



Pre-lodgement Meeting Notes

Application No: PLM2021/0114
Meeting Date: 3 June 2021
Property Address: 7 Crown Road QUEENSCLIFF
Proposal: Alterations and additions to an existing dwelling house
Attendees for Council: Steve Findlay (Manager – Development Advisory Services);
Nic England (Planner); Anthony Powe (Landscape Officer);
Steph Gelder (Student Planner)
Attendees for applicant: Will Fleming (Planner); Brad Dorn (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.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant

No specific issues were requested for discussion. The following notes will discuss the relevant controls for the proposal, focusing on areas of non-compliance.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

The following provisions of WLEP 2011 are relevant to the proposed development:

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
Zone:	R2 Low Density Residential RE1 Public Recreation
Permitted with Consent or Prohibited:	Permitted (R2 zone) Prohibited (RE1 zone)

In regard to the portion of the site that is zoned RE1 Public Recreation, this portion of the land is also subject to Clause 5.1A *Development on land intended to be acquired for a public purpose* of WLEP 2011. It is Council's intention to acquire this land for Regional Open Space, as shown on the map below:





The only permissible land uses on this part of the site would be “Earthworks” and “Recreation areas”. From the information provided, it is likely that no works are proposed in RE1 zoned part of the site, hence no prohibition is triggered.

In the context of any future development on the land (including the proposal presented in this PLM), the calculation of any planning standards and controls would be from only the land that is zoned for residential purposes and not that part of the site that is zoned for public open space and subject to future purchase. This is predicated on the intention that part of the site will be eventually purchased and not available for future development.

Of most relevance to the proposal in this regard is the rear setback as it would apply to the northern boundary and the calculation of landscaped open space on the future intended boundaries of the site.

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Comment
Clause 4.3 Height of Buildings	8.5m	12.9m	34% variation proposed. See detailed comments below.

Clause 4.6 of WLEP 2011 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.

Proving that it is both unnecessary and unreasonable to comply with the standard may be difficult under the circumstances, given the significant extent of the variation proposed. The site is in a prominent coastal location and the visual impact of the non-compliance will not meet the objectives of the standard, in particular:

(c) to minimise any adverse impact of development on the scenic quality of Warringah’s coastal and bush environments; and

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The merits of the proposal in its current form are unlikely to be sufficient to support the proposed variation.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

The following notes the identified non-compliant areas of the proposal only.

WDCP 2011 can be viewed at

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



Part B Built Form Controls		
Control	Permitted	Proposed
B1 Wall Heights	7.2m	12.9m (west elevation)
<p><u>Comment:</u> A significant variation is proposed to the wall height on the west elevation, from the additions to the upper level. In the context of the site being in a visually prominent area, the development will not be consistent with the objectives of this control, in particular:</p> <p><i>To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</i></p> <p>Whilst it is noted that a variation may apply on sites where the slope exceeds 20%, this is conditional upon meeting the building height development standard. As the proposal does not meet this standard, then the concession does not apply.</p>		
B3 Side Boundary Envelope	5m / 45 degrees	Breaches to both east and west elevation of studio; breaches to west elevation of dwelling.
<p><u>Comment:</u> The majority of the proposed studio above the garage, is outside of the building envelope. In regard to the dwelling, the majority of the upper level of the dwelling on the west elevation will be outside of the envelope.</p> <p>Whilst part of the existing upper level is already outside of this envelope, the proposed additions will only worsen the breach. In this context the proposed development is not consistent with the objectives of the control, in particular:</p> <p><i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i></p> <p><i>To ensure that development responds to the topography of the site.</i></p>		
B5 Side Boundary Setbacks	0.9m	0.4m (studio, east elevation)
<p><u>Comment:</u> This non-compliance results in additional visual bulk to a structure that is already inconsistent with other built form controls, specifically front setback and side boundary envelope. The proposed studio is hence inconsistent with the following objectives of the control:</p> <p><i>To ensure that development does not become visually dominant.</i></p> <p><i>To ensure that the scale and bulk of buildings is minimised.</i></p>		
B7 Front Boundary Setbacks	6.5m	1.5m (studio above garage)
<p><u>Comment:</u> The proposed 1st floor addition to the existing garage is in close proximity to the front boundary of the site and adds a level of adverse visual impact to the surrounding streetscape that is inconsistent with the following objectives of the control:</p>		



