



**Application No:** PLM2020/0255  
**Meeting Date:** 10/11/2020 9:30:00 AM  
**Property Address:** 71 Alexandra Crescent BAYVIEW  
**Proposal:** Alterations and additions to existing dwelling house and new attached secondary dwelling.  
**Attendees for Council:** Nic England (Planner); Steve Findlay (Development Assessment Manager)  
**Attendees for applicant:** Reg Hawkins (designer); Thomas and Anja Wakeford (owners)

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#### General Comments/Limitations of these Notes

These notes have been prepared by the **Development Advisory Services Team** of Council on the basis of information provided by the applicant and a consultation meeting with Council staff.

Council provides this service for guidance and information 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
<b>Front Setback</b>	<p>The 2.4 – 3.6m setback represents a non-compliance with the 6.5m front setback requirement.</p> <p>The scale of the proposed development will be inconsistent with the following Outcomes of the control:</p> <p><i>Vegetation is retained and enhanced to visually reduce the built form. (En)</i></p> <p><i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</i></p> <p><i>To encourage attractive street frontages and improve pedestrian amenity.</i></p> <p><i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i></p> <p>Recent examples of similar structures that are located in close proximity to the front setback are consents granted prior to the inception of the P21 DCP. The proposed works are also of a substantially larger scale than these structures. The cumulative effect of the proposed variation would diminish the objectives of minimising visual impact of new development. The site is also not constrained by any significant factor such as size, topography or existing buildings that would dictate that there was no other possible location for the proposed works.</p> <p>Hence, the development will need to be amended to comply with the minimum front setback.</p>
<b>Location of Secondary Dwelling and Garage</b>	<p>The Pittwater DCP21 would generally restrict the location of the both the:</p> <ul style="list-style-type: none"> <li>• Garage forward of the front building line of the existing dwelling; and</li> <li>• The secondary dwelling being located above the garage.</li> </ul> <p>However, the proposed siting of both the garage and the secondary dwelling is supported in this instance, as the location of these structures elsewhere on the site would result in a loss of existing areas of remnant bushland and habitat.</p>



<b>Extent of cut and fill</b>	The amount of cut and fill on the frontage (and loss of potential area for landscaped open space) can be minimised by ensuring that all structures on the site are consistent with the front setback.
<b>Documentation required</b>	A comprehensive list of the required documents for lodgement is provided later in these notes.

## PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

A consideration of the relevant provisions of the PLEP 2014 is provided below:

**Note:** PLEP 2014 can be viewed at the [NSW Government Legislation Website](http://www.nsw.gov.au/government-legislation)

Zoning and Permissibility	
<b>Definition of proposed development:</b> (ref. PLEP 2014 Dictionary)	Dwelling house; Secondary dwelling
<b>Zone:</b>	E4 Environmental Living
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
8.5m	6.1m
<b>Comment</b> Complies	

### Clause 7.7 Geotechnical Hazards

The land is identified as “Geotechnical Hazard H1” and requires the consideration of the geotechnical risks associated with the proposed development. Sufficient information will need to be provided to satisfy this clause.

## PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)

A consideration of the proposal against the relevant provisions of the PLEP 2014 is provided below:

**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	
B3 Hazard Controls	
Control/Requirement	Proposed
B3.1 Landslip Hazard B3.2 Bushfire Hazard	-



**Comment**

The application is to be accompanied by a report and certified forms as set out in Council's [Geotechnical Risk Management Policy for Pittwater](#). As the land is located on bushfire prone land, a report from a qualified bushfire risk assessment professional is required.

**B4 Controls Relating to the Natural Environment**

Control/Requirement	Proposed
B4.1 Flora and Fauna Conservation Category 1 Land B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor	The proposed works are not located over an area of existing habitat.

**Comment**

Council's Biodiversity Officer has reviewed the proposal and full comments are provided later in these notes.

**Section C: Development Type Controls**

**C1 Design Criteria for Residential Development**

Control/Requirement	Proposed
C1.11 Secondary Dwellings and Rural Worker's Dwellings "Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.  A secondary dwelling above a detached garage is not supported."	Secondary dwelling is located over garage and is two storeys in height.

