

## PRELODGE MENT ADVICE

**Application No:** PLM2019/0272

**Meeting Date:** 17/12/2019 3:00:00 PM

**Property Address:** 44 Kooloorra Avenue FRESHWATER

**Proposal:** Development Application Prelodgement Meeting

**Attendees for Council:** Nick England; Anna Williams; Jacob Strong (telephone)

### 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, Warringah LEP 2000 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
<b>Stormwater and Overland Flow</b>	Council's Development Engineer and Stormwater Assets Engineer have provided detailed comments elsewhere in this report. In summary, the use of a subfloor compensatory flood storage area is supported in principle subject to adequate studies being conducted to determine if this feasible and will not present an unreasonable risk to life and property.
<b>Side Boundary Envelope</b>	Based on the amendments made in plans dated 17 December 2019, minor breaches of the side boundary envelope are proposed on the east and west elevations of the dwelling. The extent of these breaches are not significant and under the circumstances can be supported.
<b>Privacy</b>	The openings and windows on the proposed dwelling demonstrate a reasonable level of privacy. Full compliance with the landscaped open space provisions of the DCP and opportunities for mature vegetation adjacent boundaries will further enhance privacy. Also, Council may receive during the course of any notification submissions raising concern with privacy which may require site investigation and design changes, if an adverse impact is identified.
<b>Documentation Requirements</b>	A detailed list of the required documentation with any application is provided further in these notes.

## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

A consideration of the proposal against the relevant provisions of the WLEP 2011 is provided below:

**Note:** WLEP 2011 can be viewed at [Council's website](#).

Zoning and Permissibility	
<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	Dwelling house
<b>Zone:</b>	Zone
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

Principal Development Standards:	
4.3 Height of Buildings	
Standard	Proposed
8.5m	7.5m



**Comment**

Complies

**Note:** Building heights are measured from existing ground level.

**Part 5 Miscellaneous provisions:**

**5.10 Heritage conservation**

**Comment**

The adjoining property, No.46 Kooloora, is an item of environmental heritage. Council's Heritage advisor has provided comments, which are provided elsewhere in these notes. The west elevation of the dwelling, in the front "pavilion" will need to be setback further from the adjoining boundary to ensure an adequate setting for this heritage item.

**WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)**

A consideration of the proposal against the relevant provisions of the WDCP 2011 is provided below:

**Note:** The WDCP can be viewed at [Council's website](#).

Part B: Built Form Controls	
<b>B1 Wall Height</b>	
Control/Requirement	Proposed
7.2m	7.3m, on the north and part of, the west elevations.
<b>Comment</b> The non-compliance is minor, and unlikely to be associated with any adverse impacts on adjoining properties. The variation is supported in principle.	
<b>B3 Side Boundary Envelope</b>	
Control/Requirement	Proposed
5m then 45 degree angle	West: Breach of 10.7m (length) x 0.2 -1m East: Breach of 10.4m (length) x 1.2m (max. height)
<b>Comment</b> The breach on the west elevation is acceptable, given that for its majority it is only 0.2m out of the envelope . However, the breach on the east elevation is not, given its greater magnitude and its location adjoining an item of environmental heritage. The plans need to be amended to ensure compliance with the envelope on the east boundary of the proposed dwelling.	
<b>B5. Side Boundary Setbacks</b>	
Control/Requirement	Proposed
0.9m	West: 0.9m East: 1.1-2m
<b>Comment</b> Complies	



