



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PLM2020/0021

Meeting Date: 20 February 2020 11:00AM

Property Address: 28 Fisher Road and 9 Francis Street DEE WHY

Proposal: Construction of a mixed use development

Attendees for Council: Rodney Piggott – Manager Development Assessments
Catriona Shirley – Planner
Dominic Chung – Senior Urban Designer

Attendees for applicant: Greg Stieter - NLBC
Saun Mowbray – CEO The George Group
Philip George – The George Group
Kyle Van Asten – The George Group
Teymar Mukhurou – The George Group
Mauread Hanes – The Planning Hub
Jeremy Swan – The Planning Hub

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.



A. INTRODUCTORY DISCUSSION

Outline of the Proposal

Plans referred to in the meeting were dated 28 November 2018 as prepared by The George Group Pty Ltd.

The proposal seeks consent for demolition works and the construction of a multi-storey mixed use retail/commercial and boarding house (99 or 97 or 85 rooms).

B. PROPOSED AMENDMENTS TO THE WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 AND THE WARRINGAH DEVELOPMENT CONTROL PLAN 2011

On 18 October 2016, the Department of Planning and Environment issued a Gateway determination of the Dee Why Town Centre Planning Proposal. Relevant to the site, the planning proposal sought to increase the building height development standard from 13m to 16m (additional 3.0m).

At the date of the PLM, the amendments to WLEP 2011 were with Parliamentary Counsel for review. Consequently, the advice provided at the meeting was in consideration that the decision from a Parliamentary Review had not been made but was imminent.

Since the PLM date the Warringah LEP 2011 (Amendment No 23) and amended Warringah DCP 2011 to implement the Dee Why Town Centre Masterplan has come into force. Therefore, any applications lodge from the date will need to comply with the appropriate changes.

The notes below will be made in reference to these changes as they are required for any future applications.

C. COMMENTS PROVIDED BY COUNCIL DEPARTMENTS

Council staff in attendance at the meeting provide the following comments:

Urban Design

Whilst the Dee Why Town Centre Planning Proposal was not approved at the time of the PLM, it is important to note that since this date the Warringah LEP 2011 (Amendment No 23) and amended Warringah DCP 2011 to implement the Dee Why Town Centre Masterplan has come into force.

The key changes are:

- To apply certain planning controls to a wider area within the Dee Why Town Centre, including all land zoned B4 Mixed Use under WLEP 2011.
- Establish planning controls for new key sites C, D and E in the Dee Why Town Centre.
- Increase the overall building height across the Dee Why Town Centre by 3 metres, in exchange for a reduction in building podium height.
- Introduce floor space ratios across the Dee Why Town Centre.
- Consequential amendments to Part 7 Dee Why Town Centre of WLEP 2011.

Proposal requirements

The proposal is required to demonstrated the building built-to lines on Fisher Road, of 4m from the kerb for the first 2 storeys (podium) and 8m for the above storeys (tower).



The awning on the Fisher Road facade should provide some street amenity/shelter to form a unified element within the streetscape, respond to streetscape conditions and complement the architectural style of the host building.

The awning should be uncomplicated regular forms and constructed from high quality materials with simple detailing to reduce visual clutter in the streetscape and to provide visual continuity to the pedestrian realm.

The new awnings are to be setback minimum 1000mm from the face of the kerb to accommodate utility poles and traffic /parking in the kerbside lane. Where street trees are required, the minimum awning to setback is 1500mm.

The maximum building height to the Francis Street site should be 11m.

The 16m (13m+3m) building height requirement should be applied on the Fisher Road site only, and presented as a slim tower sitting on top of the 2 storey building podium.

Façade treatment/ articulation should be considered for the common boundary elevation to provide some relief from the proposed blank walls presented at the PLM.

In regards to the side boundary setbacks on the Francis Street site (R3 zone), side setbacks are to be a minimum of 3.5m to the north and south boundaries. A variation to the required setback of 4.5m can be considered due to the constrained width of the site.

The side boundary setback to Fisher Road can consider a zero setback for the podium section.

