



Pre-lodgement Meeting Notes

Application No: PLM2022/0204
Meeting Date: 8 November 2022
Property Address: 107 Iris Street and 45 Oxford Falls Road BEACON HILL
Proposal: Subdivision
Attendees for Council: Daniel Milliken (Manager, Development Advisory Services)
Penny Wood (Planner)
Aarti Kalia (Development Engineer)
Kevin Fernando (Stormwater Assets Engineer)
Attendees for applicant: David Hoare (Project Manager)
Maree Jaloussis Hayes (Owner of 107 Iris Street)
Jiri Albrecht (Owner of 45 Oxford Falls Road)
Michael Joyce (Surveyor)
Michael Koreke (Engineer)
Stephen Wylie (Overland Flow Engineer)

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

1. Six (6) Lot Subdivision incorporating 45 Oxford Falls Road and 107 Iris Street, Beacon Hill

An email from the Applicant was received by Council on 1 December 2022. The email proposed a conceptual plan proposing a six (6) lot subdivision inclusive of 45 Oxford Falls Road.



A four (4) lot subdivision of 107 Iris Street is considered to provide a favourable planning outcome for the site and would be consistent with the existing subdivision pattern along Oxford Falls Road and Iris Street. It is noted that a four (4) lot subdivision will result in four (4) undersized lots. Given this option will result 10% variation to the development standard *Clause 4.1 Minimum subdivision lot size*, any development application will be referred to the Northern Beaches Planning Panel (NBLPP) for determination.



As discussed throughout these Notes, Council's Development Engineer does not support the location of the proposed driveway accessing Lot C (113 Iris Street). This is as a result of the close proximity to the existing roundabout to the east and the traffic island located directly in front of the proposed Lot C. Council's Development Engineer does however support the widening of the existing driveway along the western boundary and an internal driveway accessing the proposed four lots.

Council does not support incorporating 45 Oxford Falls Road into the proposal. Extending the internal driveway to 45 Oxford Falls Road will impact on the landscaped open space provided for Lot A (109 Iris Street) and Lot C (113 Iris Street). The internal driveway will also result in a further non-compliance with the minimum lot size provided for Lot A and Lot C. Access to Lot C is to be provided from the internal driveway. The Applicant is also required to ensure vehicles can enter and exit the site in a forward direction.

Driveway access to 45 Oxford Falls Road from Iris Street was also discussed at the pre-lodgement meeting. The Applicant advised this would include the deletion of the driveway crossover as approved in DA2020/1043 and the construction of a new driveway crossover in front of Lot C providing access to both 45 Oxford Falls Road and Lot C (113 Iris Street). This option is not supported by Council's Stormwater Engineer without plans as it was considered a driveway in this location is unlikely to be able to be constructed at ground level and given it would be located over Council's stormwater asset, any raised structure would not be supported.

Council's Development Engineer could support the location of the new driveway crossover provided the driveway crossover accessing 45 Oxford Falls Road is deleted. Whilst this option could be considered by Council, a full assessment has not been undertaken given the lack of details provided by the Applicant.

A further PLM is recommended if the Applicant wishes to pursue the above proposal.

2. Location of on-Site Stormwater Detention Tank

A Deferred Commencement Consent was issued for the Subdivision of land, including alterations and additions to a dwelling house, new driveway and parking at 45 Oxford Falls Road (DA2020/1043). The deferred commencement condition required the Applicant to provide drainage plans detailing the provision of on-site stormwater detention (OSD) for proposed Lot 1 in accordance with Northern Beaches Council's Water Management Policy.

The Applicant requested the OSD be located in the northeastern corner of 107 Iris Street to service five (5) lots under the original proposal and it is noted that has amended to four (4) lots on 107 Iris Street. Council does not support the location of the detention tank on 107 Iris Street for both properties and the applicant for 45 Oxford Falls Road is to provide all services within the site as per the deferred commencement consent for DA2020/1043.



3. Landscaping within Council's Road Reserve and integration of landscaping into retaining wall.

Landscaping within Council's Road Reserve could be included in a future development application. Any approved works to the road reserve would be subject to a minor encroachment/constructions within the Road Reserve 22/23 found on Council's website. This would be a condition of consent required prior the issue of a Construction Certificate.

