



Pre-lodgement Meeting Notes

Application No: PLM2023/0099
Meeting Date: 22 August 2023
Property Address: 8 Seabeach Avenue MONA VALE
Proposal: Demolition and construction of a dual occupancy
Attendees for Council: Julie Edwards – Planner
Anne-Marie Young – Principal Planner
Joseph Tremonte – Senior Landscape Officer
Aarti Kalia – Development Engineer

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

As a result of discussions in the meeting, the applicant has provided amended plans addressing some of councils concerns. The pre-lodgement meeting notes will discuss the original submitted plans and the amended plans.

Response to Matters Raised in the Meeting

Front building line – original plans

Comment:

Council has concerns with the proposed front building setback, visual impact of the carports when viewed from the street, driveway access and the impact the proposal would have on the high value street tree.

The proposed works include a 6.5m setback to the front boundary with separate driveway access and a double carport for each dwelling.

A high value Norfolk Island Pine is located within road reserve and concern is raised regarding the impact that the two driveways will have on the long-term retention of the tree (see below comments under Landscape concerns).

The site is less than 30m in width and as per part B6.1 Access driveways and Works on the Public Road Reserve of the PDCP, where the frontage of an allotment to a local public road is less than 30m, only one access driveway is permitted to retain on street parking spaces.

Part D9.1 Character as viewed from a public place, requires garages, carports and other parking structures including hardstand areas to not be the dominant site feature when viewed from a public place. Parking structures should 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. The proposed carports have a width of 11.74m, which occupies 77% of the lot frontage. The site also has minimal landscaping at the front of the site. The proposed carport location, fronting the street, causes an unacceptable visual impact and the does not allow for significant landscaping to screen the proposal from view.

Part D9.6 Front building line requires a minimum of 6.5m, or established building line, whichever is the greater. The established building line along the northern side of Seabeach Avenue is approximately 8m and Council expects the proposal to meet his requirement.

The applicant should look at retaining the existing driveway cross over to minimise the impact on the significant street tree, pushing back the development to comply with the prevailing building line and provide extensive landscaping at the front of the site to screen and soften the carparking when viewed from the street.

Front building line – amended plans

Comment:

Council is satisfied with the amendments to the plans in relation to the parking arrangement. The amended plans address Councils concerns regarding the retention of street tree, reduced visual impact and an increase to front building line to meet the prevailing setback. The amended plans also remove the swimming pools which helps to provide compliant landscaped area for the site.

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)	Dual Occupancy
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	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
Clause 4.1B Minimum lot sizes for dual occupancies	The area of the lot is equal to or greater than 800 square metres.	923.20m ²	Complies
Clause 4.3 Height of Buildings	8.5m	7.3m	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 C: Development Type Controls	
C1 Design Criteria for Residential Development	
Control	Requirement
C1.8 Dual Occupancy Specific Controls	Maximum Floor Space Ratio – Area 3: 0.4:1 and Second storeys shall cover a maximum of 50% of the ground floor area.
Comment: Does not comply. <ul style="list-style-type: none"> The proposed FSR for the site is 0.46:1, which results in a total breach 55m², 	



- The second storey of both dwellings covers approximately 75% of the ground floor area.

For Council to support the proposed variation to the FSR, the applicant will need to provide a detailed analysis showing that the development is compatible with bulk, scale and FSR of similar surrounding developments which are mixed in their character. It is noted that although the site is zoned R2 Low Density, there is a mixture of development types and scales in the vicinity of the site. A plan should accompany the application showing the surrounding FSR and bulk of the visual catchment of the site to support any claim that a 0.46:1 FSR is compatible with the existing character.

For Council to support the breach of the requirement for the upper level floor space to be 50% of the ground floor space, the proposal must demonstrate compliance with solar access and privacy requirements of the PDCP, along with compatibility with the character of the surrounding area.

Section D: Locality Specific Development Controls		
Control	Permitted	Proposed
D9.1 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 structures should 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.	Proposed - Carport width – 11.74m – 77% of the lot frontage. Amended – visible carport/garage width - 5.7m
<u>Comment:</u> The original submitted plans resulted in an unacceptable planning outcome as discussed above. The amended plans increasing the front setback and providing landscaping to screen the parking structures complies with the requirement of the control and can be supported.		
D9.6 Front building line	6.5, or established building line, whichever is the greater	Proposed - 6.5m Amended – 8m
<u>Comment:</u> The setback of the carports is inconsistent with the established building line of the adjoining properties which is approximately 8m from the front boundary and does not meet the outcomes of the control. The amended plans with a minimum of 8m setback to the front boundary, with a single driveway access and landscaping at the front of the site, complies with the requirement and outcomes of the control and can be supported by Council.		
D9.7 Side and Rear Building Line	Dual Occupancy <ul style="list-style-type: none"> • 2.5 to at least one side and 1m for other side 	West – 1.75m East – 1.42 - 1.75m Rear – 12.16m



Section D: Locality Specific Development Controls

	• 6.5 rear	
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Comment:
 The non-compliance with the side building line is considered acceptable as the proposal has variable setbacks on both the ground and first floor which helps to minimise the bulk and scale of the development. Additionally, both adjoining properties have driveways along the side boundaries, which provides adequate separation between the buildings.

