



Pre-lodgement Meeting Notes

Application No: PLM2023/0120
Meeting Date: 5 October 2023
Property Address: 49 Blackbutts Road FRENCHS FOREST
Proposal: 13 lot subdivision - Development Application Prelodgement Meeting
Attendees for Council: Anne-Marie Young, Principal Planner
Mia Battisti, Student Planner
Rosemary Roche, Environmental Health Officer
David Hellot, Senior Environment Officer
James Brocklebank, Traffic Engineering Coordinator
Jeff Cooke, Senior Urban Designer
Robert Barbuto, Principal Engineer
Ray Creer, Waste Services Officer
Torin Calf, Acting Senior Landscape Architect

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.



PROPOSAL

13 lot subdivision two options presented:

- Option A - Accessed via Warili Road with a new private through road to Blackbutts Road
- Option B - Accessed via Warili Road with a new private cul-de-sac with turning circle

SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant	
<i>Council feedback on subdivision</i>	Option B is preferred; however, it needs to be amended to address the issues raised by Council's referral Officers, as detailed in these notes.
<i>Council feedback on traffic and access</i>	The 6m wide carriageway is not supported and the design shall be amended to 7.5m in width with passing bays. The turning circle needs to be amended to allow for the manoeuvring of waste vehicles. A1.5m wide footpath link is required.
<i>Council feedback on site cover and landscaping requirements; and</i>	Concern is expressed about the impact on medium and high retention trees along the Blackbutts Road frontage and within the NW corner of the site. An arborist report is required and indicative envelopes showing the footprint of the future dwellings in relation to these trees. The indicative envelopes shall also provide details of LOS requirements, Refer to comments from Council Landscape Officer and Urban Designer below.
<i>Discussion of requirements for DA.</i>	See below

STATE ENVIRONMENTAL PLANNING POLICY (SEEP) SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

- it has considered whether the land is contaminated, and*
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider



a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection

(2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Response: Information on the level of contamination, if any, is unknown. To satisfy CI 4.6 of SEPP (R & H) 2021 the applicant will need to engage a suitably qualified consultant to undertake a Preliminary Site Investigation (Phase 1). Refer to comments from Council's Health Officer below.

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:	Subdivision <i>means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition</i>



Zone:	R2 Low Residential Density <i>Objectives</i> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah</i> (emphasis added by Assessing Planner).
Permitted with Consent or Prohibited:	Permitted with consent

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.

A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
Minimum subdivision lot size	600sqm	Option A - all lots exceed 600sqm Option B – minimum 600sqm lots	Yes *As a result of the servicing and landscaping needs Option B may result in non-compliant lots (see below).
Height of Building	8.5m	Detached two storey dwellings	Insufficient details to confirm compliance

Clause 4.1 Minimum subdivision lot size

(1) *The objectives of this clause are as follows:*

- (a) *to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) *to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) *to protect the integrity of land holding patterns in rural localities against fragmentation,*



- (d) to achieve low intensity of land use in localities of environmental significance,*
- (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
- (f) to protect and enhance existing remnant bushland,*
- (g) to retain and protect existing significant natural landscape features,*
- (h) to manage biodiversity,*
- (i) to provide for appropriate stormwater management and sewer infrastructure.*

Response: Option B is preferred as it helps reduce potential impacts on the street trees along Blackbutts Road and avoids rat running with the alternative through site link option. However, the layout requires amendment to increase the width of the carriageway, the dimension of the turning circle, provide a 1.5m wide footpath and allow for additional pockets of landscaping along the western boundary to protect existing residential amenity, refer to comments from Council's Transport, Engineering, Landscape and Waste Officers below. It is likely that some lots, such as lots 3,5,6 and 7, will be reduced in size to address these requirements. Should any lot be undersized because of the changes required to provide adequate serving and landscape buffers it is strongly recommended that consideration be given to reducing the total number lots to ensure that the proposal meets the requirement of the control. A variation to the minimum lot size control is highly unlikely to be supported given the lack of physical constraints on the site.

In addition, concern is raised regarding the repetitive design of the sub-division layout, in particular lots 7-12. It is recommended that some variation be considered in the layout to ensure that the pattern of subdivision reflects the pattern, size and configuration of existing lots in the locality.