<b>B7. Front Boundary Setbacks</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
6.5m	7.2m (elevated path/ramp) 17.5m (dwelling)
<b>Comment</b> Whilst the structures are behind the minimum front setback, the front setback area is occupied with a significant amount of impervious surface area that does not enhance the streetscape by providing significant landscape elements.	
<b>B9 Rear Boundary Setback</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
6m	0.7m (pool) 7.2m (dwelling)
<b>Comment</b> Whilst Part B9 states that exceptions to the rear setback can be given for swimming pools, this is on condition that the pool and associated structures (coping, paving, decks etc) do not occupy more than 50% of the rear setback area. The pool occupies 58% of this area and hence fails this control.  There are insufficient areas of landscaped open space, with areas wider than 2m, to satisfy the objectives of this control.	
<b>D1 Landscaped Open Space and Bushland Settings</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
40% of the site area	64m <sup>2</sup> or 11.3% of the site area
<b>Comment</b> This is a significant non-compliance that cannot be supported.  Areas of landscaped open space must be at least 2m in width and 1m in soil depth to be calculated as landscaped open space. All landscaped areas on the site must be re-configured to achieve compliance with this control. Impervious areas, including paths are not counted: the amended 2m setback on the east elevation cannot be counted if this contains a pathway.  Landscaped open space plays an important role in mitigating the visual bulk of new development. Particular attention is to be paid to the landscaped areas in the rear and front setbacks to ensure structures are set well clear of boundaries and the distance in between landscaped with vegetation that when mature, will assist with visual impact and privacy impacts.  Reducing the footprint / floor space of the proposed dwelling is an obvious solution to achieving compliance with this control.	

<b>Part C: Siting Factors</b>
<b>C6 Stormwater</b>
Refer to Development Engineers comments
<b>C6 Building over or adjacent to Constructed Council Drainage Easements</b>

**Comment**

Council's Stormwater Asset Engineer has advised that sufficient information must be provided to determine that Council's infrastructure will not be effected by the proposed works. Whilst Council's records demonstrate that a stormwater line is on the land, adjoining the southern boundary, the exact location is to be located by survey.

**Part D: Design****D9 Building Bulk****Comment:**

Requirement 2 of the Part D9 states:

*"Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief."*

The west elevation of the dwelling has a significant length, 31m, which is not broken or articulated with any significant breaks. It is recommended that similar measures employed on the east elevation be used to ensure no adverse visual impact.

## Specialist Advice

**Stormwater Assets**

Council's Stormwater Assets Engineer has provided the following advice:

Please find below comments from the Stormwater Engineering team in relation to the PLM2019/0272 - 44 Koolooro Avenue, Freshwater:

- ❖ Council's records indicate that the property at 44 Koolooro Ave, Freshwater is burdened by one 450mm stormwater pipelines (SPI08510), and two 1650mm stormwater pipelines (SPI14369, SPI00719), and associated infrastructure. This is shown on Council's stormwater map which is available on the webpage. (Please follow the relevant link below and select the 'Stormwater' map from the 'No Overlay Map' drop down menu. You can then search by address and use the zoom functionality to see pipe diameters and asset id numbers. i.e. 600 mm and SPP or SPI etc.).
  - **Council's Stormwater Planning Map:**
  - ❖ <https://services.northernbeaches.nsw.gov.au/icongis/index.html>
  - ❖
- ❖ According to the plans submitted for this Pre-lodgement meeting, the front of the proposed dwelling appears to be located near Council's 450mm pipeline (SPI08510) and stormwater pit (SPP08289). The applicant is required to survey and accurately locate all stormwater assets and infrastructure located within the property and plot to scale on DA site plans. Council will not support the construction of permanent structures such as a dwelling over public drainage systems or easements. All structures are to be located clear of any Council pipeline, pit of easement and comply with minimum horizontal and vertical clearances. Further information on this can be found



via the below web-link “Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specifications”.

- ❖ To demonstrate compliance with Warringah Council’s Development Control Plan 2011 and Northern Beaches Council’s Water Management policy PL 850 Water (Section 6- Building Over or Adjacent to Council Drainage Systems and Easements. See web links below), it is recommended that the following details are submitted with any application:

- Accurately locate, confirm dimensions including depth and plot to scale Council’s stormwater pipelines and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. (Evidence of methodology used for locating stormwater system should be provided);
- If the applicant proposes to use a CCTV pipeline survey to confirm the location of the pipeline, it is recommended that the survey is carried out in accordance with Council’s guideline attached;
- All structures are to be located clear of any Council pipeline, pit or easement and comply with minimum vertical and horizontal clearances;
- Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with the above-mentioned policy; and
- Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance with Council’s policy are to be submitted.