The boarding room levels, should consider window to boundary distances of 6m and window to window separation of 12m. The tower design should take into account possible future adjacent commercial development of zero setback to the common boundary.

Appropriate building separation is necessary as there will be future residential towers proposed around the site and appropriate amenity should be maintained between the towers.

On the ground floor, the 1m wide pathway linking Fisher Road and Francis Street cannot be supported as it will be an unpleasant space and with personal security and safety concerns.

The roof top common open space areas are not supported due to overlooking and noise nuisance.

The community multi-function halls, café and foyer proposed is required to have an adequate floor to ceiling height of 3.6m at a minimum. The entry lobby from Fisher Road is to be a more integrated, generous and welcoming area, with stairs/ lifts access to cater for big events such as church services and concerts. Amenities such as toilets and change rooms, etc must also be adequately provided.

Shopfront to the café and foyer should activate the public footpath and be at the same entry level as the footpath.

A detailed solar study to be provided to ensure solar penetration to adjacent residential development are not compromised.

A view loss/ sharing analysis should be undertaken to ensure developments on the higher slopes will not be affected by the increase in built form on the site.



Development Engineers

The following pre-lodgement Development Engineering comments are provided for the proposed development. These comments are only preliminary in nature and a detailed assessment can only be provided upon DA lodgement.

Stormwater

Stormwater drainage for the site shall be in accordance with Council's Warringah Water Management Policy.

The proposed development will require the implementation of an On-site Stormwater Detention (OSD) system in accordance with Council's OSD technical specification. The pre-developed site discharge (PSD) is to be calculated using a fraction impervious area of 0% i.e. the "state of nature" condition for all design storms up to and including the 1 in 100 year storm event.

The applicant's consultant is to use the 'Drains' hydraulic model to design the system and provide the model/calculations with the submission of a development application to Council. Tailwater conditions may need to be considered. The OSD tank is to be located in an open area that will permit 24 hour access to Council staff.

All stormwater shall be discharged to Council's road drainage system in Fisher Road.

Access and Manoeuvrability

The driveway crossing is to incorporate one of Council's standard driveway profiles which is available in Council's web page. <https://www.northernbeaches.nsw.gov.au/planning-development/permits-and-certification/driveway-and-vehicle-crossings>.

Any transitions to the driveway levels/gradients are to occur within the development site.

The driveway design must be in accordance with AS2890.1 and shall ensure that proposed levels adjacent the driveway match into the existing levels. The driveway design shall be supported with a minimum of two long-sections, one at each edge of the driveway.

The proposed basement carpark ramp between the ground and lower-ground floor does not comply with AS2890. The application must demonstrate that the basement carpark is designed in accordance with AS2890.

The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road.

Water Quality

Stormwater

The applicant is required to provide stormwater treatment for the site. A stormwater engineer should prepare the stormwater plan.

The treatment targets to use are set out in Warringah Council's Water Management Policy Section 8.1 Table 4 (GP 90%, TSS, 85%, TP 65% and TN 45%).



Stormwater treatment measures must be included in the Water Management Plan, with detail provided of each measure.

The use of a treatment train approach is recommended. Due to the high proportion of impervious area on this lot, it is recommended that the applicant incorporate stormwater reuse, planter boxes, tree pits, green walls and green roofs into the design. The use of proprietary devices will be accepted on this lot in combination with the previously mentioned measures.

There are significant issues with the volume of stormwater runoff in Dee Why, so therefore the incorporation of measures that reuse water or allow for evaporation/transpiration are required (proprietary devices do not reduce the volume of runoff).

A MUSIC model file MUST be provided with the DA to allow Council to review the model and parameters used. The application will not be assessed until the MUSIC model is provided.

A restriction as to user and positive covenant will be placed over the asset(s) and the applicant is required to provide an operation and maintenance plan for each asset.

Sediment

A soil and water management plan must be provided.

Groundwater

If the applicant intends to excavate deeper than 1.5m, bores must be drilled to greater than the intended depth of the basements to monitor groundwater. The presence of groundwater should be discussed in the Geotech report and if present, measures to respond should be addressed.