Part B Built Form Controls		
<i>To create a sense of openness.</i>		
<i>To protect and enhance the visual quality of streetscapes and public spaces.</i>		
B9 Rear Boundary Setbacks	6m	1 – 5.6m (rear terrace, pergola) 17m (dwelling additions)
<p>Comment: As discussed previously, part of the land is zoned public open space, for future acquisition by Council. The setback dimensions above have been estimated from the distance from the public open space zoning, which will eventually become the future rear boundary of the site. Hence, the pergola, barbecue and outdoor shower are in effect non-compliances with the rear setback. The control will permit certain outbuildings, however given the sensitivity of this part of the site in regard to: heritage, biodiversity and public open space, these structures will need to be minimised to provide a greater setback from the public open space and retain existing native vegetation on site.</p> <p>Council's Heritage Advisor and Landscape Officer has commented on the existence of a stone retaining wall adjoining these proposed works that is likely to have heritage value. A minimum 2m setback for all works (including steps, stairs and the like) will be required to ensure the settings adjacent this structure is provided.</p>		

Part D Design		
Control	Permitted	Proposed
D1 Landscaped Open Space and Bushland Setting	40% of the site	19%
<p>Comment: The existing site area from Council's records is approximately 942m². Removing the area of the site subject to the public open space / land acquisition would reduce the effective site area where a dwelling is permitted, down to approximately 659m². The areas of hard surfacing are significant and the extent of the non-compliance proposed is significant. Note that planter box or elevated areas of landscaping above the natural ground level cannot be counted as landscaped open space. Hence, the proposal will not achieve the objectives of the control, in particular the following:</p> <p><i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</i></p> <p><i>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.</i></p>		
D7 Views		
<p>Comment: These notes identify various breaches of the proposed development with Council's policies, including: building height; wall heights; boundary envelope and landscape open space. As these controls relate to bulk and scale, any view loss caused to adjoining properties by the proposal will not be acceptable. Concern is raised with the potential impact on the adjoining</p>		



Part D Design

dwelling at No.13 Crown Road. A view loss analysis to any effected property is recommended prior to finalising the design.

Part E The Natural Environment

Control	Permitted	Proposed
E4 Wildlife Corridors	7.2m	
<u>Comment:</u> Council's Biodiversity Officer has recommended that further investigation of the biodiversity value of the site be undertaken. This should be undertaken as a test of whether the proposed outdoor recreation structures to the rear of the site will not have an adverse impact on the identified wildlife corridor.		
E6 Retaining unique environmental features		
<u>Comment:</u> Inspection of the site has revealed that there are significant rock formations at the base of the site and some mature native vegetation, despite there being the presence of many exotic weed species. The proposed stone retaining walls will result in a total loss of these formations and the terracing works may result in the loss of remnant native vegetation. In their current form, the works to the rear of the site are not adequate to comply with this requirement.		
E7 Development on land adjoining public open space		
<u>Comment:</u> The proposed outdoor recreation structures are in very close proximity to the RE1 zoned land and do not provide an adequate visual transition to ensure the natural character of this land is retained. The development is hence not consistent with the objectives of this requirement.		

Specialist Advice

Heritage

Council's Heritage Advisor has provided the following advice:

"Heritage Listing

*The subject site is partly in the **C13 - Coastal Cliffs Conservation Area** and adjoins a listed heritage item, being **Item I126 - Freshwater View Reserve** - 21-29 Pavilion Street, Queenscliff. It is also within the vicinity of heritage items, listed in Schedule 5 of Warringah Local Environmental Plan 2011. Details of these items, as contained within the Warringah Heritage Inventory are:*

Item I 125 - Rear sandstone retaining wall and sandstone access stairway - 33 Pavilion Street

Statement of Significance:

The front and rear sandstone boundary wall of the Freshwater view reserve extends from the front of 31 Pavilion street, Queenscliff, and includes its rear sandstone access stairway. It is significant because it was built by Arthur Costin as part of his former estate, connecting the house and his cliff top hut. It represents an early creative effort to overcome obstacles of the



slip and slope of the land, as well as technical achievements in his use of locally quarried sandstone.

