



northern  
beaches  
council

## PRELODGE MENT ADVICE

**Application No:** PLM2019/0024

**Meeting Date:** 26/02/2019 12:00:00 AM

**Property Address:** 41 & 43 Beach Road COLLAROY

**Proposal:** Demolition works and construction of a dwelling house

**Attendees for Council:** Rodney Piggott – Manager Development Assessment  
Ben Price – Planner  
Craig Morrison – Senior Environment Officer Coast

**Attendees for applicant:** Virginia Kerridge – Architect  
Russell and Jennifer Staley - Owners

### 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 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
Design	Please see comments below regarding the design of the development.

## 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)	Demolition and construction of a dwelling house
<b>Zone:</b>	R2 Low Density Residential
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

Principal Development Standards:	
4.3 Height of Buildings	
Standard	Proposed
8.5m	8.37m
<b>Comment</b> The sections submitted with the application demonstrate compliance. <b>Note:</b> Building heights are measured from existing ground level.	

## WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

**Note:** The WDCP can be viewed at Council's website.

Part B: Built Form Controls	
B1 Wall Height	
Control/Requirement	Proposed
7.2m	Southern wing 8.1m
<b>Comment</b> The southern wing does not comply with the wall height control on the southern and western elevations. This non-compliance in conjunction with the side boundary envelope non-compliance will result in a significant bulk and scale imposing on the private open space of 39 Beach Road. Furthermore Council has significant concern over the potential for view loss as a result of this element. View loss that is a direct result of a non-compliance will not be supported by Council.	
B3 Side Boundary Envelope	
Control/Requirement	Proposed



4m	North – Complies South – First floor Outside envelope
<b>Comment</b> The non-compliance on the western side of the southern wing in conjunction with the non-compliant wall height will result in a visually dominant height and bulk imposing on the private open space of 39 Beach Road. This non-compliance is not consistent with the objectives of the control and cannot be supported by Council.	
<b>B5. Side Boundary Setbacks</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
0.9m	Nil
<b>Comment</b> The proposed swimming pool is setback 1.1m from the side boundary with the hard paved area extending to the boundary. The hard paved area is of a size that will ensure it is a walkway only. Furthermore it is adjacent to the existing outbuilding and swimming pool built to the boundary of the neighbouring property. The non-compliance will not result in any unreasonable amenity impacts on the neighbouring property and will allow for greater deep soil landscape areas that are of a sufficient size to maintain significant landscaping. The non-compliance will maintain sites consistency with the objectives of the control. The non-compliance can be supported by Council.	
<b>B7. Front Boundary Setbacks</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
6.5m	12.5m
<b>Comment</b> The proposal complies.	
<b>B9 Rear Boundary Setback</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
6m	Dwelling 6m - 10.22m Deck 3.4m
<b>Comment</b> The proposed deck adjoining the dining room requires a 56.6% non-compliance with the rear setback control. The proposed deck is elevated and covered. This design will result in a significant built form within the rear setback area. This element is not consistent with the rear setback objectives of the Warringah DCP 2011. Council cannot support the proposed deck in its current form unless it can be demonstrated that views and privacy to the adjoining public and private domains is reasonably maintained.  An alternative design should be explored to reduce the visual bulk of the proposed deck.	
<b>C7 Excavation and Landfill</b>	
<b>Comment</b> The proposal includes extensive excavation of the site for car parking and subfloor storage. The excavation for the subfloor storage is to be reduced as far as possible to minimise site disturbance and preserve the integrity of the physical environment.	



D1 Landscaped Open Space and Bushland Settings	
Control/Requirement	Proposed
40% (613.2sqm)	Complies
<b>Comment</b> The proposal complies.	
D6 Access to Sunlight	
<p>The Warringah DCP 20113 requires that 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. The shadow diagrams are to demonstrate compliance with this control. Unreasonable overshadowing resulting from a non-compliance will not be supported by Council. In particular concern is raised with the overshadowing of the private open spaces of 29, 37 and 39 Beach Road.</p> <p>In accordance with the planning principle established in the <i>Benevolent Society v Waverley Council (2010) NSWLEC 1082</i> overshadowing from vegetation does not form part of this assessment. As such, concessions will not be granted for overshadowing from existing vegetation.</p>	
D7 Views	
<p>The clause requires the reasonable sharing of views in accordance with the tenacity planning principle. It is highly recommended a view loss analysis be conducted prior to the submission of the development application. The analysis should take into consideration the views from the adjoining and nearby properties. The design of the development should be informed by this analysis to ensure the reasonable sharing of views within the area.</p>	

Specialist Advice	
Referral Body	Comments
Development Engineer	<p>Please find the comment advice with regards to the proposal at 41 &amp; 43 Beach Road Collaroy.</p> <ol style="list-style-type: none"> <li>1.The applicant is to adopt Council's standard 'Normal' driveway profile for the driveway design levels between the kerb alignment and property boundary alignment. Transition grades to the basement car park are to commence within the property and comply with Australian Standards AS2890.1.</li> <li>2.Driveway dimensions, headroom, gradients, basement car parking modules, etc, are to comply with AS2890.1 for the B85 (85<sup>th</sup> percentile) vehicle.</li> <li>3.Stormwater runoff from the development is to be directed to a suitably designed onsite stormwater absorption system.</li> </ol>



