



**Application No:** PLM2020/0081  
**Meeting Date:** 5/05/2020  
**Property Address:** 266 Whale Beach Road WHALE BEACH  
**Proposal:** Demolition of the existing structures and construction of a new dwelling with excavated garage.  
**Attendees for Council:** Steven Findlay, Manager Development Assessment  
Renee Ezzy, Principal Planner  
**Attendees for applicant:** Allen De Carteret, Architect

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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.



## SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

| Issue/s Raised                                                            | Council Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>Building Height non-compliance</b><br><br>Site has more than 30% slope | While the site contains a slope of greater than 30%, the proposed dwelling appears to comply with the height. The architects notes indicate that there will be a non-compliance with the building envelope control. The extent of non-compliance with this envelope control should be clearly identified on any plans submitted with a development application and adequate justification and demonstration that there will be no adverse impacts on the adjoining property as a result. |
| <b>Reuse of footpath crossing</b>                                         | Refer to Development Engineers comments                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

## 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                                                 |                         |
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| <b>Definition of proposed development:</b><br>(ref. PLEP 2014 Dictionary) | Dwelling House          |
| <b>Zone:</b>                                                              | E4 Environmental Living |
| <b>Permitted with Consent or Prohibited:</b>                              | Permitted with consent  |

| Principal Development Standards:                                                                                        |          |
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| Clause 4.3 Height of Buildings                                                                                          |          |
| Standard                                                                                                                | Proposed |
| 8.5m - up to 10m on land with slope >30%                                                                                | <8.5m    |
| <b>Comment</b><br>The proposed development appears to comply with the 8.5m height and does not require any concessions. |          |



## 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 A: Shaping Development in Pittwater                                                                                           |
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| <b>A4 Localities</b>                                                                                                                  |
| <b>D12 Palm Beach Locality</b><br>The final design must demonstrate that it can satisfy the controls for the D12 Palm Beach Locality. |

| Section B: General Controls                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <b>B6 Access and Parking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Comment</b><br>Refer to Development Engineering comments for details relating to the driveway crossing and the existing parking within the road reserve.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>B8 Site Works Management</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Comment</b><br>A detailed Construction Management Plan (CMP) for the proposed construction phase of development is required to be provided with a Development Application. The CMP should include detailed information from the Geotechnical Engineer in relation to the proposed techniques to be used for excavation, length of time excavation will take and details around breaks in the excavation works to enable some respite for adjoining properties. In addition, details must be provided around how dust suppression and protection of adjoining properties will be managed.<br><br>Supporting documentation accompanying a development application must address all relevant requirements of B8 Site Works Management. |

| Section D: Locality Specific Development Controls                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                            |
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| <b>INSERT SPECIFIC LOCALITY HERE (D12 Palm Beach)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                            |
| Control/Requirement<br>(Side and Rear Building Line)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Proposed                                                                   |
| 2.5m to one side and 1.0m to the other side                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1.0m to the building face on both sides and less than 1.0m for excavation. |
| <b>Comment</b><br>The proposed development does not demonstrate compliance of the 1.0m and 2.5m side setbacks consistently with excavation protruding into the setbacks at ground and first floor levels and the sitting/living room at second floor level. It is recommended that the extent of excavation be reduced to only what is required to provide sufficient access to the garage level and any non-essential features be removed to reduce the footprint required.<br><br>Some non-compliance with the side setback requirements will be considered where it can be demonstrated that it will not result in adverse impacts on adjoining properties. |                                                                            |
| Control/Requirement (Building envelope)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Proposed                                                                   |



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| 3.5m and 45 degrees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Substantial breach to both east and west façade. |
| <b>Comment</b><br><p>The proposed development provides a substantial breach to the building envelope requirement on the western façade focused around the second floor level. It is recommended that this breach be reduced through improved setbacks to the development design. Some non-compliance in this location may be supported subject to it being demonstrated that this is the best design option to minimise bulk and scale of the building and to ensure there is not resultant adverse impacts on the adjoining property owner.</p> |                                                  |