4. Location of lift to 45 Oxford Falls Road

The Applicant of 45 Oxford Falls Road requested advice regarding the construction of a lift to the proposed new dwelling. The lift would provide access from the garage to both the ground floor and first floor. This could be considered as part of a new development application however subject to no plans being provided a full assessment has not been undertaken. Written Advice (PLM2021/0244) was issued to the owner regarding the construction of a dwelling house and detached garage. A lift was also proposed as part of this application. Concern was raised with the proposed lift due to the non-compliant height, building envelope, wall height and front setback. The Applicant is encouraged to ensure any future development application incorporates the advice provided in the Notes for PLM2021/0244.

5. Can Council consent to encasing the stormwater pipe?

Council does not consent to encasing the stormwater pipe. As discussed in the Notes below, all structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management for Development Policy.

6. Can the easement remain at the existing width of 1.83m?

Any new drainage easement through the proposed site/s over the existing public stormwater system will need to be increased to 3 meters wide in accordance with Council's Water Management for Development Policy. See Stormwater Engineer comments below under Specialist Advice.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

WLEP 2011 can be viewed at

<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	<i>dwelling house</i> means a building containing only one dwelling
Zone:	R2 Low Density Residential



Permitted with Consent or Prohibited:	Permitted with Consent
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Clause 4.6 - Exceptions to Development Standards

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.

A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
4.1 Minimum subdivision lot size	600sqm	Option A – 540sqm	No – 10% variation
		Option B – 540sqm	No – 10% variation
<p>The Applicant provided two options (Option A and Option B). Option A proposes to subdivide 107 Iris Street into three (3) lots with the existing dwelling being maintained at the rear (Lot 1) and two (2) lots being provided at the front of the site perpendicular to Iris Street. This option provides two (2) new crossovers off Iris Street.</p> <p>Option B proposes to maintain the existing dwelling (Lot 1) and create two (2) new lots parallel to Iris Street. This configuration proposes to use the existing driveway to access Lot 2 and create a new driveway to access Lot 3.</p> <p>In both Option A and Option B, Lot 2 and Lot 3 are undersized lots (both 540sqm) therefore providing a 10% variation to the minimum lot size development standard. This would require a Clause 4.6 variation to be provided with any development application (DA) and would also result in the DA being referred to NBLPP for determination. Lot 1 would comply with the minimum lot size requirement.</p> <p>It was discussed on site with the Applicant, Council could support the variation to the proposed undersized lots given the existing subdivision pattern and recently approved subdivision proposals along Iris Street and Oxford Falls Road. Whilst this would result in four (4) undersized lots, Council could support a four (4) lot subdivision at 107 Iris Street.</p> <p>A Clause 4.6 Variation would be required to address the variation to Clause 4.1 Minimum subdivision lot size under Warringah Local Environmental Plan (WLEP) 2011.</p>			



Part 4 - Principal Development Standards			
4.3 Height of Buildings	8.5m	Not provided with the application	Unable to be calculated as the application did not provide any sections or indicative building heights of any future dwellings.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

WDCP 2011 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

The proposal does not include any architectural plans for the design of any dwellings. The Applicant is recommended to undertake a follow up pre-lodgement meeting with Council as to address the development standards under the WLEP 2011 and the built form controls outlined within the WDCP 2011.

Specialist Advice
<p><u>Development Engineering Comments</u></p> <p>These comments are only preliminary in nature and a detailed assessment can only be provided upon DA lodgement: -</p> <p><u>Proposal:</u> Subdivision from one Allotment to three Allotments, at 107 Iris St Beacon Hill</p> <p><u>Development Engineering comments:</u></p> <p>Two subdivision allotment options are submitted:</p> <ul style="list-style-type: none"> ➤ Option A includes one existing allotment and two proposed allotments perpendicular to the road carriageway with three driveways. Two independent driveways serving lot 2 and 3 while a Right of way serving lot 1. ➤ Option B includes one existing allotment and two proposed allotments parallel to the road carriageway with two driveways. An independent driveway serving proposed lot 3 and a Right of way serving lot 1 and lot 2 ➤ Development Engineering point of view option B is more suitable as proposed driveways are away from the intersection of Iris Street and Oxford falls Road. It is



Specialist Advice

also noted that site is facing double road centreline which also prohibits on-street parking.

Access:

- A long section and cross sections for the proposed driveways are to be included in the submission. The driveway crossings are to be in accordance with Council's Vehicular Crossing profile which is available in Council's web page.

