



## Pre-lodgement Meeting Notes

<b>Application No:</b>	PLM2024/0149
<b>Meeting Date:</b>	14 January 2025
<b>Property Address:</b>	10 Beverley Place CURL CURL
<b>Proposal:</b>	Torrens title subdivision and the construction of dwellings and/or a dual occupancy
<b>Attendees for Council:</b>	Clare Costanzo, Planner Daniel Milliken, Manager Development Advisory Services Ainsley Eakins, Student Planner Joseph Di Cristo, Senior Development Engineer

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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.

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	
Will Council support proposed Option 1? If not, can Council support proposed Option 2?	<p>Council would not support the subdivision of one lot into three lots.</p> <p>Subject to addressing the concerns raised within these prelodgement notes Council could support the subdivision of one lot into two lots.</p> <p>Given option one is not possible, <b>the following comments relate only to option two.</b></p>
Will Council support a Clause 4.6 Variation to Development Standard – Minimum Subdivision Lot Size and potentially Clause 4.3 Height of Buildings?	<p>Council would not support the variation to the minimum subdivision lot size.</p> <p>Given this is a complete redevelopment of the site, any future dwelling and dual occupancy should comply with the height of buildings control by stepping the dwelling with the topography of the site. The dual occupancy in particular will be required to comply. This has been a consistent approach by Council since the Housing SEPP was changed to allow dual occupancies in the R2 zone.</p>
Will Council support variations as specified within this report to relevant DCP controls?	<p>Council recommends ensuring the development can comply with the side boundary setbacks, side boundary envelope and landscaped open space control.</p> <p>Further discussion is included within these prelodgement notes.</p>
Will Council require a traffic impact assessment with the future DA?	<p>Yes, Council will require a Traffic Impact Assessment with the future DA.</p>
Would Council support a retaining wall of 1.8m in height along the eastern and southern portion of the site adjoining the proposed garage?	<p>Concerns are raised about the elevated terrace and swimming pool area and the potential overlooking to the properties directly to the east that will result.</p> <p>It is recommended these retaining walls, and the elevated space they create, are set back further from the boundary. An exact distance is difficult to provide at this point but avoiding privacy, bulk and scale impacts, and complying with the landscaped open space requirement, will drive the final design of this part of the development.</p> <p>We are happy to review amended plans and provide informal feedback as part of this PLM process, to assist prior to the lodgement of a DA.</p>
Other comments	<p>Council would not support the proposed fencing as indicated on the plans provided. The driveway currently services 7 properties and access cannot be restricted by the construction of a private fence or gate.</p>



**Response to Matters Raised by the Applicant**

	<p>Council recommends reducing the proposed excavation required for the dwelling and the dual occupancy. Each lot has excessive excavation to create a turntable, garage, storage, bathroom and rumpus room. This should be minimised. Council recommends removing the turntable from each property unless it can be demonstrated that it is necessary. It appears that the dual occupancy has space to use the shared driveway to enter and exit the site in a forward direction and does not need turntables.</p> <p>Overall, Council recommends reducing the size of both the dwelling and dual occupancy to result in a development that will comply with the built form controls. The site has some constraints and this needs to be reflected in the size of the dwellings to be constructed. 3 x 5 bedroom houses are currently an overdevelopment of the site.</p>
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**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>

<b>Part 2 - Zoning and Permissibility</b>	
<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	Subdivision, dual occupancy, dwelling house
<b>Zone:</b>	R2 Low Density Residential
<b>Permitted with Consent or Prohibited:</b>	Subdivision – permitted with consent. Dual occupancy – prohibited, however SEPP (housing) overrides. Dwelling house – 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.

<b>Part 4 - Principal Development Standards</b>			
<b>Standard</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Compliance</b>



Part 4 - Principal Development Standards			
<b>4.1 Minimum Subdivision lot size</b>	450sqm	<u>Option 1</u> Lot 1: 384.8sqm Lot 2: 350.7sqm Lot 3: 416.8sqm  <u>Option 2</u> Lot 1: 641.6sqm Lot 2: 515.4sqm	No    Yes
<p><u>Comment:</u></p> <p>Council is unable to support the proposed subdivision of one lot into three given the significant variation of each lot to the minimum subdivision lot size under the WLEP.</p> <p>Option 2 meets the minimum lot size and subject to assessment against all other planning controls and subdivision requirements Council could support the subdivision of one lot into two lots.</p>			

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

Part B Built Form Controls		
Control	Permitted	Proposed
B1 Wall Heights	7.2m	n/a
<p><u>Comment:</u></p> <p>Insufficient elevations have been provided for Council to accurately calculate the proposed wall heights but from the information given it is likely the works will result in a non-compliance. Council recommends stepping the proposed dwellings to ensure any variation to the control is minimised and the development can achieve the objectives of the control.</p>		
Control	Permitted	Proposed
B3 Side Boundary Envelope	5m at 45 degrees	Within side boundary envelope
<p><u>Comment:</u></p> <p>Council recommends removing the side boundary envelope encroachment on both the single dwelling and the dual occupancy. Given the full redevelopment of the site, there is an</p>		



expectation that compliance can be achieved and the buildings should be designed to reflect this.

