



## Pre-lodgement Meeting Notes

**Application No:** PLM2020/0289  
**Meeting Date:** 15 December 2020  
**Property Address:** 190 McCarrs Creek Road, Church Point  
**Proposal:** Construction of a dwelling house and swimming pool  
**Attendees for Council:**

- Steve Findlay – Manager Development Assessment
- Tony Collier – Principle Planner
- Rafiq Islam - Principal Officer (Coast & Estuary)

Additional comments provided by:

- Paul David – Development Engineer
- Robert Blackall - Senior Environment Officer (Biodiversity)

### 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

### Variation to Side Setback

It is noted that the proposal is the same as that approved under Consent No. N0921/03 dated 25 March 2004. It is also noted that this consent was never activated and has subsequently lapsed.

The development demonstrates minor non-compliances with the side setback control (and associated building envelope), however, due to the well-articulated design of the building and the topographical constraints of the site, it is generally supportable.

Notwithstanding this, it is recommended that the southern setback to maintained at 2.0m (min) to maintain solar access and openness to the more sensitive southern boundary.

## 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)	Dwelling House
<b>Zone:</b>	E4 Environmental Living
<b>Permitted with Consent or Prohibited:</b>	Permitted with consent

### Part 4 - Principal Development Standards

Standard	Permitted	Proposed	Comment
<b>4.3 – Height of Buildings</b>	8.5m (see note)	5.8m to 8.7m	Complies

**Note:** Clause 4.3(2D) permits a building height of 10.0m where the site demonstrates a slope in excess of 30%. The site has a slope of approximately 39% and therefore, the permitted building height for the site is 10.0m. The proposal complies with the 10.0m height standard.

## 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.

### Section D

Control	Permitted	Proposed
<b>Clause D4.6 – Side and Rear Building Line</b>	2.5m to at least one side 1.0m to the other side	North: 1.2m to 3.0m South: 1.2m to 3.0m
<u>Comment</u>		



## Section D

The proposed side setbacks are the same as those approved under Consent No. N0921/03 dated 25 March 2004.

The development, as originally approved, provides a high level of articulation through the inclusion of angled front and rear facades resulting in short wall lengths which are sited within the side setback area.

An inspection of the site and surrounding development indicates that the proposed setbacks would not unreasonably impact upon the amenity of neighbouring development in terms of overshadowing and view loss. Notwithstanding this, it is recommended that the southern setback to maintained at 2.0m (min) to maintain solar access and openness to the more sensitive southern boundary.

Therefore, the proposed side setbacks are generally supportable in this particular instance.

### Clause D4.8 – Building Envelope

3.5m x 45°

Outside envelope

The development includes two areas which are situated outside the building envelope – being the two wall elements discussed above under side setbacks.

Notwithstanding the non-compliances, the development has been stepped down the site to respond to the slope of the topography and this is considered to be a reasonable response such that it moderates the visual impact of the proposal when viewed from neighbouring properties and the waterway (the elements in question will not be visible from the street due to the sloping topography).

Clause D4.8 allows for variations to this requirements where the building footprint is situated on a slope over 16.7 degrees (i.e. 30%). As noted earlier, the site exhibits a slope of approximately 39% and therefore, the variation qualifies to be considered.

## Specialist Comments

### Development Engineering

These comments are only preliminary in nature and a detail assessment can only be provided upon lodgement of a DA:-

1. On Site Detention basin will **not** be required for the proposed development.
2. The stormwater drainage works shall be certified as compliant with all relevant Australian Standards & Codes and Northern Beaches Council's "Water Management for Development Policy" by a suitably qualified Civil Engineer.
3. The applicant's Geotechnical Engineer shall support the proposed stormwater management for the development.
4. Provision for a standard vehicular crossing in accordance with Council's Vehicular Crossing standard profile available on Council's web page. A concept driveway plan with grades and levels is required to be submitted with the DA, demonstrating that the driveway complies with AS2890.1 and Council's vehicular crossing standard profiles.
5. Submission of a concept driveway access plan with longitudinal grades from the Street to the proposed car spaces.
6. Elevated parking facility shall be designed in accordance with this consent and the provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking, in particular Section 2.4.5 Physical controls.
7. All Public Authorities services must be relocated in accordance with the authorities requirements such as Telecom pits, gas lines, water main etc. Location of all public authorities services have to be determined and shown submitted driveway concept plans.
8. The proposed garage/car port and associated retaining wall & structures are to be located wholly within the property.



### Specialist Comments

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

### Biodiversity

It appears that the new dwelling will be generally located within the existing footprint, however this is not clear. The impact to trees and native vegetation should be avoided where possible, or suitable compensatory measures provided such as tree planting and landscaping with local native species.

The SEE must address the objectives and controls of Pittwater LEP 2014 cl.7.6 Biodiversity, P21 DCP B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor, and cl.13 Development on land within the coastal environment area of the State Environmental Planning Policy (Coastal Management) 2018.

### Coastal Management

#### 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)

Based on the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuarine planning level (EPL) of RL 2.53m 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 0.04m 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.

#### Development on Foreshore Area

However, a large section of the subject property is within the foreshore building line. The proposed location of the pool is not clear from the maps provided. Part 7, Clause 7.8 –Limited development



### Specialist Comments

on foreshore area of the Pittwater LEP 2014 applies for any development within the foreshore area. Swimming pool is permitted with consent within the foreshores area. The objectives and requirements of Part 7, Clause 7.8 of the Pittwater LEP 2014 needs to be addressed within the Statement of Environmental Effects (SEE) Report as they relate to development within the foreshore area.

#### Report Required:

- Statement of Environmental Effects (SEE) Report.

### Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at [Council's website](#):

- [Community Participation Plan](#)
- [Stormwater drainage for low level properties PDS-POL 135](#)
- [Vehicle access to all roadside development: LAP-PL 315](#)

### Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled, dimensioned and labelled plans:
  - Site Plan;
  - Floor Plans;
  - Elevations;
  - Sections; and
  - Schedule of Colours and Finishes.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June) and elevational shadow diagrams for southern adjoining dwelling)
- Cost of works estimate/ Quote
- Survey Plan (including Boundary Identification)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Geotechnical Report
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- 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
- Bushfire Report
- Perspective Drawing or photomontage of the proposal when viewed from the waterway
- Existing dwelling and adjoining dwellings to north and south to be outlined on all relevant plans for comparison purposes
- Ridge RL to be nominated on the plans
- Side boundary envelopes to be clearly shown on the plans
- Landscaped Area Calculation Plan (to demonstrate compliance with 60% or very close to compliance)

**Documentation to accompany the Development Application**

*Please refer to Development Application Lodgement Requirements for further detail.*

**Concluding Comments**

These notes are in response to a pre-lodgement meeting held on 15 December 2020 to discuss the construction of a dwelling house and swimming pool at 190 McCarrs Creek Road, Church Point. The notes reference the plans prepared by Peter Downes Designs dated 13 February 2004.

The proposal is the same as that approved under Consent No. N0921/03 dated 25 March 2004. It is also noted that this consent was never activated and has subsequently expired.

The development demonstrates minor non-compliances to the side setback and building envelope but, because of the well-articulated design of the building and the topographical constraints of the site, may be supported.

Please ensure that the matters raised in these notes are satisfactorily addressed prior to the lodging of a Development 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.