



## Pre-lodgement Meeting Notes

**Application No:** PLM2022/0163  
**Meeting Date:** 1 September 2022  
**Property Address:** 14 Kristine Place MONA VALE  
**Proposal:** Alterations and additions and construction of a secondary dwelling  
**Attendees for Council:** Daniel Milliken (Manager, Development Advisory Services)  
Penny Wood (Planner)

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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

#### **1. Will Council support the conversion of a portion of the courtyard and the garage area into a secondary dwelling?**

Council could support the conversion of the portion of the courtyard and the garage into a secondary dwelling. Concern is raised however, with the resultant non-complaint parking arrangement for the site along with the limited amount of private open space provided for the secondary dwelling. These issues are discussed in more detail further in the Notes.

#### **2. Will Council support the retention of the existing side setback for the garage at 0.994m?**

On merit, this minor non-compliance could be supported. See discussion further in the Notes.

#### **3. Will Council support parking in front of the building line in the form of “open hard stand”?**

Council will find it difficult to support a non-compliant parking arrangement for the site. If the garage is used for the secondary dwelling, the Applicant is encouraged to explore alternative parking arrangements, behind the 6.5m front setback line, to ensure a more suitable and compliant outcome is achieved. See discussion below.

#### **4. Can Council advise if a flood impact assessment is required with the proposed design, and will Council support the retention of the existing garage RL as the flood level for the secondary dwelling below the FPL?**

See flooding comments below in Specialist Advice section further in these Notes. During the meeting, it was discussed if part of the existing dwelling could be converted to accommodate a secondary dwelling and if any changes would be required for the dwelling in relation to flood levels. Council's Flood Officer confirmed that this would not be required. However, if the Applicant did choose an alternative design which incorporated the principal dwelling, any Flood Management Report would need to address this.

#### **5. Can Council provide a full list of all require reports and plans to be submitted with the Development Application?**

A list of the required reports, documents and plans is listed at the end of the Notes.

## 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)	<p><b>dwelling house</b> means a building containing only one dwelling.</p> <p><b>secondary dwelling</b> means a self-contained dwelling that—</p> <p>(a) is established in conjunction with another dwelling (the <b>principal dwelling</b>), and</p> <p>(b) is on the same lot of land as the principal dwelling, and</p> <p>(c) is located within, or is attached to, or is separate from, the principal dwelling.</p>
<b>Zone:</b>	R2 Low Density Residential
<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	No sections were provided and therefore an accurate calculation of the height was unable to be carried out.	Unable to accurately calculate. (See Note below).

Note: During the meeting the Applicant informed Council that the plans were not indicative of the development and that a second storey was not proposed over the garage. The Statement of Environmental Effects states that the development has an overall height of 5.59m which complies with the building height development standard.

