



Pre-lodgement Meeting Notes

Application No: PLM2024/0100
Meeting Date: 10 September 2024
Property Address: 34 Prince Alfred Parade NEWPORT
Proposal: Construction of a dwelling house and secondary dwelling
Attendees for Council: Clare Costanzo, Planner
Daniel Milliken, Manager Development Advisory Services
Fathima Shajar, Student Planner
Craig Morrison, Team Leader Coasts and Catchments
Pierre Vignal Atherton, Biodiversity 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 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	
Proposed siting of the new dwelling	Council is generally supportive of the proposed location of the dwelling and secondary dwelling subject to the applicant demonstrating that there will be no unreasonable overshadowing or view loss.
Amenity Impacts	<p>A Clause 4.6 will be required for the portion of the dwelling that exceeds 8.5m. Should this portion of the dwelling result in unreasonable overshadowing or view loss, a redesign to address these concerns is recommended.</p> <p>Council recommends you undertake a detailed investigation regarding view loss and overshadowing prior to any lodgement.</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)	Dwelling house, secondary dwelling
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
4.3 Height of Buildings	8.5m	9.8m	No



Part 4 - Principal Development Standards

Comment:

The proposal has a maximum building height of 9.8m which exceeds the 8.5m height limit. A Clause 4.6 request to vary a development standard would be required for the lodgement of any development application as Clause 4.3 (2D) is not applicable due to the sites slope of less than 30% (measured at approximately 24%).

While it is always recommended that proposals comply with the height limit, there are circumstances where a breach is acceptable.

For this proposal, concerns are raised that the element of the dwelling breaching the building height will result in some additional overshadowing and view loss. It is difficult to determine exactly what the impacts will be at PLM stage and so it is recommended that you undertake a detailed investigation regarding view loss and overshadowing prior to any lodgement.

It is also recommended that surveyed height poles are erected at the same time the DA is lodged so that neighbours and the Assessing Officer can see the exact level of impact.

Should any element of the building breaching the height standard result in unreasonable view loss or overshadowing it is likely the Clause 4.6 would not be supported.

Overall, from the information available, the breach is likely to be too high and options should be explored to relocate some of the floor space to a different location on the site to remain under the 8.5m limit.

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.

Part C1 Design Criteria for Residential Development

Control	Permitted	Proposed
C1.3 View Sharing	Achieves outcomes and controls	Potential for view loss

Comment:

The building height and envelope breach could result in some view loss for the adjoining property. Council recommends further investigation of the potential view loss against the Land and Environment Court Planning Principals for view sharing.

The four steps used for conducting a view impact assessment are as follows:



Part C1 Design Criteria for Residential Development

1. Assessment of the views to be affected.
2. Consideration from what part of the property the views are obtained.
3. Assessment of the extent of the impact.
4. Assessment of the reasonableness of the proposal that is causing the impact.

Council recommends that surveyed height poles are erected at the same time as the lodgement of any development application should it be expected that the works will result in any view loss, whether this be minor or significant. This will assist in the assessment of the proposed development.

Control	Permitted	Proposed
C1.4 Overshadowing	Achieves outcomes and controls	Potential for overshadowing

Comment:

From the information provided and discussions within the prelodgement meeting it is likely the application will be able to achieve the outcomes and controls.

The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. This means that at least 80sqm of private open space must receive a minimum of 3 hours sunlight.

In accordance with the Northern Beaches Lodgement Requirements the shadow diagrams must be shown as cast on 21 June at 9am, 12 noon and 3pm.

Part D10 Newport Locality

Control	Permitted	Proposed
D10.11 Building Envelope	3.5m at 45 degrees	NW: within

Comment:

The proposed dwelling does not comply with the building envelope control. A merit assessment would be required, and the applicant must demonstrate the works will achieve the outcomes of the control. Council recommends exploring design options to reduce or entirely remove the envelope encroachment, including moving floor space to other locations on the site that can comply.

Specialist Advice

Development Engineering Referral

Stormwater

- 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.



Specialist Advice

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>

- Concurrence from the geotechnical engineer as to the method of stormwater discharge is to be provided.

Access

- 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.

