



northern
beaches
council

Application No: PLM2020/0109
Meeting Date: 16/06/2020 1:45:00 PM
Property Address: 37 Florence Terrace SCOTLAND ISLAND
Proposal: Dwelling-house
Attendees for Council: Tom Prosser, Steve Findlay and Rafiq Islam
Attendees for applicant: Craig Carless and Chanda McClean

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 DISCUSSED

Issue/s Raised	Council Response
<p>Landscaped area</p> <p>The control under the Pittwater DCP requires that a maximum of 29% of the site should <u>not</u> be landscaped area.</p> <p>The proposal involves a built area of approximately 66%.</p>	<p>The significant non-compliance with the landscaped area control cannot be supported. In this regard, greater landscaped area should be provided to the rear and sides of the dwelling, and it is recommended that the car parking is redesigned to reduce the built upon area on the site.</p> <p>The proposal is to be redesigned so that the presentation of the site is dominated by natural features from the foreshore, the top of the site, and from the neighbouring properties. Perspective diagrams may be provided to show the presentation of natural form.</p>
<p>Coastal interface</p> <p>Clause D8.2 <i>Scenic Protection General</i> requires that development shall minimise visual impact on the natural environment when views from the waterway.</p>	<p>The proposed extent and proximity of built form to the waterway would not minimise visual impact on the natural environment.</p> <p>In this regard, it is recommended that landscaped area and natural features are to be maintained and provided to the rear/foreshore setback. Furthermore, the proposed pool should be set back from the rear of the site.</p>

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)	Dwelling
Zone:	E3 Environmental Management
Permitted with Consent or Prohibited:	Permitted with consent

Clause 4.3 Height of Buildings	
Standard	Proposed
8.5m	7.7m
Comment Complies.	
Clause 7.8 Limited Development on the Foreshore area	
Standard	
Restriction on the development footprint being extended further in to the Foreshore area	



Clause 4.3 Height of Buildings	
Standard	Proposed
Comment The proposal involves extension of the footprint (including a pergola) into the foreshore area. This cannot be granted consent given the requirements under Clause 7.8 of the Pittwater LEP.	

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 The site is in the Lower Western Foreshores and Scotland Island Locality (Clause A4.8 of the Pittwater DCP). The character of the area is to be low density integrated into the landform and landscape. In this regard, the proposal should provide a response of the built form that better integrates with the landscaped setting and landform. Specifically, the proposal is to provide a greater amount of landscaped area, and reducing the excavation so as to maintain the character provided by the existing natural formation of the land and area.

Section B: General Controls
B6 Access and Parking
Comment The proposal involves a new garage structure with an access driveway behind the garage to the east. It is recommended that a redesign is considered to reduce the visual impact provided by the built form (of both the garage and driveway).
B8 Site Works Management
Comment A Construction Management Plan will be required as part of the documents submitted with the Development Application.

Section C: Development Type Controls
C1 Design Criteria for Residential Development
Requirements
C1.3 View Sharing, C1.4 Solar Access, C1.5 Visual Privacy, C1.6 Acoustic Privacy
Comment It is recommended that detailed analysis be conducted in regard to potential amenity impact on neighbouring properties. This involves assessment of potential view corridors, overshadowing diagrams, and positioning of windows to be separated from neighbouring living areas. Furthermore, the pergola should be set back from the northern boundary to provide sufficient separation for privacy, and to allow opportunity for views and vistas.



Section D: Locality Specific Development Controls	
D8 Lower Western Foreshores and Scotland Island	
Requirement	
D8.1 Character as viewed from a public place	
Comment The proposal involves built form which covers the rear/foreshore setback area. This is not an appropriate presentation of the site from the foreshore. Vegetation, landscaping and natural features should be maintained so that the visual impact of the development is minimised.	
Control/Requirement	Proposed
D8.6 Side and Rear Building line (2.5m on one side and 1m on other side), D8.8 Building Envelope	0m and 1m; outside envelope at the rear of the dwelling and at "proposed bed 3 and 4 Plan"
Comment The proposed development does not provide an appropriate response to the side and rear building line requirements. The proposal should provide a greater setback to the rear (in accordance with Clause 7.8 of the Pittwater LEP above), and also provide a greater side setback to the second floor of new structures to ensure appropriate presentation of the dwelling and minimisation of amenity impact.	
Control/Requirement	Proposed
D8.9 Landscaped Area (29% of the site not to be landscaped)	66%
Comment This significant non-compliance with the landscaped area control is not supported. A redesign to provide greater landscape area is recommended. This may include a redesign of the car parking area and should include greater landscaped area in the rear setback (to ensure appropriate presentation to the foreshore).	

