



Pre-lodgement Meeting Notes

Application No: PLM2023/0046
Meeting Date: 11 May 2023
Property Address: 25 Kevin Avenue AVALON BEACH
Proposal: Development Application Prelodgement Meeting
Attendees for Council: Julie Edwards – Planner
Daniel Milliken – Manager
Gareth Andrews - Planner

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	
<ul style="list-style-type: none"> <i>New LEP and DCP – impact on lodgement of application</i> <u>Comment:</u> It is doubtful that the new Northern Beaches LEP and DCP will be in operation for the next few years and is unlikely to affect the assessment of this application. 	
<ul style="list-style-type: none"> <i>Setbacks</i> <u>Comment:</u> Council would like to see all built structures setback a minimum of 3m from the side boundary. This includes all retaining walls. 	
<ul style="list-style-type: none"> <i>Change to front entry to make level by excavating through driveway</i> <u>Comment:</u> Any excavation will need to be kept at a minimal to protect trees within the front yard and maintain the required access grades. Furthermore, any excavation should avoid the need for large retaining walls and the appearance of a three-storey dwelling when viewed from the street. The front of the site should retain a landscaped setting. 	
<ul style="list-style-type: none"> <i>Minimising excavation will result in additional bulk and scale, increased height.</i> <u>Comment:</u> The excavation required for the basement car parking can be minimised by reducing the floor to ceiling heights and reducing the number of carparking spaces. 	
<ul style="list-style-type: none"> <i>Sunken courtyards</i> <u>Comment:</u> Council has concerns that the terrace areas will not receive enough sunlight. Please provide shadow diagrams demonstrating compliance. There is also concern that the north-east facing balconies of the rear building will overlook the south-west terraces of the front building. Details are to be included in the SEE how privacy will be maintained to these areas. 	

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Note: The SEPP can be viewed at the [NSW Government Legislation Website](https://www.nsw.gov.au/legislation/other-legislation-statutory-instruments/legislation-repeals)

Housing SEPP 2021			
Control	Permitted	Proposed	Compliance
Site area	At least 1000sqm	2,789sqm	Complies
Frontage	>20m	21.5m	Complies
Building height	9.5m	6.7m	Complies
Floor Space Ratio	0.5:1	Appears compliant	Appears compliant – see note below explaining how FSR is calculated
Wheelchair access	100% of units	Appears compliant	Appears compliant
Non-discretionary development standards for independent living units—the Act, s 4.15			
Control	Permitted	Proposed	Compliance
Landscape Area	30% (836.7sqm)	Approx. 50%	Complies
Deep soil	15% (Min 3m dimensions) (with 65% within the rear)	Approx. 50%	Complies



		Less than 65% in rear (Approx. 50%)	Less than 65% in rear (Approx. 50%)
Solar access	70% to living rooms and POS between 9am – 3pm mid-winter	Insufficient information – appear to comply	Insufficient information – appear to comply
Private Open Space (Ground Floor)	At least 15sqm of private open space per dwelling	Complies	Complies
Private Open Space (First Floor)	A balcony accessible from a living area with minimum dimensions of 2m and an area of at least 10sqm	All except unit 08	No – Unit 08 does not comply Potential oversight on plans. Please review
Parking	1.5 space per 3 bed unit (total 15)	22	Complies

FSR Note:

Please note that the definition of how the Floor Space Ratio is calculated in SEPP (Housing) 2021 differs from the PLEP 2014.

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. The gross floor area is defined as the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the inner face of the external enclosing walls, as measured at a height of 1.4m above each floor level—

- (a) *excluding columns, fin walls, sun control devices and elements, projections or works outside the general lines of the inner face of the external wall, and*
- (b) *excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and*
- (c) *excluding—*
 - (i) *car parking needed to meet the requirements of this Part or the council of the local government area in which the development is located, and*
 - (ii) *internal access to the car parking, and*
 - (d) *excluding space for the loading and unloading of goods, including access to the space, and*
 - (e) *for in-fill self-care housing—including car parking provided at ground level, other than for visitors, in excess of 1 per dwelling, and*
 - (f) *for a residential care facility—excluding floor space used for service activities provided by the facility below ground level (existing).*