Item I118 – House - 17A Crown Road

Statement of significance:

A locally rare survivor of a number of small cottages which were built on the cliff face between Freshwater and Queenscliff. Historically represents the nature of early development in the area.

C13 - Coastal Cliffs Conservation Area

Statement of Significance:

The Queenscliff-Freshwater headland cliffs have existence value as a major coastline promontory, protecting adjacent beaches and estuarine lagoon and providing dramatic landforms and viewing points. The Freshwater View Reserve on its northern face is a former landscaped garden with heritage significance. The headland's associated rock platform is host to an ocean swimming bath on the Queenscliff side, and these combined with the cliffs' high aesthetic qualities have a high level of community esteem.

Item I126 - Freshwater View Reserve

Statement of significance:

The Freshwater View Reserve has local significance as a cultural landscape developed from the outset of the settlement of the land around Freshwater beach from 1905 following land subdivisions behind it and the provision of a tunnel in 1908 providing direct access to it from Manly and Queenscliff beaches to the south. It represents an early creative endeavour to establish terraced gardens on the rugged headland slopes by a successful businessman and engineer Mr Arthur Costin, who was also a founding and executive member of the first Freshwater Surf Life Saving Club. The establishment of a week-ender hut on the rugged slope was a skilful feat; and its purpose was representative of many who set up camps at the beach for week-end recreation.

Heritage Comments

The proposal is for alterations and additions to an existing dwelling located on the cliff edge of the Queenscliff-Freshwater headland, partly on the C13 – Coastal Cliffs Conservation Area. It is noted that the proposed works will retain existing footprints to minimise any major construction works and excavation. The heritage listed Freshwater View Reserve, a heavily vegetated park, is also located to the south-west boundary of the subject site.

A new lower level terrace area has been proposed, close to the conservation area and the heritage listed stone walls extending out from Freshwater View Reserve. The separation between the existing stone retaining wall and the proposed terrace, including the landing must be greater than the proposed distance – preferably min 2m and a lightweight structure is also preferred from a heritage perspective to allow the existing landscaping including the existing vegetation and the cliff edge retained and incorporated into the design.

If a DA was to be submitted it would need to be accompanied with a Statement of Heritage Impact, assessing the impact of the development upon heritage items in the vicinity and the conservation area. Any DA would also need to include full details of colours and materials proposed."



Based on further investigation and discussion with the Landscape Officer, investigation on potential aboriginal heritage is also recommended. The Aboriginal Heritage Office should be contacted for preliminary advice on this matter.

Biodiversity

Council's Biodiversity Officer has provided the following advice

"The potential impacts to biodiversity values of the development should be assessed against the relevant clauses of the Warringah Development Control Plan, Part E The Natural Environment. Clause E1 Preservation of Trees or Bushland Vegetation applies, and therefore also calls up E2, E4, E5, E6 & E7. The applicant should address the Objectives and Requirements of each clause. An Arborist report will be required, and a Flora & Fauna Assessment and Biodiversity Management Plan may be required based on the quantification of impacts (see E4 and E5 requirements).

The development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species. The applicant should demonstrate the measures taken to avoid and minimise the impacts, and the mitigation measures proposed.

The site is also mapped as Coastal Environment Zone under the Coastal SEPP, and the SEE should also address clause 13."

Landscape Officer

Council's Landscape Officer has advised that the proposed works are not supported, in relation to their adverse impact primarily on the existing rock formations on the site and on mature native vegetation that exists to the rear of the site.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects, including written report
- Scaled and dimensioned plans:
 - Site Plan
 - Floor Plans
 - Elevations
 - Sections
 - Setback, height and side boundary envelopes to be shown on all plans as per WLEP and WDCP to demonstrate the levels of compliance
 - Outline of Existing Dwelling to be shown on all relevant plans
 - Schedule of Colours and Finishes
- Landscape Plan (including schedule of species to be planted)
- Landscaped Area Calculation Plan (as per WDCP requirements)
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate provided by Quantity Surveyor (if works exceed \$1M in value)



Documentation to accompany the Development Application

- Survey Plan (Levels, Details and Boundary Identification by Field 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
- Geotechnical Report
- BASIX Certificate
- Statement of Heritage Impact Report (including Aboriginal heritage)
- Arborist Report
- Flora & Fauna Assessment and Biodiversity Management Plan (if Arborist report identifies biodiversity value in the wildlife corridor)
- View loss analysis

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.



