



Pre-lodgement Meeting Notes

Application No:	PLM2024/0098
Meeting Date:	3 September 2024
Property Address:	206 McCarrs Creek Road CHURCH POINT
Proposal:	Demolition works and construction of a two storey dwelling, jetty, driveway and associated landscaping
Attendees for Council:	Clare Costanzo, Planner Daniel Milliken, Manager Development Advisory Services Ramona Smith, Planner Patrick Stuart, Team Leader Floodplain Planning and Response

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 Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, within the supporting documentation including a Statement of Environmental Effects.

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	
Foreshore Building Line	<p>The foreshore building line indicates where the mean high water mark (MHWM) is for the subject site. This has been determined by the NSW Government.</p> <p>Development Advisory Services does not have historical information regarding the foreshore building line. It is recommended an enquiry is sent to the NSW Department of Planning or Strategic and Place Planning for further information. Although, it is unlikely there was a definite reason to explain the unusual foreshore building line for this site and boundaries for neighbouring sites.</p> <p>Council recommends exploring options to reduce the extent of works within the foreshore building area to the footprint of the existing building and a minor encroachment to the main portion of the dwelling. The current extent of the encroachments are too large to be able to be supported.</p> <p>The foreshore building line is discussed within the notes in further detail.</p> <p>The application will also trigger referral to the Northern Beaches Local Planning Panel for determination as it seeks a variation to a non-numerical development standard.</p>

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Alterations and additions, swimming pool, waterway recreational structure
Zone:	C4 Environmental Living
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
7.8 Limited development on foreshore area	See Clause 7.8 within the PLEP 2014	Within foreshore building area	No
<p><u>Comment:</u></p> <p>The existing building is currently located within the foreshore building area. The foreshore building line is approximately 34-37m to the east of the western rear boundary.</p> <p>The below excerpt is from the Pittwater Local Environmental Plan 2014.</p> <p><i>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</i></p> <ul style="list-style-type: none"> <i>(a) the extension, alteration or rebuilding of an existing building wholly or partly within the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,</i> <i>(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</i> <p>As the existing building is located within the foreshore area, (2)(a) is applicable subject to the footprint not extending further into the foreshore area. For the avoidance of doubt, this means that the development must be built over the existing footprint and cannot extend further to the north, east, south or west.</p> <p>Any works outside of the existing building footprint and for purposes other than those identified under (2)(b) will require a Clause 4.6 written request to vary a development standard to accompany the development application. The proposal in its current form will require a Clause 4.6 and variation to a non-numerical development standard will trigger referral to the Northern Beaches Local Planning Panel for determination.</p> <p>More information on the Northern Beaches Local Planning Panel can be found here: https://www.northernbeaches.nsw.gov.au/council/committees-and-panels/development-panels/northern-beaches-local-planning-panel</p> <p>Council acknowledges that any future development is significantly restricted by the foreshore building line and some flexibility is required to facilitate future development. The clause 4.6 will need to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify contravention to the development standard.</p> <p>The extent of the proposed works within the foreshore building area, in conjunction with the works over the existing footprint are not likely to be supported if they were lodged as a development application. Clause 7.8 Foreshore Building Line has been written to allow for outdoor recreational facilities and structures such as boatsheds, swimming pools and jetties to be built within this foreshore area. Aerial photos of the area show various boat sheds and</p>			



Part 4 - Principal Development Standards

swimming pools within the foreshore building area. These structures are mostly modest in size and consistent with the desired future character of the locality. This is the type of development that is supported within the foreshore building area.

Flexibility will be exercised for some encroachment into the foreshore building area particularly given the restrictive nature of this essentially cutting the site in half. However, this does not mean Council is supportive of the proposal in its current form. Council recommends exploring options to reduce the extent of works within the foreshore building area to the footprint of the existing building and only a minor encroachment to the main portion of the dwelling. Council also recommends exploring options to provide for the office and bedroom to be in conjunction with the main part of the dwelling and the swimming pool and decking to be at ground level to reduce visual impact.