Control	Permitted	Proposed
B5 Side Boundary Setbacks	0.9m	0.9m dwelling

Comment:

The site has a unique battle-axe configuration and essentially has four side boundaries.

Although the dwelling, garage and swimming pool are setback 0.9m and therefore comply with the side boundary setback control, Council has concerns regarding the infill and retaining walls directly along the eastern and southern side boundaries.

The excessive height of these retaining walls to support the infill particularly at the south-eastern corner of the site is not supported by Council and it is recommended that design options are considered that do not rely on the excessive retaining walls or a reasonable level of separation is provided between the physical structure and the side boundaries.

**Part C Siting Factors**

Control	Permitted	Proposed
C1 Subdivision	<p>R2 Low Density Residential zone requirements:</p> <p>Proposed new allotments:            a) Minimum width: 13 metres            b) Minimum depth: 27 metres; and            c) Minimum building area: 150m<sup>2</sup>.</p> <p>Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.</p> <p>Width of constructed accessway 5m</p>	<p>13m minimum width            33m minimum depth            &gt;150sqm building area</p> <p>n/a</p>

Comment:

The proposed two lot subdivision complies with the R2 Low Density zone requirements.

No changes have been proposed to the existing access handle from Beverly Place. This access handle currently services 7 properties and is approximately 18m in length. Given the number of properties serviced by the access handle, it will need to be reconstructed to be a minimum of 5m in width. See comments from Council's Development Engineer further within these notes for more detail.



A passing bay will not be required in this circumstance as the access handle must be a minimum of 5m and therefore cars will be able to pass each other safely.

**Part D Design**

Control	Permitted	Proposed
<b>D1 Landscaped Open Space and Bushland Setting</b>	40% of total site area	<40%

Comment:

The proposed lots do not comply with the minimum required landscaped area. Given this will be a full redevelopment of the site, there is an expectation that compliance can be achieved and the buildings should be designed to reflect this. In addition, landscaping must be incorporated into the development to assist in mitigating the bulk and scale of the works.

To assist with the redesign and calculation of landscaped area, the requirements under the WDCP have been copied below. 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.*

Control	Permitted	Proposed
<b>D6 Access to Sunlight</b>	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	No certified shadow diagrams have been provided as part of the prelodgement submission.

Comment:

Given the location of the proposed dwelling and the topography of the site and the surrounding sites it is likely there will be overshadowing issues. Compliance with the side boundary envelope, wall height and height controls, particularly for the southern dwelling will be necessary. Shadow diagrams, and elevational shadow diagrams where necessary, will need to be submitted with the DA to demonstrate there will be no unreasonable overshadowing.

Control	Permitted	Proposed
<b>D7 Views</b>	Development shall provide for reasonable sharing of views.	n/a



Comment:

Given the location of the site and the surrounding sites views to the east towards Curl Curl beach are available. Council recommends a view impact assessment prior to the lodgement of any future development application as it is likely the works will result in some view impacts for adjoining sites. Any view impacts should also be assessed against the planning principle established by the Land and Environment Court in *Tenacity Consulting v Warringah Council (2004) NSWLEC 140*.

Control	Permitted	Proposed
<b>D8 Privacy</b>	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties	n/a

Comment:

Council is concerned given the elevated nature of the terrace and swimming pools for each dwelling, particularly the southern dwelling. Council recommends stepping back any elevated areas from boundaries, and incorporating privacy mitigation measures into the overall design.

Control	Permitted	Proposed
<b>D9 Building Bulk</b>	Requirements under the DCP	Large areas of continuous wall planes

Comment:

Council recommends further articulation particularly along the northern and southern elevation of the proposed dual occupancy. The dwellings should be stepped with the topography of the site.

**Part E The Natural Environment**

Control	Permitted	Proposed
<b>E6 Retaining unique environmental features</b>	Retention of the rock outcrop	Rock outcrops are mostly retained

Comment:

Council recommends continuing to ensure the rock outcrops to the west of the site are retained and incorporated into any design.

**Specialist Advice**

**Development Engineering Referral**

During the meeting Council's Town Planner advised that option 1 would not be supported. The following comments apply to option 2 which included the subdivision of the current lot into two lots and the construction of one single dwelling and one dual occupancy.

Stormwater



### **Specialist Advice**

The subject site is located within Region 2 – Central Catchment in accordance with Council’s Water Management for Development Policy. The proposal will need to include an on-site stormwater detention system (OSD) with a piped connection to Council’s piped stormwater system in Beverley Place. Details of the OSD system and connection including a long section are to be submitted with the DA.