Division Development Standards	3	Comment
84 Development standards—general		<p>(2) Development consent must not be granted for development to which this section applies unless—</p> <ul style="list-style-type: none"> (c) for development on land in a residential zone where residential flat buildings are not permitted— <ul style="list-style-type: none"> (iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site. <p>The standard instrument defines a storey as:</p>



	<p><i>a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—</i></p> <p><i>(a) a space that contains only a lift shaft, stairway or meter room, or</i></p> <p><i>(b) a mezzanine, or</i></p> <p><i>(c) an attic.</i></p> <p>In the case of this proposal, the basement car parking level is not excluded and therefore, the building is considered three stories and this clause applies. Full compliance is required, however, if the proposal does not meet this requirement a clause 4.6 will need to be submitted.</p>
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Division 4 Site-related Requirements	Comment
93 Location and Access to Facilities	<p>Residents of the facility are to have access to:</p> <p>a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>b) community services and recreation facilities, and</p> <p>c) the practice of a general medical practitioner.</p> <p>The above facilities are to be located no more than 400m from the site and accessible via a suitable access pathway (being a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like) with an overall average gradient of not more than 1:14 or as prescribed by the clause.</p> <p>It is noted that the nearest bus stop is located on Barrenjoey Road (approximately 371m to the east). The gradient was unable to be confirmed to establish if the route was accessible by seniors or persons with a disability.</p> <p>An Accessibility Report is to be prepared by a suitably qualified person and submitted with a development application which details, amongst other matters, the gradient of the afore-mentioned route and confirms its accessibility for seniors and persons with a disability.</p>
99 Water and Sewer	<p>Written evidence is to be submitted with Council that the site is connected to a reticulated water system and has adequate facilities for the removal of sewerage.</p>

Division 6 – Design Principles	Comment
33 Neighbourhood Amenity and Streetscape	<p>The development has been designed to sensitively respond to the residential streetscape character of the area. The 21.5m setback and generous separation from the street is acknowledged, consistent with local character. Furthermore, any excavation will need to be kept at a</p>



Division 6 – Design Principles	Comment
	<p>minimal to protect trees within the front yard and maintain the required access grades. Any excavation should avoid the need for large retaining walls and the appearance of a three-storey dwelling when viewed from the street. The front of the site should retain a landscaped setting and any services, such as fire hydrants, will need to be shown on the submitted plans.</p> <p>The two storey scale of the front buildings, use of modulation, variable setbacks, pitched roof forms and contrasting materials, together with dense landscaping around the site results in a development that relates to the low density residential zone. However, concern is raised with bulk and scale of the rear building. The bulk needs to be reduced and this can be achieved by breaking up the rear building and changing the roof form to green roof.</p> <p>Notwithstanding, a written and illustrated Character Assessment of the development in its context to the local area is to be prepared and submitted with a development application. The Assessment is to address the questions raised in the Planning Principles established in the following NSW Land and Environment Court cases:</p> <ul style="list-style-type: none"> • <i>Peninsula Developments Australia Pty Ltd v Pittwater Council [2011] NSWLEC 1244;</i> • <i>GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council (2003) NSWLEC 268; and</i> • <i>Project Venture Developments v Pittwater Council (2005) NSWLEC 191.</i>
<p>34 Visual and Acoustic Privacy</p>	<p>The development is to ensure that visual privacy is protected to the neighbouring residential land uses to the south-west (rear), south-east and north-west (side).</p> <p>Although the development uses dense landscaping to protect against overlooking it cannot, of itself be relied upon as a permanent solution, which must come from good design.</p> <p>The use of fixed screening which directs viewing away from neighbouring private open space areas and habitable room windows is to be used on windows and balconies where overlooking is considered likely to occur.</p> <p>Concern is raised with the north-east facing balconies of the rear building overlooking the south-west facing balconies, courtyards and living areas of the front buildings. This is to be addressed in the SEE.</p>
<p>35 Solar Access and Design for Climate</p>	<p>Concern was raised in the meeting regarding the limited sunlight access to the central courtyards and to the ground level terraced areas at the rear and, because of this, the potentially limited use of these areas by the occupants of the facility.</p> <p>Architectural improvements to these areas is to be explored with the intention of increasing the amount of sunlight at ground level on 21 June.</p>



