



## Pre-lodgement Meeting Notes

<b>Application No:</b>	PLM2025/0032
<b>Meeting Date:</b>	8 April 2025
<b>Property Address:</b>	49 Blackbutts Road FRENCHS FOREST
<b>Proposal:</b>	Construction of 12 detached dwelling houses on proposed residential lots
<b>Attendees for Council:</b>	Daniel Milliken – Manager Development Assessment Alex Keller – Principal Planner Thom Prosser – Principal Planner Joseph Tramonte – Landscape Assessment Catriona Alder – Waste Services Pierre Vignal Atherton – Biodiversity

### 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.

### SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION



## **Response to Matters Raised by the Applicant**

### **Built form**

Unnecessary bulky elements should be removed from the design. For example, the 2 storey front entry pillars and wall parapet extensions above the roof edges. Hipped or regular form roof pitches and eaves are recommended to use in preference to flat roof elements. Flat roof elements with box gutters in the location are likely to enable leaf litter build up on the roof and blocked box gutters (potentially water penetration issues in the long term). Also, the bulky appearance impacts created from high parapet extensions are not consistent with wall heights represented in the DCP and add to overshadowing effects between houses that have close spatial separation.

### **Setbacks**

Setbacks for upper floors need to be stepped along the side boundaries to provide articulated wall planes and the like. Generally, this equates to at least a 2.5m setback for the upper storey on flat land (and may be more on sleeper sites). The side boundary envelope plane must be shown for each dwelling along both side walls to demonstrate compliance.

Please ensure that when DAs for the dwellings are lodged that the floor plans show the side boundaries.

### **Ancillary site works**

Excavation and benching should not be extended up to side boundaries of the land as this can create long term inter-allotment boundary issues such as drainage, fencing changes, privacy and the like. Natural ground levels should be maintained along side and rear boundary site levels with minimal artificial changes within 1m of the boundaries. Small, terraced levels (stepped at <300mm) and sloped paths without back-filling above fences or foundations is recommended, rather than building retaining walls close to or along boundaries.

The overall design should allow for new medium sized native canopy trees to replace the existing trees that are to be removed from the site to ensure long term landscape amenity and fauna habitat as part of the local low density housing pattern.

## **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**



<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	Dwelling house
<b>Zone:</b>	R2 Low Density Residential
<b>Permitted with Consent or Prohibited:</b>	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
<b>Height of Buildings</b>	8.5m	Up to 8.5m  (Provide section through the highest point of the dwelling (roof apex))	(Sections to be provided demonstrating height compliance for each dwelling, showing "existing ground level" and the vertical measurement line.

#### 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>

Principal controls are outlined below with advisory comments.



DCP Part		
Control	Permitted	Proposed
<b>B1 Wall heights</b>	7.2m	Details to be shown / annotated on the plans
<p>Side walls should be horizontally articulated and not exceed 7.2m. While wall height is measured to the underside of the uppermost ceilings, extended parapets above the gutter line give a false representation of compliance to the measurement point which it bypasses.</p> <p>Wall height should be minimised by not creating excessive internal floor to floor height. Standard BCA compliant floor to ceiling heights are 2.4m with 2.7m being adequate for generous light and ventilation. It is noted the house designs shown 0.512m spacing between floors and this construction detail (and the reasons for it) should be outlined in the SEE. Normally 0.3m – 0.4m is adequate.</p>		
<b>B3 Side boundary envelope</b>	4m at 45 degrees	Details to be shown / annotated on the plans
<p>Side boundary envelope compliance should be shown on the section diagrams as well as the elevations to demonstrate that walls are setback from the side boundary at the upper level to comply and minimised building bulk, limit overshadowing and provide spatial separation.</p>		
<b>B5 Side boundary setbacks</b>	0.9m at ground level	Details to be shown / annotated on the plans
<p>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. Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach. The positioning of air conditioner motor is generally more suitable in the rear setback as often there are bedroom windows close to the side boundary and bedroom windows may be open for ventilation which can make any A/C noise and issue. Windows at first storey level along side boundary setbacks or balcony sides may need fixed privacy screens or high sill windows to restrict overlooking.</p>		
<b>B9 Rear boundary setbacks</b>	6.0m to rear structures	Details to be shown / annotated on the plans
<p>Development is to maintain a minimum setback to rear boundaries. The rear setback area is to be landscaped and free of any above or below ground structures. Minor structures (open decks, pool terrace etc) may encroach up to 50% as long as they meet the rear boundary setback objectives. The rear setback should be maximised (larger than the minimum) to allow tree planting, privacy, a sense of openness and spatial separation. Windows on the upper storeys may need fixed privacy screens / highlight sill windows to restrict overlooking.</p>		