Documentation to accompany the Development Application



General
Refer to this guide when preparing to lodge a Development Application, Modification Application or Review of Determination Application. This guide provides details as to how to lodge your application, mandatory lodgement items and details on other relevant items which may be required depending on the nature of your development proposal and the location of the site. For assistance with specific documentation required for your development proposal, please contact Council's Development Advisory Service on 1300 634 634.

Mandatory Lodgement Items:	Page no.	Lodgement Items:	Page no.
Statement of Environmental Effects	3	Stakeholder Management Plan	11
Statement of Modification (only applicable for modification applications)	3	Soilfill Report	12
Cost Summary Report Form	5	Building Code of Australia (BCA) Report	12
Boundary Identification Survey (applicable for the majority of applications, with the exception of a change of use or internal alterations only)	7	Clause 4.8 Variation Report	12
Plans - Master Set	3	Coastal Assessment Report	12
• Site Plan		Construction Traffic Management / Construction Methodology Report	13
• Floor Plans		Contaminated Land Report	13
• Dimensions and sections plan		Energy Performance Report	13
• Site Analysis Plan	4	Environmental Impact Statement	13
• Demolition Plan		Ecological Hazard Assessment Report	13
• Demolition and/or 10 Plan		Fire Safety Schedule	13
• Waste Management Plan Construction, Demolition and/or ongoing	5 & 6	Flood Risk Assessment Report	14
• Subdivision Plan		Floods and Fauna Assessment Report	14
• Certified Shadow Diagrams	6	Geotechnical Report	15
• Schedule of colours and materials		Onsite Wastewater Management System/Septic Report	16
• Photo Montage		Overland Flow Study Report	16
• Road Design Plan	7	Sediment & Erosion Control / Soil and water management plan	17
• Advertising Structure / Sign Plan		SEPP 65 Report	17
Landscape Plan	8	Social Impact Statement	17
Stormwater / Stormwater Drainage Assets Plan	8 & 9	Species Impact Statement	17
Reports and other documentation (as applicable) -- To be uploaded as separate files		Statement of Heritage Impact	17
Agricultural Impact Assessment Report	9	Traffic and Parking Report	17
Aboriginal Heritage Assessment Report	9	Waste Management Plan	18
Access Report	10	Water Sensitive Urban Design Strategy Report	17
Acid Sulfate Soil Report	10	Water Table Report	18
Acoustic Report	10	Wetland Impact Statement Report	18
Aquatic Ecology Assessment Report	10	Electronic Model	18
Backpackers' Accommodation / Boarding Houses Report	11		
Bulk Certificate	11		

PAGE 1 OF 18

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Concluding Comments

These notes are in response to a pre-lodgement meeting held on 3 June 2021 to discuss Alterations and additions to existing dwelling house at 7 Crown Road QUEENSCLIFF. The notes reference the plans prepared by Dorn Architects dated 28 April 2021.

The proposed works in their current form cannot be supported, for reasons of:

- Adverse visual impact, when viewed from adjoining properties, the adjoining public domains of Freshwater Beach and the Crown Road street frontage;
- Potential impact on the natural environment and unique natural landforms on the site;
- Potential impact to adjoining heritage items; and
- The potential view loss to adjoining properties, stemming from the significant non-compliances with the relevant development standards and controls.



Specific recommendations on any re-design of the proposal should involve the following basic parameters:

- No further extensions / additions to the already non-compliant garage;
- Limiting the visibility of the upper level of the dwelling by ensuring the new floor space does not come any closer to the southern rear boundary of the site; and
- Ensure that any re-development of the area of private open space to the southern boundary remains in as much a natural state as possible and not be occupied by multiple structures that are readily visible from the public domain.

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.