Division 6 – Design Principles	Comment
	Shadow diagrams are to be prepared and submitted with a development application which details shadows cast by the development on 21 June.
36 Stormwater	Council's Development Engineer has provided comments regarding stormwater (see comments under Specialist Advice).
37 Crime Prevention	An assessment of the proposal against the 4 key strategies of Crime Prevention Through Environmental Design (CPTED) is required to be prepared and submitted with a development application.
38 Accessibility	<p>The SEPP requires obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.</p> <p>The nearest bus stop is located on Barrenjoey Road (approximately 371m to the west) and traverses an established level footpath which raises then falls to Barrenjoey Road. A footpath gradient survey was provided at the meeting which demonstrates that the development is accessible from Barrenjoey Road, however an Accessibility Report is to be prepared by a suitably qualified person and submitted with a development application which details, amongst other matters, the gradient of the afore-mentioned route and confirms its accessibility for seniors and persons with a disability in accordance with Clause 26 of the SEPP.</p>
39 Waste Management	<p>A Waste Management Plan is to be prepared and submitted with a development application.</p> <p>The Plan is to be in the format prescribed by Council's Waste Management Plan and Waste Management Guidelines. The Plan and Guidelines can be accessed here:</p> <ul style="list-style-type: none"> • Waste Management Plan: https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/building-waste/waste-management-plan-2016.pdf • Guidelines (Demolition): https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/building-waste/waste-management-guidelines-2016-chapter-1-demolition.pdf • Guidelines (Construction): https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/building-waste/waste-management-guidelines-2016-chapter-2-construction.pdf • Guidelines (Ongoing): https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/building-waste/waste-management-guidelines-2016-chapter-2-construction.pdf

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)	seniors housing means a building or place that is— (a) a residential care facility, or (b) a hostel within the meaning of <i>State Environmental Planning Policy (Housing) 2021</i> , Chapter 3, Part 5, or (c) a group of independent living units, or (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for— (e) seniors or people who have a disability, or (f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.
Zone: R2 Low Density Residential	R2 Low Density Residential
Permitted with Consent or Prohibited:	Permitted with consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
Clause 4.3 Height of Buildings	8.5m	6.7m	Yes

Note: Clause 5 of the SEPP stipulates that the SEPP prevails where an inconsistency is found with another environmental planning instrument. There is an inconsistency between the SEPP and the LEP with respect to building height, therefore the SEPP prevails at 8.0m to the underside of the ceiling.

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 B: General Controls
B8 Site Works Management
Control/Requirement
B8.1 Construction and Demolition - Excavation and Landfill
<u>Comment:</u>



Section B: General Controls	
B8 Site Works Management	
Control/Requirement	
<ul style="list-style-type: none"> • The amount of excavation is not supported. The proposal is to be more integrated with the land form. The excavation could be reduced by minimising the height of the basement levels and reducing the number of car parking spaces. • Any excavation on the site must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5). • A excavation and fill plan will need to be submitted with the application. The plan will need to detail the cubic metres of fill or excavated materials to be removed. 	

Section C: Applicable Development Type Controls	
C1 Design Criteria for Residential Development	
Control/Requirement	
C1.25 Plan, Equipment Boxes and Lift Over-Run	
<p><u>Comment:</u> Details of service locations are to be shown on the plans. This includes air conditioning units, lifts shafts, hydrants etc.</p>	

Section D: Locality Specific Development Controls	
D1 Avalon Beach	
Control/Requirement	
D1.1 Character as viewed from a public place.	
<p><u>Comment</u> As discussed above, when viewed from the street the front building design responds to the residential character of the local area. However, concern is raised with the bulk and scale of the rear building. The rear building is monolithic in nature and the bulk needs to be reduced. Breaking up the rear building and altering roof form to a green roof are possible ideas.</p>	
D1.5 Building colours and materials	
<p><u>Comment</u> The concept elevations indicate the use of neutral colours and finishes which should be employed to all building facades to lessen the visual bulk and scale of the development within its residential context. A combination of lighter toned brick and weatherboard may be used to provide human scale and a sensitive visual relationship to surrounding residential development and natural environment.</p>	
Control/Requirement	Proposed
<p>D9.6 Front building line Permitted 6.5m or established building line (whichever is greater).</p>	<ul style="list-style-type: none"> • 21.2m to 24.9m to building line. • 2.5m – Platform lift/ Shelter • 6.3m – Waste Collection



Section D: Locality Specific Development Controls

D1 Avalon Beach

Comment

- Concern is raised with the maintenance and appearance from the street of the mechanical platform lift. Council would like to see an alternate design that does not rely upon a mechanical lift to provide compliant access to the site and does not involve a large structure within the front building line.
- Excavation should be minimised and the appearance of large retaining walls should be avoided within the front building line.
- Trees are to be retained and landscaping be the dominate feature of the front of the site.
- The location of the Hydrant Boosters is to be shown on the plans.

