



Pre-lodgement Meeting Notes

Application No:	PLM2022/0225
Meeting Date:	19 January 2023
Property Address:	56 Cooyong Road TERREY HILLS
Proposal:	Construction of a dwelling house, pool, storage shed and carport including the retention of the existing building for use as a home business
Attendees for Council:	Daniel Milliken - Manager, Development Assessments Adam Urbancic - Planner Mark Milton - Student Planner David Hellot - Senior Environment Officer – Catchments Joné Wright - Environment Officer – Coast & Catchments

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.



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)	<p><i>dwelling house</i> means a building containing only one dwelling.</p> <p><i>home business</i> means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—</p> <ul style="list-style-type: none">(a) the employment of more than 2 persons other than the residents,(b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,(c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,(d) the exhibition of signage, other than a business identification sign,(e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing, <p>but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.</p>
Zone:	RU4 Primary Production Small Lots
Permitted with Consent or Prohibited:	Permitted with Consent
<p><u>Comment:</u></p> <p>As discussed during the meeting, the proposed development is taken to consist of two (2) dwellings, as the western wing of the main building is self-contained and capable of being used as a separate dwelling. The definition of a 'dwelling' from the Dictionary of WLEP 2011 has been copied below for reference.</p> <p><i>dwelling</i> means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.</p> <p>As dual occupancies and secondary dwellings are prohibited in the RU4 Primary Production Small Lots zone under WLEP 2011, the proposed development must be amended to be a dwelling house, which can be achieved by deleting the proposed kitchen and laundry within the western wing of the building. The dwelling house is to contain one (1) kitchen only.</p> <p>Furthermore, it is understood that it is intended to operate a home business involving a showroom for landscaping material supplies. These notes have been prepared on the basis that the proposed development is a home business, however, the documentation submitted</p>	



for the pre-lodgement meeting is inconsistent regarding whether the business activity will be undertaken as a home business or as a commercial landscape material supplies business. This is to be confirmed in the development application.

If lodged as a home business, please ensure that the proposed use is consistent with the requirements for a home business under the definition within the Dictionary of WLEP 2011. Please also refer to the comments under Clause 5.4 of WLEP 2011 within these notes for further information.

If lodged as a commercial landscape material supplies business, please ensure that all requirements under WLEP 2011 and WDCP 2011 have been addressed, including in relation to traffic generation and parking.

Part 4 - Principal Development Standards		
Standard	Permitted	Proposed
4.3 Height of buildings	8.5m	Dwelling House: 8.0m Warehouse: 6.54m
<p><u>Comment:</u> The proposed development complies with the requirements of this control.</p>		

Part 5 - Miscellaneous provisions		
Standard	Permitted	Proposed
5.4 Controls relating to miscellaneous permissible uses (Floor Area for Home Businesses)	Max 50m ²	167.16m ²
<p><u>Comment:</u> The floor area proposed for use as part of the home business exceeds the maximum permitted floor area under this control.</p> <p>As per Clause 4.6(8) of WLEP 2011, development consent cannot be granted for development which would contravene any of the requirements of Clause 5.4 of WLEP 2011. As such, the proposed development in its current form is prohibited.</p> <p>The floor area used for the home business must be reduced to comply with this requirement unless development consent is sought for a commercial use (i.e. landscaping material supplies).</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.



Control	Permitted	Proposed
Part B Built Form Controls		
B5 Side Boundary Setbacks	10m	9.43m - 14.98m to Carport 22.53m - 33.72m to Dwelling House
<p><u>Comment:</u></p> <p>The proposed development does not comply with the required side setback to the proposed carport when measured from the eastern side boundary.</p> <p>A variation is not supported, as the proposed development does not achieve the objectives of the control, specifically those listed below:</p> <ul style="list-style-type: none"> <i>To ensure that development does not become visually dominant.</i> <i>To ensure that the scale and bulk of buildings is minimised.</i> <p>The proposed carport is also located within the riparian corridor, which is not supported. Please refer to the comments from Council's Riparian Lands and Water Management Officer within these notes for further information.</p> <p>It is strongly recommended that the setback to the carport from the eastern side boundary is increased to comply with the requirements of this control and is also located outside of the riparian corridor. If this cannot be achieved, the proposed carport should be deleted.</p>		
B7 Front Boundary Setbacks	Primary Frontage (Cooyong Road): 20m	22.93m to Carport 25.89m to Dwelling House
	Secondary Frontage (Unnamed Road): 20m	Nil - 1.53m to Driveway 8.4m - 9.0m to Dwelling House 9.73m to Warehouse
<p><u>Comment:</u></p> <p>The proposed development does not comply with the required front boundary setback from the secondary frontage to the unnamed road. Although the road is unformed, it has been determined that the boundary is best treated as a secondary frontage.</p> <p>A variation of this extent is not supported, as the proposed development does not achieve the objectives of the control, specifically those listed below:</p> <ul style="list-style-type: none"> <i>To create a sense of openness.</i> <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> <p>It is strongly recommended that the proposed development is amended to increase the front boundary setback to be at least 10m from the secondary frontage to any part of the development (including a driveway), which would be equivalent to the required side setback</p>		