Policies and DCP controls relating to water management have finished public exhibition and a report expected to be submitted to Council for endorsement in March 2020. Requirements for this development will be substantially the same as above.

Environmental Health

Noise

All noise generated by potential residents, ventilation and retail premises use must be addressed as part of the application.

An acoustic report is to be provided by a qualified person to assess the acoustic impact of the development and measures in place to protect the developments future residents from existing noise impacts from neighbouring properties, Pittwater Road and other nearby developments.

Unhealthy conditions

The design should address ensure the proposal does not contribute to unhealthy conditions by providing sufficient garbage storage areas, and clear separation of residential and retail waste disposal. The garbage storage areas should be constructed with surfaces that can be easily and effectively cleaned with floor waste and a cleaners sink to sewer, and where appropriate, comply with AS4674:2004.

Adequate finishes, fixtures and fittings will assist in keep the premises safe and healthy.

Mechanical ventilation



If the development is to be designed to accommodate a food business then adequate measures should be detailed in the application to ensure air effluent from the retail premises is disposed of externally, above the development.

Any ventilation and exhaust must comply with AS1668 to prevent impact on the amenity of neighbouring properties.

The applicant may consider engaging an occupational hygienist to assess the impact of the developments exhaust and the potential impact of existing exhausts in neighbouring properties.

No mechanical ventilation (air conditioning units) should be located on the roof

Food premises

Design, construction and fit-out of the proposed café must comply with AS4674:2004 and detailed plans demonstrating compliance with AS4674 must be submitted with the DA. Should the fit-out of the food premises not be included in the initial DA then a separate development consent is required for the fit-out and operation of the proposed café.

Waste

For a development of 85 -99 units, the development must provide the following:

- Development proposals over 80 dwellings must comply with 4.2, 4.3, 4.4, 4.5 and 4.7 in the Councils waste management guideline (see link below). <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/building-waste/waste-management-guidelines-2016-chapters-3-7-going-waste-mgmt.pdf>
- The waste storage room is to accommodate 17x 660L bins for twice weekly service. The bin room is to be shown on plans submitted as part of the application.

Council MGB Specifications



Bin Type	120L	240L	660L
Height	940mm	1080mm	1250mm
Depth	560mm	735mm	850mm
Width	485mm	580mm	1370mm

- The bulky goods waste storage area is to be a minimum of 4m³ per 10 dwellings fit for the purpose of storing bulky goods.
- As detailed in the waste management guidelines, point 4.7- On-site (off-street) waste collection requirements –



- For developments with more than 80 dwellings, the pathway and access between the Waste Storage Area and the Collection Point must be a maximum distance of 6.5m.

Traffic

The proposed development of a commercial/business use by nature of its parking requirements are that of a short term, high turnover. Based on the existing approval, (like for like) the commercial/business component will not require additional dedicated spaces within the site.

However, the introduction of a boarding house component will require all associated parking to be accommodated onsite. This is because the nature of boarding house parking is long term which cannot be accommodated in the local streets.

Further, the rate adopted under the Affordable Housing SEPP in February 2019 is 0.5 spaces per boarding room.

Therefore the site will require the following parking allocations:

- 32 spaces for residents/tenants (Including at least 1 accessible space)
- 1 Manager Space
- 3 visitor spaces (DCP)

Flooding

The property at 28 Fisher and 9 Fransis Street, Dee Why is identified at being subject to the risk of flooding.

It is located in the low flood risk precinct as shown in the Dee Why South Catchment Flood Study, 2013.

The proposed development is supported and raises minimal objections in relation to flood risk management and a Flood Risk Management Report will not be required.

Landscaping

Any future Development will require a landscape plan by a qualified landscape designer/landscape architect indicating proposed planting, particularly in relation to raised planters and that those raised planters contain sufficient soil volume and width to support the intended planting, which on the montages appears to include trees and palms.

The existing trees on site are not considered significant and therefore an Arborist's report is not required for their removal.

D. STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The design of the proposal is required to demonstrate the development is compatible with the character of the local area, which is particularly important as the proposal spans two different zones being B4 Mixed Use and R3 Medium Density.

