



Pre-lodgement Meeting Notes

Application No: PLM2022/0200
Meeting Date: 15 November 2022
Property Address: 23 Marinella Street MANLY VALE
Proposal: Demolition and Construction of two (2) dwellings and two (2) swimming pools
Attendees for Council: Daniel Milliken (Manager, Development Advisory Services)
Penny Wood (Planner)
Ramona Sith (Planning Officer)

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 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

Would Council support a variation to Landscaped Open Space (LOS)

The development proposes a shortfall of landscaped open space for both dwellings. The Requires a minimum 40% of the site to be LOS. Revised plans were provided by the Applicant on 15 November 2022 which slightly increased the setback of the dwelling to the rear boundary and also increased the LOS. The development proposes approximately 61sqm of LOS for both lots equating to 25.2% of the site area. This results in a 37.1% variation to the LOS control.

Whilst it is acknowledged the small size of the subject lots, the LOS proposed for the lots is not supported by Council. Council could support a small variation to the LOS control. There does appear to be an opportunity to re-design the layout and configuration of both the lower ground floor and ground floor of both dwellings. This would create a greater setback to the rear boundary more in keeping with the setback (approximately 10m) of the properties to the north. A greater setback would provide a more acceptable landscaped open space area ensuring the objectives of the control are achieved.

The applicant is to provide a detailed landscape plan with landscaped open space calculations of the entire site. The water surface of swimming pool can be included in the calculation. The detailed landscape plan is to provide the number and type of species proposed.

An LOS consistent with the approvals for the four dwellings at 21 Marinella Street is strongly recommended.

Side boundary envelope - Would Council support the variations to this envelope?

Council does not support the current breach to the side boundary envelope as proposed. A smaller breach to both dwellings could be supported given the narrow width of the site. The Applicant is required to re-design the proposal through a more articulated design incorporating greater setbacks to the side and rear boundaries. This is discussed in more detail throughout these Notes.

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

The Applicant confirmed the proposed works involve two (2) separate dwellings and not two attached dwellings. This is discussed in more detail within these Notes.

Zone:

R2 Low Density Residential



Permitted with Consent or Prohibited:	<p><i>Dwelling house</i> - Permitted with consent</p> <p><u>Note:</u> The Applicant is to ensure the dwellings are detached as semi- detached dwellings and dual occupancies are prohibited.</p>
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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
4.3 Height of Buildings	8.5m	8.4m	Yes
Section A – South Dwelling thru stair, prepared by Nikki Mote Architects indicates a maximum building height of 8.4m. A cross section of the proposed development is required to ensure the overall height can be calculated.			

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.

Part B Built Form Controls		
Control	Permitted	Proposed
B1 Wall Height	7.2m	Unable to be calculated as no elevations were provided.
<p><u>Comment</u></p> <p>Based on the architectural plans and supporting documentation submitted for the pre-lodgement meeting, elevations of the proposal were not provided and therefore an accurate assessment of the wall height was unable to be calculated. Given the sloping nature of the site, a small non-compliance with this control could be supported provided it is minimised and solar access is maximised. It will likely be necessary to redesign the pitch of the proposed roof to each dwelling to minimise the wall height and ensure solar access to the northern side of the southern dwelling.</p>		



The proposed development is to ensure the objectives of the control are achieved. Specifically those listed below:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To minimise the impact of development on adjoining or nearby properties.*

B3 Side Boundary Envelope

Comment:

The proposed development protrudes the prescribed 4.0m building envelope on the northern elevation of the northern dwelling and along the southern elevation of the southern dwelling, as shown in the provided 3D Concept Building Form plans.

The proposed design breaches are not supported. The proposed development does not achieve the objectives of the control, specifically that listed below:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

As such, the proposed development is not supported in its current form. The Applicant is encouraged to amend the plans to demonstrate compliance with this control. While it is acknowledged the slope of the site contributes to the breach, the first floor of both dwellings should be re-designed to provide more articulation. The setbacks of the first floor can be amended to reduce the breaches, as can the floor to ceiling heights and the overall pitch of the roof.

It is recommended the Applicant refer to the approved dwellings located north of the subject site (No. 21, 21A, 21B and 21C Marinella Street) as a guide to what non-compliances are acceptable for these lots.

In order to ensure that the building envelope can be accurately determined, elevations are to be provided with the development application, with natural ground level also extrapolated onto the plans.

B5 Side Boundary Setbacks	900mm	<u>Northern dwelling:</u> Ground floor – 900mm First floor 900mm <u>Southern dwelling</u> North – 900mm (ground floor) South – 900mm (ground floor)
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It was discussed during the pre-lodgement meeting that the dwellings are to present as detached dwellings. The plans indicate a common wall for a length of approximately 9.8m from the front of the dwelling. Two front entry gates are proposed on either side of the common wall which creates the appearance of an attached dwelling at ground floor level. Whilst the ground floor plans indicates two (2) separate pathways to the dwellings, the Applicant is advised to remove the high entry gates along the front façade to ensure a visual separation of the dwellings is evident when viewed from Marinella Street.



