



Pre-lodgement Meeting Notes

Application No: PLM2021/0303
Meeting Date: 9 December 2021
Property Address: 231 & 233 McCarrs Creek Road CHURCH POINT
Proposal: Construction of a dwelling house
Attendees for Council: Jordan Davies – Town Planner
Miller French-Lightfoot – Town 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

Tree Removal

See detailed comments from Council's Biodiversity and Landscape Officer. The design must respond to significant trees on the site and the retention of significant trees must be the key design principle. The applicant was concerned that the driveway design may impact or require removal of a significant tree on the site. Council's Biodiversity Team have advised that should tree removal be required to achieve a suitable and safe driveway gradient/sight lines for site access, the removal of such a tree would be acceptable. It appears that any driveway construction would require some level of tree removal and the challenge is also to achieve sight lines and compliant gradient.

Excavation

The proposed amount of excavation for the dwelling footprint is suitable given the site grade. The additional excavation for the retaining walls in the rear yard would not be supported if this necessitated additional removal of medium or high value trees. It is recommended these be deleted from the proposal and a sensitive approach be taken to providing open space.

Bushfire

The applicant is to provide a bushfire report by a suitably qualified person. Council will rely on the BAL ratings specified by the bushfire expert and refer the application to the RFS if necessary (based on the BAL rating/recommendation of the report). The arborist report/flora and fauna report must take into account any recommended Asset Protection Zones recommended by the bushfire report.

Building Height/Scale

The north-western corner of the dwelling appears to be up to 9m. If the site has a slope of over 30% (which appears so) then the applicant may rely upon Clause 4.3(2D) Pittwater LEP 2014 for a minor portion of the building to encroach the 8.5m limit up to 10m. If the proposal meets the requirements of Cl 4.3(2D) then a request to vary the development standard under Cl 4.6 is not required.

The proposal appears to encroach the side boundary envelope on both the north and south elevation. Given the slope of the site, there is a variation clause which allows a minor encroachment should the outcomes of the control be met. The south-western corner where the proposal encroaches the envelope should provide some variation to the building façade (materials/articulation) to break down the bulk and scale of this section of the façade.

Driveway Design

The applicant shall prepare a traffic report to address the sight lights for the driveway design given the proximity of the driveway to the bend. See comments above regarding tree removal for the driveway.



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)	Dwelling House
Zone:	C4 Environmental Living
Permitted with Consent or Prohibited:	Permitted with consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
Building Height	8.5m*	Up to 9m	*Clause 4.3(2D) permits up to 10m on site slope of >30%

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.

Part D4 Church Point and Bayview Locality		
Control	Permitted	Proposed
D4.8 Building Envelope	3.5m above the side boundary, 45 degree plan	Minor encroachment north Moderate encroachment south
A variation clause allows an encroachment where the site is over a 30% slope. See discussion in the above section regarding the encroachment. The southern side shall include some articulation/façade variation to break up the building bulk and scale.		
D4.10 Landscape Area	60% of site to be landscaped area	57.7% landscaped area Plus 6% variation permitted
The DCP allows for a variation where up to 6% of the site area consisting of paved open space up to 1m above ground level to be counted as LOS (which would bring the proposal into numerical compliance if relied upon). The proposal consisting of 57.7% landscaped area is acceptable (plus variation clause), subject to the reasonable retention of significant trees on the site.		



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Biodiversity

Relevant Considerations

The following biodiversity-related provisions apply to the site:

- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Pittwater LEP
 - cl. 7.6 Biodiversity Protection
- Pittwater 21 DCP
 - cl. B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor
 - cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
 - cl. B4.22 Preservation of Trees and Bushland Vegetation
- Coastal Management SEPP 2018
 - cl. 13 Development on land within the coastal environment area

Compliance with each of these provisions will need to be demonstrated within the submitted Statement of Environmental Effects (SEE) or other biodiversity related supporting documentation.

