



## Pre-lodgement Meeting Notes

**Application No:** PLM2024/0038  
**Meeting Date:** 7 May 2024  
**Property Address:** 60 Hudson Parade CLAREVILLE  
**Proposal:** Construction of a Boatshed  
**Attendees for Council:** Julie Edwards – Planner  
Daniel Milliken – Manager, Development Assessments  
Joseph Tramonte - Senior Landscape Architect  
Rafiq Islam - Principal Officer - Coast & Estuary

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### 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, 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

### ***Removal of Trees 16 and 17***

#### Comment:

Please review comments from Landscaping and Biodiversity under Specialist Advice below for more details. In summary, more information in the form of a Tree Risk Assessment is required before Council can support the removal of the tree. Without this information Council has insufficient information to support any tree removal.

If this information cannot be supplied, then the applicant should look at locating the boatshed on the northern side of the site, to avoid impacting any trees. While it is noted that the boatshed was located in the proposed location for a number of reasons, one being to limit the visual impact on the adjoining neighbours. Being able to view the boatshed from the neighbouring properties is not a significant concern, as Boatsheds are common in the area, the proposal is low level, designed to blend into the environment and for the sole use as a boatshed. If the boatshed was going to result in significant view loss, then Council would have concerns with its visibility.

### ***Boatshed access***

#### Comment

The boatshed needs to be used as a boatshed. The plans will need to clearly demonstrate how a boat can access the boatshed as this detail has not been included in the submitted information. The applicant stated that a mechanical arm is proposed. The location of the arm will need to be included on the submitted plans.

A question was raised in the meeting as to whether a skid ramp was prohibited? Planning is unaware of any prohibition on skid ramps, the only concern that was raised regarding skid ramps is that public access along the foreshore is to be maintained as much as possible. A skid ramp may make this difficult due to the FFL height of the boatshed. If the applicant wishes to look at having a skid ramp they will need to demonstrate how public access can be maintained.

Coast and Catchments have provided advice under Specialist Advice on what information is required if a skid ramp is proposed. This includes:

- Land Owners Consent from the NSW Department of Planning, Housing and Infrastructure - Crown Lands and Public Spaces,
- No navigational Concerns from the Transport for NSW- Maritime Division enclosing dated and signed maps,
- No Objection from the DPI-Fisheries under the Department of Primary Industries.

## **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	
<b>Definition of proposed development:</b> (ref. PLEP 2014 Dictionary)	<b>Boat Shed</b> <i>boat shed</i> means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.
<b>Zone:</b>	C4 Environmental Living
<b>Permitted with Consent or Prohibited:</b>	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
<b>4.3 Height of buildings</b>	8.5m	3.7m	Yes
<b>7.8 Limited development on foreshore area</b>	(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).	Boat shed	Yes

#### PITTWATER 21 DEVELOPMENT CONTROL PLAN (PDCP)

P21DCP can be viewed at

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



## Specialist Advice

### Landscaping

- Resultant landscape area percentage. Development consent DA2022/1715 is approved at 54% and proposed with addition of boat shed and hard surface structures (patio and stairs) unchanged ?.
- Request to remove tree 16 without a Tree Risk Assessment to justify removal, otherwise the location of the boat shed may be elsewhere.
- Site planning opportunity to locate the boat shed in a better northward direction.
- Structural design of roof slab to support 'wet weight' of soil and plants will not be adequately provided by a 150mm slab.

### PLM information provided-

- Arboricultural Impact Assessment Report (Martin Peacock Tree Care) dated 2022 (under DA)
- Arborist Report (Dr Treegood) dated April 2024.

### Information to be provided at DA-

- A Tree Risk Assessment is not provided and is required, as retention (in part) to preserve biodiversity value may be required if the tree is deemed at risk.
- Information of an adequate structural roof slab to support the proposed roof garden, noting that conditions will be provided regardless.

### Background

#### (1) Landscape Referral Response for DA2022/1715

07/12/2022:

Landscape Referral note that the Arboricultural Impact Assessment includes the recommendation for removal of T16 based on an internal diagnostic test for decay however the results in the report are difficult to interpret due to the scale of the presented chart, and it is advised that removal of this tree based on what is presented is not supported, and **an industry recognised 'tree risk assessment' providing conclusive evidence to support removal shall be submitted.**

28/09/2023:

Amended plans issued with boat shed removed from plans and the following existing trees proposed for retention: T3 (Native Daphne), T4 (Cheese Tree), T6 (Coast Banksia), T8 (Orchid Tree), and T14, T15, T16, T17 (all Spotted Gum), and fundamentally all these trees are beyond



### Specialist Advice

the arboricultural zone area of impact for existing trees and thus the proposed works do not impact upon these existing trees.

