

Application No: PLM2019/0097

Meeting Date: 28/05/2019 10:45:00 AM

Property Address: 39 Cabbage Tree Road BAYVIEW

Proposal: Development Application Prelodgement Meeting

Attendees for Council: David Auster – Principle Planner
Georgia Quinn – Planner
Lea Lennon – Urban Designer
Kelly Askew – Environmental Officer
Ruby Ardren – Project Leader-Water Management
Ricky Kwok – Traffic Engineer

Attendees for applicant: Eveline Mussi – Planner
Marta Wysocka – Architect
Traffic Engineer
Biodiversity Consultant

General Comments/Limitations of these Notes

These notes have been prepared by Council 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 specific issues discussed and conclusions reached at the pre-lodgement 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 development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
Issue Flood Risk	Please refer to comments below from Council's Flood Engineers.
Issue Riparian and biodiversity impacts	Please refer to relevant comments below from Council's Biodiversity and Water Management Officers.
Issue Parking issues	The amount of parking proposed complies with the relevant controls, and is considered generally acceptable in this regard. Please also refer to the Traffic Engineering comments below.
Issue Arborist issues	Please refer to comments below from Council's Landscape officer and Biodiversity Officer.
Issue Waste	The site operators will be required to engage a commercial waste collection. Please refer to traffic engineer comments below in relation to design of waste collection facilities.
Issue Cyleway Shared paths	The Northern Beaches Bike Plan is currently being drafted, and is likely to include a future shared path along the southern side of Cabbage Tree Road. The information in this plan is not yet public. The draft plan is expected to be presented to the Council in August.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

Note: PLEP 2014 can be viewed at the [NSW Government Legislation Website](http://www.nsw.gov.au/legislation/otherlegislation/regulations/2014/20140001.htm)

Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Recreation facility (indoor), in the form of a rehabilitation gym together with associated facilities, car parking and landscaping.
Zone:	RE2 Private Recreation
Permitted with Consent or Prohibited:	Permitted with consent

Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
8.5m	8.4m



Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
Comment Complies	

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)

Note: P21 DCP can be accessed via Council's Website www.northernbeaches.nsw.gov.au

Section A: Shaping Development in Pittwater
A4 Localities
Comment A4.9 Mona Vale Locality
The Desired Character statement requires that <i>"A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors."</i> The previous application for a pool and gym on site was not considered to achieve this requirement due to the amount of tree removal proposed. The concept plans as presented at the prelodgement meeting generally maintain the existing trees along the front and around the perimeter of the site, and are considered to generally achieve the desired future character.

Section B: General Controls	
B6 Access and Parking	
Control/Requirement	Proposed
B6.3 Off-Street Vehicle Parking Requirements	10 spaces proposed.
Comment Based on the floor space provided the proposal requires 9 spaces including 1 disabled space. The plans provided comply with this requirement. Please also refer to Traffic Engineering comments below. The proposal is considered to be generally consistent with the relevant clauses under section B of the DCP, subject to the comments provided by the referral bodies below.	

Section C: Development Type Controls
C2 Design Criteria for Business Development
Comment The proposal as presented is considered to be generally consistent with the relevant clauses under this section, subject to the comments provided by the referral bodies below.



Section D: Locality Specific Development Controls

A4.9 Mona Vale Locality

Comment

The proposal as presented is considered to be generally consistent with the relevant clauses under this section, subject to the comments provided by the referral bodies below. Retention of the majority of existing mature trees around the perimeter of the site, particularly along the front boundary is supported. Plans submitted with the development application should include elevations on the same angle as the side boundaries, to enable assessment of the building envelope under clause D9.9.

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Referral Body	Comments
Landscape	GENERAL LANDSCAPE COMMENTS In consideration of Pittwater 21 DCP, the landscape outcome of the proposal can be generally satisfied, notwithstanding concerns regarding the loss of vegetation as a result of the development, that in fact may be more than anticipated by the PLM documents. To satisfy C1.1 Landscaping, the proposed layout retains existing vegetation for both option 1 and option 2 to soften the built form. The road reserve and adjoining land contain trees of High and Medium significance, worthy of retention. On site, one High significant tree and two Medium significant trees occur. In terms of preservation of existing trees to satisfy B4.22 Preservation of Trees and Bushland Vegetation, the option 2 proposal has least impact. Impact to Vegetation Option 1 removes all three High and Medium significant trees on site, as well as Medium significant street trees within the road reserve. Additionally, the carparking proposal on-site potentially may impact upon the existing root systems of the group of She Oaks within the road reserve. No information is provided on this impact which may impact upon 10 existing trees within the road reserve. An assessment should be presented at DA including root mapping to determine the impact of excavation/filling for carpark works. Option 2 retains the two Medium significant trees and removes the one High significant tree on site. Additionally, the carparking proposal on-site potentially may impact upon the existing root systems of the group of She Oaks within the road reserve. No information is provided on this impact which is less than option 1. An assessment should be presented at DA including root mapping to determine the impact of excavation/filling for carpark works.