The application will need to demonstrate that the setbacks to side boundaries do not unreasonably impact on the privacy, amenity, and solar access of the adjoining properties and this is to be addressed in the Statement of Environmental Effects and the submitted plans.

D9.10 Landscape Area	50% of the site area	Original plans – 43.9% (405.1m ²) Amended plan – 50.2% (463m ²)
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Comment:
 The proposed plans do not comply with the 50% landscaped Area requirement. The 6% variation is only applicable for single dwellings and cannot be applied to dual occupancies or multi dwelling buildings. The site is already non-compliant with the front building line, side building line and FSR requirement of the PDCP. For Council to support the proposal, any non-compliances will need to be minimised or adequate justification provided. In the case of the landscape area, there is no reason why the application cannot meet the landscaped area requirements.

Amended plan
Comment:
 The amended proposal complies with the requirements of control. Due to the other non-compliances being the side building line and FSR, Council would not support a non-compliant landscaped area and swimming pools are not included in the landscaped area calculation.

Specialist Advice

Flooding
 Non-compliances with B3.11 of the PDCP include:

- The subfloor perimeter of the building must be at least 50% open below the 1% AEP level of 4.42m AHD. All new fences/boundary walls must also be below at least 50% open below the 1% AEP level. These must be shown on the plans.
- The storage area at the back of the carports must be at or above the Flood Planning Level (FPL) of 4.42m AHD.

A letter Report from a suitable qualified engineer must be provided with the DA confirming the subfloor perimeter of the building is designed to be at least 50% open and confirming this has/can be designed in a way that that meets structural requirements of the building in a Probable Maximum Flood. Any changes to the proposal below the FPL must also be reviewed by the engineer in the Letter Report to check compliance with B3.11 of the PDCP.



Specialist Advice

Revised comments based on amended plan

The subfloor perimeter of the building must be at least 50% open below the 1% AEP level of 3.92mAHD as per B3.11 of the PDCP. All new fences/boundary walls must also be below at least 50% open below the 1% AEP level of 3.92mAHD as per B3.11 of the PDCP. These must be shown on the plans.

Note that garages are only required to be at or above the 1% AEP level of 3.92mAHD, whereas other floor levels are required to be at or above the Flood Planning Level (FPL) of 4.42mAHD.

A letter Report from a suitable qualified engineer must be provided with the DA confirming the subfloor perimeter of the building is designed to be at least 50% open and confirming this has/can be designed in a way that that meets structural requirements of the building in a Probable Maximum Flood. Any changes to the proposal below the FPL must also be reviewed by the engineer in the Letter Report to check compliance with B3.11 of the PDCP.

Landscaping

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

A Landscape Plan is required to demonstrate that the proposed development satisfies the DCP clauses, including:

C1.1 Landscaping

- a range of shrubs and canopy trees shall be retained or proposed to soften the built form,
- canopy tree planting shall be locally native species,
- generally at least 2 canopy trees in the front yard and 1 canopy tree in the rear yard, or vice versa, and in this case one replacement tree shall be placed within the front yard to offset the loss of the existing Peppercorn tree proposed for removal,
- development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops
- design consideration should be given in tree planting locations to minimise loss of sunlight, privacy, views, and noise for neighbouring properties
- property boundaries should include screen planting to reduce residential amenity impacts to private open space areas.

Any on slab planter or roof gardens shall comply with the following soil depth guidelines: 300mm for lawn and groundcovers; 600mm for shrubs and accents; and 1m for small trees.

The pre-lodgement plans indicate a compliant landscape area calculation and it is advised that 'landscape areas' shall be as defined in the Pittwater LEP: *means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.*

B4.22 Preservation of Trees and Bushland Vegetation



Specialist Advice

An **Arboricultural Impact Assessment** is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed. The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).

The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree. Existing trees and vegetation within adjoining property and within the road verge is not permitted to be impacted upon. Council does not support the removal of street trees unless the street tree is proven to present an arboricultural risk.

The property supports a high retention value Norfolk Island Pine within the rear of the property and concern is raised that the proximity of the proposed pool excavation may impact upon the health of the tree. (see below comments under Landscape concerns).

A high retention value Norfolk Island Pine is located within road reserve verge and concern is raised regarding the proposed two driveways in terms of excavation impact and reduction of existing soil volume to ensure long term retention (see below comments under Landscape concerns).

Where proposed structures involving excavation works are located within 5 metres of the existing Norfolk Island Pines, a **tree sensitive root investigation** prior to the submission of the development application shall be submitted as part of the Arboricultural Impact Assessment report.

