



Pre-lodgement Meeting Notes

Application No: PLM2022/0044
Meeting Date: 7 April 2022
Property Address: 76 Soldiers Avenue FRESHWATER
Proposal: Demolition works and construction of two (2) dwelling houses
Attendees for Council: Adam Urbancic - Planner
Miller French-Lightfoot - Student Planner
Joseph Di Cristo - Senior Development Engineer
Attendees for Applicant: James Watt-Smith - Design Manager, ZAC Homes
Orlando Gregory - Property Owner
Joe Daniel - Property Owner's Representative

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)	dwelling house means a building containing only one dwelling.
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	Permitted with Consent

Part 4 - Principal Development Standards		
Standard	Permitted	Proposed
4.3 Height of buildings	8.5m	Lot 7: 7.5m
		Lot 8: 7.5m
<u>Comment:</u> Based on the architectural plans submitted for the pre-lodgement meeting, the proposed development complies with the requirements of this control. In order to ensure that building height can be accurately determined, natural ground level is to be extrapolated onto all elevations and sections which form part of the architectural plans submitted with the development application.		

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	Required	Proposed
Part B Built Form Controls		
B3 Side Boundary Envelope	5.0m	Lot 7: Outside Envelope (E) Outside Envelope (W)
		Lot 8: Outside Envelope (E) Outside Envelope (W)
<u>Comment:</u> The proposed development protrudes the 5.0m prescribed building envelope on the eastern and western elevations of both dwelling houses. Whilst the requested variation may be supported for the breach to the prescribed building envelope on the eastern elevation of the dwelling house on Lot 7 and the western elevation of		



Control	Required	Proposed
<p>the dwelling house on Lot 8, subject to demonstrated consistency with the objectives of the control, the requested variation is not supported for the remaining elevations, 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 by virtue of its height and bulk.</i><i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> <p>As such, the proposed development is not supported in its current form.</p> <p>The proposed development may be supported subject to design amendments to reduce the breach to be a minor breach only on the western elevation of the dwelling house on Lot 7 and the eastern elevation of the dwelling house on Lot 8. This can be achieved by increasing the western side setback to Lot 7 and the eastern side setback to Lot 8 to comply with the required 0.9m side boundary setback. A variation to the prescribed building envelope is considered appropriate in this circumstance, given the difficulty in achieving full compliance due to the narrow lot widths.</p>		
B5 Side Boundary Setbacks	0.9m	Lot 7: 1.07m (E) 0.69m (W)
		Lot 8: 0.69m (E) 1.07m (W)
<p><u>Comment:</u></p> <p>The proposed development does not comply with the required 0.9m side boundary setback from the western side boundary to the wall of the dwelling house on Lot 7 and from the eastern side boundary to the wall of the dwelling house on Lot 8.</p> <p>The requested 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><i>To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.</i> <p>As such, the proposed development is not supported in its current form.</p> <p>The proposed development may be supported subject to design amendments to increase the side boundary setbacks to comply with the required 0.9m setback from all side boundaries.</p>		
B7 Front Boundary Setbacks	6.5m	Lot 7: 2.2m to Hardstand Parking Area
		Lot 8: 2.1m to Hardstand Parking Area
<p><u>Comment:</u></p>		



Control	Required	Proposed
<p>The proposed development does not comply with the required 6.5m front boundary setback to the hardstand parking areas on both Lots 7 and 8.</p> <p>The requested 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 maintain the visual continuity and pattern of buildings and landscape elements.</i><i>To protect and enhance the visual quality of streetscapes and public spaces.</i> <p>As such, the proposed development is not supported in its current form.</p> <p>The proposed development may be supported subject to design amendments to provide one (1) parking space behind the required 6.5m front building line in a garage, carport or hardstand, with an additional parking space provided forward of the required 6.5m front building line on hardstand in a tandem arrangement. This will ensure that two (2) parking spaces are provided per dwelling.</p>		
B9 Rear Boundary Setbacks	6.0m	Lot 7: 3.67m to Ground Floor Alfresco 4.81m to First Floor Balcony 6.17m to Ground and First Floor Walls
		Lot 8: 3.67m to Ground Floor Alfresco 4.81m to First Floor Balcony 6.17m to Ground and First Floor Walls
<p><u>Comment:</u></p> <p>The proposed development does not comply with the required 6.0m rear boundary setback to the ground floor alfresco and first floor balcony to each dwelling house.</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"><i>To ensure opportunities for deep soil landscape areas are maintained.</i><i>To create a sense of openness in rear yards.</i><i>To preserve the amenity of adjacent land, particularly relating to privacy between buildings.</i><i>To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.</i><i>To provide opportunities to maintain privacy between dwellings.</i> <p>As such, the proposed development is not supported in its current form.</p>		



