



northern
beaches
council

PRELODGE MENT ADVICE

Application No: PLM2019/0006
Meeting Date: 29/01/2019 10:15:00 AM
Property Address: 48 Goondari Road ALLAMBIE HEIGHTS
Proposal: Construction of a secondary dwelling
Attendees for Council: Dave Auster (Principal Planner)
Georgia Quinn (Planner)
Apologies: Engineering Officer
Attendees for applicant: Pablo Figueroa (Applicant)

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
<p>Issue</p> <p>Zero rear boundary setback</p> <p><u>Relevant WDCP/WLEP Clause</u></p> <p><i>No Relevant Clause within Warringah Local Environment Plan 2014 or Warringah Development Control Plan</i></p>	<p><u>Comments:</u></p> <p>This issue brought up by the applicant refers to the New South Wales State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. As this is a State Policy the provisions within, differ from those Controls that are implemented at the Local level.</p> <p>Under Part 3 of the NSW SEPP (Exempt and Complying Development Codes) 2008, Clause 3.11 identifies certain exceptions to setbacks, one of which relates to 'lots with rear lanes'. It is acknowledged that the applicant has correctly read this information stating "<i>if the lot has a rear boundary with a lane, the building may be erected within 900mm of, or abut, the rear boundary for a maximum of 50% of the length of the boundary</i>". However, as highlighted above, Council's development controls differ significantly from those stipulated under a State Policy.</p> <p>Therefore, should the applicant wish to utilise this control allowing for a proportionate zero rear boundary setback, the development would have to be completed under Complying Development as opposed to lodging a development application with Council. A development application must be assessed against the applicable controls under Warringah Local Environment Plan and the Warringah Development Control Plan. Please see discussion below in relation to setbacks.</p> <p>In relation to setback controls in general and the unusual nature of the site, the eastern boundary adjacent to the unmade road is technically considered to be a 'front' boundary. The site is therefore considered to have three front boundaries (east, north and west), one side boundary (south), and no rear boundary. However, given that the unmade road to the east is unlikely to ever be made a road, it is considered reasonable to allow a variation and apply the side boundary controls to the eastern boundary (see discussion under side setbacks below).</p>



Issue Excavation <u>Relevant WDCP/WLEP Clause</u> <i>Clause C7 Excavation and landfill and Clause D9 Building Bulk within WDCP</i>	<u>Comments:</u> As prescribed within Clause D9 Building Bulk, development on sloping land is to minimise the height and bulk by reducing the need for cut and fill. In particular, <i>'the amount of fill is not to exceed one metre in depth'</i> . The application must demonstrate that any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.
Issue Two storey secondary dwelling <u>Relevant WDCP/WLEP Clause</u> <i>Clause 4.3 Height of buildings and Clause 5.4 Controls relating to miscellaneous permissible uses within WLEP; Clause B1 Wall Heights and D9 Building Bulk within WDCP</i>	<u>Comments:</u> No control within the WLEP or WDCP stipulates that secondary dwellings are to be one storey only. However, various controls are applicable to this development, including height controls. The applicant should consider if a two storey development would result in any unreasonable impacts to neighbours such as view loss. A two storey secondary dwelling is still limited to a total floor area of 60m ² or 11% of the total floor area of the principal dwelling, whichever is greater.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

Note: WLEP 2011 can be viewed at Council's website.

Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	'Secondary dwelling' means a self-contained dwelling that: <ul style="list-style-type: none"> a) Is established in conjunction with another dwelling (the principal dwelling), and b) Is on the same lot of land as the principal dwelling, and c) Is located within, or is attached to, or is separate from, the principal dwelling.
Zone:	Zone R2
Permitted with Consent or Prohibited:	Permitted with consent

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



Comment

The extent of the building height is not shown on the provided architectural plans. It should be noted any proposed.

Please note the definition of 'building height' as follows:

- a) In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest part of the building
- b) In relation to the RL of a building – the vertical distance from the Australian Height Datum to the highest part of the building

Note: 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	Unknown
Comment The extent of the wall height is not shown on the provided architectural plans. If a two storey development is proposed, this clause should be considered in the design.	
B3 Side Boundary Envelope	
Control/Requirement	Proposed
4m	Unknown
Comment The provided plans did not include any elevations. Therefore, the extent of the side boundary envelope compliance was not indicated. Given that only the southern boundary is a side boundary, it is unlikely that the proposal will result in any non-compliance.	
B5. Side Boundary Setbacks	
Control/Requirement	Proposed
900mm	390mm
Comment Due to the irregular allotment shape of the subject site, and the unmade road which runs parallel to the eastern boundary, the site is considered to technically have three front boundaries, and one side (south) boundary. There is no 'rear' boundary. Given the unique nature of the site, and the fact that the unmade road to the east is unlikely ever to be made, it is considered reasonable to treat the eastern boundary as a side boundary with regard to setbacks, similar to a conventional corner lot. The side boundary setback control stipulates a minimum setback requirement of 900mm. It is strongly recommended the plans submitted with the application indicate the setback from the eastern boundary adjoining the rear lane achieve a minimum 900mm setback.	



