



Pre-lodgement Meeting Notes

Application No:	PLM2020/0268
Meeting Date:	19 November 2020
Property Address:	60-62 & 62 Chisholm Avenue, Avalon Beach
Proposal:	Boundary adjustment and construction of a new carport and driveway
Attendees for Council:	Tony Collier – Principal Planner Nick England – Planner Brendon Gavin – Principal Planner (Heritage) Kristie King – Natural Environmental Officer (Biodiversity)
Attendees for applicant:	Kate Fleming – Consultant Planner Andy Lehman – Andy Lehman Design Kate Mountstephens – Heritage Consultant Nada Herman – Owner Matt Butchart - Owner

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

Heritage

Please refer to the detailed comments provided by Council's Heritage Officer later in these Notes.

Carparking, Driveway & Inclinotor

The location and scale of the car parking is considered to be acceptable given its relative concealment from the street and that it has been designed in a comparatively simple format.

The driveway is subject to satisfying the comments provided by Council's Development Engineer (see the detailed comments provided later in these Notes). Of note, be aware that the exit from the driveway onto Chisholm Avenue is considered a hazard point given the restricted sight lines to the left along the narrow roadway. A clear sightline truncation is to be provided at the northern side of the exit from the driveway as it joins Chisholm Avenue to enable a driver of a car to see along the length of Chisholm Avenue as they exit the property.

Notwithstanding the above, Council's Natural Environmental Officer (Biodiversity) has raised concern regarding the potential impact the garage may have upon the preservation of significant trees and vegetation – particularly if the NSW Rural Fire Service impose requirements for an extended buffer which would require further clearing than anticipated at the meeting. Please refer to comments provided by Council's Natural Environmental Officer (Biodiversity) later in these 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	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Dwelling house (the proposal is ancillary to a dwelling house)
Zone:	E4 Environmental Living
Permitted with Consent or Prohibited:	Permitted with consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Comment
4.1 – Minimum Subdivision Lot Size	700m ²	60 Chisholm: 2,816m ² 62 Chisholm: 5,637m ²	Complies
4.3 – Height of Buildings	8.5m	1.3m to 5.3m	Complies

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.

Section D – Locality Specific Development Controls		
Control	Permitted	Proposed
D1.8 – Front Building Line	6.5m	3.5m
<u>Comment</u> The encroachment within the front setback area is considered to be acceptable due to the elevated and concealed aspect of the area nominated for the garage, the low scale of the garage and its construction within the sloping topography, and the restrictive nature of the topography of the site.		

Specialist Advice
Development Engineering The following pre lodgement comments are provided for the proposed development. These comments are only preliminary in nature and a detailed assessment can only be provided upon lodgement: <ul style="list-style-type: none">• On-site stormwater detention (OSD) is to be provided for the proposal where the proposed impervious area exceeds 50 square metres in accordance with Council's Water Management for Development Policy Clause 9.0.• A Subdivision Certificate Application is to be made and the planes to determine if it's exempt and compliant.• The driveway crossing is to be in accordance with one of Council's Vehicular Crossing standard profile available on Council's web page https://www.northernbeaches.nsw.gov.au/planning-development/permits-and-certification/driveway-and-vehicle-crossings• The driveway and parking facility grades and dimensions are to be in accordance with AS2890.1.• The internal driveway grade is not to exceed 1 in 4 for a maximum length of 20 meters in accordance with Pittwater DCP 2014 Clause B6.2.• Provide turning area within the site to ensure vehicles can enter and exist in a forward direction. This may require more removal of the rock face to improve the site line of vehicles exiting the site.• Provide a Traffic Report detailing the safe manoeuvring of vehicles entering and exiting the site and all turning areas. All manoeuvring to turn around must occur within the site. Sight line distances of vehicles exiting the site are to be in accordance with AS2890.1.• 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.
Natural Environment (Biodiversity) <u>Relevant Considerations</u> The following biodiversity-related provisions apply to the subject site: <ul style="list-style-type: none">• SEPP (Coastal Management) – Littoral Rainforest Proximity Area• Pittwater LEP Clause 7.6 (Biodiversity Protection)



Specialist Advice

- Pittwater DCP Clause B4.4 (Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor)
- NSW Bushfire Prone Land Map

Constraints and Potential Impacts

In order to achieve consistency with the controls, the proposal must be designed and sited to avoid environmental impacts to the maximum possible extent. Removal of significant trees and important biodiversity values should be justified.

As the property is identified as bushfire prone, a Bushfire Impact Assessment will be required in order to demonstrate compliance with Planning for Bushfire Protection 2019 (PBP 2019): <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection>

Reference should be given to Section 8.3.2 of PBP 2019: "*There is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas. Where a Class 10a building is located within 6m of a dwelling it must be constructed in accordance with the National Construction Code*".