The character of the local area is dominated by mixed use buildings and medium density residential flat building style housing. The building height within the R3 Medium Density



Residential zone is a mix of two to three storey, with the Fisher Road frontage being predominantly two to three storeys along this section of Fisher Road.

Since the predominant character of housing in the vicinity of the site is of a lower building height, and storey, the boarding house must be designed so it is not “jarring” against the existing streetscape or neighbouring and nearby residential dwellings in terms of bulk, scale, intensity and design elements.

Therefore, building bulk and scale shown in the concept plans is not consistent with clause 30A of the SEPP and is not supported.

Increased side setbacks are required to the front and side boundaries to provide building articulation and reduced size and scale. It is considered a boarding house of reduced building height and scale would enable a more appropriate scale and intensity.

Consideration should include defining the “relevant area” in the context of the proposal, identifying “consistent elements” of the design and the “local character” to ensure the proposal is a “good fit”. Careful consideration should be made to elements of the proposal that are not consistent with the built form controls so that appropriate design treatment / response is provided.

The design of the proposal is to address clauses 29, 30 and 30A as they apply to the site and zone. In addressing these requirements, the following details are required:

- Compliance with floor space requirements of the SEPP.
- Addressing building height. (Note that clause 4.6 requires additional consideration if SEPP are breached in addition to the LEP.
- Landscape response for terrace areas and any ground floor amenity.
- Solar access to common rooms and open space for the common room area
- Private open space distribution for each room and the boarding house manager.
- Parking provision including the expected usage or balance of parking for the expected maximum occupancy for the building and per room.
- Accommodation size (detailed on the plans excluding kitchen and bathroom areas)
- Standard for Boarding Houses including the adequacy / amenity of communal living space, room floor areas, bicycle / motorbike parking, limitations on capacity and residential use at ground level.
- Details of managers residence requirements (car parking, open space and the like)

The applicant is to nominate / clarify if any “affordable housing” pursuant to SEPP 70 is to be included. This may include details / reasons for not nominating / allocating any units for this specific criteria.

A draft Operational Management Plan will need to be submitted with the development application for the boarding house.



WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

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

Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Retail Premises Boarding house means a building that: (a) is wholly or partly let in lodgings, and (b) provides lodgers with a principal place of residence for 3 months or more, and (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.
Zone:	B4 Mixed Use, R3 Medium Density Residential
Permitted with Consent or Prohibited:	Boarding House – Permitted with consent B4 Mixed Use/R3 Medium Density Retail Premises - Permitted with consent B4 Mixed Use

Objectives of the Zone
<p>The objectives of the B4 Mixed Use zone are as follows:</p> <ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. To reinforce the role of Dee Why as the major centre in the sub-region by the treatment of public spaces, the scale and intensity of development, the focus of civic activity and the arrangement of land uses. To promote building design that creates active building fronts, contributes to the life of streets and public spaces and creates environments that are appropriate to human scale as well as being comfortable, interesting and safe. To promote a land use pattern that is characterised by shops, restaurants and business premises on the ground floor and housing and offices on the upper floors of buildings. To encourage site amalgamations to facilitate new development and to facilitate the provision of car parking below ground. <p>Comment: The proposed development is found to be consistent with the objectives of the zone.</p>



The objectives of the R3 Medium Density Residential Zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

Comment:

The development is consistent with the objective of the zone.

Principal Development Standards:	
4.3 Height of Buildings	
Standard	Proposed
11m - R3 Medium Density zone 13m – 16m for the specific site within the B4 Mixed Use zone (13m+3m)	18m for the R3 Medium Density Residential Zone and up to 18m for the B4 Mixed Use zone
<p>Comment</p> <p><u>B4 Mixed Use zone</u></p> <p>The proposed development exceeds the 16m height limit within the B4 zone at 18m, and is not supported as the variation could result in adverse impacts on residential amenity, including overshadowing on the property to the south, privacy / overlooking impacts, view impact, and streetscape appearance.</p> <p>The maximum building height of the B4 Mixed Use zone is 16m (13 + 3m) as per the Dee Why Town Centre Masterplan, and a variation to the this building height of 2m would not be supported.</p> <p><u>R3 Medium Density zone</u></p> <p>The maximum building height of the R3 Medium Density zone is 11m. The proposal include a maximum building height of 11m within the R3 Medium Density zone. Consequently, this proposed building height is compliant with the required height and is supported in this instance.</p> <p>Any variation to the building height requirements to either zone would not be supported</p> <p>If any future application results in a request to vary the building height, the application must be accompanied by a clause 4.6 request. This request must demonstrate why full compliance is unreasonable or unnecessary and why the proposal is a better planning outcome than a fully compliant development. Stating that there are other examples with the Key Sites of Dee Why is not sufficient justification for a non-compliance as the request must relate to the particular circumstances of the site.</p>	