It is important to note (2)(a) allowing for works within the foreshore area that involve the extension, alteration and rebuilding of an existing building, refer to the footprint of the building and as such the built form of any works will be subject to further scrutiny with reference to achieving the objectives of this clause, objectives of the zone in which the land is located and is compatible with the surrounding area. If it can be demonstrated that the same footprint of building works, but in a different location, is a better outcome for the foreshore area, this is likely to get support.

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDCP>

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

Section D4 Church Point and Bayview Locality		
Control	Required	Proposed
D4.10 Landscaped Area – Environmentally Sensitive Land	60% or 616sqm	Approx. 47% or 480sqm (note: this is not inclusive of the landscaped area underneath the proposed deck and the strip driveway)
<p><u>Comment:</u></p> <p>The site is located within the C4 Environmental Living zone and therefore must have a minimum landscaped area of 60% or 616sqm. Under the PDCP, for single dwellings on land zoned R2 Low Density Residential and C4 Environmental Living, subject to meeting the outcomes of the control, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1m above ground level (existing)). The impervious areas proposed under the application in its current form do not meet the criteria to be included as 6% impervious landscape treatments. In addition, the areas under the upper level deck cannot be included as landscaped area.</p>		



Section D4 Church Point and Bayview Locality

Council strongly recommends providing a minimum of 54% or 575sqm of landscaped area and some impervious landscape treatments that can be numerically included as part of the 6% to achieve the total of 60%.

Given the sites location along the foreshore, it is important landscaped areas are retained and enhanced to visually reduce the built form and soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

As discussed within the prelodgement meeting, increased landscaped area can be provided by reducing the hard surface area of the proposed driveway, decking and potentially the dwelling itself. Council encourages exploring options that would provide for pervious treatments for the third car parking space.

Specialist Advice

Landscape Referral

The site is located in the C4 Environmental Living zone, requiring development to achieve a scale integrated with the landform and landscape, and to minimise impact on the natural environment with ecological, scientific or aesthetic values, including the retention of natural landscape features and existing trees, to satisfy the landscape objectives of the C4 Environmental Living zone.

60% of the total lot area shall be dedicated to landscape area, that is defined in Pittwater LEP as "a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area". Landscape Referral notes that proposals under the 60% 'landscaped area' limit the capability of the property to satisfy the landscape outcome intent of the C4 Environmental Living zone including preservation of tree canopy and/or establishment of replacement tree canopy, thus the minimum area shall be provided if not more.

It is noted that the property is certified Bush Fire Prone Land and any new landscape provisions shall be planned to consider the Planning for Bush Fire Protection guidelines.

All existing trees within the property are to remain unless impacted by physical subdivision works, if any, ie. installation new access road, stormwater and utilities etc. Landscape Referral shall provide comments at pre-lodgement regarding expected impacts to existing trees based on physical subdivision works as well as the indicative building layouts regarding capability for tree retention and/or tree replacement. All street trees and trees within adjoining properties shall not be impacted.

The pre-lodgement plan is noted and the preliminary layout indicates that existing trees may be impacted. A detailed Arboricultural Impact Assessment in accordance with Council's DA Lodgement requirements is to be submitted identifying existing trees (prescribed and exempt) upon the property including proposed retention and removal.

At this stage it is unknown whether or not a landscape area of 60% is achieved and any development application shall submit appropriate documentation. Landscape Plans shall be submitted to demonstrate that the principles of the C4 Environmental Living zone are able to be satisfied as well as the landscape outcomes of Pittwater DCP control C1.1 Landscaping.



Specialist Advice

Documents / Reports required:

Landscape Plan(s) in accordance with Council's DA Lodgement requirements.

Arboricultural Impact Assessment in accordance with Council's DA Lodgement requirements.

Development Engineering Referral

- The method of stormwater disposal is to be in accordance with Council's Water Management for Development Policy. The policy is available in Council's web page. <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>
- Engineering long sections at both edges and centre of the proposed driveway is to be included in the submission to demonstrate compliance with AS2890.1. Transitions are to be provided in accordance with AS2890.1. to a level parking facility.
- The site is located within the H1 hazard area, a geotechnical engineers report is required to be submitted in accordance with Geotechnical Risk Management Policy for Pittwater – 2009 with the DA.