Control	Required	Proposed
The proposed development may be supported subject to design amendments to increase the rear boundary setback to comply with the required 6.0m setback to any part of the dwelling houses.		
Part C Siting Factors		
C3 Parking Facilities	2 parking spaces per dwelling	Lot 7: 1 parking space
		Lot 8: 1 parking space
<u>Comment:</u> The proposed development does not provide the 2 parking spaces required per dwelling under Appendix 1 of WDCP 2011. The requested variation is not supported, as the proposed development does not achieve the objectives of the control, specifically that listed below: <ul style="list-style-type: none">To provide adequate off street carparking. As such, the proposed development is not supported in its current form. The proposed development may be supported subject to design amendments to increase the provision of parking by providing an additional parking space per dwelling. As per the comments under Clause B7 of WDCP 2011 within these notes, one (1) parking space is to be provided behind the required 6.5m front boundary setback, with an additional parking space provided in a tandem arrangement on hardstand forward of the required 6.5m front building line. The parking spaces must comply with the requirements of Australian Standard AS 2890.1:2004: <i>Parking facilities - Off-street car parking</i> in terms of size and grade.		
Part D Design		
D1 Landscaped Open Space and Bushland Setting	40% of Site Area (75.48m ²)	Lot 7: 13.57% (25.6m ²)
	40% of Site Area (75.24m ²)	Lot 8: 13.34% (25.1m ²)
Site Area (Lot 7): 188.7m ² Site Area (Lot 8): 188.1m ²		
<u>Comment:</u> The proposed development does not provide the required amount of landscaped open space on both Lots 7 and 8. The requested variation is not supported, as the proposed development does not achieve the objectives of the control, specifically those listed below: <ul style="list-style-type: none">To enable planting to maintain and enhance the streetscape.To provide for landscaped open space with dimensions that are sufficient to enable the 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.To enhance privacy between buildings.To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.To provide space for service functions, including clothes drying.		



Control	Required	Proposed
<ul style="list-style-type: none"><i>To facilitate water management, including on-site detention and infiltration of stormwater.</i> <p>As such, the proposed development is not supported in its current form.</p> <p>The proposed development may be supported subject to design amendments to increase the provision of landscaped open space on each site to achieve compliance with the 40% requirement.</p>		
D2 Private Open Space	60m ² with minimum dimensions of 5.0m	Lot 7: 37.6m ²
		Lot 8: 37.8m ²
<p><u>Comment:</u></p> <p>The proposed development does not provide the required 60m² of private open space per dwelling.</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"><i>To ensure that all residential development is provided with functional, well located areas of private open space.</i><i>To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.</i><i>To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.</i><i>To ensure that private open space receives sufficient solar access and privacy.</i> <p>As such, the proposed development is not supported in its current form.</p> <p>The proposed development may be supported subject to design amendments to increase the amount of private open space on each site to comply with the requirement of this control.</p>		
D8 Privacy		
<p><u>Comment:</u></p> <p>It must demonstrated that the proposed development achieves the requirements of this control, particularly in relation to the first floor rear balconies on the southern elevation of the dwelling houses, as these balconies may facilitate overlooking into the windows and private open space areas of the adjoining properties at Nos. 71 and 73 Harbord Road and No. 74 Soldiers Avenue.</p>		
D9 Building Bulk		
<p><u>Comment:</u></p> <p>The proposed development does not achieve the following requirements of this control:</p> <ul style="list-style-type: none"><i>Side and rear setbacks are to be progressively increased as wall height increases.</i><i>Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</i><i>Articulate walls to reduce building mass.</i>		



Control	Required	Proposed
As such, the proposed development is not supported in its current form.		
The proposed development may be supported subject to the implementation of the design amendments outlined within these notes, which will assist in reducing the bulk of the dwelling houses.		