Control/Requirement

Proposed

D9.7 Side and rear building line

Where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated at 4.3m.

Side (North-west)

Ground Floor:

- Front building – 3.14 – 3.67m 1.96m (stairwell) to 3.2m.
- Rear building – 2.5 -3.2m
- Retaining walls – 2.2m

First Floor:

- Front building – 3.14 – 3.67m
- Rear building – 3.29m

Side (South- east)

Ground Floor:

- Front building – 3.14 – 3.67m
- Rear building – 2.5 – 3.2m
- Retaining walls – 2.3m

First Floor:

Front building – 3.1 – 3.7m
Rear building – 3.2m

Rear

- Ground Floor building – 9.5m
- Terrace – 6.3m

Comment

The proposed development does not comply with the side boundary setback requirement of the PDCP. Council wants the buildings and all built structures, including retaining walls be setback a minimum of 3m from the side boundaries. A 3m setback would be supportable on merit, given the residential scale of the development at the side elevations and that dense screen planting is provided within the side and rear setback areas of the site.

Specialist Advice

Water Management and Riparian

David Hellot - Senior Environment Officer - Catchments



Specialist Advice

- a. The water quality system is to be designed in accordance with Council's Water Management for Development Policy.
- b. The site area is 2789 m² (stated on PLM plan) with likely triggers of Table 5 – General Stormwater Quality Requirements
- c. All stormwater treatment measures must be designed in accordance with the requirements of Council's Water Management for Development Policy Policy and Northern Beaches Council's WSUD and MUSIC Modelling Guidelines. Water quality model to be supplied to Council preferably supported by a water management report.
- d. Stormwater treatment measures must be part of a unified design for the project and contribute to a positive urban design outcome, visually and physically integrated with the adjacent built and natural environment.
- e. Development must reduce the impact of impervious surfaces that drain to the stormwater system where possible by:
 - i. disconnecting impervious surfaces and roof drains so that runoff is directed to stormwater harvesting devices, infiltration measures and grassed or other landscaped areas designed to accept these flows (disconnected areas of impervious pavement do not contribute to the calculation of site impervious area used for the assessment of water treatment or on-site detention)
 - ii. minimising the length and width of driveways, the size of parking spaces, and other pavements.
- f. Groundwater management. Dewatering for construction and groundwater impacts are to be identified early in the design process. The geotechnical report is to clarify if a permit from WaterNSW is required.
- g. Water Conservation and Reuse. The development must be designed to minimise potable water consumption through water efficiency and appropriate reuse. This includes promotion and adoption of water efficient fittings and appliances and the use of alternate (non-potable) water sources such as rainwater, stormwater and greywater, in accordance with the principles of Water Sensitive Urban Design.

Traffic

James Brocklebank - Traffic Engineering Coordinator

The development is for a seniors living development comprised of 10 x 3 bedroom apartments with basement parking. The parking requirements for independent living units under SEPP Housing 2021 clause 108 is at least 0.5 spaces for each bedroom. As there are 30 beds, 15 parking spaces are required. There is no SEPP rate for visitor parking however the Pittwater DCP requires visitor parking at a rate of 1 space for every 3 dwellings rounded up for multi dwelling housing i.e 4 visitor parking spaces are required. The prelodgement plans allow for 20 residential spaces and two visitor parking spaces. This is comfortably in excess of the SEPP requirement however it would be preferred if two of the residential spaces were reassigned as visitor parking spaces. The SEPP requires that at least 10% of the parking spaces must be able to be widened to 3.8m. Many of the spaces appear to be able to be widened to this width if required.

