



## Pre-lodgement Meeting Notes

**Application No:** PLM2024/0062  
**Meeting Date:** 2 July 2024  
**Property Address:** 143 Riverview Road AVALON BEACH  
**Proposal:** Inclinator and deck  
**Attendees for Council:** Julie Edwards – Planner  
Daniel Milliken – Manager, Development Assessment

### 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

#### 7.8 Limited development on foreshore area

##### Comment:

The existing inclinator on the site does not extend all the way to the foreshore, requiring access via stairs to the boatshed and dwelling. The proposed inclinator will follow the existing rail but extend further down to the foreshore area, providing level access to the boatshed and dwelling. The extension will require excavation into the foreshore area to provide a landing platform. The section plan shows that the excavation will be kept to a minimum, only requiring the most necessary excavation to allow room for the rail and car. The proposed location of the landing platform still allows pedestrian access along the waterfront.

For Council to support the proposal, a **clause 4.6 is to be submitted** as the works include **additional elements into the foreshore building line**. The application will need to **provide a fill and excavation plan showing how much excavation is required** to accommodate the inclinator. The applicant will need to review and address the requirements raised by Council's referral officers which are detailed below under referral comments. The proposal will also need to **demonstrate how pedestrian access along the foreshore will be maintained** on the plans and within the clause 4.6.

The application will need to be determined by the **NBLPP as the works do not meet the definition of permissible works within the FBL under PLEP**. The NBLPP are generally reluctant to approve inclinators to waterways. However, as the inclinator is replacing an existing inclinator, and if the applicant has addressed/ provided all the requested information, the proposal is likely to have enough weight to be supported.

### 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

<b>Definition of proposed development:</b> (ref. PLEP 2014 Dictionary)	Alterations and additions to a dwelling – Incline lift, access stairs and landings
<b>Zone:</b>	C4 Environmental Living
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

#### Clause 4.6 - Exceptions to Development Standards

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.



A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

Standard	Permitted	Proposed
<b>7.8 Limited development on foreshore area</b>	<p>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,</p> <p>(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</p>	Extended inclinorail rail and access platforms

#### **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>

Specialist Advice
<p><b>Biodiversity</b></p> <p><u><b>Biodiversity Planning Controls</b></u></p> <p>The following biodiversity related legislation and planning controls apply to the subject lot. Compliance with applicable provisions will need to be demonstrated within the submitted Statement of Environmental Effects (SEE) and/or supporting documentation.</p> <ul style="list-style-type: none"> <li>• Biodiversity Conservation Act (BC Act) 2016</li> <li>• Biodiversity Conservation Regulation (BC Reg) 2017</li> <li>• SEPP (Resilience and Hazards) 2021 – clause 2.10 Development on land within the coastal environment area</li> </ul>



## Specialist Advice

- Pittwater LEP clause 7.6 Biodiversity Protection
- Pittwater 21 DCP clause B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

## Required Supporting Documentation

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

- **Arboricultural Impact Assessment**
- **Biodiversity Development Assessment Report (BDAR) – if native vegetation is proposed for removal within the BV Map area**

Further information on assessment requirements can be found in Council's Biodiversity Guidelines for Applicants.