#### 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.

B6 Access and Parking		
Control	Permitted	Proposed



<b>Control 6.3 Off-street vehicle parking requirements</b>	<b>2 parking spaces</b>	<b>One (1) hard stand parking space</b>
<p>The development proposes to extend the existing garage into the existing internal courtyard at the front of the site and convert the entire structure to a secondary dwelling. As a result of the proposed works, the Applicant has proposed to accommodate off-street carparking in front of the dwelling within the front setback.</p> <p>The control requires two (2) parking spaces for the principal dwelling. The proposal would result in a 4.8m setback from the parking spaces to the front boundary.</p> <p>In addition, given the width of the driveway and hard stand area in front of the garage, this arrangement would not adequately accommodate two (2) off street parking spaces.</p> <p>It is recommended that the applicant consider alternative arrangements for to provide compliant off-street car parking and ensure the outcomes of the control are achieved.</p>		
<b>Section C Development Type Controls</b>		
<b>Design Criteria for Residential Development</b>		
<b>C1.7 Private Open Space (POS)</b>		
<p>The controls states 80sqm at ground level with no dimension less than 3m should be provided for a dwelling. Within the POS, a minimum principal area of 16sqm with a minimum dimension of 4m and grade no greater than 1 in 20 (5%) is required.</p> <p>The principal dwelling will retain adequate private open space at the rear of the site. The control states that for a secondary dwelling, informal sharing arrangements for open space is encouraged.</p> <p>The area dedicated for POS within the front of the site for the secondary dwelling is not ideal given this area is used for accessing the principal dwelling.</p> <p>The applicant is encouraged to explore the possibility of providing a more suitable location for the POS of the secondary dwelling which will ensure the outcomes of this control are met.</p>		
<b>C1.11 Secondary Dwellings and Rural Worker's Dwellings</b>		
<p>Secondary Dwellings are permitted with consent in the R2 Low Density Residential zone.</p> <p>The Applicant is to ensure the outcomes (listed below) are achieved:</p> <p><b>Outcomes</b></p> <p><i>Limitation of the visual bulk and scale of development. (En, S)</i></p> <p><i>Provision of design flexibility for second storey development.</i></p> <p><i>Restriction of the footprint of development site. (En)</i></p> <p><i>Retention of natural vegetation and facilitation planting of additional landscaping. (En)</i></p> <p><i>Provision of rental accommodation. (S)</i></p> <p>It is noted a secondary dwelling above a detached garage is not supported.</p>		
<b>D9 Mona Vale Locality</b>		
<b>Control</b>	<b>Permitted</b>	<b>Proposed</b>
<b>D9.3 Front Building Line</b>	6.5m	4.8m
<p>The development proposes to convert the existing garage to a secondary dwelling and extend the development into the existing courtyard area which will remove the off-street parking availability for the dwelling. The Applicant has indicated on the plans submitted with the</p>		



<p>application that off-street parking could be provided in front of the garage on the existing driveway.</p> <p>A calculation of the proposed plans would result in a parking spaces that would not meet Australian Standards in order to comply with the required 6.5m front setback control, or a non-compliant front setback for compliant sized parking spaces.</p> <p>The Applicant is encouraged to explore alternative parking options on the site that will result in a compliant outcome for the site. Some of these include, demolishing the existing garage and constructing a new garage/carport/hardstand at 6.5m with a secondary dwelling behind; parking on the western side of the existing garage (landscaped area is likely to be an issue here).</p> <p>The key point is that two compliant parking spaces must be provided behind the 6.5m front setback line.</p>		
<b>D9.7 Side and rear building line</b>	2.5m to at least one side and 1.0m for other side	994m
<p>The existing garage provides a setback of 994mm to the eastern boundary which is to be retained. The proposed development over the existing paved courtyard will retain this setback. The variation to the control is considered minor and could be supported.</p>		
<b>D9.9 Building envelope</b>	Planes are to be projected at 45 degrees from a height of 3.5m above ground level (existing) at the side boundaries to the maximum building height	Unable to accurately calculate.
<p>As discussed in these Notes, the elevations are not indicative of the proposed built form. Given the garage is existing and is proposed to be retained, a variation to the control could be supported. Any new works are to comply with the building envelope control.</p>		

<b>Specialist Advice</b>
<p><u>Flooding Comments</u></p> <p>The works involve converting the existing garage RL 5.08m AHD into a 60m<sup>2</sup> secondary dwelling. The floor level will need to be raised to the Flood Planning Level which is the 1% AEP level plus a freeboard of 500mm.</p> <p>The secondary dwelling is located in a medium and low flood risk precinct however a small area of high flood risk precinct occurs in the north western corner of the site. It is recommended that a comprehensive flood information certificate be obtained via <a href="https://www.northernbeaches.nsw.gov.au/council/forms/flood-information-report-application">https://www.northernbeaches.nsw.gov.au/council/forms/flood-information-report-application</a>.</p> <p>A 525mm stormwater line runs adjacent to the eastern boundary and the site may also be affected by overland flows. Please refer to development engineers advice.</p> <p>A Flood Management Report is required to demonstrate that the proposed works can meet flood controls in Pittwater 21 DCP. The following controls may apply to the site:</p>