(2) DA2022/1715 approved thereafter.

(3) PLM2024/0038:

Following on from seeking an alternative opinion from Council's Tree Services business unit, it is confirmed that a tree risk assessment is a standard requirement for Tree Permit Applications so the request remains that a **tree risk assessment** shall be provided under any Development Application.

### Environmental Health

#### Acid Sulfate Soils

The land to which the boatshed will be constructed is classed as Class 5 Acid Sulfate Soils.

Based on the statement of environmental effects and the architectural drawings, it is unlikely the works are likely to lower the water table below 1 meter AHD on the adjacent Class 1 Acid Sulfate Soils (within the Pittwater).

Environmental Health do not require an assessment into Acid Sulfate Soils for this proposed development.

### Biodiversity

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.

- Biodiversity Conservation Act (BC Act) 2016
- SEPP (Resilience and Hazards) 2021 – clause 2.10 Development on land within the coastal environment area
- Pittwater LEP clause 7.6 Biodiversity Protection
- Pittwater 21 DCP 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):

- Landscape Plan
- Arboricultural Impact Assessment



## Specialist Advice

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 footprint on the Biodiversity Values Map?	Level of impact from proposal	Assessment required	Relevant Guideline
No	The development <b>will not</b> impact upon any of the following: <ul style="list-style-type: none"> <li>More than four protected (prescribed) native trees*</li> <li>Any threatened species or ecological communities</li> <li>More than 50m<sup>2</sup> of native vegetation</li> <li>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 penguins and bandicoots. Please see <b>Guidelines 1</b> for more information.</li> </ul>	Compliance with relevant LEP/DCP biodiversity objectives is to be addressed in the <b>Statement of Environmental Effects (SEE)</b> .  OR as determined by Council at pre-lodgement meeting.  <b>Note:</b> this level of assessment is typical for minor developments with limited impacts such as landscaping works or modification applications.	
No	The development <b>will impact</b> upon any of the following: <ul style="list-style-type: none"> <li>More than four protected (prescribed) native trees*</li> <li>Any threatened species or ecological communities</li> <li>More than 50m<sup>2</sup> of native vegetation, but less than the applicable Biodiversity Offsets Scheme (BOS) <b>area clearing threshold</b></li> <li>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 penguins and bandicoots. Please see <b>Guidelines 1</b> for more information.</li> </ul>	The application is to be accompanied by a <b>Flora and Fauna Assessment (FFA)</b> prepared by a suitably qualified ecologist.  OR as determined by Council at pre-lodgement meeting.  <b>Note:</b> 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"> <li>A significant impact to a threatened species, population or ecological community as determined by a 'threatened species test of significance'</li> <li>Impacts to an area of native vegetation greater than the applicable Biodiversity Offsets Scheme (BOS) <b>area clearing threshold</b></li> </ul>	The application is to be accompanied by a <b>Biodiversity Development Assessment Report (BDAR)</b> 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 Offsets Scheme clearing threshold, such developments may also require a <b>Biodiversity Management Plan (BMP)</b> . The requirement for a BMP will be determined by Council.  <b>Note:</b> this level of assessment is required when the proposal triggers entry into the NSW Biodiversity Offsets Scheme (BOS).	Guideline 2 Guideline 4 Guideline 3 (if a BMP is required)
Yes	The development will impact upon: <ul style="list-style-type: none"> <li>Areas identified on the NSW Biodiversity Values Map, including the Little Penguin 'Area of Outstanding Biodiversity Value'</li> </ul>	<b>Note:</b> this level of assessment is required when the proposal triggers entry into the NSW Biodiversity Offsets 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 Aboriginal (free) Impact Assessment, may also be required if the proposal is likely to impact upon protected trees. Applicants should consider obtaining detailed tailored advice through Council's DA pre-lodgement service.

Figure 1. Triggers for Biodiversity Assessment

### General Biodiversity Comments

Council's Biodiversity Referrals team do not support the proposed removal of Tree 16 (*Corymbia maculata*) as it is a mature hollow bearing tree providing important habitat to threatened species. It has also been identified by previous Ecological Assessments (Narla Environmental 2023) that Tree 16 forms part of a patch of Pittwater Spotted Gum Forest which is listed as an Endangered Ecological Community under the Biodiversity Conservation Act 2016. In accordance with the NSW Biodiversity Conservation Act 2016 (BC Act), Development Applications are required to be first designed to avoid and minimise impacts to the natural environment, and then the residual impacts can then be assessed. Council's Biodiversity Referrals team consider that there are alternative locations within the site, such as the existing cleared/landscaped area to the north of the current proposed location that would not avoid the removal of Tree 16.