6.4 Development on sloping land

(1) The objectives of this clause are as follows:

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the LandslipRisk Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*



Response: At the PLM meeting the applicant explained that the proposal will include earthworks. Any earthworks proposed as part of the subdivision application will need to be clearly depicted on the plans. Further, the alteration of '*existing ground levels*' as a result of any earthworks must be considered, including the subsequent impact on the building height control which should be depicted in elevational/sectional format. Where possible, associated retaining walls should be located within the site, rather than on boundaries with adjoining properties. Finally, a geotechnical report will be required to demonstrate that the proposal meets the provision and objections of clause 6.4.

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
B1 Wall height	7.2m	Insufficient information to confirm compliance
B3 Side Boundary envelope	4m	Insufficient information to confirm compliance
B5 Side setback	0.9m	Insufficient information to confirm compliance
B6 Front setback	6.5m	Insufficient information to confirm compliance
B9 Rear Setback	6m	Insufficient information to confirm compliance
D1 Landscape Open Space (LOS)	40%	Insufficient information to confirm compliance
D2 Private Open Space	1 or 2 bed dwelling – 35sqm min dimension 3m 3 plus bed dwelling – 60sqm minimum dimension 5m	Insufficient information to confirm compliance
D6 Access to Sunlight	1. Development should avoid unreasonable overshadowing any public open space. 2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3	Insufficient information to confirm compliance



	<i>hours of sunlight between 9am and 3pm on June 21.</i>	
Response: Indicative plans are required to demonstrate compliance with the built form, landscape, private open space and solar access controls.		
C1 Subdivision	<p>a) Minimum width: 13 metres</p> <p>b) <i>Minimum depth: 27 metres; and</i></p> <p>c) <i>Minimum building area: 150sqm</i></p> <p><i>Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</i></p> <p><i>Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.</i></p> <p><i>Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.</i></p> <p><i>Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.</i></p> <p><i>Driveways in excess of 200 metres will not be allowed for residential development.</i></p> <p><i>Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.</i></p> <p><i>Passing bays should have regard to sight conditions and minimise vehicular conflict.</i></p> <p><i>Vehicular ingress/egress points to internal lots may</i></p>	<p><u>Option A</u> - all lots have a compliant width and depth.</p> <p><u>Option B</u> – Lot 7 is 12.7m wide which is inconsistent with the 13m minimum requirement.</p> <p>All other lots are compliant in width and dimension.</p>



	<p><i>be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.</i></p> <p><i>Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.</i></p> <p><i>Width of accessways for 10m plus lots – access is to be provided by a private road constructed with a width in accordance with Council standard specifications for engineering works (AUSPEC 1)</i></p> <p><i>All existing and new roads are to be designed in accordance with Council's Policy requirements.</i></p> <p><i>Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</i></p> <p><u><i>Drainage</i></u></p> <p><i>4. Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining</i></p>	
--	---	--



	<p><i>properties to adequately drain land to Council's downstream system.</i></p> <p><i>Restrictions</i></p> <p><i>5. Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.</i></p> <p><i>Environmentally constrained land</i></p> <p><i>6. In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.</i></p> <p><i>Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.</i></p>	
<p>Response: Option B is preferred, for the reasons discussed above. Indicative building envelopes are required to demonstrate that the minimum 150sqm building area can be accommodated on each lot while protecting significant trees, particularly the trees fronting Blackbutts Road and within the north-west corner of the site. The footprints should respond to the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) identified by the Arborist, refer to comments from Landscape Officer below.</p> <p>As noted above and below, the indicative envelopes shall provide details of the height, front, rear and side setback, areas of private open space and location and dimensions of driveways and car parking to demonstrate compliance with the built form controls. The plans shall include a solar access assessment to demonstrate that design allows for maximum solar access to each new dwelling while protecting solar access to existing dwellings, refer to comments from Council's Landscape Officer and Urban Designer below.</p> <p>Waste Services do not support the proposed 6m wide carriageway as it is insufficient to allow access for Council garbage collection vehicles, refer to comments below.</p> <p>The driveway in both options exceed 30m therefore passing bays are required.</p>		



In addition, a publicly accessible footpath link between Warila Road and Blackbutts Road of 1.5m in width should be provided to cater for safe pedestrian access within and through the subdivision and to and from Lionel Watts Reserve and other community facilities.

