



northern  
beaches  
council

**Application No:** PLM2019/0240  
**Meeting Date:** 26/11/2019  
**Property Address:** 58 Vineyard Street MONA VALE  
**Proposal:** Alterations and additions to the existing dwelling and the construction of a secondary dwelling  
**Attendees for Council:** Alex Keller (Principal Planner)  
Ashley Warnest (Planner)  
**Attendees for applicant:** Brett Glover (Owner)  
Kinga Monaghan (Architect)  
Pierre Le Bas (Town Planner)

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#### 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.

#### DETAILED DESCRIPTION OF DEVELOPMENT

The proposed works are as follows:

- Construction of a secondary dwelling
- Relocate easement within the rear yard
- Construction of double hardstand car parking space



## SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
<b>Issue</b>  Relocation of easement within rear yard	Council does not raise any concern with the relocation of the easement. The easement is a private easement and the relocation is a private matter. The matter is to be negotiated between beneficiaries of the easement. Details in regards to the relocation of the easement is to be provided as part of the Development Application.

## 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	
<b>Definition of proposed development:</b> (ref. PLEP 2014 Dictionary)	<b>Dwelling house</b> means a building containing only one dwelling.  <b>Secondary dwelling</b> means a self-contained dwelling that: <ul style="list-style-type: none"> <li>a) is established in conjunction with another dwelling (the principal dwelling), and</li> <li>b) is on the same lot of land as the principal dwelling, and</li> <li>c) is located within, or is attached to, or is separate from, the principal dwelling.</li> </ul>
<b>Zone:</b>	R2 Low Density Residential Zone
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

Part 4 Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
8.5m	7.8m (complies)

Part 5 Miscellaneous provisions:	
Clause 5.4 Controls relating to miscellaneous permissible uses	
Standard	Proposed
The total floor area of the dwelling must not exceed whichever of the following is the greater: <ul style="list-style-type: none"> <li>a) 60 square metres,</li> <li>b) 25% of the total floor area of the principal</li> </ul>	59.5m <sup>2</sup> (complies)



Part 5 Miscellaneous provisions:	
Clause 5.4 Controls relating to miscellaneous permissible uses	
Standard	Proposed
dwelling.	

## PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)

**Note:** P21 DCP can be accessed via Council's Website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Section B: General Controls	
B6 Access and Parking	
Requirement	Proposed
Total of three Two parking spaces for the primary dwelling and one additional parking space for the secondary dwelling	Four parking spaces
<p>Comment</p> <p>The provision of four parking spaces exceeds the requirement for three. The additional parking space will not be considered excessive subject to the outcomes of the control being achieved. The Statement of Environmental Effects should address how the outcomes of the clause are achieved.</p>	

Section C: Development Type Controls
C1 Design Criteria for Residential Development
<p><u>C1.5 Visual Privacy</u></p> <p>The development is capable of complying with C1.5 Visual Privacy subject to the provision of a comprehensive privacy analysis with adjoining residential properties. Visual Privacy is to be addressed within the Statement of Environment Effects.</p> <p>A reasonable level of privacy needs to be maintained, the privacy analysis should include the deck of the secondary dwelling and the proposed addition to the existing elevated rear deck.</p>

Section D: Locality Specific Development Controls
D9 Mona Vale Locality
<p><u>D9.3 Building colours and materials</u></p> <p>External colours and materials must be dark and earthy tones to minimise the visual prominence of the development and compliment the natural environment.</p>
<p><u>D9.7 Side and rear building line</u></p> <p>The proposed 3m-3.4m rear setback does not comply with the 6.5m rear setback requirement. It is noted that there are several examples of structures, including dwellings and swimming pools, within the rear setback in the vicinity of the subject site.</p> <p>Justification will need to be provided within the Statement of Environmental Effects addressing how the outcomes of the clause are achieved. Particular consideration will need to be given the amenity of the adjoining residents.</p>



#### D9.10 Landscaped Area – General

Based on the landscaped area calculations provided there is a shortfall in of 27m<sup>2</sup>. Whilst this is a relatively minor variation elements of the proposal such as the driveway and the hardstand area could be reduced to minimise the variation.

#### D9.12 Fences – General

The proposed 1.2m masonry front fence is to be predominantly open. There are few examples of front fencing along Vineyard Street and therefore proposal needs to be consistent with the front fencing requirements.

The fence is to consist of masonry pillars with open style slatting situated between the pillars. The pillars can extend to a height of 1.2m and the slatted sections to a height of 1m.

Vegetation is to be incorporated within the fence design.

