.</p>		<p>should be increased (to a min 6.0m) and the north-facing windows to habitable rooms and balconies are to be appropriately treated to minimise overlooking into the neighbouring residential land.</p> <p>Dense landscaping is to be provided as a visual and acoustic buffer along the northern edge of the development between the proposed apartments and the northern property boundary (note easement and other infrastructure such as the OSD tank may impinge on ability to provide screen landscaping)</p>
B7 & B8. Front Boundary Setbacks (Albert Street)	<p>Refer to the Part G5 Freshwater Village for area specific controls which requires the following:</p> <p><u>Ground level and second storey</u></p> <p>New buildings may be built to the boundary or may be set back a maximum of 3.0m.</p> <p><u>Third storey</u></p> <p>The third storey is to be set back a minimum of 5.0m from the property boundary.</p> <p>Landscaping or gardens above the setback area of buildings are</p>	<p><u>Ground level</u></p> <p>Nil setback</p> <p><u>Second storey</u></p> <p>Nil</p> <p><u>Third storey</u></p> <p>5m</p>	Complies

Warringah Development Control Plan			
	encouraged.		
Part C: Siting Factors			
Control		Comment	
C2. Traffic, Access and Safety		<p>Refer to the Part G5 Freshwater Village of Development Control Plan for area specific requirements for access and loading.</p> <p>Vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimise traffic hazards, queuing traffic and pedestrian conflicts, on public roads.</p> <p>Generally, the location of the proposed driveway onto Lawrence Street is considered to be acceptable. However, traffic access and safety is a critical component of this development and will require ongoing discussion with Council's Traffic Engineer and Development Engineer to ensure that the intersection of the proposed driveway and the pedestrian footpath is appropriately and satisfactorily designed and managed for safety and vehicular access for the range of vehicles accessing the site (sight splays/triangles and treatments will be required, see approved plans for STH development opposite).</p>	
C3. Parking Facilities		<p>Car parking areas are to be provided in accordance with the most recent "Guide to Traffic Generating Developments" (NSW Roads and Traffic Authority).</p> <p><u>Traffic Report</u></p> <p>A comprehensive traffic report prepared by a suitably qualified person is required to be submitted with a Development Application which addresses the requirements of Clauses C2 and C3.</p> <p>In the preparation of this you are encouraged to liaise with Council's Traffic Engineer to discuss and resolve any traffic related matters prior to the lodging of a Development Application.</p> <p><u>Loading and unloading facilities</u></p> <p>Facilities for the loading and unloading of service, delivery and emergency vehicles are to be approximate to the size and nature of the</p>	

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	<p>development. On-site facilities are to be screened from public view and designed so that vehicles may enter and leave in a forward direction.</p> <p>Refer to Appendix 1 of WDCP 2011 for the car parking schedule which is discussed later in these minutes.</p>
C4. Stormwater	<p>Stormwater design to be in accordance with Council's 'On Site Stormwater Technical Specification' and details are to be provided with lodgement of Development Application. Stormwater drainage design and detailed OSD plans are to be provided.</p> <p>You are advised to liaise with Council's Development Engineer (Robert Barbuto on 9942 2339) to identify and resolve any stormwater drainage matters prior to the lodging of a Development Application</p>
C5. Erosion and Sedimentation	<p>Development is to be sited and designed, and related construction work carried out, so as to minimise the potential for soil erosion.</p> <p>Where some degree of soil erosion and sedimentation is likely to occur, it is to be managed at the source to prevent any reduction in water quality downstream of the development site.</p> <p>In this case, a soil and water management plan which ensures minimum soil erosion and maintenance of downstream water quality that has been prepared in accordance with the Council's "Specification for Erosion and Sediment Control" and "Design and Specification Manuals for Engineering Works" is to be considered by the Council before consent for the relevant development is granted. The plan is to outline practices proposed to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters.</p> <p>A Development Application is to include an Erosion and Sedimentation Plan which shows how erosion and sedimentation will be managed during the demolition and construction stages.</p> <p>You are advised to liaise with Council's Development Engineer to identify and resolve</p>