Part 6 Relevant Additional Local Provisions	
Provision	Comment
6.1 Acid Sulfate Soils	<p>According to Council's Acid Sulfate Soils Map, the site is not affected by acid sulfate soils.</p> <p>A Geotechnical Engineering Report is to be provided which includes details on acid sulfate soils and, if encountered, appropriate methodologies on how it is to be managed.</p>
6.2 Earthworks	A Geotechnical Engineering Report is to be provided which addresses the impact of the proposed development on Council's road assets, adjoining private properties.
6.3 Flood Planning	<p>The site is located with an identified Flood Planning area and is therefore subject to satisfying the requirements of this clause.</p> <p>Refer to comments provided by Council's Environment Officer (Floodplain Management) earlier in these Notes.</p>
6.4 Development on Sloping Land	<p>The proposed development area of the site is located within Landslip Area's A as detailed in Council's Landslip Risk Map.</p> <p>A Geotechnical Report will be required to be prepared by a suitably qualified person and submitted with a Development Application.</p>
6.7 Residential Flat Buildings in Zone B4 Mixed Use	Clause 6.7 imposes a prohibition on the locating of dwellings at the ground floor level where residential flat buildings are proposed within the B4 Mixed Use zone.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

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

Part B: Built Form Controls	
Control	Comment
B2. Number of storeys	<p>B4 Mixed Use zone- Not applicable to this proposal (refer to Part G in these notes)</p> <p>R3 Medium Density zone – Three Storey</p> <p><u>B4 Mix Use Zone</u></p> <p>The development proposes a six storey building with maximum</p>



	<p>height of approximately 18m.</p> <p>The maximum building height of the B4 zone is to be 16m (13 + 3m) as per the Dee Why Town Centre Masterplan, a variation to the height would not be supported. Therefore, the current six storey proposal for the B4 zone is not supported.</p> <p><u>R3 Medium Density zone</u></p> <p>The development proposes a three storey building with maximum height of approximately 11m within the R3 Medium Density zoned site fronting Francis Street. The development complies with the building height of the WLEP and the number of storeys control of the WDCP. Therefore the three storeys proposed is supported.</p>
<p>B3. Side Boundary</p>	<p><u>B4 Mixed Use</u> B4 Mixed Use - Not applicable to this proposal (refer to Part G in these notes)</p> <p>The proposal displays the following side boundary setbacks:</p> <p><u>Lower Level</u> Northern Setback – 0.3m Southern Side Setback – 0m</p> <p><u>Ground Floor</u> Northern Setback – 1m Southern Setback 0.0m</p> <p><u>Level 1</u> Northern Setback – 0m to 1m Southern Setback – 0m</p> <p><u>Level 2</u> Northern Setback - 0m Southern setback – 0m to 4m</p> <p><u>Level 3 & 4</u> Northern Setback - 1.5m Southern Side Setback – 1.5m to 4m</p> <p><u>Level 5</u> Northern Side Setback – 0m to 1.5m Southern Side Setback 0.7m to 4m</p> <p>See Urban design comments in regards to the recommendations for the B4 Bix Use zone setbacks.</p>



R3 Medium Density

Within the WDCP a variation to the side setbacks may be considered for sites within the R3 Medium Density zone that display a narrow allotment. The variation as listed within the WDCP is as follows:

Variation for narrow allotment is:

Basement car parking may extend:

