



## Pre-lodgement Notes - Written Advice Only

<b>Application No:</b>	PLM2022/0170
<b>Date:</b>	29 September 2022
<b>Property Address:</b>	19 Curl Curl Parade CURL CURL
<b>Proposal:</b>	Construction of a dwelling house and secondary dwelling
<b>Responsible Officer:</b>	Adam Urbancic - Planner

---

### General Comments/Limitations of this Advice

These Written Only notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant. Council provides this service for guidance purposes only. These notes are an account of the advice on the specific issues nominated by the Applicant.

***These notes are confined to planning advice only and are based on the information provided and only address the specific issue(s) nominated by the Applicant.***

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 concerns 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.



<b>Applicants Issue(s) and Planning Comment(s)</b>
<p><b>Issue</b></p>
<p><b>Front Boundary Setback</b></p> <p><u>Comment:</u> The proposed development involves the construction of a dwelling house and secondary dwelling on a currently vacant site.</p> <p>The proposed development provides a 4.0m setback from the front boundary, which does not comply with the required 6.5m front boundary setback under Clause B7 of WDCP 2011.</p> <p>The requested variation is not supported, as the proposed development does not achieve the objectives of the control, as listed below:</p> <ul style="list-style-type: none"><li>• <i>To create a sense of openness.</i></li><li>• <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i></li><li>• <i>To protect and enhance the visual quality of streetscapes and public spaces.</i></li><li>• <i>To achieve reasonable view sharing.</i></li></ul> <p>As such, the proposed development is not supported in its current form.</p> <p>Whilst there is development forward of the required 6.5m front boundary setback along the northern side of Curl Curl Parade, this is a result of historic approvals (prior to WLEP 2011 and WDCP 2011) and/or developments involving alterations and additions to existing development. The approved developments at Nos. 35 and 51 Curl Curl Parade, which were referred to as part of the justification for the reduced front boundary setback in the current proposal, were both assessed by Council as alterations and additions to the existing dwelling houses and therefore do not form precedents for the proposed development. As the proposed dwelling is a new development, full compliance with the required 6.5m front boundary setback is expected to ensure that the development achieves the desired future character for development in the locality.</p> <p>It is strongly recommended that the proposed development be amended to achieve full compliance with the required 6.5m front boundary setback.</p> <p>There is also concern that the proposed development may be used as a 'residential flat building', as defined under the Dictionary of WLEP 2011, as Bedroom 4 appears to be self-contained (cooking facilities included in kitchenette) and capable of being used as a separate dwelling. It is noted that the use of land for the purposes of a 'residential flat building' is prohibited in the R2 Low Density Residential zone under WLEP 2011 and therefore cannot be approved. The kitchenette and any associated cooking facilities must be removed from the architectural plans prior to lodgement with Council.</p>

#### **Additional Advice to the Applicant**

##### **(a) Planning Controls**



You are advised to familiarise yourself with the full suite of planning controls that apply to your proposal by viewing the relevant Local Environmental Plan and Development Control Plan as follows:

### **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>

### **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>

### **(b) Development Application Lodgement Requirements**

You are advised to familiarise yourself with Council's Development Application Lodgement Requirements to ensure you submit the required plans, reports and other documentation for your proposal and site (see website for details).

#### **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
  - Sections
  - Existing dwelling outline to be shown on all relevant plans
  - Setbacks, building height, wall height and side boundary envelopes to be shown on all plans as per the relevant LEP and DCP to demonstrate compliance
  - Schedule of Colours and Finishes
- Landscape Plan (including schedule of species to be planted)
- Landscaped Area Calculation Plan (as per relevant DCP requirements)
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost Summary Report (prepared by a building industry professional for works up to \$1,000,000 or a Quantity Surveyor for works equal to, or greater than, \$1,000,001)
- Survey Plan (including Boundary Identification by Survey)
- Site Analysis Plan
- Excavation and Fill Plan
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- BASIX Certificate
- Arboricultural Impact Assessment (if the proposal involves the removal, or works within 5.0m, of any protected trees on the site, adjoining properties and/or road reserve)
- Preliminary Assessment of Site Conditions ('Area B')



<b>Conclusion on Applicants Issues</b>
<p>A review of the proposed development based on the specific issues raised in the pre-lodgement application has been carried out and you are advised that the proposed development is not supported in its current form, but may be supported subject to design amendments to provide a fully compliant 6.5m front boundary setback.</p>
<p><b>Question on this advice?</b></p> <p>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.</p>