Consideration shall be given to the relocation of the sub-station, refer to comments from Council's Engineers (Transport and Development) and Waste Officer.

C2 Traffic, Access and Safety	<p><i>1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.</i></p> <p><i>2. Vehicle access is to be obtained from minor streets and lanes where available and practical.</i></p> <p><i>4. Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.</i></p> <p><i>5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.</i></p>	See below
--------------------------------------	---	-----------

Response: Options B provides for access from the minor street, Warila Road with no through site access to the main road which is the preferred option. As discussed in the PLM, for the 5.5m narrow section of road near Warila Road bringing the terminating the footpath and transitioning it into a contrasting paved treatment through the narrowed section of road and creation of a shared pedestrian/traffic area would be a potential option here. As noted above a 1.5m wide footpath is required for the remainder of the site, refer to comments from Council's Transport and Development Engineers below.

C3 Parking Facilities	<p><i>• Laneways are to be used to provide rear access to carparking areas where possible;</i></p> <p><i>Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.</i></p> <p><i>4. Carparking is to be provided in accordance with Appendix 1</i></p>	See below
------------------------------	--	-----------

Response: Access to lots 2 and 3 and in option B shall be via the private road with no access being permitted via Blackbutts Road.



C4 Stormwater	<p><i>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</i></p> <p><i>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</i></p>	See below
<p>Response: Council requires the construction of a single on-site-stormwater detention (OSD) tank under the proposed internal road to be managed and maintained by the community association, refer to comments from Council's Development Engineer.</p>		
D1 Landscape Open Space (LOS)	40%	Insufficient information to confirm compliance
D2 Private Open Space	1 or 2 bed dwelling – 35sqm min dimension 3m	Insufficient information to confirm compliance
D3 Noise	<p><i>4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.</i></p> <p><i>5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.</i></p>	See below
<p>Response: The proposed private driveway is located along the western boundary with a narrow 1.5m wide landscape buffer proposed to the rear of the existing dwelling at 3,5,7 and 9 Malbara Crescent and 51 Blackbutts Road. The design of the landscape buffer needs to be reconsidered to allow space for planting to help protect neighbouring amenity, including acoustic impacts, refer to comments from Landscape and Transport below.</p> <p>Demolition, excavation and construction Plan of Management addressing types of noise sources potential impact on neighbour residents and control measures, refer to comments from Council's Health Officer.</p>		



D7 View	<i>1. Development shall provide for the reasonable sharing of views.</i>	See below
Response: The siting of the future dwellings shall consider view sharing to neighbouring residents, refer to Urban Design comments		
D8 Privacy	<i>1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</i> <i>2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</i> <i>3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</i> <i>4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.</i> <i>5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.</i>	See below
Response: As noted above, the proposed 1.5m landscape strip is insufficient to ensure protection of neighbouring amenity, refer to comments under D3 (Noise). Additionally, careful consideration should be given to the visual/amenity impacts of a future dwelling on Lot 13 as its southern side boundary interfaces with the rear boundary of Nos. 21 and 23 Warili Road, refer to Urban Design comments.		

***Note:** Refer to the additional planning controls referenced in the referrals below.

Specialist Advice
Landscape Officer
It is noted the application is for subdivision and two options are outlined. Both options would be assessed based on the subdivision works and any impacts these works have on existing landscape features and significant trees, which the Statement of Environmental Effects should



Specialist Advice

highlight. The landscape impacts of any future dwelling construction will be assessed when applications for new dwellings are submitted.

Option B is preferred from a landscape perspective as the existing street trees along Blackbutts Road will not be impacted by any driveway works. The removal of street trees would not be supported. Furthermore, additional native trees in the north-western corner of the property can be retained. Should any subdivision works (i.e. the driveway) be within 5 metres of an existing tree (irrespective of property boundaries), an Arboricultural Impact Assessment will be required (further details are outlined below). Prescribed trees that will not be impacted by the subdivision works won't be approved for removal at this stage and will be assessed under the future development applications for the individual lots.

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

- C1 Subdivision
- 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.

C1 Subdivision

Infrastructure related to subdivision works must ensure the objectives of the DCP are satisfied, and in particular *"To limit the impact of new development and to protect the natural landscape and topography", and "To ensure that any new lot created has sufficient area for landscaping..."*.