under Clause B5 of WDCP 2011. The 10m front boundary setback area is to be landscaped and free of any structures.

Part C Siting Factors

C3 Parking Facilities	Two (2) parking spaces	Six (6) parking spaces
------------------------------	------------------------	------------------------

Comment:

The proposed development provides six (6) parking spaces within the proposed garage and carport, which exceeds the two (2) parking spaces required under this control for a dwelling house.

A variation is not supported for the proposed development in its current form, as the proposed development does not achieve the objectives of the control, specifically those listed below:

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

The main area of concern is the proposed carport, as this does not comply with the required side boundary setback under Clause B5 of WDCP 2011 and is located within the riparian corridor.

Whilst the provision of additional parking can be supported, all parking structures must achieve full compliance with the requirements of WLEP 2011 and WDCP 2011 to be supported.

Part D Design

D1 Landscaped Open Space and Bushland Setting	30% of Site Area (3,460.05m ²)	75.32% (8,687.2m ²)
Site Area: 11,533.5m ²		

Comment:

The proposed development complies with the requirements of this control.

Specialist Advice

Environmental Health

It appears that the site is not:

- in Acid Sulphate Soils Area
- does not have a Solid fuel heater

Due to the likelihood of past agricultural uses, the site may benefit from a stage 1 Preliminary Site Investigation Report prepared by a certified consultant as defined under NSW EPA Contaminated Land Consultant Certification Policy.



Specialist Advice

The investigation is to be in accordance with relevant industry guidelines including State Environmental Planning Policy (Resilience and Hazards) 2021 compliance and NSW EPA guidelines. In the event that this triggers a Detailed Site Investigation, it is to be undertaken as per recommendations.

The site does appear to be in an unsewered area. It currently has Onsite Sewage Management System with an Approval to Operate that expires 9 April 2023.

Environmental Health would like to see:

Option 1

Availability to connect to sewer.

No work is to be carried out on site until Sydney Water has given its approval for the development to be or able to be connected to sewer upon completion.

A Section 73 Approval under the Sydney Water Act 1994 must be obtained from Sydney Water prior to the issue of a construction certificate. The Section 73 Approval certificate must be forwarded to the PCA and Council within 28 days of obtainment.

Reason: To ensure that connection to sewer is agreeable by Sydney Water before work commences on site.

Option 2

Submit full manufacturer's details and plans; Submit scaled plans of the tank/system, including vertical section; Ensure the system is accredited by NSW Health Site Assessment. The application must include a site assessment undertaken by a suitably qualified person. This assessment must contain details of the location and details of the existing system, the topography, soil composition, texture and vegetation of any effluent application areas related to the system. Block/Site Plans • Drawn to scale on A3 paper • Details of the topography (such as spot levels or contour lines) • The buffer distances around irrigation areas and tanks. • The position of all fittings, plumbing and drainage lines. • The position of the system and/or disposal area. • Any environmentally sensitive areas or water courses located within 100 metres of the sewage management facility. • Freshwater Bores • When installing an aerated wastewater treatment system, full details to be shown of the irrigation system and the dimensions and boundaries of the area to be irrigated. • Dams • Any existing on-site sewage management system, including disposal area (if applicable).

This system must separate and in addition to the existing system and the swimming pool land application area.