DCP Part		
<b>D1 Landscaped open space</b>	40% of each new site	Details to be shown / annotated on the plans
<p>Landscaped spaces need to be at least 2.0m wide (and deep soil at ground level) to be included in the calculation, therefore narrow side setbacks of less than 2m do not enable that area to be included. Landscaping cannot include hard surface areas (unless natural rock) but can include a pool water surface. LOS calculation diagrams should be provided for each lot demonstrating compliance (only including LOS that meets the LOS definition).</p>		
<b>D2 Private open space</b>	60sqm with a minimum 5 metre dimensions.	Details to be shown / annotated on the plans
<p>The private open space area should generally include lawn area that can be used as outdoor play space for a family sized dwelling house. The POS should be nominated on the plans / landscape plan. Areas within the front yard are not considered private open space as these are normally visually open to the street without direct access to the kitchen / living area.</p>		
<b>C4 Stormwater</b>	To connect to Council infrastructure.	
<p>Stormwater connection drainage diagram including pits for each property.</p>		

Additional relevant parts of the DCP to be addressed in the SEE include the above sections and C2, C3, C6, C7, C9, D6, D8, D9, D10, D11, D12, D13, D15, E1 and E6

Specialist Advice
<p><b>Landscape Architect</b></p> <p>The submitted plans including MasterSet Plans with lot arrangements and indicative building layouts, and the Civil Plans are noted.</p> <p>No Arboricultural information nor Landscape Plans are submitted to provide a landscape setting outcome appraisal of the pre-lodgement material.</p> <p><u>Information required at Development Application:</u></p> <p>1.0 Given the scale of development, it is suggested that a Landscape Masterplan Concept overview of all residential lots is submitted to demonstrate the landscape setting outcome.</p>



## Specialist Advice

2.0 Additionally, a Landscape Plan for each residential lot shall be submitted with the relevant information in accordance with Council's DA Lodgement Requirements for Landscape Plans.

Under Warringah DCP control D1 Landscaped Open Space and Bushland Settings, the Landscape Plans are 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

Existing rock outcrops within the site should be incorporated into the site planning and design layout, or otherwise relocated within the landscape setting, and shall be documented in all plans. Any on slab planters will be required to provide adequate soil volume area for the proposed planting and be able to be supported by the structural slab.

Under D1, a 40% landscaped open space area is to be provided 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 measure the area of landscaped open space:

- 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;*
- b) *The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*
- c) *Landscaped open space must be at ground level (finished); and*
- d) *The minimum soil depth of land that can be included as landscaped open space is 1 metre.*

3.0 An *Arboricultural Impact Assessment* shall be submitted with the relevant information in accordance with Council's DA Lodgement Requirements. The report shall determine existing trees to be retained or removed based on architectural and civil works, including land modulation.

As a general principle, the site planning layout shall be determined following arboricultural investigations and recommendations. Any proposal to remove existing trees of moderate to high retention value will not be supported by Council if an alternative design arrangement is available, as assessed by Council.

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).



### Specialist Advice

Existing trees and vegetation within adjoining property and within the road verge is not permitted to be impacted upon. Council does not support the removal of street trees unless the street tree is proven to present an arboricultural risk.

No impact to existing trees and vegetation within adjoining properties is acceptable, regardless of species type.