#### Vehicular Access

The access handle off Beverley Place is currently 4.57 metres wide and the constructed driveway is only 3.5 metres wide. The current right of way provides access to 7 existing properties including 3, 5, 7, 8, 9, 10 and 11. With the proposed two lot subdivision there will be 8 lots serviced by the right of way. In accordance with Council’s DCP Clause C1 Subdivision, the accessway for 8 lots to be serviced is to be 5.0 metres width of clear constructed accessway.

In this regard, the proposal will need to provide a 5.0 metre wide accessway between Beverley Place and the existing access driveway to numbers 9 and 11. This will require a right of way to be created over number 7 for the length of the existing right of way between number 7 and 10. The width of the right of way needs to be sufficient to ensure the accessway can be 5.0 metres clear constructed. Currently the constructed driveway is offset from the eastern boundary and as such the additional width of right of way will need to be approximately 1.5 metres to accommodate the clear constructed 5.0 metre accessway. The remainder of the internal driveway within the proposed right of way is to be 3.5 metres wide.

All proposed parking spaces must ensure vehicles can enter and exit in a forward direction. Turning paths by a Traffic Engineer are to be submitted with the DA. Engineering plans for the driveway construction within the right of way, including a long section and cross sections are to be included in the submission. There are to be no gates proposed over the existing or proposed right of way.

#### Subdivision

The application must include a draft plan of subdivision by a registered surveyor detailing the proposed right of way, easement for services and easement to drain water. Proposed lot boundary dimensions and lot areas must be shown. The right of way over 7 Beverley Place as noted above, will need to be created prior to consent.

#### **Landscape Referral**

- It is noted that there is opportunity for compliance to the relevant controls when new dwellings are proposed, and whether option 1 or 2 is selected any new lot shall meet the 40% landscaped area (or landscaped open space) requirement individually. Refer to part D1 (WDCP) for what can be included in the calculations and to the definition of landscaped area under the WLEP.





### Specialist Advice

- It is suggested that the areas of the undisturbed rock outcropping and the established planting along the western boundary be retained as this will help satisfy D1 and E6 of the WDCP. A Landscape Plan will be required for each lot.
- If any trees will be impacted by the works (including trees within 5 metres of works in neighbouring properties) an Arboricultural Impact Assessment will be required.

### General 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

The land is zoned R2 Low Density Residential and as such the objectives of the zone shall be satisfied.

### D1 Landscaped Open Space and Bushland Settings

A **Landscape Plan** is required to demonstrate that the proposed development satisfies the DCP clause, including (but not limited to):

- Enable planting to maintain and enhance the streetscape,
- 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.

Existing rock outcrops within the site should be incorporated into the site planning and design layout.

Submit an appropriate Landscape Plan prepared by a suitably qualified professional (i.e. Landscape Architect or Landscape Designer). Please refer to Northern Beaches Council's Development Application Lodgement Requirements for what is required of the Landscape Plan(s).

Note: Landscaped area is defined under the WLEP as *“means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area”*.

### 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 or exempt species, no Arboricultural Impact Assessment is required, and this is to be reported in the SoEE.



### Specialist Advice

For prescribed (protected) trees under the DCP, i.e. 5 metres and over, excluding Exempt Species, An **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. Regardless, should a report be prepared exempt species should be identified as a matter of course to assist Council in determining a development application and the landscape outcome in terms of retention or removal.

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 (including but not limited to impacts from building and/or associated excavation or fill zones).

The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree.

Any development impact shall be outside of the structural root zone, and impact to the tree protection zone, for trees retained, shall be limited to satisfy AS4970-2009.

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.

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.

### Waste Officer Referral

7 existing properties including 3, 5, 7, 8, 9, 11 and 10 currently present their bins for collection on a Wednesday outside 8 Beverley Place. Additional bins from any future property subdivision will add to the current load but it will be responsibility of the individual residents to present their bins on Beverley Place (not the private driveway) for Wednesday collection.

In addition, bins will need to be stored within individual properties at all other times. There is no indication on the plans that there is provision for bin storage within the garages.

### 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
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway) & swept path analysis
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report
- Construction Traffic Management Plan
- Swept path analysis

#### **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 14 January 2025 to discuss Torrens title subdivision and the construction of dwellings and/or a dual occupancy at 10 Beverley Close, Curl Curl. The notes reference the plans prepared by Arcanary dated 24 October 2024.

Council would not support the subdivision of one lot into three lots. However, a subdivision of one lot into two lots could be supported subject to addressing the issues raised within these prelodgement notes. Council also recommends a redesign prior to the lodgement of the dual occupancy and single dwelling house to ensure they can achieve the relevant built form and design controls of the Warringah DCP.

#### **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.