



Pre-lodgement Meeting Notes

Application No: PLM2022/0232
Meeting Date: 26 January 2023
Property Address: 56 Central Road AVALON BEACH
Proposal: Proposed
Attendees for Council: Penny Wood (Planner)
Mark Milton (Student Planner)
Attendees for applicant: Azar Mortezapour
Khai Tam
Rob Raine

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 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

The Applicant has submitted a Proposed Works summary providing a general assessment of the proposed secondary dwelling in line with the Pittwater Local Environmental Plan (LEP) 2014 and the Pittwater 21 Development Control Plan (DCP).

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)	secondary dwelling means a self-contained dwelling that— is established in conjunction with another dwelling (the principal dwelling), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling.
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Zone:	C4 Environmental Living Zone
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Permitted with Consent or Prohibited:	Permitted with Consent
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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.

Part 4 - Principal Development Standards

Standard	Permitted	Proposed	Compliance
4.3 Height of buildings	8.5m	3.7m	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=PDCP>

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



Part D Avalon Beach Locality		
Control	Permitted	Proposed
D1.9 Side and rear building line	Rear Boundary 6.5m Side Boundary 1.0m (west) Side Boundary 2.5m (east)	6.5m secondary dwelling western wall - 2.2m Rainwater tank - 500mm Secondary dwelling eastern wall - 3.3m
The control requires the side setback to be 2.5m to one side and 1.0m to the other side. The proposed secondary dwelling complies with both the side setback to the eastern boundary and the rear setback. Three (3) above ground rainwater tanks are located along the western side of the secondary dwelling creating a 500mm setback to the western boundary. As discussed within the Notes, the Applicant is encouraged to investigate a more suitable location for the secondary dwelling located 3m or more from trees 11, 12 and 13 which have been identified as having high retention value. Re-locating the secondary dwelling could therefore result in a compliant setback to the western boundary. If this cannot be achieved, the Applicant is required to delete the second 3000L rainwater tank located closest to the western boundary. The removal of this rainwater tank would ensure a minimum 1.0m setback is achieved to the western boundary and would comply with the BASIX requirements for a secondary dwelling.		
D1.11 Building Envelope	3.5m x 45°	Located within the building envelope
The proposed secondary dwelling is compliant with the building envelope control. As discussed within these notes, the Applicant may be required to raise the height of the secondary dwelling. All attempts are to be made to ensure the structure complies with the numerical requirements of the building envelope control.		
D1.14 Landscaped Area – Environmentally Sensitive Land	60% of Site Area. Required Landscaped Area = 523.56m ²	460.2m ² (52.7%)
The development proposes 460m² landscaped area for the site resulting in a shortfall of 63.36m². A variation is afforded for single dwellings on land zoned R2 Low Density Residential, R3 Medium Density Residential or C4 Environmental Living. Up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)). The plans indicate a covered deck measuring 19m². Given the deck is covered, the Applicant is required to remove the roof over the deck for this area to be included in the landscaped area calculation. The removal of the roof would allow for this area to be included in the 6% variation resulting in 55% (479m²) of the site being provided as landscaped area. It is noted the secondary dwelling is 60m² which is the maximum allowable floor area for a secondary dwelling. Reducing the size of the secondary dwelling is not considered to dramatically		



Part D Avalon Beach Locality

increase the landscaped area for the site. The location of the secondary dwelling should be prioritised to ensure trees with a high retention value are protected.

The shortfall of landscaped area could be supported by Council provided a sensitive design can be achieved which prioritises the protection and retention of trees 11, 12 and 13 as outlined in the Arboricultural Impact Assessment. The Applicant is also to ensure any design achieves the outcomes of the control as outlined below:

Outcomes

Achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)

To preserve and enhance the rural and bushland character of the area. (En, S)

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

Comments were received from Council's Biodiversity Officer stating a number of native trees (4, 7, 10, 11, 12, 13 and 14) are proposed for removal from within the Biodiversity Values Mapping. As a result, the Biodiversity Offset Scheme (BOS) is triggered, and a Biodiversity Development Assessment Report (BDAR) is required to be prepared by an Ecologist who is an Accredited Assessor under the NSW Biodiversity Assessment Method (BAM) and submitted with the DA. Of these trees 11, 12 and 13 are identified as high retention trees. Council's Landscape Officer has provided comments (see below) stating these trees are to be retained with trees 2, 3 and 4 identified as being of moderate retention and could be supported for removal provided trees 11, 12 and 13 are retained.