The lots created from the subdivision will meet the minimum size and as such the 40% landscaped area will be achievable. It should be noted that the 40% landscaped area requirement will be assessed under the future development applications for the individual lots.

Indicative building footprints should be included on the subdivision plans to indicate where significant prescribed trees (medium and high retention values) can be retained throughout the future development of the individual lots. The footprints should respond to the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) identified by the Arborist (see E1 below).

D1 Landscaped Open Space and Bushland Settings

Landscape Plans shall be included identifying the treatment for the internal verge (footpath, lawn, trees etc.) and the landscaped buffer along the western boundary (trees and understorey planting etc.). Trees to be removed as part of the subdivision works shall be shown on the Landscape Plans.

Consider providing isolated wider landscaped buffer areas along the western boundary that are suitable for tree planting, which will help the relationship to the neighbouring properties. These areas can be indented around parking and used to lessen the construction impact to neighbouring trees. Understorey planting in these locations should be low to ensure sight lines are maintained.

E1 Preservation of Trees or Bushland Vegetation

The SoEE shall include discussion on the trees and vegetation within the site and within adjoining properties.

For prescribed (protected) trees under the DCP, ie. 5 metres and over, 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. The report should identify any exempt



Specialist Advice

trees as a matter of course to assist Council in determining a development application and the landscape outcome in terms of retention or removal.

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.

Bushland and Biodiversity

The applicant must address the aims, objectives and controls of the following environmental planning instruments, policies and guidelines.

- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Warringah LEP 2011
- Warringah DCP 2011
 - Clause E2 Prescribed Vegetation
 - Clause E6 Retaining unique environmental features.

Council has developed a set of guidelines to help applicants and ecological consultants meet the biodiversity reporting requirements when submitting a development application (DA). One or more of the guidelines (<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/environmental-and-community-protections/biodiversity-requirements-development-applications.pdf>) will help you prepare your DA, based on the level of development impact proposed.

Required Supporting Documentation

- The proposal should follow the principles of avoidance and minimisation of impacts to biodiversity and look for alternatives to maximise retention of prescribed vegetation and unique environmental features. Development is to be designed to avoid and minimise impacts to the natural environment, and for any residual impacts to then be assessed. The residual impact is the impact remaining after measures to avoid and minimise impacts to biodiversity have been applied.
- If works are to be undertaken within 5 metres of an existing tree an Arboricultural Impact Assessment prepared by an AQF5+ arborist is required to determine whether impacts from the proposed works are acceptable or not.
- If more than 4 prescribed trees are to be impacted by the proposed development, the application is to be accompanied by a Flora and Fauna Assessment (FFA) prepared by a



Specialist Advice

suitably qualified ecologist. The ecologist will have to demonstrate whether the proposal triggers entry into the Biodiversity Offsets Scheme (BOS) or not based on the clearing thresholds established in the Biodiversity Offsets Method (BOM). If the BOS is triggered by the proposal, a Biodiversity Development Assessment Report (BDAR) will be required.

- If prescribed (protected) trees are to be removed for the purposes of the proposed works, like for like replacement plantings will have to be considered and a landscape plan with a selection of the species and number of plants for replacement is to be provided.
- For the purposes of the subdivision and resulting lots, a concept landscape plan should be provided including the, location, numbers and species of flora to be planted. Any new landscaping is to incorporate a minimum 80% locally native vegetation species as a proportion of the total number of plants. Locally native species are to be consistent with the relevant section of the Native Planting Guide available on Council's website.

Transport Engineer

Two options are presented for the 13 lot subdivision layout and for what is assumed to be a private road serving the subdivision. Of the two, Option B is favoured a) because it prevents the use of the road as a through road b) because it is a safer outcome given the high volumes of traffic on Blackbutts Road. Volumes on Warila Road would be well below 100 vehicles/hr and vehicle movements to and from the subdivision to that road will be much safer and have less impact on through traffic. As a general principle access to the minor road is always preferred.

The 6m wide carriageway is too narrow to permit parking on one side and also cater for two way traffic. While the provision of parking along one side of the carriageway is supported to cater for visitors and families with multiple vehicles, experience in other locations suggests that any carriageway that is 6m in width invariably runs into issues in terms of parked vehicles preventing adequate turning to facilitate access to or from driveways and/or vehicle to vehicle conflict and the 6m carriageway cannot be supported. Given that the length of the road in Option B is approximately 160m there should be provision made for vehicles to pass each other in opposing directions along the carriageway for safety and amenity reasons. A 7.5m road width with small kerb build outs for landscaping and streetlighting with parking bays between the build outs is suggested as a potential option.

