

## PRELODGEMENT ADVICE

**Application No:** PLM2020/0043  
**Meeting Date:** 17/03/2020 1:45:00 PM  
**Property Address:** 4 Southern Cross Way ALLAMBIE HEIGHTS  
**Proposal:** Demolition of existing structures and construction of a dwelling house and secondary dwelling.  
**Attendees for Council:** David Auster – Principal Planner  
Thomas Burns – Student Planner

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### General Comments/Limitations of these Notes

These notes have been prepared by Council on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only. These notes are an account of the specific issues discussed and conclusions reached at the pre-lodgement meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority. A determination can only be made following the lodgement and full assessment of the development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of the Warringah LEP 2011, Warringah LEP 2000 and Warringah DCP 2011 within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.



## SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
<b>Issue</b>  Stormwater Management  <u>Relevant WLEP/WDCP Clause</u>  <i>Clause C4 of the WDCP 2011</i>	The applicant has communicated with the owners of the adjoining downstream properties (No. 67 and 65 Binalong Avenue) to obtain consent for an inter-allotment easement to drain water downstream. It is noted that the downstream owners have refused the applicant permission for an easement. Under these circumstances, the proposed development will require the implementation of an On-site Stormwater Detention (OSD) system in accordance with Council's OSD Technical Specification – Streamlined Method or, Council's Stormwater Drainage from Low Level Properties Technical Specification as relevant. The applicant's consultant is to provide any calculations or models for OSD design with the submission of a Development Application to Council. The OSD tank is to be located in an open area that will permit 24 hour access to Council staff.

## State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

The proposed secondary dwelling is subject to the provisions entailed within Division 2 of the ARH SEPP.

Zoning and Permissibility	
<b>Definition of proposed development:</b>	Secondary Dwelling.
<b>Land to which this Division applies:</b>	The site is located within the R2 Low Density Residential zone. Therefore, the ARH SEPP applies.
<b>Development Standards:</b>	The maximum permitted gross floor area for the secondary dwelling is 60sqm. The proposed secondary dwelling has a gross floor area of 60sqm, which satisfies this requirement.

## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

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

Zoning and Permissibility	
<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	Dwelling House and Secondary Dwelling.
<b>Zone:</b>	R2 Low Density Residential.



<b>Permitted with Consent or Prohibited:</b>	Both uses are permitted with consent.
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<b>Principal Development Standards:</b>	
<b>4.3 Height of Buildings</b>	
<b>Standard</b>	<b>Proposed</b>
8.5m	Primary Dwelling: 8.49m Secondary Dwelling: 4.365m
<b>Comment</b> The proposed structures comply with the 8.5m maximum building height development standard. <b>Note:</b> Building heights are measured from existing ground level.	

<b>Miscellaneous provisions</b>
<b>5.10 Heritage conservation</b>
<b>Comment</b> The site is located approximately 20m to the east (opposite) of Heritage Conservation Area No. C9 'Manly Dam and surrounds'. The Statement of Environmental Effects will need to demonstrate how the proposed development does not detract from the heritage significance of the adjoining Conservation Area.

<b>Additional local provisions</b>
<b>6.4 Development on sloping land</b>
<b>Comment</b> The site is identified within the 'Landslip Risk B' precinct pursuant to the WLEP 2011. Accordingly, the Development Application is to be accompanied by a Preliminary Geotechnical Assessment prepared by suitably qualified geotechnical engineer / geotechnical geologist (as required by Clause E10 of the WDCP 2011).

#### **WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)**

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

<b>Part B: Built Form Controls</b>	
<b>B1 Wall Height</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
7.2m	Primary Dwelling: 8.32m (north) and 8.21m (south)  Secondary Dwelling: 4.01m



#### Comment

The proposed secondary dwelling remains within the prescribed wall height. However, the proposed dwelling encroaches beyond the maximum wall height for significant portions of the northern and southern elevations. Having regard to the moderately steep topography, if the slope is greater than 20% within the building footprint, the application could be considered under the exceptions provision, but must also demonstrate the following conditions are satisfied:

- does not exceed the 8.5 metre height development standard;
- is designed and located to minimise bulk and scale; and
- has a minimal visual impact when viewed from the downslope sides of the land.
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If you seek a variation to this 7.2m control, the Statement of Environmental Effects shall provide a detailed analysis demonstrating that the proposed development satisfies the objectives of this control (see below).