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	any erosion and sedimentation matters prior to the lodging of a Development Application.
C7. Excavation and Landfill	<p>Landfill is to have no adverse impact upon the visual and natural environment or adjoining and surrounding properties.</p> <p>In particular:</p> <ul style="list-style-type: none">• only uncontaminated fill is to be used, and• the form, bulk, scale, and location of landfill are to be controlled to ensure there will be no adverse impacts on adjoining or surrounding properties, and• the integrity of the physical environment is to be preserved by ensuring the geotechnical stability of the work, and• the landfill is not to create siltation or pollution of waterways and drainage lines, or degrade or destroy the landscape and landforms, and• where filling to create a building platform is proposed, all fill is to be contained within the footprint of the building, and• rehabilitation and revegetation techniques are to be applied to the fill to maintain and enhance visual and scenic quality, and• landfill is not to create any airborne pollution; and• Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties
C8. Demolition and Construction	<p>Construction sites are not to unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment.</p> <p>In particular:</p> <ul style="list-style-type: none">• adequate areas are to be allocated for the handling and storage of materials which are safe and do not interfere with pedestrian and traffic movement,• the timing, frequency, and routes of construction vehicle movements are to be safe and minimise impact on roads, pedestrian and traffic movement and surrounding residents,• construction waste is to be minimised, legally handled, transported and disposed of,• dedicated safe pedestrian access is, at all times, to be provided around the site, and

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	<ul style="list-style-type: none"> Construction sites will be managed to ensure air and water borne pollutants such as noise, dust, odour and liquids and the like are minimised. <p>The development is capable of complying with this Control subject to the provision of a Construction Management Plan which satisfactorily addresses construction access, parking, storage, stockpiling, security fencing, sediment and erosion management, work zones, crane locations, dust minimisation, noise minimisation etc. Particular regard is to be paid to avoiding any disruption to the use and operation of the local road network.</p>
C9. Waste Management	Details demonstrating compliance with Section 3.2.1 of Warringah Council's Policy Number PL 850 - Waste, including the required 'Waste Management Plan' are to be submitted with the development application.
Part D: Design	
Control	Comment
D2. Private Open Space	<p>The development is to provide private open space to each dwelling at a rate of 10m² per apartment with a minimum dimension of 2.5m.</p> <p>The private open space area(s) is to be:</p> <ul style="list-style-type: none"> Directly accessible from a living area; Located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the development; and Located to maximise solar access.
D3. Noise	<p>The development is to ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors. In this regard, the development is to address the following:</p> <ol style="list-style-type: none"> Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB (A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses. See also NSW Industrial Noise Policy Appendices Development near existing noise generating

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	<p>activities, such as industry and roads, is to be designed to mitigate the effect of that noise.</p> <ol style="list-style-type: none"> 3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am. 4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages. 5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact. <p>An acoustic report is required to be submitted with the development application to address the above, in particular, the acoustic impact of the driveway and loading dock. The design of the development is to include measures which mitigate acoustic impact upon neighbouring residential land.</p>
D4. Electromagnetic Radiation	<p>The site is located within the vicinity of a major Ausgrid power substation (the Harbord Zone Substation). Consultation is to occur between the applicant and Ausgrid prior to the submission of a development application to ensure that the development has been designed appropriately to address any concerns Ausgrid may raise regarding electromagnetic radiation. Written evidence of the consultation process and subsequent advice is to be submitted with the development application.</p>
D5. Orientation and Energy Efficiency	<p>Refer to the Part G5 Freshwater Village of Development Control Plan for area specific requirements for building sustainability.</p>
D6. Access to Sunlight	<p>The development is not to unreasonably reduce sunlight to surrounding properties.</p> <p>In the case of housing:</p> <ul style="list-style-type: none"> • sunlight, to at least 50% of the principal private open spaces, is not to be reduced to less than 2 hours between 9 am and 3 pm on June 21, and • Where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%.

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	<p>The development is capable of complying with this Control subject to the provision of comprehensive shadow diagrams which show the extent of shadows cast over neighbouring properties and the public domain. The diagrams are to show the extent of horizontal and vertical shadow cast at 9.00am, Noon and 3.00pm on 21 June.</p>
D7. Views	<p>The development is to allow for the reasonable sharing of views.</p> <p>The development is capable of complying with this Control subject to compliance with building height and the provision of a comprehensive view sharing analysis which addresses the steps defined under the Land and Environment Court case Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC 140, taken from the most affected areas.</p>
D8. Privacy	<p>The development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.</p> <p>In particular:</p> <ul style="list-style-type: none"> • the windows of one dwelling are to be located so they do not provide direct and close views (i.e. from less than 9 metres away) into the windows of other dwellings, and • 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>Note. The effective location of windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. Where these are used, they should be integrated with the building design and have minimal negative effect on the amenity of residents and neighbours.</p> <p>Particular regard is to be given to the impact of overlooking into the neighbouring residential properties along Marmora Street and to the habitable rooms (including bedrooms) of the proposed apartments.</p> <p>Similarly, particular attention should be given to</p>