<https://www.northernbeaches.nsw.gov.au/planning-development/permits-and-certification/driveway-and-vehicle-crossings>

- The minimum constructed width of the access driveway within the proposed right of way (ROW) is to be 3.5 metres wide in accordance with C1 Subdivision of Council's DCP.
- If the length of ROW is greater than 30m passing bays are required in accordance with clause C1.
- The subdivision plan is to show all proposed lot boundaries, areas, right of ways and easements only with no reference to any features or contours etc.

Stormwater:

Council's records indicate that the subject property is burdened by a Council stormwater pipeline along eastern boundary.

- In this regard, the applicant is required to demonstrate compliance with Council's Building Over or Adjacent to Constructed Council Drainage Systems and Easement technical specification - For any work in close proximity to a Council pipeline, this technical specification must be considered and is available on the webpage via the link below:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/building-over-or-adjacent-constructed-council-drainage-systems-and-easements-technical-specification.pdf>

This consists of accurately locating, confirming dimensions and plotting Council's stormwater pipelines and associated infrastructure to scale on the DA plans which show the proposed works. This should be carried out by a service locating contractor and registered surveyor. (The applicant will need to provide evidence of methodology used for locating).

Northern Beaches Council has public stormwater drainage maps online. Please follow the relevant link below and select the 'Stormwater' map from the 'No Overlay Map' drop down menu. You can then search by address and use the zoom functionality to see pipe diameters and asset id numbers.

<https://services.northernbeaches.nsw.gov.au/icongis/index.html>



Specialist Advice

- All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with the above-mentioned policy. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's policy are to be submitted.
- On-site stormwater detention (OSD) will be required if the proposed impervious area of any of the existing/proposed lot exceeds 40%, in accordance with in accordance with Clause 9.3.2 of Council's Water Management for Development Policy.

Stormwater Assets Comments

Council's records indicate that the property at 107 Iris Street, Beacon Hill is burdened by a Council 525mm stormwater pipeline (SPI10738, and SPI08139) and associated stormwater infrastructure. This is shown on Council's stormwater map which is available on the webpage. (Please follow the relevant link below and select the 'Stormwater' map from the 'No Overlay Map' drop down menu. You can then search by address and use the zoom functionality to see pipe diameters and asset id numbers. i.e. 600 mm and SPP or SPI etc.).

Council's Stormwater Planning Map:

<https://nb-icongis.azurewebsites.net/>

Following the site meeting undertaken on Thursday, 10 November 2022 and review of the submitted plans, the following comments are provided in respects to the Council Stormwater Assets through the site:

- All structures are to be located clear of any Council pipeline, pit or easement and comply with minimum vertical and horizontal clearances.
 - No private utilities or services are to traverse through or over Councils drainage easement and stormwater infrastructure. All services are to run to the road reserve located at the front of the property.
 - On-ground concrete slab driveways are permitted over Council's stormwater pipelines and drainage easements. No removable or demountable structures will be permitted.
- Any new drainage easement through the proposed site/s over the existing public stormwater system will need to be increased to 3 meter wide in accordance with Council's Water Management for Development Policy.
 - If the development includes only 107 Iris Street, Beacon Hill, the 3m wide drainage easement will need to be located solely within the subject property.
 - If the development is for 107 Iris Street and 45 Oxford Falls Road, Beacon Hill, the 3m wide drainage easement can be split over both properties - 1.5 meters either side of the stormwater pipes centre line.
- The domestic stormwater system from the property can connect directly to the existing stormwater pit (SPP04716) located within the Oxford Falls Road Reserve.



Specialist Advice

General information regarding Council's Water Management for Development Policy is outlined below:

- To demonstrate compliance with Warringah Council's Development Control Plan 2011 and Northern Beaches Council's Water Management for Development policy, it is recommended that the following details are submitted with any application:
 - Accurately locate, confirm dimensions including depth and plot to scale Council's public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. (Evidence of methodology used for locating stormwater system should be provided);
 - If the applicant proposes to use a CCTV pipeline survey to confirm the location of the pipeline, it is recommended that the survey is carried out in accordance with Council's guideline attached.
 - All structures are to be located clear of any Council pipeline, pit or easement and comply with minimum vertical and horizontal clearances.
 - Hydraulic design plans and an accompanying report detailing the Council drainage system upgrade prepared by a Civil Engineer registered on the NER demonstrating compliance with Council's Policy;
 - Footings of any structure adjacent to an easement, pipeline or channel are to be designed in accordance with the above-mentioned policy; and
 - Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council's policy are to be submitted.
- **Warringah DCP 2011:**
<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>
- **Water Management for Development Policy:**
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policyv2.PDF>

Landscape Comments

The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the DCP, and in this instance the following:

- C1 Subdivision
- D1 Landscaped Open Space and Bushland Settings
- E1 Preservation of Trees or Bushland Vegetation
- E6 Retaining unique environmental features



Specialist Advice

C1 Subdivision

The proposed Subdivision shall limit the impact of new development to protect the natural environment and topographic features and ensure that any new lot created has sufficient area for landscape amenity.