### Understanding the different levels of assessment required

Is the development footprint on the Biodiversity Values Map?	Level of impact from proposal	Assessment required	Rel
No	The development <b>will not</b> impact upon any of the following: <ul style="list-style-type: none"> <li>• More than four protected (prescribed) native trees*</li> <li>• Any threatened species or ecological communities</li> <li>• More than 50m<sup>2</sup> of native vegetation</li> <li>• Important resources or habitat features for wildlife. This may include features like tree hollows, rock overhangs or wetlands. In Manly, some residential properties also provide important habitat for endangered penguins and bandicoots. Please see <b>Guidelines 1</b> for more information.</li> </ul>	Compliance with relevant LEP/DCP biodiversity objectives is to be addressed in the <b>Statement of Environmental Effects (SEE)</b> .  OR as determined by Council at pre-lodgement meeting  <b>Note:</b> this level of assessment is typical for minor developments with limited impacts such as landscaping works or modification applications.	
No	The development <b>will impact</b> upon any of the following: <ul style="list-style-type: none"> <li>• More than four protected (prescribed) native trees*</li> <li>• Any threatened species or ecological communities</li> <li>• More than 50m<sup>2</sup> of native vegetation, but less than the applicable Biodiversity Offset Scheme (BOS) <b>area clearing threshold</b></li> <li>• Important resources or habitat features for wildlife. This may include features like tree hollows, rock overhangs or wetlands. In Manly, some residential properties also provide important habitat for endangered penguins and bandicoots. Please see <b>Guidelines 1</b> for more information.</li> </ul>	The application is to be accompanied by a <b>Flora and Fauna Assessment (FFA)</b> prepared by a suitably qualified ecologist.  OR as determined by Council at pre-lodgement meeting  <b>Note:</b> this level of assessment is typical for small to medium lot subdivisions, construction of a new dwelling, and other medium to large scale developments (such as a Seniors Living development).	Gui Gui
	The development will result in either of the following: <ul style="list-style-type: none"> <li>• A significant impact to a threatened species, population or ecological community as determined by a 'threatened species test of significance'</li> <li>• Impacts to an area of native vegetation greater than the applicable Biodiversity Offset Scheme (BOS) <b>area clearing threshold</b></li> </ul>	The application is to be accompanied by a <b>Biodiversity Development Assessment Report (BDAR)</b> prepared by an accredited assessor in accordance with the NSW Biodiversity Assessment Method (BAM).  Where developments require a BDAR due to the scale of impacts such as clearing of native vegetation above the Biodiversity Offsets Scheme clearing threshold, such developments may also require a <b>Biodiversity Management Plan (BMP)</b> . The requirement for a BMP will be determined by Council.	Gui Gui Gui (if c req
Yes	The development will impact upon: <ul style="list-style-type: none"> <li>• Areas identified on the NSW <b>Biodiversity Values Map</b>, including the Little Penguin 'Area of Outstanding Biodiversity Value'</li> </ul>	<b>Note:</b> this level of assessment is required when the proposal triggers entry into the NSW Biodiversity Offsets Scheme (BOS).	

**Important Note:** Developments should be designed and sited to avoid environmental impacts in the first instance. Assessment against the objectives of relevant Council LEP and DCP consider direct and indirect impacts of the proposal, including vegetation clearing within the development footprint and clearing required to establish bush fire asset protection zones. The assessment requirements outlined above address biodiversity-related controls only.

\*Additional reports, such as an Arboricultural (tree) Impact Assessment, may also be required if the proposal is likely to impact upon protected trees. Applicants should consider obtaining tailored advice through Council's **DA pre-lodgement service**.