Both dwellings comply with the minimum required setback of 900mm at ground and first floor. However, as discussed throughout the Notes, the first floor of both dwellings is to be re-designed to provide a more articulated design to reduce the overall bulk of the dwellings which in turn will minimise the building envelope breaches and ensure adequate solar access is afforded to the northern elevation of the southern dwelling.

B7 Front Boundary Setbacks	6.5m	6.5m
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The development is required to maintain a minimum setback to the front boundary of 6.5m. The plans provided with the pre-lodgement documentation appear to comply with the control.

B9 Rear Boundary Setbacks	6.0m	7.4m – deck (both dwellings) 3.0m – swimming pool (both dwellings)
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As discussed above in these Notes, the development complies with the required rear setback of 6.0m. However given the shortfall of landscaped open space, an increased setback to the rear boundary is likely to be necessary. This will assist in increasing the amount of landscaped open space and reduce the overshadowing impact towards the dwelling located on the southern lot.

Part D Design

D6 Access to Sunlight

An improved solar access outcome will be necessary for the southern dwelling. Concern is raised with the level of solar access provided to the proposed southern dwelling and No. 25 Marinella Street. Given the narrow width of the site along with the east west orientation, the Applicant is required to redesign the dwellings to provide a more articulated façade on both first floors and increase the rear setback to the lower ground level and ground levels of both dwellings.

The proposal is to ensure the objectives and requirements of the control are achieved.

Objectives

- To ensure that reasonable access to sunlight is maintained.
- To encourage innovative design solutions to improve the urban environment and public open space.
- To promote passive solar design and the use of solar energy.

Requirements

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 hours of sunlight between 9am and 3pm on June 21.

D8 Privacy

Concern is raised regarding possible overlooking towards surrounding properties from both the ground and first floor levels. The proposal did not include elevations of the dwellings and therefore an assessment of the windows has not been carried out.

The roof garden at first floor of the southern dwelling is to be reduced in depth similar to the smaller roof garden of the proposed adjacent dwelling. Any elevated balconies/decks are to ensure direct overlooking is minimised through the use of privacy screens and offsetting any



windows with adjoining windows. The proposal is to ensure the below Objectives and Requirements of the subject clause are achieved.

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Requirements

1. *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
2. *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
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.*
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.*
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.*

Specialist Advice

Landscape comments

The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the Warringah Development Control Plan (WDCP), and in this instance the following:

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

D1 Landscaped Open Space and Bushland Settings

A Landscape Plan in accordance with Council's DA Lodgement Requirements shall be submitted to satisfy WDCP clause D1, including:

- 40% landscaped area as defined under the WLEP, ie: means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.
- 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 and the road reserve. 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 in accordance with Council's DA Lodgement Requirements shall be submitted, to address impacts to existing trees within 5 metres of development works, noting no impacts to adjoining trees within adjoining residential lots or public land will be accepted.

Development Engineering Comments



Specialist Advice

- 1) The applicant is to provide a stormwater management plan detailing the provision of on site stormwater detention in accordance with Councils **Water Management for Development Policy**. The stormwater managements plan is to be supported by a DRAINS model and supporting design summary information.
- 2) Additionally, an inter-allotment drainage easement will need to be created to allow for the stormwater drainage of the development site to Councils drainage system in Chandos Street. This is a requirement of Councils **Water Management for Development Policy**.

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 of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Landscape Plan
- Demolition Plan
- Excavation and fill Plan
- Geotechnical Report
- 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

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 to discuss the Demolition and Construction of two (2) detached dwellings two (2) swimming pools at 23 Marinella Street,



Concluding Comments

Manly Vale. The notes reference the plans prepared by Nikki Mote Architects dated 7 October 2022.

The development is not supported in its current form. The Applicant is requested to delete the basement level to limit the level of excavation for the site. Some excavation may be supported however the Applicant is encouraged to design the dwelling to step with the site which in turn will assist in addressing the wall height and building height breach. The development also significantly breaches the maximum space ratio control.

The development is Issues raised by Council include:

- Non-compliance with Wall Height controls.
- Non-compliance with Building Envelope controls.
- Non-compliance with Landscape Open Space controls

The applicant is encouraged to redesign the proposal to reduce the overall bulk and scale to provide a more compliant development and one that is more consistent with the character envisaged by the controls. This is particularly important in relation to the location of the first floor levels to both dwellings and the lack of articulation which significantly attributes to the breach to the side boundary envelope and wall height. Re-designing the first floor will also assist in maximising adequate solar access to surrounding dwellings in particular the dwelling located on the southern lot and the existing dwelling at 25 Marinella Street. The proposed setback to the rear boundary is not supported.

Whilst Council acknowledges the narrow nature of the two (2) sites and recognises that fully compliant dwellings are not practical, a more compliant design, similar to the four dwellings located north of the subject site, will be necessary.

The Applicant is encouraged to investigate the approved and constructed dwellings to the north as a guide to what non-compliances would be acceptable.

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.