- *Up to 2 metres from the side boundary, and*
- *No more than 1 metre above ground level (existing)*

Private open space may extend:

- *Up to 3.5 metres from a side boundary*

The proposal displays the following side setbacks:

Lower Level

Northern Setback – 0.3m

Southern Side Setback – 0m

Ground Floor

Northern Setback – 1m

Southern Setback 0.0m

Level 1

Northern Setback – 1m

Southern Setback – 0m

Level 2 & 3

Northern Setback – 1.5m to 2.2m

Southern setback – 1.5m to 4m

Level 4

Northern Setback - 1.5m

Southern Side Setback – 1.5m to 6.5m

Level 5

Northern Side Setback – 0.7m to 1.5m

Southern Side Setback 0.7m to 6.5m

The proposed side setbacks for the R3 Medium Density Residential zone are non-compliant with the side setback control and are not supported. The setbacks proposed do not minimise its street presence and do not avoid the potential amenity impacts to the neighbours due to excessive building areas on the upper levels.



	<p>In regards to the side boundary setbacks on the Francis Street site (R3 zone), side setbacks are to be a minimum of 3.5m to the north and south boundaries.</p> <p>A variation to the required setback of 4.5m can be considered due to the constrained width of the site.</p>
B7 & B8. Front Boundary Setbacks	<p><u>B4 Mixed Use zone</u></p> <p>B4 Mixed Use zone is not applicable to this proposal (refer to Part G in these notes)</p> <p>The proposal is required to demonstrated the building built-to lines on Fisher Road, of 4m from the kerb for the first 2 storeys (podium) and 8m for the above storeys (tower). The proposal currently provides 3.4m building built-to lines from Fisher Road. The proposal is expected to demonstrate compliance with this control.</p> <p><u>R3 Medium Residential Zone (Francis Street) - 6.5m requirement.</u></p> <p>The proposal presents a 6.055m - 6.334m front setback from Francis Street. The variation to the 6.5m requirement may be supported as the proposal is consistent and creates visual consistency with setbacks of the surrounding neighbouring sites.</p>
Part C: Siting Factors	
Control	Comment
C2. Traffic, Access and Safety	Refer to comments provided by Council's Traffic Engineer earlier in these Notes.
C3A Bicycle Parking and End of Trip Facilities	Given the unique location of the site to the Dee Why Town Centre and public recreation areas such as Dee Why Beach, the provision of bicycle parking facilities is to be provided as required by this clause.
C4. Stormwater	Refer to comments provided by Council's Development Engineer earlier in these Notes.
C5. Erosion and Sedimentation	<p>This clause requires:</p> <ol style="list-style-type: none"> 1. Erosion and sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur. 2. Any erosion and sedimentation is to be managed at the source. <p>Development that is likely to result in erosion</p>



	<p>and sedimentation is to be accompanied by a Soil and Water Management Plan which ensures minimum soil erosion and maintenance of the downstream water quality.</p> <p>The Plan is to be prepared in accordance with the <i>Managing Urban Stormwater: Soils and Construction Handbook</i> and is to provide details of the proposed method of on-site erosion and sediment control.</p>
Part D: Design	
Control	Comment
D1. Landscaped Open Space and Bushland Setting	A landscaping plan is to be included with the Development Application which clearly identifies areas allocated for landscaping.
D3. Noise	<p>This clause requires that noise from combined operation of all mechanical plant and equipment must not generate 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.</p> <p><i>A Noise Management Plan</i> is required at DA Stage to address noise from demolition, excavation and construction.</p>
D6. Access to Sunlight	The development is not to unreasonably reduce sunlight to surrounding properties (particularly to the south and east). Shadow diagrams, certified by the architect, are to be provided which show the extent of shadow cast by the proposed building at 9.00am, Noon and 3.00pm on 21 June. Diagrams are to include "Elevational Shadow Diagrams" for all affected buildings to the south and east and are to show shadowing on an hourly basis.
D7. Views	<p>The development is to allow for the reasonable sharing of views. A detailed view analysis is to be provided from various vantage points.</p> <p>In addition, view sharing is to be analysed in the Statement of Environmental Effects in accordance with the four part test outlined within the Land and Environment Court Case of <i>Tenacity Consulting Pty Ltd vs. Warringah Council (2004) NSWLEC 140</i> (see: www.lawlink.nsw.gov.au/lecjudgments/2004ns)</p>