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	the building separation requirements under <i>State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)</i> to address privacy between apartments within the development.
D9. Building Bulk	<p>Refer to the Part G5 Freshwater Village of Development Control Plan for area specific requirements for building massing.</p> <p>The development is to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces.</p> <p>In particular:</p> <ul style="list-style-type: none"> • side and rear setbacks are to be progressively increased as wall height increases, • large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief, and • Appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works.
D10. Building Colours and Materials	Refer to the Part G5 Freshwater Village of Development Control Plan for area specific requirements.
D11. Roofs	Refer to the Part G5 Freshwater Village of Development Control Plan for area specific requirements. Roof top terraces are not encouraged and are unlikely to be supported.
D12. Glare and Reflection	<p>The development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.</p> <p>Additionally, details of any lighting (including Lux Diagrams) proposed to be used during the demolition/construction stages of the development are to be provided and any potential impacts to neighbouring residential properties and the public domain are to be avoided.</p>
D14. Site Facilities	Site facilities including garbage and recycling bin enclosures, mailboxes and clothes drying facilities are to be adequate and convenient for the needs of users and are to have minimal visual impact from public places.

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	<p>In particular:</p> <ul style="list-style-type: none"> • waste and recycling bin enclosures are to be adequate in size, durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection, and • housing which is required to have landscaped open space is to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets, and • Individual dwellings are to be provided with an area for general storage. <p>Please refer to the comments provided by Council's Waste officer later in these notes.</p> <p>Additionally, particular attention should be given to residential storage requirements under <i>State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)</i>.</p>
<p>D18. Accessibility</p>	<p>The applicant is to demonstrate compliance with the requirements of AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work and AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities</p> <p>Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm</p>
<p>D20. Safety and Security</p>	<p>The development is to maintain and where possible enhance the safety and security of the area.</p> <p>In particular:</p> <ul style="list-style-type: none"> • buildings are to overlook streets as well as public and communal places to allow casual surveillance, • service areas and access ways are to be either secured or allow casual surveillance,

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	<ul style="list-style-type: none">• there is to be adequate lighting of entrances and pedestrian areas,• after hours land use activities are to be located along primary pedestrian routes,• public toilets, telephones and other public facilities are to be located so as to have direct access and to be clearly visible from well trafficked public spaces, and• entrances to buildings are to be from public streets wherever possible. <p>A Development Application will be required to include a formal assessment using the 'Crime Prevention Through Environmental Design' (CEPTED) principles (surveillance, access control, territorial reinforcement and space management).</p>
D21. Provision and Location of Utility Services	<p>Utility services must be provided to the site of the development, including provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.</p> <p>Utility services including service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets. Where possible, underground utility services are to be provided in a common trench.</p> <p>You are advised to consult with Ausgrid to determine if a "substation" is required. If so, the substation must be integrated into the building to ensure the substation is not located on the footpath.</p>
D22. Conservation of Energy and Water	<p>The development is to make the most efficient use of energy and water.</p> <p>In particular:</p> <ul style="list-style-type: none">• the orientation, layout and landscaping of buildings and works and their sites are to make the best use of natural ventilation, daylight and solar energy,• site layout and structures are to allow reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties,• buildings are to minimise winter heat loss and summer heat gain,

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	<ul style="list-style-type: none"> • landscape design is to assist in the conservation of energy and water, • reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks, • any proposed subdivision of land must be generally in accordance with the guidelines set out in the document published by the former Sustainable Energy Development Authority under the title <i>Solar Access for Lots: Guidelines for Residential Subdivision</i>, copies of which are available at the offices of the Council. <p>The development is capable of complying with this Control subject to the provision of BASIX certificates which show that the relevant parts of the development achieves compliance with the provisions of <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>.</p>
D23. Signs	<p>Refer to the Part G5 Freshwater Village of Development Control Plan for area specific requirements.</p> <p>Any signage proposed for the development must be included in the Development Application. Alternatively, a separate application for signage may be pursued later. If included in the Development Application, the Statement of Environmental Effects is to address the provisions of Clause 53, Schedule 4 and <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i>.</p>
Part E: The Natural Environment	
Control	Comment
E10. Landslip Risk	<p>The subject site is predominantly located within Area A which is defined by a slope of less than 5°.</p> <p>Any excavation works on the site will be required to be analysed and supported in a Geotechnical Report prepared by a suitably qualified geotechnical engineer. The Report is to be submitted with a Development Application.</p>
Part G: Special Area Controls	
Control	Control

Warringah Development Control Plan	
G5. Freshwater Village	<p>The DCP includes sections on the following matters which are required to be addressed:</p> <ol style="list-style-type: none"> 1. Built form in Freshwater; 2. Number of Storeys; 3. Street activation; 4. Street facades and shopfront design; 5. Access and loading; 6. Lighting; 7. Safety and Security 8. Signage; 9. Awnings; 10. Front setback; 11. Side and rear setbacks; 12. Other side and rear setbacks 13. Roofs and building form; 14. Building massing; 15. Building sustainability; 16. materials and colours; 17. Pedestrian and cyclist links; and 18. Development in the vicinity of heritage items.