| Specialist Advice    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Referral Body        | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Development Engineer | <ol style="list-style-type: none"> <li><b>On Site Detention stormwater management</b> in accordance with B 5.7 of Pittwater DCP will be required for the proposed development, unless the total increase in impervious area post development can be demonstrated to be less than 50m<sup>2</sup>.</li> <li><b>Vehicular Crossing</b><br/>Provision for a standard vehicular crossing in accordance with Council's Vehicular Crossing standard profile (available on Council's web page). A concept driveway plan with grades and levels is required to be submitted with the DA, demonstrating that the driveway complies with AS2890.1 and Council's vehicular crossing standard profiles. The existing vehicular crossing over the nature reserve does not appear to comply with Australian standards and Council's Standards profile.</li> <li><b>Turning Area</b><br/>A turning area shall be provided for vehicle to exit in a forward direction for safety of access to the proposed dwelling. Any turning area proposed must be contained wholly within the property.</li> <li><b>Car Parking</b><br/>Car parking for the development must be contained within the subject site. All existing paved area within</li> </ol> |



| Specialist Advice |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                   | <p>the public road shall be removed and reinstated with turf other than the proposed driveway. No parking or turning area is permitted within the public road reserve. A concept driveway plan and turning area with design levels from the road to the garage is to be submitted with the DA.</p> <p>5. <b>Geotechnical</b></p> <p>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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Referral Body     | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Biodiversity      | <p><b>Pittwater LEP Clause 7.6 (Biodiversity)</b></p> <p>PLEP Clause 7.6 seeks to maintain terrestrial, riparian and aquatic biodiversity by protecting and encouraging the conservation and recovery of native fauna and flora and their habitats. Under this clause, the consent authority must not grant development consent unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</li> <li>b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</li> <li>c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</li> </ul> <p>In order to achieve compliance, the submitted plans and documentation are to address what measures have been incorporated within the design to avoid impact to native vegetation. If impact to native vegetation cannot be avoided, adequate compensatory planting must be</p> |



| Specialist Advice |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                   | <p>demonstrated.</p> <p>Removal of any intact native bushland at the rear (northern end) of the site is unlikely to be supported.</p> <p><b>Pittwater DCP Clause B4.4 (Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor)</b></p> <p>This clause requires developments to result in no net loss of native canopy trees or native vegetation. As per above, the proposal is to demonstrate any measures that have been incorporated to avoid impacts to native vegetation. Any new landscaping is to be at least 60% composed of local native species of the Pittwater ward:<br/><a href="https://www.northernbeaches.nsw.gov.au/node/34932">https://www.northernbeaches.nsw.gov.au/node/34932</a>.</p> <p><b>Required Information</b></p> <ul style="list-style-type: none"><li>- Should the proposal occur within 5m of native trees, an arboricultural impact assessment will be required. The report should include a tree protection plan to safely retain any trees proposed for retention and should be prepared by a minimum AQF Level 5 arborist.</li></ul> <p>Landscape Plan, prepared by a suitably qualified landscape architect and incorporating a minimum 60% species locally native to the Pittwater ward.</p> |

| Relevant Council Policies                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>You are advised that copies of the following (but not limited to all) Council's policies are available via Council's website <a href="http://www.northernbeaches.nsw.gov.au">www.northernbeaches.nsw.gov.au</a> :</p> <ul style="list-style-type: none"><li>• Pittwater Local Environmental Plan 2014</li><li>• Pittwater 21 Development Control Plan</li><li>• Council's Vehicular Crossing standard profile</li><li>• Geotechnical Risk Management Policy for Pittwater – 2009</li></ul> |

| Documentation to accompany the Development Application                                                                       |
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| <ul style="list-style-type: none"><li>• NSW Planning Portal lodgement</li><li>• Statement of Environmental Effects</li></ul> |



#### Documentation to accompany the Development Application

- Request to vary a development standard
- 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)
- Waste Management Plan Ongoing
- Certified Shadow Diagrams
- BASIX Certificate
- Schedule of colours and materials
- Landscape Plan and Landscape Design Statement
- Arboricultural Impact Assessment Report
- Photo Montage
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report
- Construction (including Traffic) Management Plan
- Construction Methodology Plan

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

#### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 5 May 2020 to discuss construction of a dwelling house at 266 Whale Beach Road, Whale Beach. The notes reference preliminary plans prepared by Studio deCA dated 14 April 2020.

Amended plans were submitted following the meeting which seek to address the concerns discussed during the meeting in relation to excavation, side setback and building envelope non-compliances. The amended plans provide some small concession to the extent of excavation and side boundary envelope concerns, however further resolution of the design should be undertaken to further improve these non-compliances and minimise the extent of excavation required.

The proposal is generally acceptable however requires some redesign of the areas detailed above prior to submission.

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