## Specialist Advice

A1	Development shall not be approved unless it can be demonstrated in a Flood Management Report that it has been designed and can be constructed so that in all events up to the 1% AEP event: (a) There are no adverse impacts on flood levels or velocities caused by alterations to the flood conveyance; and (b) There are no adverse impacts on surrounding properties; and (c) It is sited to minimise exposure to flood hazard. Major developments and developments likely to have a significant impact on the PMF flood regime will need to demonstrate that there are no adverse impacts in the Probable Maximum Flood.
A2	Development shall not be approved unless it can be demonstrated in a Flood Management Report that in all events up to the 1% AEP event there is no net loss of flood storage. Consideration may be given for exempting the volume of standard piers from flood storage calculations. If Compensatory Works are proposed to balance the loss of flood storage from the development, the Flood Management Report shall include detailed calculations to demonstrate how this is achieved.
B1	All buildings shall be designed and constructed with flood compatible materials in accordance with "Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas", Hawkesbury-Nepean Floodplain Management Steering Committee (2006).
B2	All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Where shelter-in-place refuge is required, the structural integrity for the refuge is to be up to the Probable Maximum Flood level. Structural certification shall be provided confirming the above.
B3	All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level within the subject structure must have residual current devices installed that turn off all electricity supply to the property when flood waters are detected.
C1	New floor levels within the development shall be at or above the Flood Planning Level.
C3	All new development must be designed and constructed so as not to impede the floodway or flood conveyance on the site, as well as ensuring no net loss of flood storage in all events up to the 1% AEP event.  For suspended pier/pile footings: (a) The underfloor area of the dwelling below the 1% AEP flood level is to be designed and constructed to allow clear passage of floodwaters, taking into account the potential for small openings to block; and (b) At least 50% of the perimeter of the underfloor area is of an open design from the natural ground level up to the 1% AEP flood level; and (c) No solid areas of the perimeter of the underfloor area would be permitted in a floodway.
C4	A one-off addition or alteration below the Flood Planning Level of less than 30 square metres (in total, including walls) may be considered only where: (a) It is an extension to an existing room; and (b) The Flood Planning Level is incompatible with the floor levels of the existing room; and (c) out of the 30 square metres, not more than 10 square metres is below the 1% AEP flood level.  This control will not be permitted if this provision has previously been utilised since the making of this Plan.  The structure must be floodproofed to the Flood Planning Level, and the Flood Management Report must demonstrate that there is no net loss of flood storage in all events up to the 1% AEP event.
F1	Fencing, (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be designed so as not to impede the flow of flood waters and not to increase flood affectation on surrounding land. At least 50% of the fence must be of an open design from the natural ground level up to the 1% AEP flood level. Less than 50% of the perimeter fence would be permitted to be solid. Openings should be a minimum of 75 mm x 75mm.

### Development Engineering Comments

The grade of the parking area must comply with AS/NZS2890.1:2004 i.e. maximum grade of 1 in 20 (5%).

OSD will not be required.

### Landscape Comments

Alterations and additions to a dwelling house and the conversion of the garage to a secondary dwelling

The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the DCP, and in this instance the following:

- B4.22 Preservation of Trees and Bushland Vegetation
- C1.1 Landscaping
- D9 Mona Vale Locality, with reference to relevant controls

There are no existing prescribed trees (ie. protected trees) under the DCP within the property. Existing trees and vegetation within adjoining properties shall be protected and conditions can be imposed.



### Specialist Advice

The existing landscape setting of the property is largely retained and no concerns are raised. The proposal removes a small section of garden planting and hardstand.

Landscape Referral raise no issues with the application as represented in the pre-DA lodgement information documents.

### 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
- Flood Management Report
- 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

### 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 1 September 2022 to discuss alterations and additions to accommodate the conversion of an existing garage to a secondary dwelling at 14 Kristine place, Mona Vale. The notes reference the plans prepared by Canvas Architecture and Design.

Council does not support the non-compliant car parking arrangement proposed for the site. The Applicant is encouraged to provide an alternative arrangement which will ensure two compliant parking spaces are provided behind the front setback line. A secondary dwelling will then be able to be supported.

### **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.