<b>Landscape Architect</b>	<p>An Arborist Report prepared by a Consulting Arborist with minimum qualifications AQF Level 5 is required to address impacts of works on trees on the site, on adjoining properties and on 2 x <i>Araucaria heterophylla</i> (Norfolk Island Pines) on the adjoining Council Reserve to the east of the property. The Arborist's Report is to address the requirements and standards as outlined in AS4970-2009 Protection of trees on development sites.</p> <p>Assessment of impacts on trees must address excavation or fill around the Tree Protection Zones required for driveways, dwelling and external works including landscaping, paving, retaining walls and fences, stormwater design and services.</p> <p>A Landscape Plan is required to indicate hard and soft landscape areas, general planting arrangement including any trees and screen planting proposed, species lists and trees to be retained and removed.</p> <p>The application is to address the transitional interface between the property and the public reserve in accordance with WDCP E7 Development on land adjoining public open space.</p>
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<p><b>Biodiversity</b></p>	<p>The following Natural Environment controls apply to the site:</p> <ul style="list-style-type: none"> <li>- E2 Prescribed Vegetation</li> <li>- E4 Wildlife Corridors</li> <li>- E6 Retaining Unique Environmental Features</li> </ul> <p>Objectives of these controls include:</p> <ul style="list-style-type: none"> <li>- Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.</li> <li>- Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.</li> <li>- Development should respond to unique environmental features through location of structures, outlook, design and materials.</li> </ul> <p>The subject site is heavily modified with minimal native vegetation remaining. As the site is identified as located within a wildlife corridor, any new landscaping is to comprise predominantly locally native vegetation. Species selected from the Native Gardening Booklet (former Pittwater) would be considered acceptable - <a href="https://www.northernbeaches.nsw.gov.au/environment/native-flora/native-gardening">https://www.northernbeaches.nsw.gov.au/environment/native-flora/native-gardening</a></p> <p><b>Required Information:</b></p> <ul style="list-style-type: none"> <li>- The objectives of the abovementioned Natural Environment controls are to be addressed in the SEE;</li> <li>- If vegetation removal is proposed, a Landscape Plan comprising predominantly locally native vegetation should be submitted.</li> </ul>
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<b>Coastal</b>	<p>The proposal is located within the areas covered by the Coastal Management Act 2016 and the State Environmental Planning Policy Coastal Management. Therefore, the application must address the requirements of both the Coastal Management Act 2016 and the State Environmental Planning Policy Coastal Management with reference to the requirements for development within the Coastal Use and Coastal Environment Management Areas.</p> <p>As the proposal is unlikely to have an impact on coastal processes or public use and access of the beach or adjoining coastal headlands it is appropriate for these matters to be addressed within the Statement of Environmental Effects.</p>
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<b>Relevant Council Policies</b>
<p>You are advised of the following (but not limited to all) Council's policies available at Council's website:</p> <ul style="list-style-type: none"> <li>• Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140</li> <li>• Stormwater drainage for low level properties PDS-POL 135</li> <li>• Vehicle access to all roadside development: LAP-PL 315</li> <li>• Waste PL 850</li> </ul>

<b>Documentation to accompany the Development Application</b>
<ul style="list-style-type: none"> <li>• Electronic copies (USB)</li> <li>• Statement of Environmental Effects</li> <li>• Request to vary a development standard</li> <li>• Cost of works estimate/ Quote</li> <li>• Site Plan</li> <li>• Floor Plan</li> <li>• Elevations and sections</li> <li>• A4 Notification Plans</li> <li>• Survey Plan</li> <li>• Site Analysis Plan</li> <li>• Demolition Plan</li> <li>• Excavation and fill Plan</li> <li>• Waste Management Plan (Construction &amp; Demolition)</li> <li>• Certified Shadow Diagrams</li> <li>• BASIX Certificate</li> <li>• Schedule of colours and materials</li> <li>• Landscape Plan and Landscape Design Statement</li> <li>• Arboricultural Impact Assessment Report</li> <li>• Swimming Pool Plan</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>



- Geotechnical Report
- Coastal Assessment Report

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

### **Concluding Comments**

These notes are in response to a pre-lodgement meeting held on 26 February 2019 to discuss demolition works and construction of a dwelling house at 41 & 43 Beach Road Collaroy. The notes reference preliminary plans prepared by Virginia Kerridge Architect dated 8 February 2019.

The proposal is supported subject to the following:

- The non-compliance with the side boundary envelope on the western side of the southern wing in conjunction with the non-compliant wall height will result in a visually dominant height and bulk imposing on the private open space of 39 Beach Road. These non-compliances cannot be supported by Council.
- The proposed rear deck will only be supported if its demonstrated that views and privacy to the adjoining public and private domains are reasonably maintained.
- It is highly recommended that an extensive view loss analysis be conducted. The design of the development should be informed by this analysis
- The extent of the excavation is to be reduced as far as possible.
- Overshadowing needs to be considered especially where its increased due to any non compliance.

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.