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	Landscape Plan(s) A detailed landscape plan will be required to satisfy the outcomes and controls of the DCP as noted below: <u>C1.1 Landscaping</u> In all development a range of lowlying shrubs, medium to high shrubs and canopy trees shall be retained or provided to soften the built form. Development shall consider the use of pier and beam footings to retain existing trees. Canopy trees are to be located a minimum of 5 metres from proposed built structures, or minimum of 3 metres where pier and beam footings are used. <u>D4.2 Scenic Protection</u> Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve. Aboricultural Impact Assessment An Aboricultural Impact Assessment, to document the impact upon the existing trees from the proposed development, from excavation and construction activities is required.
Referral Body	Comments
Environmental Health	DA should desirably address the following potential matters to facilitate timely assessment: 1. Class 2 Acid Sulphate Soil. 2. Light spill from any flood lights to any adjoining residential premises. 3. Noise to neighbouring residential premises, this may not necessarily require an acoustic report but must be fully discussed in the SEE in regard to hours and noise control measures. 4. Sewer availability.
Referral Body	Comments
Biodiversity	<i>Relevant provisions</i> Pittwater LEP Clause 7.6 Biodiversity - The proposal is required to consider feasible alternatives to avoid and minimise environmental impacts, including avoiding impacts to native vegetation (shrubs and understorey) and canopy trees. • Council must be satisfied <i>that the development is designed, sited and will be managed to avoid any significant adverse</i>



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environmental impact

Pittwater DCP Clause B4.6 Wildlife Corridors – The DA is located wholly within a **High Priority** wildlife corridor under the Pittwater 21 Development Control Plan 2014. High Priority wildlife corridors are considered as areas essential for fauna movement under the DCP. The proposal must demonstrate compliance with these control, specifically:

- *Development shall not directly impact on / or significantly reduce / degrade habitat for locally native species, threatened species, endangered populations or endangered ecological communities.*
- *Development shall retain, and provide an adequate buffer to, wildlife corridors.*
- *Development shall provide wildlife corridors via creation, restoration, and / or regeneration of habitat.*
- *Development shall not result in a significant loss of canopy cover or a net loss in native canopy trees.*
- *Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of existing bushland and not include environmental weeds.*
- *Planting is to maximise linkage within the wildlife corridor.*

Other controls that apply:

Pittwater DCP Clause B4.13 Freshwater Wetlands (non EEC)

Pittwater DCP Clause B4.14 Development in the Vicinity of Wetlands

NSW Biodiversity Conservation Act 2016

The property is also mapped as Coastal Flats Swamp Mahogany Forest which is a component of Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Coast Bioregions, an Endangered Ecological Community listed under the NSW Biodiversity Conservation Act 2016.

General comments

The new proposal has a reduced footprint and larger set-back from the boundaries which appears to result in a reduction of impacts, including retention of more trees and no required pruning, compared to the previous proposal. Option 2 is the preferred option as there are less trees identified to be removed on the plans presented at the PLM.

The submitted DA documentation and reports must assess all residual biodiversity impacts of the proposal including, but not limited to:

- Proposed development footprint;
- Construction impacts, e.g. construction footprint, machinery



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access, material and waste stockpile locations, potential staged construction due to site constraints;

- Driveway, installation of services/utilities and stormwater infrastructure, OSD tanks and dispersal area (if required), changes in hydrology, and;
- Indirect impacts to biodiversity as discussed, including but not limited to artificial lighting (avoidance and minimisation of impacts incorporated into the design and proposed opening times), soil disturbance, runoff, waste water disposal, etc.