B7. Front Boundary Setbacks	
Control/Requirement	Proposed
6.5m	2m
<p>Comment</p> <p>A front setback of 2m establishes significant inconsistencies with the underlying objectives of this Clause and thus Council will not support this numeric non-compliance. Due to the irregularly shaped allotment, in conjunction with the fact that the site is considered as a type of corner block, Council will consider a reduced front setback of 3.5m at minimum for the north-western corner of the secondary dwelling. This may require relocating the single storey secondary dwelling further to the south. The south-western corner of the secondary dwelling should remain at minimum, 6.5m from the front boundary. The application should demonstrate how such a reduced front setback will remain consistent with the existing character of the streetscape and the existing front setbacks evident along Goondari Road.</p> <p>In this regard the two storey secondary dwelling option should be located closer to the eastern boundary, and away from the primary frontage to Goondari Road (western boundary), to enable a 6.5m setback to be retained to the western front boundary. A reduced front setback to the western boundary can be supported for the north western corner of the secondary dwelling.</p>	
B9 Rear Boundary Setback	
Control/Requirement	Proposed
6m	N/A
<p>Comment</p> <p>Due to the irregular shaped allotment, no rear boundary control is applicable in this instance.</p>	
D1 Landscaped Open Space and Bushland Settings	
Control/Requirement	Proposed
40% of total site area	Unknown



Comment

The plans provided for the pre-lodgement meeting do not correctly indicate the hard surfaces within the property as currently built. Therefore, an accurate landscaped area calculation was not able to be undertaken. However, it should be noted the minimum requirement for landscaped open space for the subject site is 40%. It is strongly suggested the application meet this numeric requirement at a minimum. The two storey secondary dwelling option may assist in meeting this requirement.

A detailed landscape plan must be provided at time of lodgement, indicating the proposed landscaping and vegetation within the site. Significant landscaping should line the boundaries surrounding the development, so to ensure the built form is screened and appears secondary to landscaping.

It should be noted, an Arboricultural Impact Assessment Report, prepared by a qualified ADF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree (excluding trees and species that can be removed without approval under the DCP), irrespective of property boundaries.

It was brought up in the pre-lodgement meeting that the applicant had sited the secondary dwelling with considerations paid to the amount of private open space area the principal dwelling and the secondary dwelling would both maintain. It was highlighted in the meeting however, that the provision of private open space is not a requirement for secondary dwelling developments.

Specialist Advice

Referral Body	Comments
Development Engineering	No objections to the granny flat proposal. There are no development engineering issues.

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
- Stormwater drainage for low level properties PDS-POL 135
- Vehicle access to all roadside development: LAP-PL 315
- Waste PL 850

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
- Survey Plan
- Site Analysis Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Certified Shadow Diagrams
- BASIX Certificate
- Schedule of colours and materials
- Landscape Plan
- Arboricultural Impact Assessment Report (*depending on eventual secondary dwelling location and tree species*)
- Erosion and Sediment Control Plan
- Stormwater Management Plan
- Preliminary Geotechnical Assessment

Please refer to Development Application Checklist for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 29/01/2019 to discuss the construction of a secondary dwelling at 48 Goondari Road. The notes reference preliminary plans prepared by the applicant.

The proposal as originally proposed is not acceptable and requires redesign prior to submission.

The secondary dwelling is to achieve a minimum front setback to the western front boundary of 3.5m on the north-western corner of the secondary dwelling, and a minimum 6.5m front setback to the south-western corner. The setback to the eastern boundary running parallel to the unmade road is to be a minimum of 900mm. It is recommended that the secondary dwelling be located further to the south to achieve the necessary setbacks. It is noted that the applicant wishes to preserve the area between the proposed location of the secondary dwelling and the primary dwelling for private open space. However, the secondary dwelling is not required to be provided with private open space, and is proposed in a location that does not comply with the applicable setback controls.

The two storey option presented by the applicant would allow for greater setbacks, particularly to the Goondari Road frontage, and is a preferred option in this regard. However, this will depend on there not being any unreasonable impacts with regard to views, privacy or general amenity for neighbours. Given the location of the site and proposed building areas in relation to neighbours, and existing screening vegetation, unreasonable impacts are considered unlikely to occur. However, this should be investigated prior to lodgement of the application. If Council receives objections in relation to view loss as a result of notification of the application to neighbours, view loss assessment will be carried out at that stage. The two storey option may also assist in complying with the minimum landscaped open space requirement, and allow for greater private open space for both dwellings as desired by the applicant.

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

