



## Pre-lodgement Meeting Notes

<b>Application No:</b>	PLM2021/0305
<b>Meeting Date:</b>	9 December 2021
<b>Property Address:</b>	20 The Serpentine BILGOLA BEACH
<b>Proposal:</b>	Construction of a studio and car parking structure
<b>Attendees for Council:</b>	Jordan Davies – Planner Miller French-Lightfoot – Student Planner
<b>Attendees for applicant:</b>	Amy Sutherland – Town Planner Rob Miller – Owner

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### 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**

### **Permissibility**

The front of the site is affected by the SP2 Classified Road Zone. The same area of land also benefits from Schedule 1 'Additional Permitted Uses' Clause 24 '*Use of certain land in Zone SP2 Infrastructure intended to be acquired for public purposes*'. This clause allows development for the purpose of 'enabling access to a dwelling house', which the proposal for a parking platform and driveway is consistent with. For development in this area, Council is required to consider:

- (a) the effect of the proposed development on the costs of acquisition of the land,*
- (b) the imminence of the acquisition,*
- (c) the costs associated with the reinstatement of the land for the purposes for which it is to be acquired.*

In this regard, the applicant is to provide Council with a letter of written support from Transport for NSW, advising they have no objection to development within the SP2 Zone. This is also to address Clause

In regards to the 'Studio' area below parking platform, it is not considered that a studio or additions to the existing dwelling would fit within Clause 24 Additional Permitted uses. Therefore, the applicant must demonstrate that the area would benefit from Existing Use Rights with regards to extension of the existing dwelling within the site into this area zoned SP2.

It is considered that there is a possibility of this being demonstrated given there is an existing portion of the dwelling within the SP2 Zone on the land (beneath the existing garage) and there are other recent examples within the vicinity of the site that the same approach has been supported by Council.

### **Visual Impact and Design**

The proposed parking platform is not entirely consistent with the predominant pattern of development within the immediate catchment of the site, with the majority of parking structures sitting beneath the road level on the eastern side of The Serpentine. However, the applicant has advised there is much difficulty providing off street parking along this stretch of road, given technically no on-street parking is permitted.

Therefore, should the applicant pursue the proposal the design shall be a minimal, low scale and visually recessive as possible. This includes the parking structure being at the minimum dimensions required for 2 cars, lightweight railings, natural and dark materials to blend into the surrounds and minimising tree removal. As much as practical (from an engineering and safety perspective), the structure must be set down to minimise visual presence.

### **Sight Lines**

The applicant is to provide a site line analysis to address traffic safety for the proposal given the proximity to the road bend. Should the site line analysis recommend additional tree removal, the arborist report must take this into consideration. Please refer to Council's landscape officer comments regarding tree removal in the Council reserve.

### **Drainage**

The applicant advised of an overland flow issue from stormwater runoff from the west of the site. The applicant advised the proposal will also assist in resolving stormwater and upgraded drainage is proposed to be integrated into the design to assist the stormwater issue.



The applicant also advised of an intention to upgrade additional frontage of the site (beyond the scope of works) to resolve overland flow issues. It is understood the majority of these works would be within the road reserve and therefore, subject to a Section 138 Approval from Council. Should this be proposed as part of the works, detailed engineering and drainage drawings would need to be provided with the DA.

However, the applicant could also pursue these works within the road reserve separately under Section 138 Application as a separate matter to this DA.

#### **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>

<b>Part 2 - Zoning and Permissibility</b>	
<b>Definition of proposed development:</b> (ref. PLEP 2014 Dictionary)	Alterations and additions to a dwelling house
<b>Zone:</b>	E4 Environmental Living SP2 Classified Road
<b>Permitted with Consent or Prohibited:</b>	The parking structure is permitted in the SP2 Zone pursuant to Schedule 1, Clause 24 Additional Permitted Uses.  'Studio' or 'Alterations and additions to a dwelling' with the SP2 zone is subject to existing use rights.  'Alterations and additions' within the E4 Zone permitted with consent.

<b>Part 4 - Principal Development Standards</b>			
<b>Standard</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Height of buildings</b>	8m	Up to 6m	Yes

#### **PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)**

P21DCP can be viewed at <https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=P21DCP>

The following notes the identified non-compliant areas of the proposal only.

<b>Part D3 Bilgola Locality</b>		
<b>Control</b>	<b>Permitted</b>	<b>Proposed</b>
<b>D3.6 Front Setback</b>	6.5m or consistent with prevailing	2m



### Part D3 Bilgola Locality

The DCP provides the following variation clause for parking structures:

*“Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.”*

The applicant is to adhere to the above advice regarding visual impact and design, to minimise the presence of the structure and integrate into the landscape. Given the slope of the site, the front setback variation could be supported subject to a quality visual outcome.

<b>D3.7 Side and rear building line</b>	2.5m one side	Eastern setback varies from 0.6m to 4m.
	1m one side	

The driving factor for the positioning of the structure should be the retention of significant vegetation. The proposal adjoins a public reserve and therefore, the eastern setback must be viewed in the context of visual impact upon the reserve (no issues with privacy, overshadowing or views upon private land). No significant issue is raised regarding the side setback as proposed, subject to the applicant providing quality landscaping within the remaining setback zone to soften the structure as viewed from the adjoining reserve and minimising tree removal.

### Specialist Advice

#### Landscape 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
- D3.11 Landscaped Area – Environmentally Sensitive Land

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

#### B4.22 Preservation of Trees and Bushland Vegetation

The SoEE shall include discussion on the trees and vegetation within the site and within adjoining properties. Should all trees and vegetation be 5 metres or less in height ie. Exempt Species, no Arboricultural Impact Assessment is required, and this is to be reported in the SoEE.