Figure 1. Triggers for Biodiversity Assessment

## General Biodiversity Comments

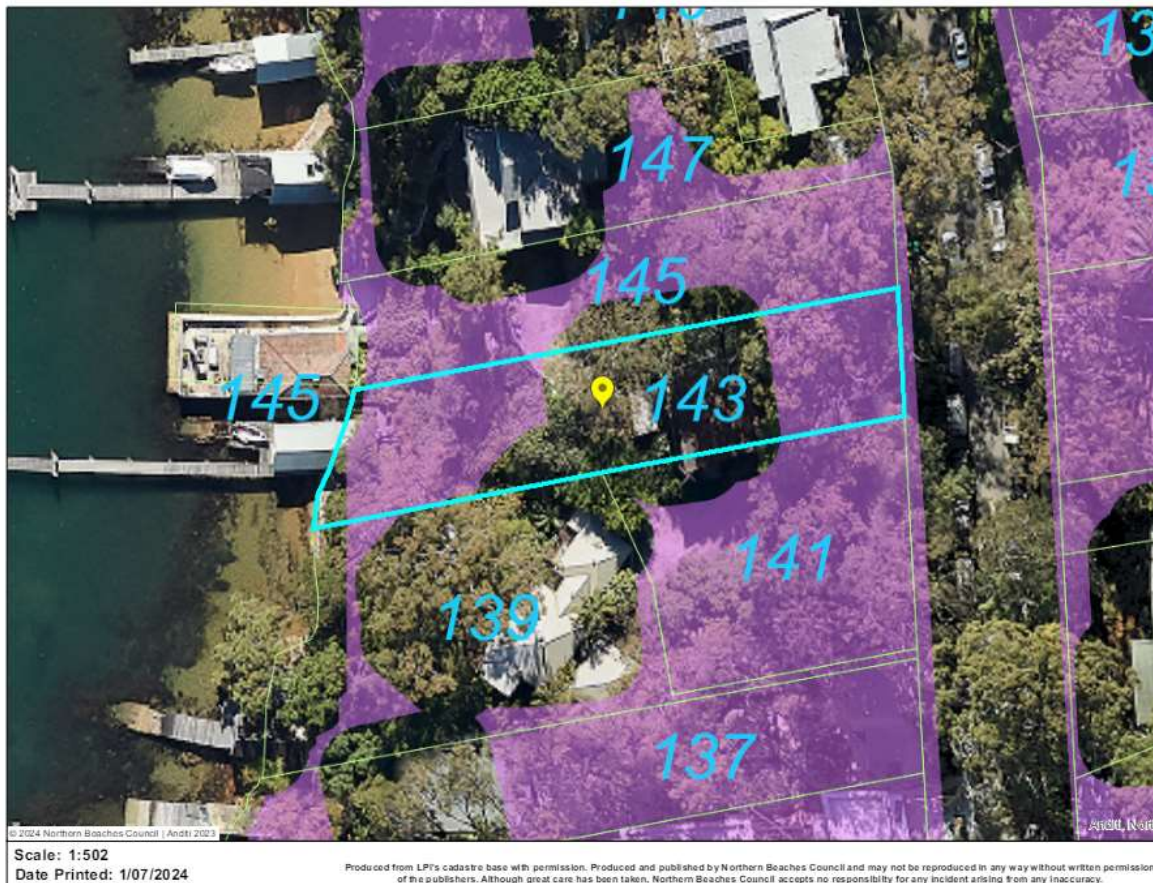


### Specialist Advice

The architectural plans and pre-DA statement submitted as part of the pre-lodgement meeting identify that the proposal seeks to upgrade the existing inclinator. The works are proposed within the Biodiversity Values Map (BV Map) and as such the **comments relating to BDAR requirements below are relevant to this proposal**. It is noted that the Pre-DA Statement (Levy Planning June 2024) states that “no additional trees or rocks are proposed to be removed. Excavation is required at the toe of the slope as indicated on the Architectural Plans”.

#### Biodiversity Assessment Development Report (BDAR) Requirements

The site is mapped within the NSW Department of Climate Change, Energy, the Environment and Water (DCCEES) *Biodiversity Values Mapping* (BV Map; purple polygon).



Development occurring within the *Biodiversity Values Map* will require assessment under the Biodiversity Assessment Methodology (BAM) 2020 if they involve:

- Impacts to Native Vegetation (as defined under *60B of the Local Land Services Act 2013*), or
  - Including clearing and/or establishment of Asset Protection Zones.
- Prescribed actions (as defined under *6.1 of the Biodiversity Conservation Regulation 2017*).





### Specialist Advice

As the site is located within BV Map, the applicant will be required to engage an Accredited Assessor under the BAM (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>) to determine whether a Biodiversity Development Assessment Report (BDAR) is required.

If the Accredited Assessor determines that a **BDAR is NOT required**, a concise letter report should be submitted within the DA explaining why the BAM does not apply.

If the Accredited Assessor determines that a **BDAR is required**, the BDAR should demonstrate what measures have been taken to avoid and minimise before offsetting of vegetation is applied. Council may not support the proposal unless minimisation of impacts is clearly demonstrated in accordance with the BAM. The BDAR must address the *Serious and Irreversible Impact (SAIL)* guidelines for the candidate **SAIL Pittwater Spotted Gum Forest** EEC, and any other applicable SAIL candidates.

Advice provided to Council by DPE, *The approval authority must not grant approval if they determine the proposal is likely to have a serious and irreversible impact on biodiversity values.* In addition to the *Biodiversity Conservation Act 2016* (BC Act), the BDAR must also address the requirements of relevant State Environmental Planning Policies, and the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act).