#### Concerns raised based on the pre-lodgement documents:

The retaining walling and stormwater proposal along the western boundary of lots 5 to 13 inclusive is not supported and a landscape buffer zone of at least 1.2 metres clear of any structures shall be provided along this boundary to: protect existing trees and vegetation within adjoining properties; and provide an area for landscape screen planting along the boundary.

### Traffic Engineering

The Prelodgement proposal is for construction of 12 x 4 plus bedroom dwellings on the 12 residential lots to be created under DA2024/0492 for a community title subdivision of the land. Assuming that Council gives consent to the subdivision and that the subdivision is completed in compliance with that consent, the pre-lodgement proposal does not appear to have any significant traffic or transport issues. The Civil Engineering plans submitted with the PLM material appear to be generally acceptable in that they appear to be in line with what had been requested in the traffic engineering referral comments on DA2024/0492.

In terms of the PLM material

- Each lot will need to have at least 2 off-street parking spaces. This appears to be consistent with what is proposed in the pre-lodgement plans.
- Each lot will need to be served by its own driveway designed in compliance with the requirements of AS2890.1. This also appears to be the intent with 11 driveways accessed off the community title road and the other accessed off Blackbutts Road
- Lot 4 which is to be accessed off Blackbutts Road will need to have its driveway located far enough from the existing pedestrian crossing so that any vehicle reversing from the driveway does not have to reverse onto the pedestrian crossing to allow it to proceed to the west. This should be confirmed by a swept path plot for a B99 vehicle reversing from the driveway. Alternatively, and preferably an on-site turning area could be created to allow vehicles to enter and exit the property in a forwards direction. Given the high volumes of traffic on Blackbutts Road the second option would provide the safest means of access to and from the property.



## Specialist Advice

### Waste Services

Adequate space behind the kerb must be provided for the occupant of each of the premises to present the allocated number of bins and other waste materials to be collected by Council.

The Civil Plans as per Doc ID 2025/188103 show swept paths for the garbage truck which is a left arm operation.

- The road is to be at least 7.3m wide kerb to kerb with parking on one side and a “No Parking” restriction on the other. The “No Parking” restriction must extend around the turning circle, which should be sized to allow for turning of Council’s 10.5m left side arm waste collection vehicle.

### Biodiversity Comments

#### Biodiversity Planning Controls

The following biodiversity related legislation and planning controls apply to the subject lot. Compliance with applicable provisions will need to be demonstrated within the submitted Statement of Environmental Effects (SEE) and/or supporting documentation.

- Biodiversity Conservation Act (BC Act) 2016
- Biodiversity Conservation Regulation (BC Reg) 2017
- Warringah DCP clause E2 Prescribed Vegetation
- Warringah DCP clause E6 Retaining unique environmental features

#### Required Supporting Documentation

On review of the submitted pre-lodgement plans, the following documentation is required to accompany the Development Application (DA):

- Landscape Plans
- Arboricultural Impact Assessment

Further information on assessment requirements can be found in Council’s [Biodiversity Guidelines for Applicants](#).