The 5.5m section of road near Warila Road will need to be signposted as No Stopping on both sides of the road to maximise available road width and prevent parking.

Provision for access and turning for Council's waste collection vehicle (10.5m in length), removalist trucks and emergency services vehicles will need to be facilitated in the road design. Turning of the largest vehicle requiring regular access to the subdivision (the waste collection vehicle) will need to be accommodated and demonstrated with swept path plots.

A publicly accessible footpath link between Warila Road and Blackbutts Road of 1.5m in width should be provided to cater for safe pedestrian access within and through the subdivision and to and from Lionel Watts Reserve and other community facilities. As discussed in the PLM, for the 5.5m narrow section of road near Warilla Road bringing the terminating the footpath and transitioning it into a contrasting paved treatment through the narrowed section of road and creation of a shared pedestrian/traffic area would be a potential option here.

Streetlighting of the private road will need to be provided to Ausgrid requirements and in compliance with AS/NZS 1158 to cater for pedestrian and vehicle safety at night.

Development Engineer



Specialist Advice

Stormwater Management

Council requires the construction of a single On site stormwater detention (OSD) tank under the proposed internal road to be managed and maintained by the community association. Its council past experience that lot based OSD systems are problematic in terms of maintenance by individual property owners are prone to failure if not maintained.

By laws and having a operations and maintenance manual in a community management statement (CMS) ensure that adequate funds are collected for the maintenance and renewal of this critical OSD and water quality control infrastructure.

In accordance with councils Water management for development Policy a stormwater management plan is required to be submitted with the Development application detailing OSD and water quality controls/systems.

A DRAINS model will be required to validate the post development permitted site discharges and on-site detention volume. The predeveloped condition is to be state of nature.

The internal private road

The internal private road is to be a community lot ensuring that adequate funds are collected for the ongoing maintenance and renewal of the road . The pavement is to be engineered to be able to handle the design loads from Councils Waste service vehicle and any other service or emergency vehicle. By laws will be provided to enable the collection of waste via Council waste service vehicles upon the private internal road way.

The road pavement and geometric design will need to comply with Councils Auspec One design document . Engineering plans including long sections and cross sections, retaining wall locations will need to be provided with the development application.

The Ausgrid substation will need to be relocated or the current internal road geometry amended to conform with Ausgrid road clearance requirements.

A 1.5 m wide concrete pathway will be required within the private road verge.

Councils 375mm stormwater line located within the adjoining properties is to be surveyed and located by a registered surveyor to ensure that it is not located within the development site . This will be more likely near the Warili Road frontage. If the pipe is located within the development site an easement in favour of Council will be required in accordance with Councils water management for development policy.

Waste Officer

General Waste Comments

Vehicle Access and Bin Presentation

Waste collection is undertaken by three axle, 10.5 metre long, heavy rigid vehicles with the bin lifter on the left hand side only.

Bins and bulky goods must be presented above the kerb in front of each dwelling for collection. No materials or bins to be placed on the road pavement for collection. Sufficient space is to be provided above the kerb in front of each property for 3 bins / 3 cu metres bulky goods. The verge must be clear of garden beds, tree plantings and other infrastructure that may obstruct correct presentation and collection of bins and other items.

Swept path analysis must be provided showing waste collection vehicles can negotiate the access to/from the public roads.

Under Road Infrastructure

Waste collection trucks weigh 23 tonnes. The truck has 3 axles.



Specialist Advice

All under road infrastructure (e.g. oil tanks, pipes) must be capable of withstanding the load exerted by the waste collection vehicles.

Overhead Clearance.

Waste collection vehicles require a working clearance of 4.5 metres above the road pavement.

On-Street Parking

Waste Services requires all road pavements must be:

- a minimum of 6 metres wide where on-street parking is not provided/permited.
- a minimum of 7.5m wide where on-street parking is provided/permited.

As a community title roadway, Council's parking rangers have no authority to have offending vehicles moved or to issue infringement notices. Relying on the Community Association to police the parking arrangements has proven problematic at other locations.