**Comment**

Whilst the location of the secondary dwelling is not consistent with the requirements, the location of the proposal is in principle acceptable, in particular to achieve the following Outcome of the control:

*Retention of natural vegetation and facilitation planting of additional landscaping. (En)*

**Section D: Locality Specific Development Controls**

**Church Point and Bayview Locality**

Control/Requirement	Proposed
D4.1 Character as viewed from a public place "Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking	The combined garage and carport will have a length of 13.8m and a width which is 68% of the lot frontage (estimated at 20.2m)



structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser."	
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#### Comment

The proposal is substantially non-compliant with this control. Compounding the visual impact is the additional non-compliance with the front setback control. This will not be consistent with a number of the Outcomes of the control, in particular:

"The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)"

and

"Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)"

The garage and carport will need to be re-designed to ensure that this control is met. This may require that a number of car spaces be reduced. The minimum requirement for car parking is 2 spaces and any non-compliance that occurs due to exceedance of the parking is not considered necessary.

Control/Requirement	Proposed
D4.5 Front building line 6.5m	2.4m (1 <sup>st</sup> floor balcony) 3.6m (garage)

#### Comment

The extent of the non-compliance will have a detrimental impact on the surrounding streetscape and is not consistent with the following Outcomes of the control:

*"Achieve the desired future character of the Locality.*

*To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

*To encourage attractive street frontages and improve pedestrian amenity."*

There is sufficient area on the site to ensure that all development is setback behind the minimum front setback of 6.5m

Specialist Advice	
Referral Body	Comments
Biodiversity	Council's Biodiversity Officer has provided the following comments:  "The potential impacts to the native vegetation and



Specialist Advice	
	<p>trees that are characteristic of the endangered ecological community Pittwater Spotted Gum Forest is to be assessed. The Biodiversity Conservation Act establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme. The requirements of the Biodiversity Conservation Act, together with the Biodiversity Conservation Regulation 2017, should be addressed including whether or not the Biodiversity Offset Scheme applies to the proposed development.</p> <p>The proposed development should avoid and minimise impacts to the EEC, however if the impacts to trees and native vegetation cannot be avoided an assessment of significant (5-part test) for removal/modification of native vegetation characteristic of Pittwater Spotted Gum Endangered Ecological Community is required, and should be prepared by a suitably qualified ecological consultant. The assessment should state whether or not the Biodiversity Offset Scheme applies to the proposed development.</p> <p>The SEE should also address the objectives and requirements of:-</p> <ul style="list-style-type: none"> <li>• Pittwater LEP cl 7.6 Biodiversity</li> <li>• P21 DCP B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community</li> </ul> <p>A Landscape Plan will also be required in accordance with the above controls."</p>

Relevant Council Policies
<p>You are advised of the following (but not limited to all) Council's policies available at <a href="#">Council's website</a>:</p> <ul style="list-style-type: none"> <li>• Community Participation Plan (notification requirements)</li> </ul>

Documentation to accompany the Development Application
<ul style="list-style-type: none"> <li>• Lodge via NSW Planning Portal</li> <li>• Statement of Environmental Effects</li> <li>• Cost of works estimate/ Quote</li> <li>• Site Plan</li> <li>• Floor Plan</li> <li>• Elevations and sections</li> <li>• Boundary Identification (or Definition), Details and Levels Survey Plan</li> <li>• Site Analysis Plan</li> </ul>



#### Documentation to accompany the Development Application

- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Certified Shadow Diagrams
- BASIX Certificate for both existing dwelling and new secondary dwelling
- 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 and On-site Stormwater Detention (OSD) Checklist
- Stormwater Drainage Assets Plan
- P21 DCP Geotechnical Checklist for Report
- Bushfire Report

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

#### Concluding Comments

These notes are in response to a pre-lodgement meeting held on 10/11/2020 to discuss Alterations and additions to existing dwelling house and new attached secondary dwelling at 71 Alexandra Crescent BAYVIEW. The notes reference preliminary plans prepared by Reggie's Residential Design & Drafting dated 6 October 2020.

The proposal in its current form is not supported due to its non-compliances with Council's policy in regard to:

- Garage / carport width; and
- Front setback.

There is sufficient area on the site however to remedy these issues by both moving all works off the front boundary to comply with the 6.5m setback and ensuring that the garage / carport has a width that does not exceed 7.5m in width.

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

**Questions?** Please direct any questions you have in relation to these notes to the Nic England.