#### Understanding the different levels of assessment required

Is the development located on the Biodiversity Values Map?	Level of impact from proposal	Assessment required	Relevant Guideline
No	The development <b>will not</b> impact upon any of the following: <ul style="list-style-type: none"> <li>More than four protected (prescribed) native trees*</li> <li>Any threatened species or ecological communities</li> <li>More than 50m<sup>2</sup> of native vegetation</li> <li>Important resources or habitat features for wildlife. This may include features like tree hollows, rock overhangs or wetlands. In many, some residential properties also provide important habitat for endangered penguins and bandicoots. Please see <a href="#">Guidelines 1</a> for more information.</li> </ul>	Compliance with relevant LEP/DCP biodiversity objectives is to be addressed in the <b>Statement of Environmental Effects (SEE)</b> OR as determined by Council at pre-lodgement meeting.  <b>Note:</b> this level of assessment is typical for minor developments with limited impacts such as landscaping works or modification applications.	
No	The development <b>will impact</b> upon any of the following: <ul style="list-style-type: none"> <li>More than four protected (prescribed) native trees*</li> <li>Any threatened species or ecological communities</li> <li>More than 50m<sup>2</sup> of native vegetation, but less than the applicable Biodiversity Offset Scheme (BOS) <b>area clearing threshold</b></li> <li>Important resources or habitat features for wildlife. This may include features like tree hollows, rock overhangs or wetlands. In many, some residential properties also provide important habitat for endangered penguins and bandicoots. Please see <a href="#">Guidelines 1</a> for more information.</li> </ul>	The application is to be accompanied by a <b>Flora and Fauna Assessment (FFA)</b> prepared by a suitably qualified ecologist. OR as determined by Council at pre-lodgement meeting.  <b>Note:</b> this level of assessment is typical for small to medium lot subdivisions, construction of a new dwelling, and other medium to large scale developments (such as a Seniors Living development).	Guideline 1 Guideline 4
No	The development will result in either of the following: <ul style="list-style-type: none"> <li>A significant impact to a threatened species, population or ecological community as determined by a 'threatened species test of significance'</li> <li>Impacts to an area of native vegetation greater than the applicable Biodiversity Offset Scheme (BOS) <b>area clearing threshold</b></li> </ul>	The application is to be accompanied by a <b>Biodiversity Development Assessment Report (BDAR)</b> prepared by an accredited assessor in accordance with the NSW Biodiversity Assessment Method (BAM).  Where developments require a BDAR due to the scale of impacts such as clearing of native vegetation above the Biodiversity Offset Scheme clearing threshold, such developments may also require a <b>Biodiversity Management Plan (BMP)</b> . The requirement for a BMP will be determined by Council.  <b>Note:</b> this level of assessment is required when the proposal triggers entry into the NSW Biodiversity Offset Scheme (BOS).	Guideline 2 Guideline 4 Guideline 3 (if a BMP is required)
Yes	The development will impact upon: <ul style="list-style-type: none"> <li>Areas identified on the NSW Biodiversity Values Map, including the Little Penguin Areas of Outstanding Biodiversity Value</li> </ul>	<b>Note:</b> this level of assessment is required when the proposal triggers entry into the NSW Biodiversity Offset Scheme (BOS).	

**Important Note:** Developments should be designed and sited to avoid environmental impacts in the first instance. Assessment against the objectives of relevant Council LEP and DCP controls must consider direct and indirect impacts of the proposal, including vegetation clearing within the development footprint and clearing required to establish bush fire-asset protection zones (APZs). The assessment requirements outlined above address biodiversity-related controls only.

\*Additional reports, such as an Arboricultural (tree) Impact Assessment, may also be required if the proposal is likely to impact upon protected trees. Applicants should consider obtaining detailed tailored advice through Council's DA pre-lodgement service.

**Figure 1. Triggers for Biodiversity Assessment**

#### General Biodiversity Comments

- The proposal should follow the **hierarchical** principles of **avoidance and minimisation of impacts** to biodiversity and look for alternatives to maximise retention of prescribed vegetation and unique environmental features and fully demonstrate that this has been attempted.
- The development is to be designed, sited and managed to avoid any significant adverse environmental impact.
- A desktop survey has revealed that demolition works have taken place on the site as established under DA2024/0081. However, several prescribed trees were still observed on site as of 4 February 2025 and no consent has been obtained for their removal as DA2024/0492 is yet to be determined. Impacts to the natural environment cannot be fully assessed at this stage.
- All retained prescribed trees should be shown in the relevant plans and if their removal is required for the purposes of the development it should be clearly demonstrated that the process of *Avoidance* and *Minimisation* of impacts has been followed and no alternative for retention is available.

The following reports and plans will need to be submitted with the application:



### **Specialist Advice**

#### Landscape Plan

Development shall ensure that at least 80% of any new planting incorporates native vegetation from the Duffy's Forest Endangered Ecological Community as established under DA2024/0492. Landscaping is to be outside areas of core bushland and not include environmental weeds.