Waste Services will not support a proposal for on-street parking on any road pavements widths less than 7.5 metres.

Positive Covenant and Community Management Statement

A positive covenant must be placed on the community roadway (proposed Lot 1) of the property to allow Council access to collect waste. Wording for the covenant will be provided by Council.

Council will provide clauses to be inserted into the Community Management Statement regarding access for waste collection vehicles.

Option Specific Waste Comments

Option A – Roadway between Blackbutts Road and Warili Road

- The proposal suggests the provision of a road between Blackbutts Road and Warili Road. Under this arrangement the waste truck will be required to enter via Blackbutts Road and exit via Warili Road.
- The width of the roadway does not meet waste services requirements – see notes above. Of concern is the proposal for on-street parking on a 6 metre wide road pavement and the electricity substation contained within the road pavement.
- The 5.5 metre wide section of road may be deemed permissible (6.0 metre minimum width required) but must be the minimum length achievable and be sign posted “No Stopping” on both sides.

Option B – Cul-de-sac accessed from Warili Road.

- A 19 metre diameter turning bowl will be required.
- The width of the roadway does not meet waste services requirements – see notes above. Of concern is the proposal for on-street parking on a 6 metre wide road pavement and the electricity sub station contained within the road pavement.
- The 5.5 metre wide section of road may be deemed permissible (6.0 metre minimum width required) but must be the minimum length achievable and be sign posted “No Stopping” on both sides.
- As the private roadway entrance is only 5.5 metres wide parking restrictions may be required on Warili Road on either side of, and directly opposite, the entrance to allow for the waste trucks enter and leave the property. Please provide swept path analysis to support the application.

Urban Design

Controls

- Warringah DCP; Parts; A Introduction, B Built Form, C Siting Factors, D Design, E The Natural Environment, F Zones & Sensitive Areas, H Appendices. Including but not limited to:



Specialist Advice

- DCP Part B1 – Wall Heights
 - DCP Part B3 – Side Boundary Envelope
 - DCP Part B4 – Site Coverage
 - DCP Part B5 – Side Boundary Setbacks
 - DCP Part B7 – Front Boundary Setbacks
 - DCP Part B9 – Rear Boundary Setback
 - DCP Part C1 – Subdivision
 - DCP Part D
- Warringah LEP 2011, including but not limited to:
 - R2 – Low-density residential
 - Height of Buildings Map shown as 8.5m.
 - Minimum lot size 600m²
 - Land Slip Risk Map-Area A – Slope <5
 - Land Slip Risk Map-Area B – Flanking Slopes 5 to 25
- Northern Beaches Council Public Space Vision & Design Guidelines
- State Environmental Planning Policy (SEPPs+, including but not limited to:
 - SEPP (Biodiversity and Conservation) 2021: Excluded
 - SEPP (Biodiversity and Conservation) 2021: Land Application
 - SEPP Environmental Planning Policy (Biodiversity and Conservation) 2021: Subject Land
 - SEPP (Resilience and Hazards) 2021: Land Application
 - SEPP (Resources and Energy) 2021: Land Application
 - SEPP (Sustainable Buildings) 2022: Land Application
 - SEPP (Transport and Infrastructure) 2021: Land Application

General

This report is a preliminary response to the preliminary option drawings & summary of proposed works cover letter submitted by the applicant. The information supplied by the applicant is limited & preliminary, and therefore the response is proportionate to the information supplied and is preliminary.

Subdivision Pattern

The applicant has provided two options with similar subdivision patterns; however, the layout of the lots should come from a sensitive analysis of the site and its constraints and respond to those opportunities and constraints. The existing topography, views, trees, landscaping, context, neighbour's amenity etc. should be analysed and the proposed subdivision pattern result from the specific opportunities and constraints of the subject site. The site topography slopes from Blackbutt Road to Warili Road and there are district views to the south of the subject site. District view from neighbouring properties should also be considered in formulating any subdivision pattern. There are significant numbers of trees on the site, and it would be beneficial to optimise the retention of trees, protect the solar access and amenity of neighbours at this stage with a sensitive and well considered lot pattern. Any proposed subdivision pattern should clearly be the result of a sensitive response to the opportunities and constraints of the site and the protection of the amenity of neighbouring properties.