Specialist Advice
Heritage Officer
<p>Heritage Item</p> <p>This site adjoins a local heritage item, being <i>Item 175 – Street trees, plaques and memorials, Soldiers Ave, Freshwater</i>, listed in Schedule 5 of Warringah LEP 2011. Detail of this heritage item are:</p> <p><u>Statement of Significance</u></p> <p>Socially significant as plantings undertaken by the local community to commemorate those who had died in WW1. Aesthetically a visually dominant planting with important streetscape qualities.</p> <p><u>Physical Description</u></p> <p>Established Brushbox trees (<i>Lophostomen confertus</i>) along both sides of the street. All trees on southern side of street have been excessively pruned by Sydney Electricity. Only 2 of the original tree guards remaining.</p> <p>Heritage Comments</p> <p>This application is for the demolition of existing structures on site and the construction of 2 x 2 storey dwellings on 2 x existing allotments.</p> <p>There are no heritage listed street trees, plaques or memorials located adjacent to this site, therefore, there will be no impact upon the heritage item.</p> <p>Therefore, no objections are raised on heritage grounds.</p> <p>A Statement of Heritage Impact is not required with any DA, however the presence of the heritage item should be referenced in the Statement of Environmental Effects.</p>
Development Engineering
<ol style="list-style-type: none"> 1. On-site stormwater detention (OSD) is not required for the proposal. Drainage shall be collected and connected to the kerb or existing Council converter pit fronting the site. 2. The proposal indicates the provision of two separate driveway crossings off Soldiers Ave to each proposed dwelling to a double hardstand area forward of the dwellings. The level of the hardstand areas appear to exceed 1 in 20 (5%) grade which is the maximum allowable grade for parking spaces. Details of the parking including levels and dimensions must be provided for the application. 3. Any proposed driveway crossing is to be designed in accordance with Council's Normal profile which is available on Council's web site in the following link. https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/specification-documents/normalstandardvehiclecrossingprofile.pdf



Specialist Advice

4. As stated in point 1 above, there is an existing stormwater converter along the frontage of the site which discharges stormwater from the piped system in Harbord Road to the outlet lintel fronting the site. This structure will impede the proposed driveway crossings to the site as shown on the submitted plans. The applicant must engage a Civil Engineer to investigate this structure to determine if it can be relocated to accommodate the proposed crossings and still discharge the stormwater flows from Harbord Road. Any relocation costs will be borne by the applicant.
5. Where it is determined that the converter cannot be relocated, the driveway crossing to the development site will be limited to the existing location. Turning paths will be required to demonstrate how vehicles can enter and exit the site from the existing crossing for the proposal.

Landscape Officer

It is noted the proposed landscape open space for each lot is approximately 17% well below the 40% requirement of the Warringah DCP. The proposal impacts upon existing trees and as such an Arboricultural Impact Assessment will need to be prepared, as outlined in E1 Preservation of Trees or Bushland Vegetation. The inclusion of at least two small native trees, to offset canopy loss, shall be shown on the Landscape Plan.

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

- D1 Landscaped Open Space and Bushland Settings
- E1 Preservation of Trees or Bushland Vegetation

The land is zoned R2 Low Density Residential and as such the objectives of the zone shall be satisfied.

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, An **Arboricultural Impact Assessment** is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.



Specialist Advice

The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).

The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree.

Any development impact shall be outside of the structural root zone, and impact to the tree protection zone, for trees retained, shall be limited to satisfy AS4970-2009.

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.

As a general principle, the site planning layout shall be determined following arboricultural investigations and recommendations. Any proposal to remove existing trees of moderate to high retention value will not be supported by Council if an alternative design arrangement is available, as assessed by Council.

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; and
 - Sections.
- 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 (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and Fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan (if any change is proposed to the driveway)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- BASIX Certificate(s)
- Landscape Plan



- Arboricultural Impact Assessment (if the proposal requires the removal, or works within 5.0m, of any protected trees on the sites, adjoining properties or road reserve)

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-dec21.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 7 April 2022 to discuss demolition works and the construction of two (2) dwelling houses at 76 Soldiers Avenue, Freshwater. The notes reference the plans, 00.0, 01.0, 01.01, 01.2, 01.6 - 01.9, 03.0 - 03.1, prepared by Zac Homes and dated 17 November 2021.

The proposal is not supported in its current form, but may be supported subject to the design amendments outlined within these notes. There are examples of similarly sized small lots, being developed mostly in compliance with the controls, in the LGA. Examples include those at 21-21C Marinella Street, Manly Vale.

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

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.