- **Warringah DCP 2011:**

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

- **Water Management Policy PL850:**

- ❖ <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-policy/2017327805watermanagementpolicy.pdf>



- **Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specifications (Section 6):**

- ❖ <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/building-over-or-adjacent-constructed-council-drainage-systems-and-easements-technical-specification.pdf>

## **Development Engineering**

Council’s Development Engineers have provided the following comments:



The following pre-lodgement Development Engineering comments are provided for the proposed development. These comments are only preliminary in nature and a detailed assessment can only be provided upon DA lodgement.

Stormwater:

- Stormwater drainage for the site shall be in accordance with Council's Warringah Water Management Policy.
- On-site stormwater detention (OSD) is not required for the proposal. Drainage shall be collected and connected to the existing kerb outlet.

Overland Flows:

- The property is shown on Council's best available flood mapping as affected by overland flow flooding. Any application shall be supported by an overland flow flood report to assess the impact of the development with respect to local overland flows. The report shall be prepared by a suitably qualified engineer in accordance with Council's Warringah Water Management Policy and shall include, but not be limited to, an address of the following:
  - The site survey and all levels shall be provided to Australian Height Datum (AHD).
  - Catchment plan highlighting the full upstream catchment(s).
  - A detailed analysis of any flood affectation in both pre-development and post-development conditions, considering the 1% AEP storm.
  - Provision of any supporting stormwater models used in assessment, and/or relevant supporting calculations.
  - A sensitivity analysis shall support any assumptions with respect to pipe blockage and imperviousness factors.
  - Demonstration of compliance with flood related development controls, in particular Warringah LEP 2011 Section 6.3 and DCP 2011 Section E11.
  - Demonstration that there is no adverse impact to adjoining properties and the road reserve in relation to flood level, velocities and extents.
  - Detail shall be provided of any proposed flood mitigation measures.
- The proposed subfloor compensatory flood storage area will be considered by Development Engineering, subject, but not limited, to an address of the following.
  - Consideration to flood behaviour in minor storm events less than the 1% AEP to ensure no adverse impacts to adjoining properties. This may require side setbacks to maintain natural ground levels and the provision of adequate openings to the subfloor flood storage area to cater for smaller storm events.
  - The flood storage area should be free draining and accessible for maintenance purposes. Any storage area shall be protected by a Positive Covenant and Restriction as to User.
- The 100 year ARI flood level must be established in AHD for the proposed future floor levels and basement entry levels which shall be a minimum of 500 mm above the 100 year flood level. This is to ensure that the proposed future dwellings and basement car parking areas are protected in major storm events.



- The provision of flood gates will be considered for the protection of the basement carpark. The height of the floodgate should be minimised in the design of an appropriate driveway crest. The flood gate shall be self-actuating.
- No habitable rooms are permissible below the Flood Planning Level.

#### Driveway:

- The Application shall be supported by a long-section of the proposed access driveway across the road reserve to the proposed basement carpark and demonstrate compliance with AS2890. An appropriate crest should be provided within the driveway to address overland flow flood inundation, as mentioned above. The driveway shall incorporate one of Council's standard vehicle crossing profiles.

#### **Heritage**

Council's Heritage Planner has provided the following comments:

#### **UPDATED COMMENTS DATED 18/12/2019**

At the prelodgement meeting, amended plans dated 17/12/19 were presented. These plans include an increase in the setback to the boundary with the heritage item.

Heritage strongly supports the increase in the setback of the rear pavilion to 2m from the boundary with the heritage item. Heritage would suggest that the setback of the front pavilion should also be increased to minimise the bulk and scale of the development overwhelming the heritage item next door. Heritage would suggest a marginal increase of 300mm should minimise the impact.

Heritage still recommends that the driveway crossover be moved towards 42 to minimise potential impacts upon the heritage Norfolk Island Pine tree outside the property.

Heritage does not require a Heritage Impact Statement to be provided. Heritage however requires that both heritage items and the potential impacts of the development on them be addressed in the statement of environmental effects in a forthcoming development application

#### **COMMENTS PRIOR TO PRELODGEEMENT MEETING**

I refer to your request for Heritage comment on the prelodgement at the above address and provide the following response.

The proposal is for the demolition of the existing dwelling and the construction of a new two storey pavilion style dwelling. A basement garage is also proposed.

