



## Pre-lodgement Meeting Notes

**Application No:** PLM2023/0021  
**Meeting Date:** 21 March 2023  
**Property Address:** 28 Stuart Street COLLAROY  
**Proposal:** Proposed vehicle and driveway.  
**Attendees for Council:** Daniel Milliken (Manager, Development Advisory Services)  
Penny Wood (Planner)

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### 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

The Applicant has requested Council's advice based on the location of access to the site and the driveway proposed along the eastern side of the site.

### Site History

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

#### DA2021/0514

Development Application for Demolition works and the construction of a dwelling house and secondary dwelling.

**Withdrawn on 22 June 2021.**

#### DA2021/2566

Development Application for Demolition works and construction of a dwelling house and secondary dwelling.

**Refused on 20 July 2022.**

### APPLICATION HISTORY

The Review Application was formally accepted by Council on 16 September 2022. In accordance with Section 8.3 (2) of the Act, the request for the review must be made and determined within 6 months after the date of determination of the development application. The application was determined on 20 July 2022 and the notice of determination was issued on 21 July 2022. Therefore, the determination of the Review Application has to occur no later than 21 January 2023. The Review Application was formally accepted by Council on 25 October 2022, 3 months after the determination of the DA.

Northern Beaches Council's Development Determination Panel (DDP) is responsible for determining applications that meet the following criteria:

- any Review of Determination under Section 8.2 for a development previously determined by the DDP, its previous equivalent panel, or by a Manager

As such, and given that the Review Applications are to be determined by DDP, the available window for determination is such that it is required to be added to the final agenda for DDP to ensure the application is determined within the 6 month allowable period. Given the time sensitivity, coupled with the time of year the Review Application was lodged, it was considered that an opportunity to amend the review application to address any preliminary issues was not possible in the remaining time-frame. As detailed in the comments provided by Council's Development Engineer, and Council's Road Assets Officer, the proposal would require significant amendments, that would result in the requirement for the application to be re-notified in accordance with Council's Community Participation Plan. Therefore, it is considered that the time-frame remaining would not allow for the preparation of amended plans, renotification, and re-



referral to Council's referral bodies. In this instance as the review period was ceasing, and in accordance with Council's statutory obligations, there was insufficient time to invite the applicant to prepare amended plans, and as such the application has been recommended for refusal to the DDP. The referral comments received from the Road Assets Team as part of REV2022/0021 are as follows:

*Road assets does not support the application. The Plans - Engineering are identical to those assessed under previous DA 2021/2566 as amended (24/5/2022).*

*It is noted that the previous referral comments by Development Engineering identified the crossfall on the public road carriageway is 20-24% (1 in 5 to 1 in 4). This was not apparent at the time of assessment of the previous DA by the Assets Team.*

*Whilst the concept of road realignment was previously supported by the Assets Team, the road crossfall resulting from the proposal is excessive (as highlighted by Development Engineering Team on DA2021/2566) and does not comply with proper engineering geometric road design standards. As such, the required civil works proposed to provide access to the property cannot be supported.*

*Whilst it is appreciated that the topography of the site is difficult, unless the road geometry can be designed to meeting proper engineering geometric road design standards and Council's driveway profiles, the proposed vehicle access to the property cannot be supported.*

*As an alternative, moving the location of the driveway access to the eastern property boundary and reserving the parking arrangements may be achievable.*

## 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)	<b>dwelling house</b> means a building containing only one dwelling.
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	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
The proposal does not relate to any development standards outlined in the Warringah Local Environmental Plan 2011.			

### 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=WDCP>

The following notes the identified non-compliant areas of the proposal only.

Whilst relocating the driveway to the eastern side of the site, (as indicated on Dwg No. A101.2 dated 21/2/2023), the proposal has not provided the necessary documentation and plans ie a long section, extent of retaining walls and a cross section to demonstrate compliance with C2 Traffic, Access and Safety of the Warringah Development Control Plan 2011. Council must be satisfied that the controls and objectives of C2 can be achieved, and that adequate plans and documentation is provided and prepared by a Qualified Engineer.