#### **Specialist Advice**

<b>Referral Body</b>	<b>Comments</b>
<b>Development Engineering</b>	<p>The following general pre-lodgement advice are provided for the proposed development. These comments are only preliminary in nature and a detail assessment can only be provided upon a DA lodgement:</p> <ul style="list-style-type: none"> <li>On Site Detention will be required for the proposed development. A concept stormwater management for the development shall be designed in accordance with B5.7 of Pittwater DCP.</li> <li>Stormwater from the proposed new development must be designed in accordance with clause B5.10 of Pittwater DCP. On-site stormwater dispersion method would only be considered upon all efforts to obtain drainage easement rights over downstream properties have failed. In this regards supporting documentary evidence are to be submitted with the DA.</li> <li>Provision for a standard vehicular crossing in accordance with Council's Vehicular Crossing standard profile for the existing lay back located on the eastern side boundary.</li> <li>Car parking and internal driveway shall be sealed and designed in accordance with AS/NZS 2890.1;2004.</li> </ul>
<b>Referral Body</b>	<b>Comments</b>
<b>NECC - Landscaping</b>	<p><u>General landscape comments</u></p> <p>On review of the site and the pre-lodgements plans, the following information is required for development application, to minimise the built form and protect valuable vegetation:</p> <ul style="list-style-type: none"> <li>Landscape Plan</li> <li>Arboricultural Impact Assessment / Tree Protection Plan</li> </ul> <p>Both reports shall be prepared in accordance with the DA Lodgement Requirements, inclusive of detailed landscape plans to demonstrate the design intent, and detailed arboricultural assessment to provide tree protection measures for trees to be retained and justify any removal.</p> <p>A co-ordinated review of the scheme against the requirement to retain existing trees shall be based on arboricultural assessment.</p>



	<p>The proposal to remove the existing Paperbark tree at the rear northern boundary is not supported at this stage as no justification appears to be available for its removal. The construction of the secondary dwelling above ground will result in minimal encroachment to the tree protection zone.</p> <p><u>Landscape review</u></p> <p>A detailed landscape plan, in accordance with the Northern Beaches Council DA Lodgement requirements, is required to satisfy the outcomes and controls of the DCP as noted below:</p> <p><b>C1.1 Landscaping</b> 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.</p> <p>The proposed canopy tree planting is advised to be located a minimum of 5 metres from proposed built structures, or minimum of 3 metres where pier and beam footings are used. Each tree planted is to have a minimum area of 3 metres x 3 metres within this area to ensure growth is not restricted.</p> <p>Screen planting shall be retained or provided along boundaries to limit visual privacy issues to private open space.</p> <p><b>C1.11 Secondary Dwellings</b> The bulk and scale of buildings must be minimised. Retention of vegetation and additional planting is advised to minimise built form.</p> <p>Canopy tree planting shall be provided between the existing dwelling and the proposed secondary dwelling to reduce the built form.</p> <p><u>Arboricultural review</u></p> <p>Existing trees within 5 metres of any works, including the extent of excavations shall be assessed to either i) provide setback guidance to ensure protection of the trees and/or ii) tree protection measures.</p> <p>To satisfy Control B4.22, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained and proposed for removal, including tree protection measures for trees to be retained.</p> <p>As advised, removal of the Paperbark as proposed is not supported without any arboricultural investigation and justification.</p> <p>The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation zones).</p> <p>The report shall be prepared by a qualified Arborist (Minimum AQF Level 5) and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and</p>
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	<p>recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree.</p> <p>Within the Arboricultural Impact Assessment, a tree protection plan shall be included to protect significant trees and palms, within the site, on adjoining properties and within the road verge, including:</p> <ul style="list-style-type: none"> <li>• layout of the development;</li> <li>• location of trees identified for retention and/or removal;</li> <li>• location of trunk and extent of canopy spread;</li> <li>• tree protection during construction access on-site and delivery of materials</li> <li>• tree protection zones around the trees nominated for retention;</li> <li>• suggested construction techniques around existing trees to ensure retention;</li> <li>• location of tree protection fencing / barriers.</li> </ul>
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#### Relevant Council Policies

You are advised that copies of Council's policies are available via Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au).

#### 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
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Certified Shadow Diagrams
- BASIX Certificate
- Schedule of colours and materials
- Landscape Plan and Landscape Design Statement
- Arboricultural Impact Assessment Report
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist

*Please refer to Development Application Checklist for further detail.*

#### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 26/11/2019 to discuss alterations and additions of the existing dwelling and construction of a secondary dwelling at 58



Concluding Comments
<p>Vineyard Street. The notes reference preliminary plans prepared by Blue Sky Building Design dated 21/10/2019.</p> <p>The proposal is acceptable and may be supported subject to some minor changes.</p> <p>Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.</p>