The applicant is to liaise with the bushfire consultant to identify possible design solutions to reduce vegetation impacts arising from any required bushfire Asset Protection Zones (APZs).

The subject site is located within the SEPP (Coastal Management) Littoral Rainforest Proximity Area and therefore must not impact upon the Littoral Rainforest endangered ecological community to the south-east of the property.

Any new landscaping is to comprise at least 60% native species which already occur on the site, or species of the Littoral Rainforest EEC:

<https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10867>

Required Information

- An Arboricultural Impact Assessment is to be prepared by a minimum AQF Level 5 arborist. The assessment is to include measures to protect trees proposed for retention and justify removal of any prescribed trees.
- Compliance with SEPP (Coastal Management) and Natural Environment LEP/DCP clauses is to be addressed in the SEE.
- Landscape Plan to comprise at least 60% native species which already occur on the site, or species of the Littoral Rainforest EEC.

Heritage

The Site

60 and 62 Chisholm Avenue Avalon Beach are listed on the NSW State Heritage Register as part of the 'Hy Brasil' estate. Hy Brasil is of state significance as it was designed by Alexander Stewart Jolly. The listing covers both the dwelling and its native landscaping which contributes to its character. Hy Brasil itself is located on 62, while a newer dwelling is located on 60. Vehicular access and parking for both properties is currently located on 62.

The Proposal

The proposal is for a new driveway, carport and inclinator that will enable separate vehicular and pedestrian access to the dwelling at 60 Chisholm Avenue. A boundary adjustment between 60 and 62 as well as the removal of the access easement from 62 are also proposed. The new carport is located at the front of the property and is proposed to be constructed of lightweight cladding, masonry walls, metal roofing and fixed glazing. The plans indicate 3 trees are to be removed to accommodate the proposal.

As both properties are included on the State Heritage Register, any future development application will be integrated under the Heritage Act 1977 and referred to Heritage NSW. This



Specialist Advice

means that any commentary below must be considered against any requirements and conditions of Heritage NSW that will take precedence.

Heritage Comments

Provision of separate access to 60 Chisholm Avenue was a matter raised under the previous subdivision and new dwelling approval issued for the site in 2006. However as at that time both properties were to remain within the same ownership group, the matter was not pressed. This proposal now seems to be a step towards resolving this issue.

While the proposal is very unlikely to impact upon Hy Brasil itself, it will have an impact upon the bushland setting. This setting forms part of the listing and its curtilage so this impact must be considered and evaluated. Any impacts must be detailed in the Heritage Impact Statement as well as any proposed mitigation measures. Additionally, as the vegetation is part of the listing and this proposal includes its removal, detailed landscaping plans around the carport are required to show how new landscaping can maintain the heritage character and help to minimise the visual impact of the new building. These landscaping plans must also consider any bushfire protection requirements and how that may impact this setting and character.

The following dots points are a number of other Heritage considerations that need to be addressed in the application:

- The new boundary between 60 and 62 and how different owners may respond. A simple conservation strategy or policy regarding the boundary may assist in this regards.
- Lowering the level of the carport to minimise visual impacts or details as to why this is not feasible or has a negative heritage impact.
- Dark and earthy colours for external walls and roofs as well as lightweight materials to assist with minimising the visual appearance of the carport.
- Rough cut/hewn style sandstone retaining walls along the new driveway similar to those in the existing turn around zone.

Requirements

- Heritage Impact Statement
- Provision of Integrated Development Fee for Heritage NSW Assessment.

Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at [Council's website](#):

- [Development Applications Management Policy](#)
- [Stormwater drainage for low level properties PDS-POL 135](#)
- [Vehicle access to all roadside development: LAP-PL 315](#)

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;
 - Sections;
 - Schedule of Colours and Materials; and
 - Landscape Plan.



Documentation to accompany the Development Application

- 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 (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 (if the proposed impervious area exceeds 50m²)
- Traffic Report
- Bushfire Report and Impact Assessment
- Arboricultural Impact Assessment
- Heritage Impact Statement
- Integrated Development Fee for Heritage NSW Assessment

Please refer to Development Application Lodgement Requirements for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 19 November 2020 to discuss a boundary adjustment and construction of a new carport and driveway at 60-62 & 62 Chisholm Avenue, Avalon Beach. The notes reference the plans prepared by Andy Lehman Design dated 16 October 2020.

The proposal is considered to be supportable subject to the matters raised in these notes being satisfactorily addressed prior to the submission of a Development Application.

As both properties are included on the State Heritage Register, any future Development Application will be integrated under the Heritage Act 1977 and referred to Heritage NSW.

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.