#### Objectives of Control:

- . To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.
- To ensure development is generally beneath the existing tree canopy level.
- To provide a reasonable sharing of views to and from public and private properties.
- To minimise the impact of development on adjoining or nearby properties.
- To ensure that development responds to site topography and to discourage excavation of the natural landform.
- To provide sufficient scope for innovative roof pitch and variation in roof design.

As a minimum, the northern elevation of the dwelling should incorporate various colours, materials, surfaces and articulated walls to reduce building bulk and scale, however changes to the extent of non compliance is encouraged to address bulk, scale and visual impact. It is noted there is moderate excavation of the natural landform.

#### B3 Side Boundary Envelope

Control/Requirement	Proposed
4m then projected at 45 degrees	<p>Primary Dwelling: The structure appears within the prescribed building envelope.</p> <p>Secondary Dwelling: The structure remains within the prescribed building envelope.</p>

#### Comment

The proposed development complies with the requirements of this control.

#### B5 Side Boundary Setbacks

Control/Requirement	Proposed
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0.9m	<p>Primary Dwelling: 4.49m (north), 4.5m (south) and 1.5m for home office component (south).</p> <p>Secondary Dwelling: 2.435m (north) and 10.63m (south)</p>
<b>Comment</b> The proposed development complies with the requirements of this control.	
<b>B7 Front Boundary Setbacks</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
6.5m	Primary Dwelling: 12.04m
<b>Comment</b> The proposed development complies with the requirements of this control.	
<b>B9 Rear Boundary Setback</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
6m	<p>Secondary Dwelling: 3m</p> <p>Private Outdoor Area: 5.6m</p> <p>Home Office Area: 6.795m</p>
<b>Comment</b> The secondary dwelling and private outdoor area are located within the 6m rear setback area. Council is unlikely to support a variation to the rear setback control, given the proposal would be inconsistent with the established rear building line within the locality. Furthermore, the allotment is significantly larger than the 600sqm minimum requirement pursuant to the WLEP 2011, therefore it is considered that there are ample opportunities for new development to comply with the 6m requirement. Council recommends that the proposal is amended to ensure all structures are setback at least 6m from the rear boundary, thereby ensuring the rear setback area is landscaped and free of any above or below ground structures. This will also help to ensure that no unreasonable privacy impacts are caused from the raised structures overlooking the downhill neighbours to the rear.	
<b>C3 Parking Facilities</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
Minimum 2 off-street parking spaces	The proposal incorporates 3 off-street parking spaces via the double garage in the principal dwelling and single carport attached to the secondary dwelling.
Garage/carport openings do not exceed 6m or 50% of the building width, whichever is lesser	The double garage opening is 5.5m in width, which is less than 50% of the building width.
<b>Comment</b> Whilst the proposal meets the minimum off-street parking requirements, the third car space provided via the single carport is facilitated by a second vehicle crossing. Council's Development Engineers have assessed the proposal and advised that they will only support one vehicle crossing. Therefore, it is requested that the proposal is amended in this regard.	