Specialist Advice	
Referral Body	Comments
Biodiversity officer	The following biodiversity-related provisions apply to the site: <ul style="list-style-type: none"> • NSW <i>Biodiversity Conservation Act</i> 2016 (BC Act) • Pittwater LEP Clause 7.6 (Biodiversity Protection) • Pittwater DCP Clause B4.7 (Pittwater Spotted Gum Forest EEC)\



Specialist Advice

- Northern Beaches Bushfire Fire Land Map

The entirety of the property is mapped by the NSW Department of Planning, Industry & Environment as containing Pittwater Spotted Gum Forest Endangered Ecological Community (EEC).

In order to achieve compliance with the relevant provisions, the submitted plans and documentation should identify measures that are proposed to avoid and minimise impacts existing native trees and vegetation, particularly canopy trees. Impact to significant native trees must be justified and/or compensated for.

Should the proposal require removal of two significant healthy Spotted Gum (*Corymbia maculata*), a 'test of significant' (or 'five part test') may be required to be prepared in order to fulfil mandatory assessment requirements under the NSW BC Act.

Any new landscaping is to include a minimum 80% of species from the Pittwater Spotted Gum Forest Endangered Ecological Community (EEC):

<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific->



Specialist Advice	
	<p>committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing</p> <p>Required Information:</p> <ul style="list-style-type: none"> • An arboricultural impact assessment in accordance with the Senior Landscape Architect's recommendations; • A Landscape Plan which is consistent with PDCP B4.7, D8.2, D8.11, and C1.1 • Should the proposal result in removal of two or more healthy Spotted Gums, a threatened species 'test of significant' may be required to be prepared by a suitably qualified ecologist: https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements/threatened-species-test-of-significance
Referral Body	Comments
Coastal Officer	<p>ESTUARINE RISK MANAGEMENT</p> <p>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</p>



Specialist Advice

Estuarine Planning Level (EPL)

Based on the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.63m AHD has been adopted by Council for the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.06m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.0m.

Alternatively, as per Appendix 7 of the Pittwater 21 DCP, applicants may also seek their own professional advice on estuarine planning levels. Independent information regarding wave action and tidal inundation may be sought from a suitably qualified Coastal Engineer at the expense of the individual applicant, in relation to any of the information currently available from Council, or on information not currently provided by Council.

It is the responsibility of the applicant to submit the independent wave action and tidal inundation information and risk assessment to Council in the form of a technical Estuarine Risk Management Report of adequate qualitative and quantitative detail addressing estuarine level information, the management of risk due to estuarine hazards at an acceptable level and the consideration of other environmental impacts (where applicable) as they affect the subject land neighbouring properties and adjoining foreshore lands.

Estuarine Risk Management Report



Specialist Advice

As significant new developments such as sea wall and associated works are proposed on land below the adopted EPL, an Estuarine Risk Management Report must be submitted in support of the DA. The requirements of other relevant controls under D15. 15 Waterfront Development Controls in Pittwater 21 DCP may also need to be considered.

An estuarine risk management report must be prepared by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and with coastal engineering as a core competency and has an appropriate level of professional indemnity insurance.

Development on Foreshore Area

Furthermore, a large section of the subject property is within the foreshore building line and it is not demonstratively clear if any development activity will happen within the foreshore area. Part 7, Clause 7.8 –Limited development on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area and 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.

Relevant Council Policies

You are advised that copies of the following (but not limited to all) Council's policies are available via Council's website www.northernbeaches.nsw.gov.au :

- Pittwater DCP
- Pittwater LEP

Documentation to accompany the Development Application



Documentation to accompany the Development Application

- Lodge via the NSW Planning Portal (see their website)
- 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
- Arboricultural Impact Assessment Report
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans
- Geotechnical Report
- Bushfire Report
- Coastal Assessment Report
- Estuarine Risk Management Report
- Flora and Fauna Assessment
- Construction Methodology Plan

Please refer to Development Application Checklist for further detail.

Any questions in relation to the above requirements, please contact Thomas Prosser

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 16 June to discuss alterations and additions to a dwelling at 37 Florence Terrace, Scotland Island. The notes reference preliminary plans prepared by Paul Meyer Design dated December 2019.

The proposal is not acceptable in its current form and requires redesign prior to submission.

This includes the following:

- Redesign of the rear area (setback of pool, compliance with Clause 7.8 of the Pittwater LEP, and greater presentation of natural features)
- A greater amount of landscaped area across the whole site (so that the site has a built upon area of no more than 35%)
- A response to the side building line control for new works
- Setting the pergola area away from the side boundary
- Setting the pool away from the foreshore boundary.

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