	<p>wlec.nsf/c45212a2bef99be4ca256736001f37bd/a250daeb7704b18bca256e6e0016e31c?OpenDocument</p> <p>The use of low planter boxes with appropriate screen native planting for balcony areas should consider view lines.</p>
D8. Privacy	<p>The development, as presented at the meeting, needs to provide greater consideration to the window to boundary distances and window to window distances in order to provide a more appropriate and satisfactory level of privacy within the building footprint.</p> <p>Careful consideration is to be given to the potential overlooking into the neighbouring sites, particularly via a significant reduction or deletion of the roof top terraces.</p>
D9. Building Bulk	<p>Refer to comments provided by Council's Urban Designer earlier in these Notes.</p>
D10. Building Colours and Materials	<p>The effective use of colours and materials complement the architectural articulation of the built form and, in order to express how the development will relate to its surrounding built and natural environment, colour montages are to be provided which conceptually show the facades of the development as viewed from the public and private domains.</p>
D11. Roofs	<p>The proposed roof form is considered to be appropriate given the elevated nature of the building, and given the architectural relationship the development will have to the predominantly flat roofed Dee Why Town Centre.</p> <p>Any communal open space on the roof is discourage.</p>
D12. Glare and Reflection	<p>Given the height of the building and the highly visual location of the site in proximity to a classified road, glare and reflection to be minimised.</p> <p>Appropriate colours and materials are to be selected to ensure that the development does not result in light overspill or glare from artificial illumination and/or sunlight.</p>
D14. Site Facilities	<p>Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.</p>



D18. Accessibility	<p>The siting (levels) and design (layout) of the development is to ensure that access will be made available to the public.</p> <p>Such access is to comply with the requirements of <i>the Disability Discrimination Act 1992</i> of the Commonwealth and with <i>Australian Standard AS 1428.2—1992, Design for access and mobility—Enhanced and additional requirements—Buildings and facilities</i>.</p> <p>An Access Report is required to be prepared by a suitably qualified person and submitted with a Development Application.</p>
D21. Provision and Location of Utility Services	<p>The development is to provide for connection to all available utility services.</p>
D22. Conservation of Energy and Water	<p>The development should incorporate other Environmental/Water Sensitive Urban Design initiatives such as water harvesting, passive solar design and the effective control of heat loading on the building.</p>
Part E: The Natural Environment	
Control	Comment
E11. Flood Prone Land	<p>The site is located with an identified Flood Planning area and is therefore subject to satisfying the requirements of this clause.</p> <p>Refer to comments provided by Council's Environment Officer (Floodplain Management) earlier in these Notes.</p>
Part G: Special Area Controls	
G1. Dee Why Town Centre Note: <ul style="list-style-type: none"> • <i>Part B Built Form Controls does not apply to land zoned B4 Mixed Use within the Dee Why Town Centre.</i> • <i>In the event of any conflict between Part G1 Dee Why Town Centre and other parts of the DCP, the provisions of Part G1 shall prevail.</i> • <i>If there is any inconsistency between WDCP 2011 and the WLEP 2011, the WLEP 2011 shall prevail.</i> 	
Objectives of G1 Dee Why Town Centre	
<ul style="list-style-type: none"> • To deliver the Dee Why Town Centre Masterplan's (2013) aims and objectives. • To implement the priorities and actions of the Metropolis of Three Cities and North District Plan. • To detail specific requirements for Key Sites. • To cluster taller buildings around the Town Square (Key Site B) with an appropriate transition of height down to the edges of the Dee Why Town Centre. • To deliver an attractive, vibrant and safe and accessible centre. • To encourage site amalgamation. 	