<b>C4 Stormwater</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
Comply with Council's Water Management Policy	Nil.
Given the downstream property owners have refused the applicant permission for an inter-allotment easement, the proposed development will require the implementation of an OSD system (please refer to the Development Engineer's Referral comments below).	
<b>C5 Erosion and Sedimentation</b>	
<b>Comment</b> An Erosion and Sediment Control Plan and accompanying details shall be prepared in accordance with this control and submitted with the Development Application.	
<b>C9 Waste Management</b>	
<b>Comment</b> A Waste Management Plan shall be prepared in accordance with this control and submitted with the Development Application.	
<b>D1 Landscaped Open Space and Bushland Settings</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
40% of site area (371.12sqm)	35.55% of site area (329.8sqm)
<b>Comment</b> The control stipulates that development shall ensure at least 40% of the site area is landscaped open space. In calculating landscaped open space, natural impervious surfaces such as rock outcrops area included in the calculation, whereas landscaped areas with dimensions less than 2m are excluded. The application proposes 35.55% of the site area as landscaped open space, which fails to comply with the 40% requirement. A preliminary assessment concludes that there is scope to implement additional landscaped treatments on site. Therefore, Council recommends that the proposal is amended to ensure the landscaped open space meets the 40% minimum requirement.	
<b>D7 Views</b>	
<b>Comment</b> The control requires development to allow for reasonable view sharing. In undertaking a site visit at the subject site (post meeting), it was identified that the site and northern adjoining properties obtain unobstructed long distant views to the south-east of the Pacific Ocean, Manly residencies and North Head. It is noted that the aforementioned views are obtained from the two balconies and various windows located on the rear elevation at the northern adjoining property (2 Southern Cross Way). Concern is raised that the secondary dwelling and office studio may compromise the views obtained from the northern adjoining property. The Statement of Environmental Effects shall provide a detailed analysis on views referencing the Planning Principle established by the NSW Land and Environment Court in the case <i>Tenacity Consulting v Warringah Council (2004) NSWLEC 140</i> . This issue may require alterations to the design. Full assessment of this issue can only be undertaken once notification takes place and submissions received, noting access has not been gained to the neighbouring property at this stage. If unreasonable view impacts are caused (as assessed with regard to the Tenacity principles mentioned above) then the application may not be supported.	
<b>D8 Privacy</b>	

**Comment**

The control requires building layout to be designed in a manner that optimises privacy for the occupants of the development and occupants of adjoining properties. The proposal entails an elevated balcony on the southern and eastern elevations of the second storey, which adjoins a living area. It is noted that the outermost southern edge of the balcony is orientated towards windows on the southern adjoining property (6 Southern Cross Way). As a consequence, the proposal would allow for downward overlooking into the adjoining windows, which is inconsistent with the requirements of this control. To alleviate this privacy concern, Council recommends that the southernmost edge of the balcony incorporates solid or opaque balustrading.

**D9 Building Bulk****Comment**

The control requires side and rear setbacks to progressively increase as wall height increases and aims to avoid large areas of continuous wall planes. The southern elevation of the principal dwelling incorporates walls that are articulated, helping to reduce the visual bulk of the structure. However, the entirety of the northern elevation comprises a continuous wall plane. Given the proposal breaches the 7.2m wall height control on the northern elevation, the northern elevation will present with excessive bulk when viewed from the street and adjoining properties. As presented, Council is unlikely to support the proposal and therefore recommends that the northern elevation of the dwelling be reduced and incorporate various colours, materials, surfaces and articulated walls to reduce the building bulk and mass, and would prefer

**D12 Glare and Reflection****Comment**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties.

**E1 Preservation of Trees or Bushland Vegetation****Comment**

It is noted that various large trees are located on the road verge forward of the property and within the front yard. An Arborist's Report will be required to address impacts on trees and any mitigating actions or design modifications to enable tree retention. Furthermore, a Landscape Plan is required to indicate hard and soft landscape areas, trees to be removed/retained and proposed planting.

**E4 Wildlife Corridors****Comment**

The site is identified within the 'Wildlife Corridors' precinct under the provisions of the WDCP 2011. The application should address this clause.

*Note: The relevant guidelines specified above are outlined within the section of this report relating to Relevant Council Policies.*

**E6 Retaining unique environmental features**



#### Comment

Where possible, the development shall minimise disturbance to the existing exposed rock outcrops located within the rear yard. It is noted that the proposed location of the secondary dwelling is in the vicinity of rocky outcrops in the rear yard area. The application should address this clause. Council's strong preference is for the outcrops to be maintained in accordance with the requirements of this clause.

#### E10 Landslip Risk

#### Comment

The site is identified within the 'Landslip Risk B' precinct pursuant to the WLEP 2011. Accordingly, the Development Application is to be accompanied by a Preliminary Geotechnical Assessment prepared by suitably qualified geotechnical engineer / geotechnical geologist. If the preliminary assessment determines that a geotechnical report is required, then a geotechnical report must be prepared by a suitably qualified geotechnical engineer / geotechnical geologist and submitted with the Development Application.