Referral Body Comments	
Referral Body	Comment
<p>Development Engineers</p> <p><u>Relevant WDCP Clause</u> <i>Clause C4 - Stormwater</i></p>	<p>The following pre lodgement comments are provided for the proposed development. These comments are only preliminary in nature and a detail assessment can only be provided upon a DA lodgement:-</p> <ol style="list-style-type: none"> 1. To submit a hydraulic report using DRAINS and HEC-RAS to determine the 100 Year Average Recurrence Interval (ARI) stormwater flow over the subject site, prepared by a Chartered Professional Civil Engineer of the Institution of Engineers, Australia. All calculations are to be carried out in accordance with the guidelines provided in the "Australian Rainfall and Run Off", a publication of the Institution of Engineers, Australia. All levels are to be shown in Australian Height Datum (AHD). It is to be noted that no development is permitted over Council's drainage system which includes the established 1 in 100 ARI storm water overland flow path for the subject site. The overland flow extents must be taken upstream and downstream beyond

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	<p>the subject site (at least 15-20 metres from the side boundaries).</p> <p>2. The 100 year ARI flood flow level must be established in AHD for the proposed future floor levels and crest to future proposed car park entrance shall be a minimum of 500 mm above the 100 year flood level. This is to ensure that the proposed development is protected in major storm events.</p> <p>3. The existing Council's drainage system within the property shall be located by survey from a registered surveyor and is to be evaluated to comply with Council's Building Over or Adjacent to Constructed Council Drainage Systems and Easement Policy. If Council's drainage system is proposed to be relocated then a design in accordance with the above mentioned policy shall be submitted with the DA. The design must ensure that no structure is built over all under Council's drainage structure and easement to ensure unimpeded access is provided to Council drainage system. The minimum width of any new easement shall be 3 metres. There is to be no net increases in overland flow/flooding levels upstream and downstream of the site.</p> <p>4. On Site Detention (OSD) basin must be provided for the proposed development. The OSD must be designed to the former Warringah Council on Site Stormwater Detention Technical Specification. (See council's water management policy). To tank(s) must be located in a common area which will enable Council unimpeded access for inspections.</p>
<p>Traffic Engineer</p> <p><u>Relevant WDCP Clause</u> <i>Clause C2 – Traffic, Access and Safety</i> <i>Clause C3 – Parking Facilities</i></p>	<p>The bin room location is unacceptable. The bin room needs to be located within 6.5M of the front property boundary, however, by discretion this can be extended to 10M. The pedestrian path between bin room and kerbside must be free of any obstructions and must not be across vehicular cross.</p> <p>The bulk waste room location is unacceptable. The room must be separate and have its own access.</p>
<p>Urban Design</p>	<p>The comments from Council Urban Designer were not received at the time of writing. Once received,</p>

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<p><u>Relevant WDCP Clause</u> <i>Clause D9 – Building Bulk</i> <i>Clause G5. Freshwater Village Development Control Plan</i></p>	<p>they will be forwarded to you as a separate document.</p> <p>Should you wish to discuss any matters urgently prior to lodging a Development Application, please contact Dominic Chung on 9942 2111.</p>
<p>Waste Services</p>	<p>The bin room location is unacceptable. The bin room needs to be located within 6.5M of the front property boundary, however, by discretion this can be extended to 10M. The pedestrian path between bin room and kerbside must be free of any obstructions and must not be across vehicular cross.</p> <p>The bulk waste room location is unacceptable. The room must be separate and have its own access.</p>

Other Relevant Controls within WDCP 2011
<p>Appendix 1 – Car Parking Requirements</p> <p>Compliant off-street car parking is to be provided within the subject property boundaries having regard to the various land uses, hours of operation and availability of alternative parking in accordance with Appendix 1 under WDCP.</p> <p>A Traffic Report will be required to include a survey of available parking in the vicinity during the operating hours of the proposed development if a concession to the provision of car parking is sought.</p> <p>The car parking for the residential and commercial/restaurant uses is to be separated to avoid conflict.</p>

Other Relevant Environmental Planning Instruments/SEPPs
<p>You are advised that the following Environmental Planning Instruments apply to the development:</p> <ul style="list-style-type: none"> • SEPP No. 55 – Remediation of Land; • SEPP No. 64 – Advertising and Signage (if required); • SEPP No. 65 – • SEPP (Infrastructure) 2007; and • Warringah Local Environment Plan 2011.