Clause 93 of SEPP Housing requires that the development must have a transport service (excluding on-demand services) within 400m of the site providing service to and from the site at least once a day. The development is located approximately 390m from the nearest northbound bus stop and approximately 420m from the nearest southbound bus stop. As such it is not completely compliant with clause 93 of the SEPP, Clause 93. Clause 93 also requires that a suitable access pathway for travel to and from the bus stops by electric wheelchairs, motorised carts or similar is required with grades on the footpath to be compliant with limits specified in clause 93 subsection 4(c) of the SEPP. An accessibility review will need to be undertaken to support the



Specialist Advice

application to verify that this is the case. In particular, the grades of footpath sections and pram ramps approaching and crossing Park Avenue, on approach to Barrenjoey Road and crossing Barrenjoey Road and Central Avenue will need to be reviewed. It is also noted that footpath widths around existing traffic signal posts may need to be widened provide enough width for the passage of electric wheelchairs.

The ramp width is dimensioned at 5.5m within the carpark however appears to be slightly under this width at the boundary. It should be a minimum of 5.5m in width for at least the first 6m inside the property boundary and ideally all the way into the carpark to allow for passing of two vehicles. Aisle widths within the carpark are acceptable and the carpark layout and parking spaces appear to be sized appropriately to allow for forwards ingress and turning around via a 3 point turn to egress to the street.

Grades on the driveway ramps as provided with the PLM plans are acceptable however it is noted that DSAP has raised concerns about the amount of excavation required to provide the basement parking. Reducing the amount of excavation will steepen the driveways and any driveway adjustments must comply with grades as specified in AS/NZS 2890.1 clause 3.3.

AS/NZS 2890.1 clause 3.2.4 stipulates requirements for sight lines to traffic and pedestrians from the driveway. As the driveway is cut into the embankment a sight line review to both pedestrians and approaching traffic in compliance with this clause will be necessary.

It is noted that accessible pedestrian access to the development is via a platform lift and a circuitous ramp at a general gradient of 5% or via steps and ramps. While these arrangements may be compliant in terms of the gradients it does mean that persons with mobility issues have a lengthy path of travel just to enter or leave the property. This, coupled with the 400m+walk to bus stops presents a barrier to travel by public transport. As noted in the DSAP minutes a flatter, more convenient and less circuitous pedestrian access without reliance so much on ramps, steps and lifts may be achievable via a sunken courtyard.

Development Engineers

Joseph Di Cristo - Senior Development Engineer

I have reviewed the plans for the above meeting and offer the following comments.

1. The OSD system is to be designed in accordance with Council's Water Management for Development Policy.
2. The proposed tank must be located in an area that provides 24 hour external access and must not be located under habitable floors.
3. The drainage from the site is to be connected to the existing Council stormwater pipe in Kevin Avenue via a new kerb inlet pit.
4. The driveway profile from the kerb to boundary is to be in accordance with Council's Normal Profile available on Council's website.
5. The level difference proposed in the road reserve for the driveway is to be achieved where possible via battering. If this is not achievable, then details of any retaining walls in the road reserve required to achieve the driveway levels must be provided with the application. An arborist report is to be provided where any street trees are impacted by the proposed driveway crossing.
6. The width of the crossing is to be determined by Council's Traffic Team. The perspective plans appear to indicate the crossing to include the bin store and pedestrian access which is not supported.



Specialist Advice

7. A geotechnical report in accordance with Council's Geotechnical Risk Policy including forms 1 and 1A are to be submitted with the application.
8. The subject site appears to be beyond the 400m distance to the nearest bus stops to achieve compliance with the SEPP. The plans also indicate a crossing point in Kevin Ave for pedestrians which would need to be constructed as part of the works and may require a refuge island. This issue must be addressed by Council's Traffic Team.

Landscape

Joseph Tramonte - Senior Landscape Architect

The following documents are required at development application for assessment by Landscape Referral:

- Landscape Plan(s) prepared by a qualified professional (Landscape Architect or Landscape Designer) and information submitted shall be in accordance with Council's DA Lodgement Requirements.
- Arboricultural Impact Assessment Report prepared by a qualified arborist and information submitted shall be in accordance with Council's DA Lodgement Requirements.

General Comments

The landscape outcome of any development shall recognise the existing landscape character of the locality that includes tall canopy trees as the prominent visual and physical elements of the landscape, to satisfy clause 99(b) and 99(d) Neighbourhood amenity and streetscape, of State Environmental Planning Policy (Housing) 2021, Part 5 Housing for seniors and people with a disability (SEPP Housing), where any development shall provide adequate landscape area to both retain existing trees and provide soil volume area to support any new tree planting.