Two subdivision allotment options are submitted. Option A includes one existing allotment and two proposed allotments perpendicular to the road carriageway. Option B includes one existing allotment and two proposed allotments parallel to the road carriageway.

Landscape Referral note that Option A provides a better landscape outcome as an existing large Oak tree is preserved in consideration of DCP clause E1, and the existing natural rock face impact is minimised in consideration of DCP clause E6.

Option A provides flexibility to locate any future building away from the existing large Oak tree to an appropriate distance as determined in an Arboricultural Impact Assessment, and it is advised that the indicative building envelope shall be addressed in any future development application to locate buildings further away.

D1 Landscaped Open Space and Bushland Settings

A Landscape Plan is not required for the Subdivision DA. Landscape Plans shall be submitted for each separate development application for the proposed dwellings and associated works.

E1 Preservation of Trees or Bushland Vegetation

Existing trees within the property or within adjoining properties in close proximity to the proposed development works for Subdivision (ie. access and utility services installation) shall be identified. Any utility proposed in the vicinity of high retention value trees shall be aligned to minimise impact.

An Arboricultural Impact Assessment is required at development application stage that clearly identifies any impact from Subdivision works to existing trees.

E6 Retaining unique environmental features

The site contains an expansive rock face that shall be preserved. The Subdivision development application documents shall identify how the existing rock face will be protected during any subdivision works (i.e. access construction and services installation). The extent of the existing rock face shall be accurately represented on all relevant development application documents.

Aboriginal Heritage Officer Comments



Specialist Advice

Reference is made to the proposed subdivision and development at the above area and Aboriginal heritage.

There are known Aboriginal sites in the area although no sites are recorded in the current lot. The area is considered as having very high potential for unrecorded Aboriginal sites

If areas of in situ sandstone outcrop are in the proposed development area the Aboriginal Heritage Office recommends an Aboriginal heritage due diligence assessment be carried out for the land by a qualified Aboriginal heritage professional, including consideration for subsurface archaeological testing. This would provide an assessment of any unrecorded or potential Aboriginal sites within the allotment, and advice on potential (direct or indirect) impacts to any Aboriginal site.

Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Bush Fire Report
- Arboricultural Impact Assessment
- An Aboriginal heritage due diligence assessment be carried out for the land by a qualified Aboriginal heritage professional, including consideration for subsurface archaeological testing
- Waste Management Plan (Construction & Demolition)
- Traffic Management Plan
- 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 site on 10 November 2022 to discuss the proposed subdivision of 107 Iris Street and associated landscape works, access to 45 Oxford Falls Road and location of an on-site detention tank to service the dwellings at 45 Oxford Falls Road and the proposed subdivision at 107 Iris Street. The notes reference the plans prepared by Michael K Joyce which are not dated.

As discussed throughout these Notes, Council could support a four (4) lot subdivision of 107 Iris Street. The driveway crossover off Iris Street proposed to access Lot C is not supported by Council's Development Engineer given the close proximity to the existing roundabout located to the east on Oxford Falls Road.

Council's Development Engineer does support the widening of the existing driveway located along the western boundary of 107 Iris Street. This would allow for access from Iris Street to Lot D and access to Lot A, Lot B and C via an internal driveway. Council does not support the extension of the internal driveway to provide vehicular access to 45 Oxford Falls Road as this will significantly impact on the proposed lot sizes and landscaped open space required for Lot A and Lot C. The extension of a driveway to 45 Oxford Falls Road also raises concerns in regard to vehicular access safety.

Council recommends that a four (4) lot subdivision of 107 Iris Street would result in the most desirable planning outcome for the future of the site and would be in keeping with the surrounding character and subdivision pattern of Iris Street and Oxford Falls Road. It is recommended that the any future works to both 45 Oxford Falls Road and 107 Iris Street are carried out independently.

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.