Required Documentation
<ul style="list-style-type: none"> • All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000; • All information as required on the Development Application form checklist; • Site Analysis

Required Documentation

- Site Survey (prepared by a registered Surveyor);
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - all relevant sections of WLEP 2011, including demonstrating consistency with the B2 Local Centre zone and the compliance with the Height of Buildings Development Standard.
 - All relevant sections of WDCP 2011, including part G5 – Freshwater village;
 - other relevant Environmental Planning Instruments.
- Legal and Planning Advice on satisfying the Definition of Shop Top Housing to confirm permissibility;
- Geo-technical report;
- Phase 1 Site Contamination Assessment;
- Access Report;
- Traffic and Parking Report;
- Crime Prevention Through Environmental Design (CPTED) assessment;
- SEPP 65 Compliance Report and Design verification statement from a qualified designer;
- Shadow diagrams;
- View analysis;
- Photo montages and 3D electronic model;
- Landscape Plan showing the layout of the landscaping within the site and the selection of species;
- Waste Management Plan;
- Stormwater Management Plan;
- Erosion and Sedimentation Plan;
- Colour and Materials Schedule;
- Lighting Plan (including Lux Diagrams) if necessary;
- Signage Plan (if required);
- Cost Summary Report as prepared by a qualified Quantity Surveyor

Concluding Comments

These Minutes are in response to pre-lodgement meetings held on 5 September 2017 and also 24 October 2017 to discuss demolition works and the construction of a mixed-use commercial/residential development at 9 -15 Lawrence Street, Freshwater. The Minutes reference preliminary plans prepared by ipm.

The overall design of the concept is considered to be favourable, albeit that the plans presented at the meeting were of a preliminary nature only. Final design would need to comply with the various requirements of the State Environmental Planning Policy No. 65 (and the associated Apartment Design Guide), the building height development standards and other relevant provisions in the Warringah Local Environmental Plan 2011 and the Freshwater Development Control Plan (WDCP 2011). Please be aware that any breach to the building height (with exception to minor breaches) and number of storeys control is unlikely to be supported.

The proposal to obtain vehicular access of Lawrence Street is not preferred; however Council acknowledges the attempts made by the Applicant to amalgamate with the adjoining property to the west to reduce the number of crossings, in lieu of obtaining access over the Oliver Street Carpark to the rear of the site. Council acknowledges that the re-classification of the public carpark has not occurred and that the landowner has waited a significant time period for that to happen.

You are strongly encouraged to research the findings within the judgement (see *Freshwater*

Concluding Comments

Village Developments Pty Ltd v Warringah Council [2011] NSWLEC 1127 (24 May 2011).

IMPORTANT: The issue of the proposed development satisfying the definition of Shop Top Housing was discussed at length at the meeting, where it was agreed that the applicant would obtain their own legal advice on this issue. The legal advice is to be lodged with the Development Application, and Council will during the assessment seek its own legal advice on this issue to ensure permissibility.

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

Other Matters

- **Requirement to Submit Correct, Clear and Accurate Information at Lodgement**

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

- **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online. www.warringah.nsw.gov.au

- **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au

Memo

Strategic Planning

To: Lashta Haidari
Principal Planner

From: Dominic Chung
Senior Urban Designer

Date: 30 October 2017

Subject: Urban Design Referral for Pre-lodgement meeting for 9 - 15
Lawrence Street, Freshwater

Record Number PLM2017/0100

Urban Design Comments

The proposal needs to consider the following issues:

1. SEPP 65 and Apartment Design Guide (ADG) issues:
 - a. Building separation distances between buildings of 12m
 - b. Separation distance from building to rear boundary of 6m
 - c. Floor to ceiling height required for retail is 3.3m and residential is 2.7m
 - d. More details to be provided for full compliance of the ADG.
2. The solar access study should address shadow impacts to the surrounding existing and new apartments.
3. Communal open space requirements can be provided at the proposed landscaped podium area which can be reconfigured to have circulation spaces and areas for passive use and outlook.
4. A continuous street awning should be provided for public amenity along the Lawrence Street frontage.
5. The facade treatment at the Council carpark boundary should positively address this interface by minimal use of blank walls and using more landscape planting to enhance the amenity of the public domain.
6. Central plant for air-conditioning units, etc. must not be located on the roof as the maximum building height has been reached. Placement of air-conditioning condenser units on the balconies must be designed for and appropriately screened.