General Biodiversity Comments

The site is mapped as containing native vegetation (S_WSF33: Central Coast Escarpment Moist Forest), and from aerial inspection is heavily vegetated. To achieve consistency with PLEP cl. 7.6, P21DCP Cl. B4.2 and B4.4, the proposal must be designed and sited to avoid environmental impacts to the maximum possible extent. Removal of significant trees and important biodiversity values may not be supported if an alternative design solution is available. The eastern boundary of the lots share a boundary with East McCarrs Creek Reserve, a Council Reserve, containing native vegetation. As such, any species selected for landscaping within the rear yard is to be focused on locally native species to reduce the risk of garden escapees into Council managed land.

From review of the proposed Architectural Plans (Wincrest, May 2021) submitted to Council with Pre-lodgement documentation, it appears that at least nine (9) trees will require removal to facilitate the construction of the dwelling and driveway. An Arborist report is required to determine the full impacts of the proposed works on these trees and others within close proximity to the works, as well as outlining those that can be safely retained and protected. Native tree removal is to be mitigated through replacement planting at a minimum planting ratio of 1:1 and is to be detailed in the Landscape Plan submitted with the DA. Significant tree removal with minimal native replacement within the site will likely not be supported. Similarly, significant trees that provide substantial fauna habitat, including trees which contain large hollows should be retained as a priority.

Required Supporting Documentation

On review of the submitted pre-lodgement plans, the following documentation is required to accompany the Development Application (DA):

- Flora and Fauna Assessment Report
- Arboricultural Impact Assessment



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- Landscape Plan
- Bushfire Hazard Assessment Report

Flora and Fauna Assessment Report

A Flora and Fauna Assessment (FFA) Report is to be prepared by a suitably qualified Ecological Consultant and submitted with the DA. The report is to assess the impacts of the proposed development (including any proposed Asset Protection Zones required for bush fire protection) on native vegetation and threatened species that are found to occur or have likelihood of occurring within the lots.

The FFA should identify all direct and indirect impacts to biodiversity values associated with the proposal. This includes assessment of impacts associated with demolition and construction; excavation and fill; construction access and staging areas; materials and debris stockpiling; installation of services and stormwater infrastructure; onsite effluent disposal areas, establishment of bush fire APZs; landscaping, and ongoing operation of the development.

Direct and indirect impacts may include clearing and modification of vegetation; removal of habitat features such as hollows, caves and rock outcrops; fragmentation or isolation of habitat; changes to flora and fauna dispersal routes; soil disturbance, run-off and sedimentation; increased noise, vibration, increased lighting and traffic in natural areas, and demolition or modification of human-made structures utilised by wildlife (such as bats).

Assessment of whether the proposal will or is likely to have a significant impact on threatened species, populations, their habitats and endangered ecological communities as determined under Section 7.3 of the NSW Biodiversity Conservation Act 2016.

Arboricultural Impact Assessment

An Arboricultural Impact Assessment Report, prepared by a qualified AQF5 (or higher) arborist, must be submitted when works are proposed within 5.0m of a tree irrespective of property boundaries. No Arborist Report is required for trees and species within the development site that can be removed without approval under the relevant DCP.

Landscape Plan Requirements

To ensure consistency with Clause B4.2 of the Pittwater DCP, any Landscape Plan submitted must demonstrate that at least 80% of any new planting incorporates native vegetation (as per species listed in Native Plant Species Guide - Pittwater Ward, available on the Council's website <https://www.northernbeaches.nsw.gov.au/node/34932>).

Landscaping is to be outside areas of existing bushland and should not include environmental weeds. Development shall provide an adequate buffer to wildlife corridors. As the Lots are within Bush Fire Prone Land, all proposed landscaping is to be in accordance with the requirements of Planning for Bushfire Protection 2019.

Bushfire Hazard Assessment Report

As the site is located within Bushfire Prone Land Map, a Bushfire Hazard Assessment Report is required to be submitted with the DA. The report should be prepared by a suitably qualified Bushfire Consultant. The report must demonstrate how compliance with Planning for Bushfire



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Protection 2019 and other provisions of the Rural Fires Act 1997 can be achieved. The report should identify relevant Asset Protection Zones (APZs) and whether the site complies with the requirements of an Inner Protection Area or Outer Protection Area. If the site does not meet APZ compliance, the bushfire consultant should identify whether vegetation will require removal in order to comply with APZ requirements so that Council can understand potential impacts of the APZ on surrounding bushland and biodiversity.