Swimming pool in unsewered area -
Overflow/backwash Disposal Details



Specialist Advice

Plans and details of the proposed method of disposal of pool water are to be submitted, The system is to be designed by a qualified hydraulic engineer to ensure it has an adequate capacity. This system is to be separate and in addition to the two other OSMS

All three land application areas must be situated 100meters away from the creek lines running through this property.

Landscape Officer

The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the Warringah LEP 2011 and Warringah DCP 2011, and in this instance the following:

- › WLEP - Zone RU4 Primary Production Small Lots, to minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland; to maintain and enhance the natural landscape including landform and vegetation; and to maintain the rural and scenic character of the land.
- › WDCP - D1 Landscaped Open Space and Bushland Settings; E1 Preservation of Trees or Bushland Vegetation; and E6 Retaining unique environmental features.

D1 Landscaped Open Space and Bushland Settings

A **Landscape Plan** is required to demonstrate that the proposed development satisfies the DCP clause, including:

- 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

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, and this is to be reported in the SoEE.

For prescribed (protected) trees under the DCP, ie. 5 metres and over, excluding Exempt Species, A **Arboricultural Impact Assessment** in accordance with Council's DA Lodgement Requirements is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.

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.

NECC (Development Engineering)



Specialist Advice

- The method of stormwater disposal is to be in accordance with Council's Water Management for Development Policy. On-site stormwater detention (OSD) will not be required. The policy is available on Council's website.
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>. Stormwater discharge shall be to Cooyong Road.
- Due to the size of the site frontage, two vehicular access is acceptable. The driveway crossings are to be in accordance with one of Council's Vehicular Crossing Standard Profiles available on Council's website.

NECC (Flood Engineering)

Council's Floodplain Engineer has advised that a Flood Study/Flood Risk Assessment Report is required to identify the 1% AEP, flood level and PMF applicable for the site. The proposed development is to achieve the requirements of Clause E11 of WDCP 2011.

NECC (Riparian Lands and Creeks) & NECC (Water Management)

Water Quality Recommendations

The project is subject the Water Management for Development Policy.

The proposal is increasing the impervious area by more than 50sqm and water quality targets applies for the management of the stormwater.

Table 5 of the water policy is defining the pollutant reduction applicable for the site.

Section 4.1.2 Standards of Design describes design criteria and water quality model (MUSIC or equivalent) to be used to support the development application.

Riparian Recommendations

The site is located adjacent to Neverfail Gully, a tributary to Kierans Creek. A riparian corridor and buffer follows the creek.

The riparian corridor width has been identified at 7m by Council from the top of the bank.

The proposed carport structure is located within the riparian corridor. Council does not support structures within the riparian buffer and the proposed carport is to be located outside.

Council also recommends for the development application that the topographical survey (registered surveyor) shows the creek bank location.

Neverfail Gully is subject to control activities permit for waterfront land from DPE Water (regulated by the Water Management Act 2000 (WM Act)).

DPE Water is required to assess the impact of any proposed controlled activity to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity.

The proposal includes a large ancillary structure and is not exempt from the need to obtain a controlled activity approval.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal

Plans

- 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).
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and Fill Plan
- Landscape Plan(s)
- Driveway Design Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist

Reports

- Statement of Environmental Effects
- 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)
- Arboricultural Impact Assessment (if the proposal involves the removal, or works within 5.0m, of any protected tree on the site, adjoining properties and/or road reserve)
- Flood Study/Flood Risk Assessment Report
- Phase 1 Contamination Report
- Preliminary Geotechnical Report (Area B)
- Wastewater Report (if the property remains unsewered) or Section 73 Certificate (if the property is connected to sewer)
- Waste Management Plan (Construction & Demolition)

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-22-23-oct-22.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 19 January 2023 to discuss construction of a dwelling house, pool, storage shed and carport including the retention of an existing building for use as a home business at 56 Cooyong Road, Terrey Hills. The notes reference the plans A001 - A016, Issue N, prepared by Katris Architects Pty Ltd and dated 1 December 2022.

The proposed development is not supported in its current form. The main areas of concern relate to the siting of the proposed carport partially within the required eastern side setback area and within the riparian corridor, and the encroachment of the proposed development within the front boundary setback area to the secondary frontage to the unformed road.



Concluding Comments
The proposed development may be supported subject to the design amendments outlined within these notes.
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.