Bushland and Biodiversity Referral

The following biodiversity-related provisions apply to the subject sites:

- State Environmental Planning Policy (Resilience and Hazards) 2021
 - cl.2.10 Development on land within the coastal environment area
- Pittwater LEP 2014
 - 7.6 Biodiversity

Compliance with each of these provisions must be addressed within any Statement of Environmental Effects (SEE), or supporting documentation.

Required Supporting Documentation

On review of the submitted pre-lodgement plans the following documentation is required to accompany any Application:

- Arboricultural Impact Assessment, prepared in accordance with Council's Landscape Referrals Team pre-lodgement comments.

General Biodiversity Comments

In order to achieve consistency with the LEP control, the proposal must be designed and sited to avoid environmental impacts to the maximum possible extent. Removal of significant trees and important biodiversity values may not be supported if an alternative design solution is available.

Coasts and Catchments Referral

The proposed development is located within the coastal zone of NSW and is subject to the provisions of the Coastal Management Act 2016 (CM Act) and State Environmental Planning Policy (Resilience and Hazards) 2021 (CM SEPP)

Under the CM SEPP the subject site has been included on the Coastal Environment Area Map as well as the Coastal Use Area Map. The objectives and requirements of both the CM Act and the



Specialist Advice

CM SEPP must be addressed within the Statement of Environmental Effects (SEE) Report as they relate to development within these coastal management areas.

Estuarine Hazards

The subject property has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any development of the site.

Estuarine Planning Level (EPL)

Based on the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.53 m AHD has been adopted by Council for the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.04 m reduction to the EPL for every 5 m distance from the foreshore edge up to a maximum distance of 40 m.

As some of the proposed developments are located below the adopted EPL, all development must comply with B3.7 Estuarine Hazard - Low density residential and accompanied by an Estuarine Risk Management Report.

Development on Foreshore Area

A large section of the subject property and proposed development is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area and the objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014 needs to be addressed within the Statement of Environmental Effects (SEE) Report as they relate to development within the foreshore area.

Report Required:

- Statement of Environmental Effects (SEE) Report
- Estuarine Risk Management Report
- Ecologist Report (Seagrass and Acid Sulphate Soils)

Flood and Stormwater Engineer Referral

A Flood Management Report is required to be completed to demonstrate compliance with all flood prone land controls in B3.11 of the Pittwater DCP.

The flood management report should include, but is not limited to the following:

- Demonstrating that the floor levels of the dwelling are above the relevant flood planning levels or provide flood modelling showing that flood waters will not enter the building.
- The garage floor levels must be above the 1% AEP flood level (or demonstrate that flood waters will not enter).
- Demonstrate that the development (including earthworks, driveway and any boundary wall changes) will not cause adverse flood impacts to neighbouring properties in a 1% AEP flood event.

To demonstrate the above, flood modelling may be required. A suitably qualified professional is required to prepare the Flood Management Report to demonstrate how the proposed



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development will comply with the flood related planning requirements listed above. Councils Guidelines for development on flood prone land councils are available on councils website. Flood mapping and information is based on the McCarrs Creek, Mona Vale and Bayview Flood Study 2017.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Land owners consent from Crown Lands for works seaward of the MHWM
- 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
- 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
- Landscape Plan
- Arboricultural Impact Assessment
- Bushfire Report
- Geotechnical Report
- Overland Flood Report
- Estuarine Risk Management Report
- Ecologist Report
- Flood Management 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.

Note: The application will likely be integrated development under Water Management Act 2000 or Fisheries Management Act 1994 and will require referral to external government bodies. Please



ensure you nominate which act and clause when lodging the development application if it is applicable.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 3 September 2024 to discuss demolition works and the construction of a dwelling, jetty, driveway and landscaping at 206 McCarrs Creek Road, Church Point. The notes reference the plans prepared by Lionel Curtin dated August 2024.

Council strongly recommends reducing the amount of development proposed forward of the foreshore building area and increasing landscaping on site prior to the lodgement of any development application. Council is generally supportive of development on the site, subject to addressing the concerns raised within these notes.

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.