



northern  
beaches  
council

**Application No:** PLM2018/0197  
**Meeting Date:** 20/09/2018 9:00:00 AM  
**Property Address:** 14 Gladstone Street NEWPORT  
**Proposal:** Proposed dual occupancy  
**Attendees for Council:** Renee Ezzy, Principal Planner  
Hugh Halliwell, Development Assessment Officer  
Duncan Howley, Team Leader, Floodplain Planning & Response  
**Attendees for applicant:** George Manojlaski – Builder  
Peter Fiedler - Owner

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#### General Comments/Limitations of these Notes

These notes have been prepared by Council 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 specific issues discussed and conclusions reached at the pre-lodgement meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority. A determination can only be made following the lodgement and full assessment of the development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.



## SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
<p><b>Issue</b></p> <p>Subdivision</p> <p><u>Relevant PLEP/P21 DCP Clause</u></p> <p><i>Clause 4.1 PLEP 2014</i></p>	<p>As the proposed subdivision would result in undersized lots being:</p> <ul style="list-style-type: none"> <li>• Lot A – 398.5m<sup>2</sup> and</li> <li>• Lot B – 398.5m<sup>2</sup></li> </ul> <p>Torrens title subdivision is not supported as these lots would represent a variation of 57%.</p> <p>Strata subdivision of the proposed dual occupancy could be considered subject to the proposal being issued development consent.</p>
<p><b>Issue</b></p> <p>Flooding</p> <p><u>Relevant PLEP/P21 DCP Clause</u></p> <p><i>Clause B3.11 Flood Prone Land</i></p>	<p>Council's Floodplain Planning team have reviewed the proposal and provided the following detailed expectations of what should be submitted with a future Development Application:</p> <p><i>The property is identified as being subject to flooding in the 1 in 100 year event and is therefore subject to flood related development controls for the purposes of residential development as detailed in Clause B3.11-B3.13. The property is in the High/Medium Risk Flood Planning Precinct and would therefore be required to address the controls under this category. This information is taken from the Newport Flood Study, 2004.</i></p> <p><i>Based on this the following comments are provided.</i></p> <ul style="list-style-type: none"> <li>• <i>A Flood Management Report is required to be submitted with the application, guidelines to undertake this can be found on Council's webpage.</i></li> <li>• <i>The minimum floor level for the new dwellings must be set at or above the Flood Planning Level of 5.56m AHD.</i></li> <li>• <i>An updated Flood Management Report is required in accordance with Council's guidelines available on our webpage.</i></li> <li>• <i>The area of the subfloor must be at least 50% open to not impede the flow of flood water.</i></li> <li>• <i>The development must produce no net loss of flood storage, calculations to demonstrate this must be included in the Flood Management Report.</i></li> <li>• </li> <li>• <i>A suitable shelter in place refuge above the Probable Maximum Flood level must be provided.</i></li> </ul>



## PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

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

Zoning and Permissibility	
<b>Definition of proposed development:</b> (ref. PLEP 2014 Dictionary)	<p><b>Dual Occupancy</b></p> <p><i>Dual Occupancy means a dual occupancy (attached) or a dual occupancy (detached).</i></p> <p><i>Note.</i></p> <p><i>Dual Occupancies are a type of residential accommodation</i></p> <p><i>Dual Occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.</i></p>
<b>Zone:</b>	R2 Low Density Residential
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

Principal Development Standards:	
<b>Clause 4.1 Minimum Subdivision Lot Size</b>	
Standard	Proposed
700m <sup>2</sup>	Lot A – 398.5m <sup>2</sup> Lot B – 398.5m <sup>2</sup>
<p><b>Comment</b></p> <p>A Torrens Title subdivision of this site is not supported.</p>	
<b>Clause 4.3 Height of Buildings</b>	
Standard	Proposed
8.5m	Undefined
<p><b>Comment</b></p> <p>The final design should ensure that compliance with the building height requirement is provided. The building height line should be indicated on the plans.</p> <p><b>Note:</b> Building heights are measured from existing ground level.</p>	



## PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)

**Note:** P21 DCP can be accessed via Council's Website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

<b>Section A: Shaping Development in Pittwater</b>	
<b>A4 Localities</b>	
<b>Comment</b>	
The subject site is located within the A4.10 Newport Locality. The proposed dual occupancy development should demonstrate that the scheme can adequately address the desired character for Newport.	