Required biodiversity assessment information

- Information to be included in the **Statement of Environmental Effects**: *An analysis of the proposed development clearly stating the extent of the impact on the natural environment demonstrating that it has been designed to minimise any impact on wildlife corridors. Please include a comparison of the previous proposals impacts compared to the new proposal with reduced footprint (in terms of individual trees and native vegetation area)*
- A **Site Survey** and **Proposal Plans** which clearly show all direct and likely indirect impacts to biodiversity, including all trees within 5 metres of the proposed works.
- Any submitted **Landscape Plan** to be consistent with the Arborist Report and Ecological reports. Must incorporate minimum 60% local native species (SSF EEC community) and be located outside of any areas of native bushland. Any proposed replacement canopy trees should be *Eucalyptus robusta*.
- An **Ecological Impact Assessment** as per Council guidelines and including an **Assessment of Significance** "5-part test" for Swamp Sclerophyll EEC, and any other required threatened entities, under Section 7.3 of the NSW *Biodiversity Conservation Act 2016*.
- A **Biodiversity Management Plan**, as per Council guidelines and documenting measures to mitigate impacts to biodiversity before, during and after construction, including timing and responsibilities.
- An **Arborist Report** survey and assessment which must identify the location, species, health and size of all trees within 5m of the proposed development and meet the following requirements:
 - Survey and assessment all trees in accordance with the AS 4970-2009 Protection of trees on development sites, including consideration of direct and likely indirect impacts and any required root mapping to support the assessment;
 - Prepared by a suitably qualified arborist with minimum AQF Level 5;



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	○ Prepared based on the actual plans and documentation submitted in support of the DA; ○ Take into account all above- and below-ground works and structures that are ancillary to the development, including any changes in soil/ground level around the base of canopy trees; ○ A tree protection and management plan with specific tree protection measures to enable safe retention of all trees proposed for retention, including mapping Tree Protection Zones, Structural Root Zones and any encroachments.
Referral Body	Comments
Development Engineers	- In relation to the driveway locations, Option 2 is preferred as Option 1 has a skew on the footpath which is not desirable. The driveway crossing should be designed perpendicular to the front boundary. - A stormwater drainage concept plan is to be prepared for any Development Application submission in accordance with the relevant Council DCPs and policies.
Referral Body	Comments
Water Management and Riparian	The following water management and riparian controls apply: Pittwater DCP B4.14 Development in the vicinity of wetlands <i>Development must minimise changes to local surface runoff, groundwater flows and water flow regimes to the wetland; and temperature, salinity, chemical makeup and sediment loads.</i> • Infiltration techniques such as porous paving on the carpark will be important to mimic natural surface and groundwater flow regimes. • Capturing coarse sediments prior to discharge of stormwater from the land as below in B5.9 • To address minimising changes to 'chemical makeup' (nutrients) I would normally expect to see at least a swale or infiltration strip/basin to temporarily retain stormwater for treatment prior to discharge, however I think a greater priority here is vegetation, with trees that will assist in infiltration and evapotranspiration and understorey species and groundcovers that will capture sediment from runoff. Therefore the Biodiversity Management Plan must demonstrate that a substantial vegetated buffer strip is to be planted along the south-eastern and northern boundaries (also riparian zones) for this purpose. Pittwater 21 DCP B5.9 Water quality <i>Screening and collecting leaf litter and coarse sediments prior to discharge of stormwater from the land.</i>



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	- To meet this control a sediment arrestor pit is required on the pipe immediately prior to discharge of stormwater from the property (whether by pipe or an outlet into a watercourse). The screen must be able to be removed for cleaning and maintenance, with appropriate access available to the pit. - Whilst this control is about to be updated, the water quality requirements of B4.14 will still remain in place, therefore the advice above would apply in either case. Pittwater 21 DCP B5.11 Stormwater discharge into waterways and coastal areas <i>System for discharge of stormwater from the land must minimise visual and environmental impacts</i> - Outlet design should comply with DPI Water's Guidelines for Outlet Structures on Waterfront land. Guidelines can be found at http://www.water.nsw.gov.au/__data/assets/pdf_file/0009/547254/licensing_approvals_controlled_activities_outlet-structures.pdf Pittwater 21 DCP B5.13 Development on waterfront land <i>No development within the riparian zone (10m from top of bank of watercourses)</i> <i>Landscaping with local native plants only.</i> - As application of a 10m riparian zone from both waterways would sterilise the lot, Council will accept reduced riparian zones. It will be expected that at a minimum the core riparian area (50% of width closest to the creeks) would be vegetated. - The Southern part of the proposed development is well within the 10m riparian zone. We would expect that as part of the Biodiversity Management Plan, significant effort should be made in providing compensatory plantings on other parts of the lot to make up for the loss of vegetated riparian areas.
Referral Body	Comments
Traffic Engineer	From a traffic perspective Option 1 is preferable as the location of the driveway access at the western end of the site maximises traffic sight distances, from the curve in Cabbage Tree Road and intersection with Annam Road. The parking layout and configuration of Option 1 also allows for better manoeuvrability and access to the parking spaces. However, Option 2 would be acceptable as long as other issues regarding connectivity and waste collection are addressed. Concerns were previously raised regarding provisions for waste collection, and Waste Services were unable to provide their comments before the PLM. Due to the restricted height to access the car park area, it was determined that larger vehicles including waste collection trucks would need to service from the road. An indented bay would need to be provided to enable a waste collection truck to service the development without obstructing the traffic lane, with a connecting footpath required to link the bin storage area to the indented