A BDAR submitted with the DA must be finalised and signed by the Accredited Assessor within 14 days of the DA lodgement date in accordance with 6.15 of the Biodiversity Conservation Act 2016. 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 the lodgement of the DA (per DPIE's *Release notes – Consent Authority user access to BOAMS, March 2020*). This will assist assessment of the DA and allow Council's Biodiversity Officers to view the BAM Calculator and electronically approve credit requirements.

#### 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. The Arborist Report will be essential in identifying native trees that may require removal as a result of the proposed development.

### Landscape



### Specialist Advice

The proposed works are in proximity to existing trees, and it is noted that the Arboricultural Impact Assessment report under approved REV2023/0011 consent is referred to by Landscape Referral. **Trees T11 and T23 (both Coast Banksia) will be subject to encroachments, expected to be excavation for pier footings.**

To ensure minimal disturbance to existing roots belonging to T11 and T23, tree sensitive excavation (ie. hand digging for pier footings) will be required.

An Arboricultural Impact Assessment shall be submitted to identify any tree impacts (canopy pruning and root disturbances), and the report shall recommend tree protection measures. It is expected that conditions will be imposed requiring co-ordination for location of pier footings to minimise any impacts to existing tree roots.

### Coast and Catchments

#### Relationship with other documents

- Pittwater 21 Development Control Plan
- Pittwater Local Environmental Plan 2014
- Pittwater Estuary Mapping of Sea Level Rise Impact Study (Cardno 2015)
- Coastal Management Act 2016
- State Environmental Planning Policy (Coastal Management) 2018

#### Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018

**The proposed development is located within the coastal zone of NSW and is subject to the provisions of the Coastal Management Act 2016 (CM Act) and State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)**

Under the CM SEPP the subject site has been included on the Coastal Environment Area Map as well as the Coastal Use Area Map. The objectives and requirements of both the CM Act and the CM SEPP must be addressed within the **Statement of Environmental Effects (SEE) Report** as they relate to development within these coastal management areas.

### ESTUARINE RISK MANAGEMENT

#### Estuarine Hazards

The subject property has been identified as being affected by **estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping**. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any development of the site

#### Estuarine Planning Level (EPL)



### Specialist Advice

Based on the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.66 m AHD has been adopted by Council for the subject site. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of 0.07 m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.0m.

The EPL provided is indicative only and may be subject to revision based upon any additional information lodged in support of a development application for the site

As proposed developments are located above the adopted EPL, **no Estuarine Risk Management Report will be needed, however all electrical cables associated with the inclinor should be above EPL.**

Report Required:

- Statement of Environmental Effects (SEE) Report

### Environmental Health – Acid Sulfate Soils

It would appear the location where excavation is proposed for the inclinor has been classed as Class 5 Acid Sulfate Soils. Based on the Acid Sulfate Soils Manual 1998, Class 5 Acid Sulfate Soils would require further assessment if:

*Works within 500 metres of adjacent Class 1, 2, 3, or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.*

Based on the above and the proposed work, Environmental Health do not require further investigation into Acid Sulfate Soils.

### 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.
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan





<ul style="list-style-type: none"><li>• Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist</li><li>• Arboricultural Impact Assessment</li><li>• Biodiversity Development Assessment Report (BDAR) – if native vegetation is proposed for removal within the BV Map area</li><li>• Preliminary Geotechnical Report</li></ul> <p><b>IMPORTANT NOTE FOR DA LODGEMENT</b></p> <p>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.</p> <p><a href="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">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</a></p> <p>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.</p>
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Concluding Comments
<p>These notes are in response to a pre-lodgement meeting held on 2 July 2024 to discuss replacement of an incline lift at 143 Riverview Road AVALON BEACH. The notes reference the plans prepared by Jasmax.</p> <p>Council could support the proposal if all additional information is submitted and it is demonstrated that the proposed works require minimal excavation, minimal impact on the environment and the proposal can be supported by professional reports.</p>
<p><b>Question on these Notes?</b></p> <p>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.</p>