The Applicant is encouraged to re-design the secondary dwelling on a suspended timber frame which would assist in the protection of surrounding trees and possibly allow for the retention of additional surrounding trees. Any trees which are to be retained must be located a minimum 3m from the secondary dwelling.

Specialist Advice

Landscape Officer

It is noted the property 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 team.

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
- D1 Avalon Locality, with reference to relevant controls



Specialist Advice

The land is zoned C4 Environmental Living and as such the objectives of the zone shall be satisfied.

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.

After viewing the Arboricultural Impact Assessment Council's landscape Officer provided the further following comments:

- Consider slightly amending the location of the secondary dwelling to lessen the impact on the existing trees. Trees 2, 3, and 4 are of moderate retention value, whereas trees 11, 12, and 13 are of high retention value,
- Consider constructing the secondary dwelling on a suspended timber frame which would lessen the impact to surrounding trees and may allow for retention of more trees. Work with the Arborist to find a location that retains high retention value trees and reduces the overall tree removal. The secondary dwelling should be located at minimum 3 metres from existing trees to be retained.



Specialist Advice

Biodiversity Officer

The site is mapped within the Department of Planning and Environment's (DPE) Biodiversity Values Mapping (BV Map) due to the presence of Pittwater Spotted Gum Forest which is listed as an Endangered Ecological Community under the Biodiversity Conservation Act 2016.

Development occurring within DPE's *Biodiversity Values* Mapping will require assessment under the Biodiversity Assessment Methodology (BAM) 2020 if it involves:

- 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*).

From review of the proposed plans and the attached Arborist Report, a number of native trees (4, 7, 10, 11, 12, 13 and 14) are proposed for removal from within the BV mapped area. As a result, the Biodiversity Offset Scheme (BOS) is triggered and a Biodiversity Development Assessment Report (BDAR) is required to be prepared by an Ecologist who is an Accredited Assessor under the NSW Biodiversity Assessment Method (BAM) and submitted with the DA.

The BDAR should demonstrate what measures have been taken to avoid and minimise before offsetting of vegetation is applied. 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. Council cannot grant approval to a proposal if it is determined that it is likely to have a serious and irreversible impact on biodiversity values. Any 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 Section 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 DPE'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.

In accordance with Clause B4.7 of the Pittwater DCP, any new landscaping within the site is to comprise at least 80% locally native vegetation or species from the Pittwater Spotted Gum Forest EEC.

Development Engineering Comments

- The method of stormwater disposal is to be in accordance with Council's Water Management for Development Policy. OSD will be required as the increase of impervious area is greater than 50m². The policy is available in Council's web page.
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>



Specialist Advice

- The site is located within the H1 hazard area, a geotechnical engineers report is required to be submitted in accordance with Geotechnical Risk Management Policy for Pittwater – 2009 with the DA.

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
- Detailed landscape Plan
- Biodiversity Development Assessment Report (BDAR)
- Arboricultural Impact Assessment
- 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

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 31 January 2023 to discuss the proposed secondary dwelling at 56 Central Avenue Avalon Beach. The notes reference the plans prepared by Granny Flat Solutions dated 14 December 2022.

The proposal is not supported in its current form. As discussed within the notes, the Applicant is encouraged to provide an alternative location for the secondary dwelling given the impact on surrounding trees identified as having high retention significance. The Applicant should also investigate re-designing the secondary dwelling by raising the structure on a suspended timber

**Concluding Comments**

frame to accommodate and support the root structure of adjoining trees. Any re-design is to be accompanied and supported by a revised Arboricultural Impact Assessment.

The Applicant must ensure any non-compliances as a result of a possible re-design, are addressed in the Statement of Environmental Effects.

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.