In addition, previous referral comments provided by Council's Biodiversity Officer, suggested that the applicant explore alternative design options that retain the significant biodiversity features within the site and utilise the existing vegetation, which is then complimented by



### **Specialist Advice**

suitable landscaping. No evidence of lower impact design options have been presented with the proposal, and therefore it is assumed that none have been considered.

#### Landscape Plan

Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in the appropriate ward of the Native Planting Guide which is available on the Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds.

#### 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 tree irrespective of 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 as a result of the proposed development.

### **Coast and Catchments**

#### 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 & Hazards) 2021 (SEPP R & H).

Under the SEPP R&H, the subject site has been included on the Coastal Environment Area Map as well as the Coastal Use Area Map, as such the requirements of section 2.10 and 2.11 apply. The objectives and requirements of both the CM Act and the SEPP (R&H) must be addressed within the Statement of Environmental Effects (SEE) Report as they relate to development within these coastal management areas. In addition, the general SEPP (R & H) clause 2.12 relating to an increase in risk of coastal hazards must also be addressed within the SEE report.

#### 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) and assuming design life of the new boatshed is 25 years, a base estuarine planning level (EPL) of RL 2.71m AHD has been adopted by Council for the subject site. A reduction factor (RF) based upon the



### Specialist Advice

distance from the foreshore of proposed development may also apply at a rate of 0.07m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.0m.

It is indicated that the boat shed will have a finished floor level of RL 2.96m AHD.

As the finished floor level of the proposed boatshed is designed to be located above the provided EPL that 2.71m AHD, no Estuarine Risk Management Report will be needed.

#### Development on Foreshore Area

A large section of the subject property 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.

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.

It is noted that Clause 7.8 (2)(b) of the Pittwater Local Environmental Plan 2014 permits limited development within the foreshore area and foreshore building line including boat sheds.

All maps and drawings should indicate the Foreshore Building Line.

#### Waterfront Development Controls

The proposed boatshed is considered out of scale and character as this does not conform to the D15. 15 Waterfront Development Controls in Pittwater 21 DCP: Boatshed Design Guidelines. There are two options:

- A. Redesign as per PDCP controls
- B. Stick to the proposal with adequate justifications in line with:
  - a. Limitations on use of adopted design guidelines at the site
  - b. All deviations should be adequately justified and elaborated

All these should be presented within the Statement of Environmental Effects (SEE) Report.

#### Access for boat from water to the proposed boatshed

This issue came up during the meeting. There are several alternatives described in the PDCP). The link is provided below:

Pittwater 21 Development Control Plan » Section D Locality Specific Development Controls » D15 Waterways Locality » D15.15 Waterfront development





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As proposed accessways will be located on crown land below the Mean High Water Mark, Section D15.12: Development seaward of mean high water mark of the PDCP also applies to proposed development.

Requirements of this section D15.12 needs to be addressed within the Statement of Environmental Effects (SEE) Report as they relate to development within the crown land below the Mean High Water Mark. An analysis of the proposal demonstrating that the proposal does not adversely impact on the visual amenity of the foreshore or water quality or estuarine habitat of the Pittwater waterway

In addition, the DA should accompany:

- Land Owners Consent from the NSW Department of Planning, Housing and Infrastructure - Crown Lands and Public Spaces
- No navigational Concerns from the Transport for NSW- Maritime Division enclosing dated and signed maps
- No Objection from the DPI-Fisheries under the Department of Primary Industries

#### Report Required:

- Statement of Environmental Effects (SEE) Report

### 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)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report
- Tree Risk Assessment



- Landscape Plan
- Arboricultural Impact Assessment
- Skid Ramp:
  - Land Owners Consent from the NSW Department of Planning, Housing and Infrastructure - Crown Lands and Public Spaces
  - No navigational Concerns from the Transport for NSW- Maritime Division enclosing dated and signed maps
  - No Objection from the DPI-Fisheries under the Department of Primary Industries

#### **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 7 May 2024 to discuss the construction of a Boatshed at 60 Hudson Parade, Clareville. The notes reference the plans prepared by BMA dated 12/04/24.

Council cannot support the proposed Boatshed until further information is provided regarding the removal Tree 16. Council recommends that the applicant looks at locating the boatshed on the northern side of the site to avoid impacting on Tree 16.

#### **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.