Geotechnical

- 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

Biodiversity Planning Controls

The following biodiversity related legislation and planning controls apply to the subject lot. Compliance with applicable provisions will need to be demonstrated within the submitted Statement of Environmental Effects (SEE) and/or supporting documentation.

- NSW Biodiversity Conservation Act 2016
- SEPP (Resilience and Hazards) 2021 – Coastal Environment Area
- Pittwater LEP 2014 – Clause 7.6 Biodiversity Protection
- Pittwater 21 DCP 2014 – Clause B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community

Required Supporting Documentation

On review of the submitted pre-lodgement plans, the following documentation is required to accompany the Development Application (DA):

- Arboricultural Impact Assessment
- Landscape plan including a planting schedule indicating number of plants and trees to be planted

Further information on assessment requirements can be found in Council's Biodiversity Guidelines for Applicants.



Understanding the different levels of assessment required

Is the development supported on the Biodiversity Values Map?	Level of impact from proposal	Assessment required	Relevant Guideline
No	The development will not impact upon any of the following: <ul style="list-style-type: none"> More than four protected (prescribed) native trees* Any threatened species or ecological communities More than 50m² of native vegetation Important resources or habitat features for wildlife. This may include features like tree hollows, rock overhangs or wetlands. In many, some residential properties also provide important habitat for endangered periglans and bandicoots. Please see Guidelines 1 for more information. 	Compliance with relevant LEP/DCP biodiversity objectives is to be addressed in the Statement of Environmental Effects (SEE) . OR as determined by Council at pre-lodgement meeting. Note: this level of assessment is typical for minor developments with limited impacts such as landscaping works or modification applications.	
No	The development will impact upon any of the following: <ul style="list-style-type: none"> More than four protected (prescribed) native trees* Any threatened species or ecological communities More than 50m² of native vegetation, but less than the applicable Biodiversity Offset Scheme (BOS) area clearing threshold Important resources or habitat features for wildlife. This may include features like tree hollows, rock overhangs or wetlands. In many, some residential properties also provide important habitat for endangered periglans and bandicoots. Please see Guidelines 1 for more information. 	The application is to be accompanied by a Flora and Fauna Assessment (FFA) prepared by a suitably qualified ecologist. OR as determined by Council at pre-lodgement meeting. Note: this level of assessment is typical for small to medium lot subdivisions, construction of a new dwelling, and other medium to large scale developments (such as a Seniors Living development).	Guideline 1, Guideline 4
	The development will result in either of the following: <ul style="list-style-type: none"> A significant impact to a threatened species, population or ecological community as determined by a 'threatened species test of significance' Impacts to an area of native vegetation greater than the applicable Biodiversity Offset Scheme (BOS) area clearing threshold 	The application is to be accompanied by a Biodiversity Development Assessment Report (BDAR) prepared by an accredited assessor in accordance with the NSW Biodiversity Assessment Method (BAM). Where developments require a BDAR due to the scale of impacts such as clearing of native vegetation above the Biodiversity Offset Scheme clearing threshold, such developments may also require a Biodiversity Management Plan (BMP) . The requirement for a BMP will be determined by Council.	Guideline 2, Guideline 4, Guideline 3 (if a BMP is required)
Yes	The development will impact upon: <ul style="list-style-type: none"> Areas identified on the NSW Biodiversity Values Map, including the Little Penguin Area of Outstanding Biodiversity Value 	Note: this level of assessment is required when the proposal triggers entry into the NSW Biodiversity Offset Scheme (BOS).	

Important Note: Developments should be designed and sited to avoid environmental impacts in the first instance. Assessment against the objectives of relevant Council LEP and DCP controls must consider direct and indirect impacts of the proposal, including vegetation clearing within the development footprint and clearing required to establish bush fire asset protection zones (APZs). The assessment requirements outlined above address biodiversity-related controls only.

*Additional reports, such as an Arboricultural (tree) Impact Assessment, may also be required if the proposal is likely to impact upon protected trees. Applicants should consider obtaining detailed advice above through Council's DA pre-lodgement service.