<b>Section B: General Controls</b>	
<b>B1 Heritage Controls</b>	
<b>B3 Hazard Controls</b>	
Control/Requirement	Proposed
B3.11 Flood Prone Land	Development within a flood risk area.
<b>Comment</b>	
The subject site is within the 40m buffer zone of a natural drainage waterway. Accordingly, the requirements of Council's Floodplain section must be addressed as part of any application.	
<b>B6 Access and Parking</b>	
<b>Comment</b>	
The proposed design includes two (2) driveway crossings from Bishop Street. It is recommended that the driveway crossing for Lot A be located in a similar location to the driveway indicated in the proposal. For Lot B, it is recommended that the design be reconfigured to provide a driveway crossing from the eastern side of the Gladstone frontage adjoining No. 12 Gladstone Street.	

<b>Section C: Development Type Controls</b>	
<b>C1 Design Criteria for Residential Development</b>	
Control/Requirement	Proposed
C1.8 Dual Occupancy Specific Controls	FSR = 0.64:1
<b>Comment</b>	
The site is located within Area 3 and should provide a maximum floor space ratio of 0.4:1. The design will need to be reconfigured in order for the development to be able to address the requirement for second storeys to cover a maximum of 50% of the ground floor area.	
The final design should demonstrate compliance with the requirements of Section C1.8.	



<b>C5 Design Criteria for Other Development</b>	
<b>Control/Requirement</b>	
C5.1 Landscaping C5.2 Safety and Security C5.7 Energy and Water Conservation C5.8 Waste and Recycling Facilities C5.10 Protection of Residential Amenity	
<b>Comment</b>	
The outcomes and details of the development against these controls must be addressed within the Statement of Environmental Effects lodged with any Development Application.	

<b>Section D: Locality Specific Development Controls</b>	
<b>Newport Locality</b>	
<b>Control/Requirement</b>	<b>Proposed</b>
D10.1 Character as viewed from a public space	The northern façade facing Newport Oval must address the requirements of this control.
<b>D10.7 Front Building Line</b>	
<b>Comment</b>	
<p>The proposed development as submitted for the meeting provided both dwellings with their frontage to Bishop Street. It is recommended that the dwelling on Lot B be oriented to the Glastone Street frontage providing a 6.5m setback.</p> <p>Lot A provides a setback of 7.5m to the Bishop Street frontage. It is recommended that the garage structure be moved closer to Bishop Street meeting the 6.5m setback to provide greater space on the eastern side of the dwelling available for private open space.</p>	
<b>D10.8 Side and Rear Building Line</b>	
<b>Comment</b>	
Dual occupancy development should provide side setbacks of at least 2.5m to one side and 1.0m for the other side.	

<b>Specialist Advice</b>	
<b>Referral Body</b>	<b>Comments</b>
<b>Development Engineers</b>	<p>The following general pre- lodgement comments are provided for the proposed development. These comments are only preliminary in nature and a detail assessment can only be provided upon a DA lodgement:-</p> <ol style="list-style-type: none"> <li>1. The site is located in an area affected by the 100 year flood levels. Comments from Council's Flood Team is requested.</li> <li>2. No On site Detention will be required.</li> <li>3. Connection to Council pipe within the reserve is not recommended. Should this be the only option an easement over the reserve must be obtained. Comments from Council park and reserve is requested for this proposed pipe traversing over their reserve is requested.</li> </ol>