Solar Access

The existing site is predominantly on a north-south axis; sloping from Blackbutts Road to Warili Road, and with the current subdivision pattern the buildings to the Blackbutts Road are likely to overshadow any proposed building to the south. The lots proposed to the south of the subject site are likely to overshadow the existing dwelling along Warili Road, which are topographically lower than the proposed subdivisions to the north. A solar analysis of complaint building envelopes should be undertaken by the applicant to minimise any overshadowing and inform the lot subdivision pattern. One of the objectives of Part C1 Subdivision of the WDCP is, 'to maximise



Specialist Advice

and protect solar access for each dwelling', and 'to protect the amenity of adjoining properties', the applicant should prove how any proposed subdivision pattern has been informed by meeting these objectives.

Envelopes

3-dimensional compliant building envelopes should be provided illustrating that future proposed buildings can comply with the controls and so that they can inform the subdivision pattern and structure plan (road layout). The 3-dimensional compliant envelopes should be used to understand any solar and built-form impacts on neighbouring properties and inform the lot subdivision pattern. Plans, sections, and elevations of the built-form envelopes should be provided and locate the proposed envelopes in relation to neighbouring properties.

Amenity of Neighbours

The amenity of neighbouring properties should be addressed and should inform the subdivision pattern and structure plan (road layout). The landscape buffer to the west of the subject site is illustrated in both options as 1.5m wide. This applicant should consider the amenity of neighbouring properties and consider increasing the landscape buffer to the neighbouring properties or consider a different road layout that retains greater amenity for neighbours. The location of any substation, or elements of infrastructure should also consider the impact on the amenity of neighbours.

Existing Trees & Landscape

One of the objectives of DCP Part C1 Subdivision is to, *'to limit the impact of new development and to protect the natural landscape and topography'*. There are numerous significant trees and areas of landscape and any proposed subdivision pattern should result from the careful analysis of existing landscape and optimise the retention of trees and landscape.

Conclusion

The information supplied by the applicant is limited & preliminary, and therefore the response is proportionate to the information supplied and is preliminary. The applicant should address all relevant controls in their SEE and drawings.

In conclusion, Urban Design cannot support the current proposal. If considering a Development Application, the applicant should address all relevant controls in their SEE and drawings. It is likely that for any Development Application the applicant will at minimum need to supply:

- Comprehensive context & site analysis to show how the proposed subdivision lot pattern has resulted from the specific opportunities and constraints of the context and site.
- Site planning and road layout that responds to the constraints of the site and context.
- The site is an internalised site, with a north-south orientation, and surrounded by low-density residential homes, and significant impacts on neighbours are likely and need careful design to minimise them at this stage. Drawings illustrating complying 3D envelopes that locate the future proposed buildings including all controls are required to illustrate that a future design can comply with the controls. The applicant should include all setbacks, trees, dimensions to neighbouring properties, a solar analysis showing any impacts on the proposed and existing development.
- A comprehensive set of drawings and SEE.

Environmental Health

Contaminated Land

Information on the level of contamination, if any, is unknown therefore the applicant will need to engage a suitably qualified consultant to undertake a Preliminary Site Investigation (Phase 1).

The preliminary site investigation (PSI) report should:

- identify all past and present potentially contaminating activities



Specialist Advice

- identify potential contamination types
- discuss the site condition
- provide a preliminary assessment of site contamination
- assess the need for further investigations.

If the PSI report indicates contamination onsite and further investigation is warranted, a Detailed Site Investigation (Phase 2) is to be undertaken by a suitably qualified consultant.

If the PSI report clearly demonstrates that site activities have been non-contaminating, there may be no need for further investigation or site sampling.

The detailed site investigation report should give comprehensive information on:

- issues raised in the preliminary investigation
- the type, extent and level of contamination and assess:
 - contaminant dispersal in air, surface water, groundwater, soil and dust
 - the potential effects of contaminants on public health, the environment and building structures
- (where applicable) off-site impacts on soil, sediment and biota
- the adequacy and completeness of all information available to be used in making decisions on remediation.

If the results of the detailed site investigation indicate that the site poses unacceptable risks to human health or the environment – on-site or off-site, and under either the present or the proposed land use – then a remedial action plan needs to be prepared and implemented.

Industrial (Noise/Air pollution)

Demolition, excavation and construction Plan of Management addressing types of noise sources potential impact on neighbour residents and control measures.