Specialist Advice
<p><b><u>Road Assets Comments</u></b></p> <p>The applicant is required to re-visit the previous comments provided by Council's Road Assets Team in the previous applications.</p> <p>Whilst the eastern driveway option could be supported, the Applicant hasn't provided any detail to determine if it's achievable. Council's Development Engineers cannot determine if support is possible without detail (eg: long section, extent of retaining walls, cross section).</p> <p>Council does not support the western option unless the Applicant can resolve the level and road geometry issues.</p> <p><b><u>Development Engineering Comments</u></b></p>



### Specialist Advice

- The method of stormwater disposal is to be in accordance Council's Water Management for Development Policy. OSD shall be provided in accordance with Section 9.0. The policy is available in Council's web page.  
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>
- The applicant has provided two options for the vehicular access and comment on each are as follows:
  - a. Proposed crossing on the eastern side
    - i. The vehicular access to the eastern side of the front boundary will involve significant cutting in the road reserve and lowering of the boundary levels to achieve complying grades in the road reserve. Also the garage level will need to be lowered to achieve complying levels and required transitions within the site. The vehicular crossing section in the road reserve must be in accordance with Council's Maximum High profile.
    - ii. The internal driveway grades are not to exceed a maximum grade of 1V in 4H with a transition grade of 1V in 10H for a minimum of 1.5 metres prior to the proposed parking facility.
  - b. Proposed crossing on the western side
    - i. The vehicular access to the western side of the front boundary appears to maintain the existing bitumen access to the site. As there is no proper formation for this section of Stuart Street, the road geometry will have to be worked out by the applicant's engineer prior to any DA lodgement.
    - ii. Any proposed road works are to ensure the existing access to No 30 Stuart Street is maintained.
    - iii. The internal driveway grades are not to exceed a maximum grade of 1V in 4H with a transition grade of 1V in 10H for a minimum of 1.5 metres prior to the proposed parking facility.

### Landscape Comments

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

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

#### D1 Landscaped Open Space and Bushland Settings

A **Landscape Plan** is required prepared by a qualified professional (Landscape Architect or Landscape Designer), to demonstrate that the proposed development satisfies the DCP clause, including:



### Specialist Advice

- › 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.

#### E1 Preservation of Trees or Bushland Vegetation

The SoEE shall include discussion on the trees and vegetation within the site and within adjoining properties. Should all trees and vegetation be 5 metres or less in height ie. Exempt Species, no Arboricultural Impact Assessment is required, however must be reported in the SoEE otherwise Landscape Referral will request a confirmation.

For prescribed (protected) trees under the DCP, ie. 5 metres and over, excluding Exempt Species, a **Arboricultural Impact Assessment** is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed. 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). The report shall be prepared by a qualified Arborist AQF Level 5.

#### **Landscape concerns**

Nil based on the pre-lodgement plans however not all plans and reports are submitted that will be for DA.

### Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:



<ul style="list-style-type: none"><li>○ Site Plan;</li><li>○ Floor Plans;</li><li>○ Elevations; and</li><li>○ Sections.</li></ul> <ul style="list-style-type: none"><li>● Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).</li><li>● Cost of works estimate/ Quote</li><li>● Survey Plan (Boundary Identification Survey)</li><li>● Site Analysis Plan</li><li>● Demolition Plan</li><li>● Excavation and fill Plan</li><li>● Arboricultural Impact Assessment</li><li>● Waste Management Plan (Construction &amp; Demolition)</li><li>● Driveway Design Plan (if any change is proposed to the driveway)</li><li>● Erosion and Sediment Control Plan / Soil and Water Management Plan</li><li>● Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist</li></ul> <p><b>IMPORTANT NOTE FOR DA LODGEMENT</b></p> <p>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.</p> <p><a href="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">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</a></p> <p>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.</p>
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Concluding Comments
<p>These notes are in response to a pre-lodgement meeting held on 21 March 2023 to discuss a new driveway crossing/access and driveway at 28 Stuart Street Collaroy. The notes reference the plans prepared by Vigor Master Pty Ltd dated 21 February 2023.</p> <p>As discussed above, the submitted plans do not provide adequate detail for a full assessment to be undertaken. The Applicant is advised to engage a qualified Engineer to ensure the proposed works are in accordance with Council's advice as stated in these Notes and previous applications. It is likely that the new access and driveway along the eastern side is the best option. Any new application should design a solution that complies with the relevant Australian Standards. The road levels and geometry for access on the western side look to be very difficult to achieve.</p>
Question on these Notes?



<b>Concluding Comments</b>
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.