Specialist Advice	
	<p>4. Inter alimient drainage system to service the development will be required.</p> <p>5. Compliance with minimum lot size in accordance with Pittwater LEP and DCP is recommended.</p>
Referral Body	Comments
Landscape Architect	<p><b>GENERAL LANDSCAPE COMMENTS</b></p> <p>Following review of the proposal, there is concern that the proposal will require the removal of the existing mature Swamp Mahogany (<i>Eucalyptus robusta</i>). This tree appears to be a remnant tree that is seen throughout the locality, and this tree provides significant amenity to the streetscape.</p> <p>A proposal involving re-design is encouraged to preserve this tree.</p> <p>A key component of the Pittwater 21 DCP (controls B4.22 and C1.1) is the preservation of existing canopy trees, where development results in the retention of existing trees, thus protecting the amenity that trees and vegetation provide to the built environment.</p> <p>Concern is raised that the loss of this existing tree will impact on the ability of the development to be integrated into the landscape character of the area, and that bulk and scale will not be minimised.</p> <p>It is noted that the existing tree is located in close proximity to the existing dwelling. Council's current Tree Management Policy on Private Land permits removal of existing trees <i>located within two metres of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building)</i>. The exact distance from the exterior of the tree trunk to the dwelling was not surveyed by Council upon its site review, but it appears to be greater than 2 metres. As such the existing tree is subject to protection. The applicant may wish to clarify this dimension by a registered surveyor, with the result submitted to Council for counter-check.</p> <p><b>DETAILED LANDSCAPE COMMENTS</b></p> <p>The following documentation is required at DA stage for further consideration of the application's merit: Landscape Plan (s) and Aboricultural Impact Assessment.</p> <p><b>Landscape Plan(s)</b></p> <p>A detailed landscape plan will be required to satisfy the outcomes and controls of the DCP as noted below:</p> <p><i>C1.1 Landscaping</i></p> <p>In all development a range of low lying shrubs, medium to high shrubs and canopy trees shall be retained or provided to soften the built form.</p>



## Specialist Advice

At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, tree species are to be planted to ensure that the canopy is retained over the long term.

Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted.

The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:  
-50% for all other forms of residential development.

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.

Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.

Variations:

Where canopy trees are to be retained on site, planting of additional canopy trees shall be assessed on a merit basis.

### *C1.5 Visual privacy*

Direct views of private open spaces are to be restricted by vegetation / landscaping.

### *D9.1 Character as viewed from a public place*

The bulk and scale of buildings must be minimised. Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.

### *D9.15 Fences General*

Front and side fences (within the front building setback) shall: not exceed a maximum height of 1 metre above existing ground level, shall be compatible with the streetscape character, and not obstruct views available from the road.

Front fences and landscaping should allow people in their homes to view street activity.

Fences are to be constructed of open, see through, dark coloured materials.

### **Aboricultural Impact Assessment**

An Aboricultural Impact Assessment, to document the impact upon the existing trees from the proposed development, from excavation and



### Specialist Advice

construction activities shall be provided. Impact to adjoining properties vegetation is unacceptable, and loss of trees within the road reserve is to be avoided where possible.

To satisfy B4.22, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained or proposed for removal.

The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation zones).

The report shall be prepared by a qualified Arborist (Minimum 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.

### Relevant Council Policies

You are advised that copies of the following (but not limited to all) Council's policies are available via Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) :

- Development Assessment Management Policy

### Documentation to accompany the Development Application

- Electronic copies (USB)
- Statement of Environmental Effects
- Request to vary a development standard
- Cost of works estimate/ Quote
- Site Plan
- Floor Plan
- Elevations and sections
- A4 Notification Plans
- Survey Plan
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Waste Management Plan Ongoing
- Certified Shadow Diagrams
- BASIX Certificate
- Schedule of colours and materials
- Landscape Plan
- Arboricultural Impact Assessment Report
- Subdivision Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan





#### **Documentation to accompany the Development Application**

- Stormwater Management Plan
- Preliminary Geotechnical Report
- Bushfire Report
- Flood Risk Assessment Report
- Overland Flows Study
- Water Sensitive Urban Design Strategy

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

#### **Concluding Comments**

These notes are in response to a pre-lodgement meeting held on 20 September 2018 to discuss construction of a 2 storey dual occupancy development at No. 14 Gladstone Street, Newport. The notes reference preliminary plans prepared by Newport Homes dated 9 July 2018.

The proposal is not acceptable and requires redesign prior to submission. The driveway and main entry/orientation of Lot B should be relocated to Gladstone Street and the floor space distribution should be reviewed to comply with the required FSR for dual occupancy development.

The Bishop Street frontage should be designed with decent building articulation and landscaping to provide a streetscape appearance of a single dwelling from each frontage.

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