Riparian and Water Management

The applicant must address the aims, objectives and controls of the following environmental planning instruments, policies and guidelines.

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Relevant LEP and DCP clauses; and
- Northern Beaches Water Management for Development Policy

This policy aims to protect and improve the health of the Northern Beaches waterways through the appropriate planning, design and operation of stormwater treatments measures for urban development.

The outcomes Council seeks include: The integration of water sensitive urban design measures in new developments to address stormwater and floodplain management issues Improvement of the quality of stormwater discharged from urban development Stormwater flows that mimic natural flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle Preservation, restoration and enhancement of riparian corridors as natural systems.



Specialist Advice

The development application is to demonstrate compliance with Northern Beaches Water Management for Development Policy water quality requirements. At that location the General Stormwater Quality Requirements stated in Table 5 applicable.

Table 5 – General Stormwater Quality Requirements

Pollutant	Performance Requirements
Total Phosphorous	65% reduction in the post development mean annual load ¹
Total Nitrogen	45% reduction in the post development mean annual load ¹
Total Suspended Solids	85% reduction in the post development mean annual load ¹
Gross Pollutants	90% reduction in the post development mean annual load ¹ (for pollutants greater than 5mm in diameter)
pH	6.5 - 8.5
Hydrology	The post-development peak discharge must not exceed the pre-development peak discharge for flows up to the 50% AEP

¹The percentage reduction in the post development mean annual loads are relative to the loads from the proposed development without treatment applied.

The stormwater management plan and engineering drawings are to document a community-controlled arrangement to effectively serve a number of lots managed by community associations in perpetuity.

Auditing and maintenance of the facilities is undertaken in accordance with community by laws.

To satisfy the water sensitive urban drainage requirements Council preference is the use of vegetated system like bio retention basins, vegetated swales, and wetlands.

The stormwater detention system (OSD) can be combined with the water quality system.

The sizing of the water quality system is to be supported by a water quality model (MUSIC or equivalent) and files (.sqz) to be included in the development application.

***Note:** To avoid repetition the referral comments from Council's Development Assessment Planner are included in the body of these notes.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned subdivision plan
- Context & site analysis plan
- Scaled and dimensioned indicative envelopes, including:
 - Dwelling footprints overlaid with overlay of significant trees;
 - Elevations
 - Sections.
 - All indicative plans shall illustrate that a future design can comply with the built form, landscape open space and solar access controls
- Certified Shadow Diagrams, based on the indicative envelopes, (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Indicative landscape plan demonstrating compliance with landscape and private open space requirements
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)



- Survey of Council assets including stormwater
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Demolition, excavation and construction Plan of Management
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- Swept path analysis must be provided showing waste collection vehicles can negotiate the access to/from the public roads.
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- A DRAINS model
- Geotechnical Report
- Arborist Report
- Flora and Fauna Assessment (if more than 4 prescribed trees are to be impacted by the proposed development)
- Preliminary Site Investigation (Phase 1)
- Traffic and Parking report

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-mar21.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 5 October 2023 to discuss two options for a 13-lot residential subdivision at 49 Blackbutts Road. The notes reference the plans prepared by YSCO Geomatics dated March 2023.

Option B is preferred by all Officers in Council; however, the site planning layout shall be determined following arboricultural investigations and recommendations as any proposal to remove existing trees of moderate to high retention value will not be supported. Indicative plans are required to show the building footprints to indicate where significant trees can be retained. In addition, the indicative plans shall demonstrate compliance with the built form, landscape / open space requirements and solar access controls.

Option B also requires design changes to address the servicing (waste, engineering and transport requirements) including the need for a 7.5m wide carriageway, a redesign turning circle and a need for a 1.5m wide footpath. Should the amendment result in undersized lots it is recommended that the density be reduced as a variation to the 600sqm minimum lot size controls is unlikely to be supported given the lack of physical constraints on the site.

Additional landscape planting is required along the western boundary to protect existing residential amenity and the siting of the dwellings shall consider solar, privacy and view loss impacts to neighbours.



Concluding Comments
In summary, subject to the submission of an amended design which addresses the requirements of Council's Referral Officers, and which is supported by the comprehensive package of documents, as detailed above, the proposal is assessed as having merit.
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.