#### Specialist Advice

Referral Body	Comments
Landscape Officer	<p><i>A number of large trees are located on the road verge forward of the property and in the front yard of the property.</i></p> <p><i>An Arborist's Report will be required to address impacts on trees and any mitigating actions or design modifications to enable retention.</i></p> <p><i>It is noted that the site is within Bushfire Prone Land and as such, any Bushfire Report submitted with the application is to address specific tree removal requirements to enable compliance with relevant bushfire controls. The Arborist's Report should cross reference the Bushfire Report to clearly identify trees to be retained and removed.</i></p> <p><i>A landscape plan is required to indicate hard and soft landscape areas, trees to be removed and retained and proposed planting.</i></p>





<b>Development Engineer</b>	<p><i>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.</i></p> <p><u>Stormwater</u></p> <ul style="list-style-type: none"><li>• <i>Stormwater drainage for the site shall demonstrate compliance with Council's Warringah Water Management Policy, particularly Stormwater Drainage from Low Level Properties Technical Specification Section 2.2.</i></li><li>• <i>As the subject site falls to the rear, an easement to drain water is to be created in favour of the site over the downstream property(s). Evidence of owners consent by the property owner(s) shall be submitted with the Development Application (a sample letter is available in Attachment 1 of the Technical Specification). The Application shall be supported by a long section of the inter-allotment drainage to the connection with Council's road drainage system.</i></li><li>• <i>Should this method of stormwater disposal not be possible, evidence of easement refusal or a Statutory Declaration shall be submitted with the Application. Stormwater drainage shall then be directed to a level spreader system in accordance with the design requirements of Council's Low Level Properties Technical Specification Section 2.2 Step 3 and Attachment 3.</i></li><li>• <i>The proposed development will require the implementation of an On-site Stormwater Detention (OSD) system in accordance with Council's OSD Technical Specification – Streamlined Method or, Council's Stormwater Drainage from Low Level Properties Technical Specification as relevant. The Applicant's consultant is to provide any calculations or models for OSD design with the submission of a Development Application to Council. The OSD tank is to be located in an open area that will permit 24 hour access to Council staff.</i></li></ul> <p><u>Carparking, Access and Manoeuvrability</u></p>
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	<ul style="list-style-type: none"> <li>• Council will only permit one vehicular crossing for the development site.</li> <li>• The driveway crossing is to incorporate one of Council's standard driveway profiles which is available in Council's web page. 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.</li> <li>• The Application shall be supported by a long-section of the proposed access driveway across the road reserve to the proposed carpark and demonstrate compliance with AS2890.</li> </ul>
<b>Parks Asset Planning Officer</b>	<i>No concern raised.</i>

#### Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at [Council's website](#):

- On-site Stormwater Detention Technical Specification
- Stormwater Drainage from Low Level Properties Technical Specification
- Guidelines for preparing a biodiversity management plan
- Guidelines for preparing a flora and fauna assessment
- Development Assessment Management Policy

#### Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Cost of works estimate/ Quote
- Site Plan
- Floor Plan
- Elevations and sections
- A4 Notification Plans
- Boundary Identification Survey
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Certified Shadow Diagrams
- BASIX Certificate
- Schedule of colours and materials
- Landscape Plan
- Arboricultural Impact Assessment Report
- Erosion and Sediment Control Plan
- Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Preliminary Geotechnical Assessment



- Bushfire Report

*Please refer to Development Application Checklist for further detail.*

### **Concluding Comments**

These notes are in response to a pre-lodgement meeting held on 17 March 2020 to discuss works pertaining to a dwelling house and secondary dwelling. The notes reference preliminary plans prepared by Sabton & Son dated 10 February 2020.

You are encouraged to amend the proposed development to have greater consistency with the controls and outcomes of the WDCP 2011, particularly with regard to the rear setback non-compliance, the landscaped open space non-compliance and 7.2m wall height control - building mass and bulk (articulation of the northern wall). Concern is also raised with the possible impacts on views from the northern neighbour, and impacts on rocky outcrops in the rear yard area in the vicinity of the location of the proposed secondary dwelling and studio.

Your attention is also drawn to Council's Engineer's comments regarding permitting only one driveway cross over. This may require some redesign in either driveway or garage location to accommodate a shared driveway, if the driveway to the rear was to be maintained. It should be noted that there is no requirement in the relevant planning controls to provide parking for the secondary dwelling.

The proposal will therefore require some redesign and refinement in accordance with these notes to receive Council support.