Landscape concerns

- › The site planning for structures are not based on preservation of the two prominent Norfolk Island Pines, where setbacks to structures are to be determined by arboricultural assessment to guide the setbacks to ensure viable long term retention.
- › The proposal for two driveways will potentially impact upon the long term health of the existing Norfolk Island Pine located within the road reserve identified as T01 as natural ground areas lost to driveway hard surface encroachment is not compensated for elsewhere and contiguous under section 3.3.3 Major Encroachment of AS 4970-2009.
- › A better solution is a proposal with only one driveway across the road reserve, utilising the existing compacted natural ground area used for vehicle access should be considered, and this would result in preservation of the Norfolk Island Pine and also equates to the pattern of dual occupancy within neighbouring properties.
- › Concern is raised regarding the long term and viable retention of the high retention value Norfolk Island Pine identified as T11 and located within the rear of the property due to the proximity of the proposed pool excavation may impact upon the health of the tree, and furthermore concern is raised that the location of a pool near the Norfolk Island Pine (3 metres away) will ultimately lead to requests for tree removal based on proximity and reasons of safety and damage to structures.



Specialist Advice

Revised comments based on amended plan

General comments

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

A **Landscape Plan** is required to demonstrate that the proposed development satisfies the DCP clauses, including:

C1.1 Landscaping

- a range of shrubs and canopy trees shall be retained or proposed to soften the built form,
- canopy tree planting shall be locally native species,
- generally at least 2 canopy trees in the front yard and 1 canopy tree in the rear yard, or vice versa, shall either be retained or proposed,
- development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops
- design consideration should be given in tree planting locations to minimise loss of sunlight, privacy, views, and noise for neighbouring properties
- property boundaries should include screen planting to reduce residential amenity impacts to private open space areas.

Any on slab planter or roof gardens shall comply with the following soil depth guidelines: 300mm for lawn and groundcovers; 600mm for shrubs and accents; and 1m for small trees.

The pre-lodgement plans indicate a compliant landscape area calculation and it is advised that 'landscape areas' shall be as defined in the Pittwater LEP: *means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.*

B4.22 Preservation of Trees and Bushland Vegetation

An **Arboricultural Impact Assessment** is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed. The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).

The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree. Existing trees and vegetation within adjoining property and within the road verge is not permitted to be impacted upon. Council does not support the removal of street trees unless the street tree is proven to present an arboricultural risk.

The property supports a high retention value Norfolk Island Pine within the rear of the property and updated plans appear to indicate retention, and an arboricultural assessment shall be included in the Arboricultural Impact Assessment including tree protection measures.



Specialist Advice

A high retention value Norfolk Island Pine is located within road reserve verge and the proposed driveway utilises the existing compacted natural ground area and thus impact is likely to be minimal based on compaction observations only, and the construction methodology of the proposed driveway shall be investigated and reported in the Arboricultural Impact Assessment.

Where proposed structures involving excavation works are located within 5 metres of the existing Norfolk Island Pines, a **tree sensitive root investigation** prior to the submission of the development application shall be submitted as part of the Arboricultural Impact Assessment report.

Landscape concerns

Nil based on the submitted plans.

Development Engineering

Access:

- As property frontage is less than 30m, proposal of two separate driveways is not supported.
- Council will accept a single driveway serving both occupants.
- A long section and cross sections for the proposed driveway (grades, existing and proposed levels with chainage) are to be included in the submission. The driveway crossings is to be in accordance with Council's Vehicular Crossing profile which is available in Council's web page.
- Driveway shall be designed with a suitable turning area in compliance with AS/NZS 2890.1:2004, to ensue vehicles can enter and exit in a forward direction.

Stormwater

- The subject site is listed as being in Flood Risk area which requires Floodplain Planning Team to comment on flood level and loss of flood storage and if any crest required at the driveway
- As the subject site falls to the rear the method of stormwater disposal is to be in accordance with Clause 5.5 - Stormwater Drainage from Low Level Properties of Council's Water Management Policy. Evidence of the satisfaction of all steps must be provided with the Development Application. The policy is available in Council's web page.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>

Revised comments based on amended plans

Comment:

No additional comments provided. The proposed changes are acceptable.

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 / If in excess of \$1 Million a QS Report
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan (including analysis of surrounding FSR/Bulk)
- 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
- Arboricultural Impact Assessment
- Flood Report
- Landscape Plan
- BASIX Certificate

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 29/08/2023 to discuss an attached Dual Occupancy at 8 Seabeach Avenue, Mona Vale. The notes reference the plans prepared by Gartner Trovato dated 27/07/2023 and 31/08/2023.

The amended plans dated 31/08/23 address Council's concerns relating to the front building line, impact on the streetscape and street tree and landscaped area. The non-compliance with the FSR could be supported if it can be demonstrated through a detailed analysis that the development is compatible with bulk, scale and FSR of similar development in the area. For Council to support the non-compliance with the side building, plans showing compliance with solar access and privacy will need to be submitted with the application.

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.