For prescribed (protected) trees under the DCP, ie. 5 metres and over, excluding Exempt Species, 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.



### Specialist Advice

Any development impact shall be outside of the structural root zone, and impact to the tree protection zone, for trees retained, shall be limited to satisfy AS4970-2009.

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.

No impact to existing trees and vegetation within adjoining properties is acceptable, regardless of species type.

As a general principle, the site planning layout shall be determined following arboricultural investigations and recommendations. Any proposal to remove existing trees of moderate to high retention value will not be supported by Council if an alternative design arrangement is available, as assessed by Council.

#### 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
- majority of proposed vegetation shall be locally native species
- 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

Any on slab planters or roof gardens shall comply with the following soil depth guidelines:

- 300mm for lawn and groundcovers
- 600mm for shrubs and accents
- 1m for small trees

#### D3.11 Landscaped Area – Environmentally Sensitive Land

- the bulk and scale of the built form is minimised
- vegetation is retained and enhanced to visually reduce the built form
- conservation of significant natural features of the site and contribute to effective management of biodiversity
- conservation of natural vegetation and biodiversity

#### **Landscape Concerns**

Generally, there appears to be several significant native canopy trees located within the site, the adjoining headland reserve, as well as the road reserve, all of which are within proximity to the proposed carport and studio. It is noted three trees appear to be located within the footprint of proposed works and will therefore require removal. The main concern raised is the potential for these proposed works to further impact a number of other trees, largely located within the road reserve, as well as the headland reserve located to the east.

An Arboricultural Impact Assessment is needed to determine the impacts of proposed works on existing trees within adjoining properties and the road reserve, as these are required to be protected and retained. This is particularly important as it appears a significant amount of excavation is required for the studio, potentially impacting and encroaching into the TPZ and SRZ of several trees adjacent to the eastern boundary within the neighbouring property. In addition, there appears to be several walls proposed adjacent to the new driveway which is likely to further impact existing street trees. This Arboricultural Impact Assessment shall be required to investigate



### Specialist Advice

and determine the impacts of proposed works on these trees to be retained and suggest site specific tree protection measures to ensure they are successfully protected and retained. All trees within neighbouring properties are considered prescribed, irrespective of species, with any negative impacts towards their short-term and long-term health not likely to be supported. It should be noted that any encroachment of 10% or more into the TPZ of trees to be retained, or any encroachment into the SRZ, requires a tree root investigation as per AS4970-2009, specifically *Clause 3.3.3 Major Encroachment*.

Should evidence be provided that no alternative layout and design is achievable, a Landscape Plan shall also be required. This Landscape Plan is to demonstrate that compensatory tree planting is to take place, adequately replacing prescribed trees that are removed to facilitate proposed works. Trees should be replaced on a 1 for 1 basis. Replacement tree species are to utilise Littoral Rainforest EEC species and be located a minimum 2 metres from existing and proposed structures/buildings, as well as 2 metres from other trees.

### Development Engineering

1. Stormwater disposal for the proposal is to be designed in accordance with Pittwater 21 DCP 2014 Clause B5.15 Stormwater. Where the proposed impervious area exceeds 50 square metres, an on-site stormwater detention (OSD) system will be required for the proposal.
2. The proposed driveway crossing and internal driveway is to be designed in accordance with Pittwater 21 DCP 2014 Clause B6.1 Access Driveways and Works on the Public Road Reserve and B6.2 Internal Driveways. In this regard, the applicant must provide a Traffic Engineer's report to assess the sight distance requirements of the above DCP controls and AS/NZS 2890.1:2004. Where the sight distances required cannot be achieved, the proposal will not be supported.
3. The driveway grades must be in accordance with Council's standard drawing A4/330/3 NL. Sections through the proposed crossing are to be submitted demonstrating compliance. The 1:4 Max grade shown on the submitted drawings must include a transition in accordance with the above standard drawing. This will require the proposed parking area to be raised to suit.
4. As the driveway is elevated, barriers in accordance with AS/NZS2890.1:2004 must be provided for the driveway and parking structure. The above mentioned Traffic Engineer's report must take into account the barrier walls in the sight distance assessment.
5. The proposed off street parking is to be in accordance with Pittwater Council's Pittwater 21 DCP 2014 Clause B6.3 Off-Street Vehicle Parking Requirements.
6. A Geotechnical report is to be provided in accordance with Pittwater Council's Pittwater 21 DCP 2014 Clause B3.1 Landslip Hazard.

### 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)
- 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
- Site Line Analysis – Traffic Report
- Geotechnical Report
- BASIX Certificate
- Bushfire Report
- Arboricultural Impact Assessment
- Landscape Plan

#### **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 9 December 2021 to discuss Construction of a studio and car parking structure at 20 The Serpentine Bilgola Beach. The notes reference the plans prepared by Housed dated 12/03/21.

The proposed development is to minimise tree removal to the maximum extent possible (including consideration of sight lines and ancillary retaining structures), minimise the bulk, scale and visual prominence of the structure, demonstrate adequate site lines and demonstrate the lower studio portion can benefit from existing use rights.

Should all the above issues be resolved in a satisfactory way, the proposal is capable of being supported given there is a limited opportunity for off-street parking along this stretch and the site has a sufficient frontage in accordance with the DCP to accommodate a second driveway.

#### **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.