Additionally other planting will be required for development screening and privacy amenity, to satisfy clause 100(a) Visual and acoustic privacy, of SEPP Housing.

Existing trees of high retention value are impacted by the proposed development including the native Turpentine group between the two properties along the side boundary and individual Angophora trees and other native species, and under clause 99(g) Neighbourhood amenity and streetscape, of SEPP Housing, shall retain significant trees where reasonable, and this is also a requirement of Pittwater DCP control C1.1 Landscaping, C1.21 Seniors Housing, and D1 Avalon Locality.

The submitted Pre-Lodgement Plans indicate that rear and side setbacks are encroached beyond the DCP guidelines that may impact the retention of existing trees including side boundaries to apartments 01, 02, 03, 04 and 05 encroached by retaining walling and terraces. Likewise these setback encroachments restrict new planting to soften the built form, and it is advised that the front and rear setbacks are to retain or support new planting of tall canopy trees typical of the locality, and side setbacks shall retain or support new planting of at least small trees as a minimum, and this is also a requirement of Pittwater DCP control B4.22 Preservation of Trees and Bushland Vegetation

Co-ordinated Site Plans, Landscape Plans and Arboricultural Impact Assessment shall be submitted to be clear of which existing trees are to be retained and protected, removed, or otherwise exempt. It is noted that the Survey does not include relevant information regarding tree trunk diameters, heights and spread, and therefore it is unclear what the impacts to existing trees are.



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To satisfy clause 108(e) Non-discretionary development standards for independent living units, of SEPP Housing, at least 30% of the site area is landscaped, and under clause 108(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, at least 65% of the deep soil zone is located at the rear of the site.

It is noted the properties falls within the Biodiversity Values Map (BVM) under the Biodiversity Conservation Act, and any tree removal within the BVM may trigger the Biodiversity Offsets Scheme (BOS). This specific matter is deferred to Council's Bushland & Biodiversity Referral team.

Landscape Referral Concerns

It is noted that the submitted Pre-Lodgement Plans do not clearly represent the impact to existing trees within the properties, to adjoining properties and within the road reserve, and as previously stated the Survey does not represent the size and canopy coverage of the existing trees, and any development application is required to minimise impact to existing trees of value.

The proposed landscape area, whilst numerical compliant to SEPP Housing, does not demonstrate how any replacement canopy trees, of typical size for the locality, are feasible within the proposed landscape areas.

Biodiversity

Kristie King - Biodiversity Officer

Relevant Provisions

The following biodiversity provisions apply to the subject sites:

- NSW Biodiversity Conservation Act 2016
- Pittwater LEP Clause 7.6 – Biodiversity Protection
- Pittwater DCP Clause B4.5 – Landscape and Flora and Fauna Enhancement Category 3 Land
- Pittwater DCP Clause B4.6 – Wildlife Corridors

Requirements

Biodiversity Conservation Act 2016 (BC Act)

Portions of the vegetation within the subject sites have been identified as Pittwater Spotted Gum Forest Endangered Ecological Community (EEC) and therefore are included on the NSW Biodiversity Values Map (BV Map). Any direct or indirect impacts to native vegetation within the BV Map will trigger entry into the NSW Biodiversity Offsets Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR), which may result in a biodiversity offset credit obligation.

While the pre-lodgement plans and documentation do not detail all of the native trees and vegetation on the sites, the preliminary plans indicate that some vegetation removal will be required within the BV Map, and that entry into the BOS is therefore likely to be triggered. It should be noted that Council's tree permit exemptions prescribed under PDCP B4.22 do not provide an exemption from the requirement for a BDAR when entry into the BOS is triggered.

Assessment of the proposal by an ecologist accredited under the NSW Biodiversity Assessment Method (BAM) is required to be submitted with the DA. Should the Accredited Assessor determine



Specialist Advice

that the proposal does not trigger entry into the BOS, this should be stated in a letter or report. Should it be determined that entry into the BOS is triggered, the DA is to be accompanied by a BDAR which outlines how the proposal has been designed and sited to avoid and minimise impacts to biodiversity. Further information on assessment requirements can be found in Council's Biodiversity Guidelines for Applicants.

Any BDAR must be finalised and signed by the Accredited Assessor within 14 days of the DA lodgement date (in accordance with Section 6.15 of the BC Act). The assessor is requested to add Northern Beaches Council as a case party to the BAM assessment in BOAMS and submit the case to the consent authority in BOAMs prior to lodgement of the DA.