Landscape

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
- D4.10 Landscaped Area – Environmentally Sensitive Land
- D4.14 Scenic Protection Category One Areas

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.

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.



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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

D4.10 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

D4.14 Scenic Protection Category One Areas

- preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront
- maintenance and enhancement of tree canopy
- maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component

Landscape Concerns

Generally, there appears to be several significant native canopy trees located within the site, the road reserve, as well as the adjoining nature reserve the east, all of which are within proximity to the proposed dwelling, driveway and rear terracing. It is noted that some level of tree removal is inevitable considering the site is vacant and is currently heavily vegetated. The main concern raised with the proposal is that in addition to the canopy trees shown to be removed within the site, a number of trees are also anticipated to be negatively impacted by works, specifically the driveway and rear terracing. These trees or concern are located outside the site boundaries within the road reserve, the adjacent nature reserve towards the east of the site, as well as the adjoining property to the south.

An Arboricultural Impact Assessment is needed to determine the impacts of proposed works on existing trees within adjoining properties, the road reserve, and the nature reserve to the rear, 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 rear terracing, potentially impacting and encroaching into the TPZ and SRZ of several trees. In addition, the proposed driveway and associated retaining walls are also likely to further impact trees in the road reserve and adjoining property to the south. Although plans do not currently show these trees as removed, the current impacts appear to be significant, likely affecting both the short-term and long-term health of these trees, with tree failure a likely result in the future. This Arboricultural Impact Assessment shall be required to investigate 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



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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*.

Considering the likely impacts on existing trees and vegetation within the site and the immediate surrounds, it is recommended that the site layout be determined following Arboricultural input. Site planning should seek to avoid the most significant, high value trees within the site, and reduce potential impacts on trees in adjoining properties.

A Landscape Plan shall also be required detailing proposed landscape works that seek to return native vegetation to the site as a result of tree and vegetation removal, whilst simultaneously mitigating and softening the bulk and scale of the built form. Considering the proposed built form is three stories, this additional vegetation is vital and is necessary to ensure compliance with controls C1.1, D4.10 and D4.14. A detailed plant schedule and planting plan shall also be required, detailing proposed species, spacing, as well as pot sizes. Proposed trees should be located a minimum 2 metres from proposed buildings and structures, and a minimum 2 metres from other trees.

Engineer

1. The proposal will require on-site stormwater detention (OSD) in accordance with Section 9.3.1 of Council's Water Management for Development Policy.
2. A Geotechnical report in accordance with Council's Geotechnical Risk Policy must be provided with the application.
3. The proposed driveway crossing and internal driveway is to be designed in accordance with Section B6.1 and B6.2 of Pittwater 21 DCP 2014.
4. In this regard, the driveway grade is not to exceed 1 in 4 (25%).
5. A sight line analysis by a Traffic Engineer is to be provided for the crossing to ensure adequate sight distances can be achieved in accordance with AS/NZS 2890.1:2204.
6. Any retaining walls in the road reserve must be a minimum of 2.5 metres off the edge of bitumen. Battering forward of the retaining walls must be detailed. Plans and sections of the driveway must be provided with the application demonstrating compliance.

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
- Arboricultural Impact Assessment
- Flora and Fauna Report
- Bushfire Report
- BASIX Certificate
- Traffic Report (Site Line Analysis)
- Landscape Plan
- Geotechnical Report

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 Dwelling at 231-233 McCarrs Creek Road. The notes reference the plans prepared by Wincrest Homes dated 23 September 2021.

Overall, the proposal is generally acceptable subject to a detailed arboricultural impact assessment and flora/fauna assessment to demonstrate that the level of tree removal for the site will not have unacceptable impacts upon significant trees or habitat. The sight line analysis shall be provided for the driveway design to demonstrate safe vehicle exit for the site. You are encouraged to incorporate the above feedback into the proposal prior to lodgement of 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.