Figure 1. Triggers for Biodiversity Assessment

General Biodiversity Comments

- 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 Pittwater Spotted Gum Forest Endangered Ecological Community.
- Given that the proposal is requesting to remove at least 10 Cabbage Palms, a minimum of 10 non-exempt canopy trees will have to be included in the landscape proposal to comply with the requirements of PDCP B4.7. It is also important to note that the removal of the palms will need to be justified as part of the proposed works. If the removal of the palms is not justified from an arboricultural perspective (i.e directly impacted by the proposed works) the proposal may not be supported. It should be noted that Cabbage palms are endemic to the area and are a specific component of the canopy in the Pittwater Spotted Gum Forest Endangered Ecological Community.
- Conditions will be placed in relation to the requirement to keep animals outside of the neighbouring natural areas and foreshore.

Arboricultural Impact Assessment

An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a prescribed tree irrespective of



Specialist Advice

property boundaries. No Arborist Report is required for trees and species within the development site that can be removed without approval under the relevant DCP. The Arborist Report will be essential in identifying native trees that may require removal because of the proposed development.

Landscape Plan

Development shall ensure that at least 80% of any new planting incorporates native vegetation which is to be consistent with the species list of the Pittwater Spotted Gum Forest Endangered Ecological Community determination. Landscaping is to be outside areas of core bushland and not include environmental weeds.

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.

The property is located within the Spotted Gum Forest association and the existing Cabbage Tree Palms that are located within the property are an associated species of the Spotted Gum Forest. As reported twenty Cabbage Tree Palms exist and the proposal nominates ten of these to be removed for accommodate the proposed works. An Arboricultural Impact Assessment (AIA) shall be submitted to support any removal of the Cabbage Tree Palms and this shall be considered at development application stage, where review of the proposal shall be determined for approval or otherwise for an alternative arrangement. All tree species shall be included in the AIA.

A Landscape Plan shall be submitted to demonstrate how the landscape outcome as proposed will satisfy the landscape outcome intent of the C4 Environmental Living zone and the requirements of Pittwater DCP control C1.1 Landscaping.

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.

Coasts and Catchments Referral

Coastal Management Act 2016 and State Environmental Planning Policy (Resilience & Hazards) 2021

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)



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

ESTUARINE RISK MANAGEMENT

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 2.63 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 0.06 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 development is potentially located below the adopted EPL, all development must comply with B3.7 Estuarine Hazard - and accompanied by an Estuarine Risk Management Report.

Development on Foreshore Area

If any section of the proposed development is within the foreshore building line. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 will apply 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.

Waterfront Development Controls

Further, the proposed boatshed must conform to the D15. 15 Waterfront Development Controls in Pittwater 21 DCP: Boatshed Design Guidelines. All deviations should be adequately justified and elaborated within the Statement of Environmental Effects (SEE) Report.

Report Required:

- Statement of Environmental Effects (SEE) Report
- Estuarine Risk Management Report

Flood Comments

The boatshed is located on land that is indicated as being medium and high flood risk. There are no flood-related development controls for an internal fit out of a premises (i.e internal alterations and additions to the boatshed). However, if the use of the building is changing from non-habitable to habitable, then a Flood Management Report is required to demonstrate consistency



Specialist Advice

with B3.11 of the PDCP. This is also the case if additions, or a knock-down rebuild of the boathouse, is proposed. The Flood Planning Level for the boathouse is 3.63mAHD. Please note that the location may be affected by Estuary Planning Levels and the appropriate level should be used for the development.

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
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- 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
- Geotechnical Report
- Estuarine Risk Management Report
- Flood Management Report (may be required – see flood comments)

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 10 September 2024 to discuss the construction of a dwelling and secondary dwelling at 34 Prince Alfred Parade, Newport. The notes reference the plans prepared by Marker Architecture and Design dated 19 August 2024.



Concluding Comments

Overall, the non-compliances with the height and building envelope controls may result in unreasonable impacts and if so, would not be supported. It is recommended that the non-compliances be minimised by relocating floor space.

If non-compliances with height and building envelope are proposed, to demonstrate that they are acceptable, height poles should be erected at the same time the DA is lodged. This will greatly assist Council's assessment and the neighbouring property owners.

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.