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	bay. Cabbage Tree Road is identified as part of the future Safe Cycling Network and therefore a 2.5m shared path would also be required. The footpath needs to be extended to the west to connect with the existing pedestrian refuge. A 3.7m wide traffic lane is to be maintained in Cabbage Tree Road, with kerb and gutter required for the full frontage of the property. Due to the nature of the development being a rehabilitation gym, provisions should be provided to improve public transport to the facility by providing an indented bus bay in Cabbage Tree Road for the area. It was noted that the location of an indented bus bay may be restricted due to existing accesses and future developments for the Bayview Golf Club.
Referral Body	Comments
Flood Engineers	Both options are above the PMF and could be satisfactory. Here are our comments: - A Flood Management Report is required to assess the appropriateness of the development and to demonstrate compliance with the LEP, DCP and flood prone land design standards. Guidelines to undertake this can be found on Council's website. https://www.northernbeaches.nsw.gov.au/sites/default/files/Guidelines_for_Preparing_a_Flood_Management_Report_0.pdf - Development will not be approved unless it can be demonstrated in a Flood Management Report that it complies with the Flood Prone Land Design Standard. https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/flooding/flood-prone-land-design-standard.pdf - A1 - The Flood Prone Land Design Standard states that the development has been designed and can be constructed so that in a 1% AEP flood event: (a) There is no net loss of flood storage/ floodway; (b) There are no adverse changes in flood levels and velocities caused by alterations to the flood conveyance; (c) There are no adverse effects on surrounding properties; and (d) It is sited to minimise exposure to flood hazard. - Adverse impacts (for the purposes of the Flood Prone Land clause only) means, the proposed development: -Will result in less than 0.02m increase in the 1% AEP -Will result in less than a 0.05m increase in the PMF -Will result less than a 10% increase in PMF peak velocity -Will have no loss in flood storage or flood way in the 1% AEP - All development structures must be designed and constructed so as not to impede the floodway or flood conveyance on the site, as



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	well as ensuring no loss of flood storage in a 1% AEP event. • A suitable emergency response strategy must be confirmed and should be consistent with the Flood Emergency Response Planning for Development in Pittwater Policy 2017. • All new development must be designed and constructed to ensure structural integrity up to the Probable Maximum Flood, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above. • Vehicle barriers or restraints are to be installed to a minimum height of the Flood Planning Level. • Any fencing shall be open for passage of floodwaters – all new fencing on the property must be designed with a minimum of 50% open area between the 1% AEP flood level and natural ground level, to allow flood waters to pass through. • Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.
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Documentation to accompany the Development Application

• Electronic copies (USB) • Statement of Environmental Effects • Cost of works estimate/ Quote • Site Plan • Floor Plan • Elevations and sections • A4 Notification Plans • Survey Plan • Site Analysis Plan • Waste Management Plan (Construction & Demolition) • Waste Management Plan Ongoing • Certified Shadow Diagrams • Energy Performance Report • Schedule of colours and materials • Landscape Plan and Landscape Design Statement • Arboricultural Impact Assessment Report • Photo Montage • Road design Plan • Advertising Structure / Sign Plan (if proposed) • Erosion and Sediment Control Plan / Soil and Water Management Plan • Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist • Acid Sulfate Soil Report • Flood Risk Assessment Report • Overland Flows Study • Ecological Impact Assessment as per Council guidelines including an Assessment of Significance



Documentation to accompany the Development Application

- Biodiversity Management Plan
- Traffic and Parking Report
- Construction Traffic Management Plan
- Access Report
- Fire Safety Measures Schedule
- Plan of Management`

Please refer to Development Application Checklist for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 28/5/19 to discuss a Recreation Facility (indoor) at 39 Cabbage Tree Road, Bayview. The notes reference preliminary plans prepared by Blue Sky Building Designs dated 08.05.2019.

The proposal is generally acceptable and may be supported, subject to all matters raised in these notes being satisfactorily addressed. Option 2 (with the driveway in the approximate centre of the front boundary) is preferred by Council due to the ability to retain more of the existing mature trees on site.

Overall the proposal is a significant reduction in built form compared to the previously refused pool and gym facility.

Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.