#### Arboricultural Impact Assessment

An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries. No Arborist Report is required for trees and species within the development site that can be removed without approval under the relevant DCP. The Arborist Report will be essential in identifying native trees that may require removal as a result of the proposed development.

### **Development Engineering**

The development is for housing on lots that are pre-serviced with stormwater and access is via a private road there are no further development engineering requirements.

### **Documentation to accompany the Development Application**

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned architectural plans (plans should all be issued with the same date for the set):
  - Site Plan;
  - Floor Plans;
  - Elevations (upper storey window translucent glass or privacy screens should be annotated / shown); and
  - Sections. (include the lot boundary position on the section diagrams.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey / draft subdivision plan to be registered. Note that deferred commencement provisions may be applied if the subdivision is not registered at the conclusion of the DA assessment)
- Site Analysis Plan (overlay built form controls of LOS, building height, wall height, envelope front side and rear setbacks, POS areas and particular site constraints such as privacy, infrastructure and the like that affects the land).
- Excavation and fill Plan



- Landscape plan (each dwelling) and Arborist Report for tree removal or trees close to surface excavation.
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist

#### **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 8 April 2025 to discuss the construction of 12 new houses within a proposed subdivision at 49 Blackbutts Road Frenchs Forest. The notes reference the plans prepared by *Sekisui* received 20.3.2025.

Unnecessary wall or pillar elements should be removed from the design that add visual bulk including the parapet garage wall extensions and 2 storey front door pillars and parapet extensions. Hipped or regular form roof pitches and eaves are recommended to use in preference to flat roof elements. Flat roof elements with box gutters in the location are likely to contribute to leaf litter build up / leaking (potentially building warranty issues) and also bulky appearance impacts from parapet extension as well as overshadowing from wall heights. Generally, the DCP seeks to encourage traditional pitched and wall forms with sensitive designs that minimise bulky appearances and maintain a landscaped setting with trees and wide setbacks for detached houses.

The overall development application process may be split into 2 or 3 applications (grouped as 3 or 4 houses each) if this may assist easier management of the overall development such as if there are objections to some particular houses where privacy, overlooking or design changes may be required. In this way the approval of all 12 houses is not held up or if there are particular concerns on a few of the lots, but not others, then the assessment process is not held up for all 12 dwellings.

- Given the history of the site, being a disability services centre, there was significant community interest and concern with a change in the use of the site to be for residential subdivision. The concern related to the impact of future



### Concluding Comments

dwellings on the site. This particularly relates to the nearest residential properties that adjoin the site.

- Impacts to neighbouring properties are best controlled with physical separation, landscaping, minimisation in the size of openings (windows and doors), and control of height, bulk and scale.
- The rear setbacks for Lot 6 to Lot 13 that are in excess of the numerical minimum control are encouraged. Without large setbacks such as these, it is unlikely amenity impacts such as impact on privacy and visual bulk could be satisfactorily mitigated. This is particularly the case for the upper storeys.
- A detailed Landscape plan is required for each residential lot. This should provide landscaping at the rear of lots 6-13 that provides a suitable landscape character and screening of the built form but also does not result in any unreasonable overshadowing to Private Open Space to the lots at the rear. This information should be detailed and demonstrated in the Development application.
- In locations where dwellings are more visually prominent, such as where platforms are located on top of fill, it may be worth exploring options for some minor excavation (generally no greater than a metre) to set the height of the dwellings lower and control presentation of height, bulk and scale.
- The Development Application will need to demonstrate that the southern elevation of lot 13 does not have any unreasonable impact on the neighbouring lots to the south. It is recommended the height of the building is minimised in this location, and that a sufficient area for a landscaped buffer is maintained.

The proposal is supported subject to the above advice to ensure consistency with the LEP and DCP requirements, objectives and numerical controls, given the site characteristics, as well as the public interest.

### 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.