The subject site adjoins two heritage items that are listed in Schedule 5 of the Warringah Local Environmental Plan 2011. To the east at 46 Kooloora Avenue is item I70 '*House known as Felicita*'. To the south within the road carriageway is a landscape heritage item I69 '*Street Trees*'. Heritage will deal with each item individually.

#### **Felicita**

Statement of Significance:

*A rare example of a post-war functionalist dwelling in the Harbord area. Displays high integrity with much original fabric & detailing. Historically indicates the variety of post-war beach-side development.*





#### Physical Description:

*Two storey dwelling, brick on ground floor & fibro to 1st floor (?). Garage on ground floor with original decoration. Skillion roof. Front facade of extensive glazing with low projecting balcony with inclined handrails and posts.*

#### Comment:

The heritage item is a relatively simple building with a strongly detailed presentation to Kooloora Avenue. This is also the most prominent elevation of the building and where most people view it from given the surrounding development. Heritage acknowledges that the property is set far back into its site and it would be unreasonable to require a similar setback for 44 Kooloora. However Heritage still has to consider the impacts of the projecting elements and its relationship to the heritage item.

Heritage recommends that more attention be given to the front pavilion and its size. Reducing its bulk and scale would allow more room for the heritage item to be read and understood. Reducing the scale would also reduce the level of dominance and avoid overwhelming the heritage item. Heritage recommends that the setback of the front pavilion be increased to match the setback of the rear pavilion. Heritage would also recommend that the proposed semi-circular windows on the south east elevation of the front pavilion be removed to avoid introducing too many elements that could compete with the heritage item.

#### Street Trees

#### Statement of Significance:

*Socially significant as plantings by the local school. Although some are in poor health they are a prominent visual element in the Freshwater Beach area & are representative of seaside plantings & associated with recreation/holiday themes.*

#### Physical Description

*Norfolk Island Pines (22) along both sides of Kooloora Avenue, with an average height of 15 - 20 metres. Those in the western section of the street are in poorer condition, however most are not very healthy. Some have been removed. Planting is not regular*

#### Comment:

The proposal includes a new driveway to service the property. Heritage recommends that the driveway and crossover be amended and moved slightly further to the North West closer towards 42 Kooloora Avenue and away from the heritage pine tree. Giving a greater separation between the crossover and the heritage tree will reduce the potential for damage caused by cars striking the tree or driving over its exposed roots. Reducing the potential for damage will improve the longevity and health of the tree and maintain its heritage significance.

#### **Relevant Council Policies**

You are advised of the following (but not limited to all) Council's policies available at Council's website:

- Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140
  - Water Management Policy PL850
  - **Building Over or Adjacent to Constructed Council Drainage Systems and**



## Easements Technical Specifications (Section 6)

### Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Cost of works estimate/ Quote
- Site Plan
- Floor Plan
- Elevations and sections
- A4 Notification Plans
- Full Boundary, Details and Contours Survey Plan from Registered Surveyor
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Certified Shadow Diagrams
- BASIX Certificate
- Energy Performance Report
- Schedule of colours and materials
- Landscape Plan and Landscape Design Statement
- Swimming Pool Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan
- Stormwater Drainage Assets Plan
- Geotechnical Report
- Flood Risk Assessment Report
- Overland Flows Study

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

### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 17 December 2019 to discuss a new dwelling at No.44 Kooloora Avenue. The notes reference preliminary plans prepared by Brewster Hjorth Architects dated 17 December 2019.

The proposal is not acceptable in its current form and will require re-design to address the following issues:

- Ensure no breach (or at the least only a very minor breach) of the side boundary envelope on the east elevation;
- Provide a minimum setback on the east elevation of 1.4m for the front pavilion;
- Provide 40% landscaped open space on the site, by providing further deep soil areas on the rear and front setbacks and on the side boundaries where possible.
- Break down the visual mass of the west elevation.

In regard to matters of overland flow, flood storage and existing Council infrastructure, these



matters must be adequately addressed by documentation and studies that ensures: an appropriate Flood Planning Level; no impact on Council infrastructure; no impact on life and property from the flood storage beneath the dwelling; and adequate protection of the basement level.

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