LEP/DCP Biodiversity Controls

The proposal should be designed to avoid and minimise impacts to significant native trees to the maximum possible extent. In accordance with PDCP biodiversity controls, development shall not result in a net loss in native canopy trees. The proposal to retain significant eucalypt trees on site is supported and is to be demonstrated in an arboricultural assessment and landscape plan.

Any new landscaping should be composed of at least 60% locally native species of the Pittwater Ward (as listed on Council's website), or the Pittwater Spotted Gum Forest EEC listing.

Required Information

- A BDAR prepared by an Accredited Assessor in accordance with the Biodiversity Assessment Method, or a letter/report prepared by an Accredited Assessor outlining why the proposal does not trigger entry into the BOS.
- Arboricultural Impact Assessment, prepared in accordance with Landscape comments
- Landscape Plans, prepared in accordance with Landscape comments.

Waste Management

Catheryn Hannemann – Waste Education Officer

Residential Waste Storage design, access and location

As this is a multiple occupancy proposal, Council provides a "wheel out / wheel in" service for the bins. The owners corporation / building occupants are not to place the bins at the kerbside for collection.

Access between the waste bin room and the bin holding area is via the vehicular driveway or a lift. This is unacceptable, service access to move the bins between the waste bin room and the bin holding area must be via a 1200 wide pathway that is separate to the vehicular driveway.

To resolve this the driveway could be widened by 1.2m with a raised kerb or the pathway to be marked with cross hatching.

Any doors fitted on the waste storage area, pathway and access must be:

- Openable in an outward direction.
- Able to be latched in an open position for servicing without obstructing access and manoeuvring of bins.
- Unobstructed by any locks and security devices.
- Minimum 1.2 metres wide.



Specialist Advice

Access and servicing of the Bin Holding Bay

- To allow unimpeded access for collection staff, the gate providing access from the street must be repositioned in front of the bin holding bay access pathway. Alternatively, a second gate to be provided in this position.
- Bins in the holding bay can be stacked by colour with a 1m aisle along the front to allow collection staff access to each group of bins for servicing. To accommodate 12 waste and recycling bins on collection day, the bin holding bay needs to be enlarged to 4m x 2.4m.
- The dimensions for each bin are: · Depth: 750mm · Width: 600mm · Height: 1080mm
- Access to the bin holding room is to be a flat, smooth path with a non-slip surface (concrete is good) with a maximum gradient of 1 in 8.

Transfer of Waste Bins between the Basement Bin rooms and the Collection Bay

The Building Manager is responsible to ensure that the waste and recycling bins are presented in, and removed from, the bin holding bay for collection.

Option for Residential Bin Storage room at street level

Please be advised that it is possible for the holding bay at street level to become the permanent waste bin room, removing the need for the waste bin room in the basement.

To do so and meet Council's location and access requirements:

- The residential waste storage room must be able to accommodate 12 x 240 litre waste bins for 10 residential dwellings – 4 x garbage, 3 x paper recycling, 3 container recycling bin and 2 vegetation bins.
- The room can be designed so that there is an aisle a minimum of 1m wide between each row of bins or between a single row of bins and a wall.
- There must be a separate pathway and access between the Waste Storage Area and property boundary with a maximum distance of 6.5m.
- Requirements for any doors fitted on the waste storage area, pathway and access are as above.

The bulky waste storage area:

- Access door must open outwards and be 1.2 metres wide.
- This bulky goods waste storage room cannot be used for any other purpose once the building is occupied.
- The occupants would be required to self-present bulky goods in front of the building.

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
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition) – the amount of excavated materials and fill needs to be included. If fill is to be brought on site, details of where the fill is to come from is to be provided.
- 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
- Arborist Report
- Landscape Plan
- Water Quality Model
- Water Management Report
- Geotechnical Report
- Biodiversity Development Assessment Report (BDAR)

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 11 May 2023 to discuss Seniors housing at 25 Kevin Avenue AVALON BEACH.

The proposal in its current form would not be supported. Of critical importance are the FSR and upper level setback controls within SEPP (Housing) 2021 that are likely to require significant design changes.

The treatment of the front of the site is also important and while it is acknowledged that there are constraints, these need to be designed around.

Further discussions with Council are likely to be required before DA lodgement.

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.