Control Requirements Clauses 3 - 11

1. Development is to maintain minimum 4m front building setbacks from the Fisher Road kerb .
2. The scale of buildings is to be less than that of buildings in the adjacent area and buildings are to be articulated in such a way that they are broken into smaller elements with strong vertical proportions. Spaces are to be created between buildings at the upper levels to add interest to the skyline and facilitate the sharing of views.
3. Minimum floor to ceiling heights have been established to ensure shops and dwellings enjoy good access to natural light and that buildings address the street.
4. Build-to lines have been established to ensure future development defines the streets and public spaces. The build-to line has been set at 4 metres from the kerb.
5. Continuous footpath awnings at a minimum width of 2.5m must be provided over all footpaths to provide shelter for pedestrians.
6. A water sensitive urban design (WSUD) Strategy shall be prepared for all new buildings.
7. New development with a cost of works equal to or greater than \$5 Million must achieve a minimum 4 Star, Green Star – Design and As Built rating in the Green Building Council of Australia rating system.
8. A minimum of 20% of the site area is to be provided as landscaped area, which may be located on balconies, ground, podium and roof top levels or green walls of buildings.
9. Car parking facilities must be provided below ground or behind buildings, and designed and located to optimise deep soil planting.

Relevant Council Policies

You are advised that the following Environmental Planning Instruments apply to the development and must be addressed in the Statement of Environmental Effects:

- SEPP (Affordable Rental Housing) 2009
- SEPP No. 55 – Remediation of Land;
- SEPP No. 64 – Advertising and Signage (if required);
- SEPP (Infrastructure) 2007;
- Warringah Local Environment Plan 2011.

Documentation to accompany the Development Application

- Electronic copies (USB)
- Cost of works estimate/ Quote
- Site Plan
- Floor Plan
- Elevations and sections
- A4 Notification Plans
- Statement of Environmental Effects addressing:
 - Section 4.15 of EPA Act,
 - all relevant sections of WLEP 2011 and the WDCP 2011;
 - other relevant Environmental Planning Instruments); and
 - Dee Why Town Centre WLEP 2011 and WDCP 2011.



- Request to vary a development standard (Clause 4.6)
- Geotechnical Report
- Architects Statement (addressing WLEP 2011 Design Excellence and heritage matters)
- Flood Risk Assessment Report
- Construction/Site Management Plan
- Construction Traffic Management Report
- Access Report
- Building Code of Australia Report
- Traffic and Parking Report
- Shadow diagrams (Certified) to show shadows cast by the development at 9.00am, Noon and 3.00pm of 21 June (the diagrams are to illustrate shadows in plan and elevational form)
- View Impact Analysis
- 3D electronic model (similar to Sketch-Up)
- Colour photo montages (to be taken from key visual vantage points)
- Landscape Plan
- Sample Board of External Finishes
- Stormwater Management Plans
- Soil and Water Management Plan
- Waste Management Plan
- Erosion and Sediment Control Plan
- See NSW Department of Planning changes to BASIX Certificates for “large” boarding houses.
- Boarding house Operational Management Plan
- Public Domain Treatment Report and Plans
- Wind Loading Report
- Acoustic Report (Apartment Design) and Noise Management Plan (Demolition/Excavation/Construction)
- Water Sensitive Urban Design Report
- Quantity Surveyors (QS) Report verifying the Cost of Construction

Concluding Comments

These Notes are in response to the pre-lodgement meeting for the development of the site for the purposes of demolition works and the construction of a multi-storey mixed use retail/commercial and boarding house development. .

Various departments within Council have provided their comments, requirements and recommendations in these Notes and it is expected that these will be incorporated into the development prior to lodgement of any Development Application.

Based on the feedback in these Notes, it is not recommended that a Development Application be lodged for the current proposal, particularly in relation to the building height non-compliance of Fisher Road B4 zone section, and the setbacks, recesses and complementary design to future development to consider reasonable amenity (light and ventilation guidelines under SEPP65/ADG).



The documentation submitted with the development application is to demonstrate compliance with all relevant planning controls including the new Dee Why Town Centre LEP and DCP.

It is recommended that you attend another pre-lodgement meeting once you have considered the comments in these Notes. Fundamentally, the following matters need to be further considered prior to another meeting: