



northern
beaches
council

Application No: PLM2018/0183
Meeting Date: 30/08/2018 9:00:00 AM
Property Address: 131 Thompson Street SCOTLAND ISLAND
Proposal: Construction of a new dwelling
Attendees for Council: Hugh Halliwell – Planner
Julie Edwards – Planner
Kristie King - Natural Environmental Officer
Attendees for applicant: Edmund Burke – Owner
Maria Burke - Owner

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.

Proposed Development

Construction of a three storey dwelling with four bedrooms, kitchen, living and dining, media room, rumpus, bathroom, laundry, office, associated water tanks, effluent management system and fencing.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Issue/s Raised	Council Response
<p>Effluent System</p> <p>Is the effluent system design, location acceptable?</p> <p><u>Relevant P21 DCP Clause</u></p> <p><i>B5 Water Management</i></p>	<p>The proposed effluent disposal system was referred to Council's Health Environment team for comment.</p> <p>Detailed comments are provided under Specialist Advice - Environmental Health and Protection of the notes. In summary, the system proposed is not sufficient to deal with the possible number of occupants of the site. The proposed effluent system is based on five occupants; however, Council determines the maximum number occupants of the dwelling based on the number of bedrooms and other rooms that can be used as bedrooms to have a maximum occupancy of 10 persons. The media room is deemed to be designed in such a way that it could be converted to a bedroom in the future. As such the wastewater design should be based off of five bedrooms with the maximum potential occupancy of 10 persons.</p> <p>It is recommended that the size and number of rooms be reduced and/or the effluent system be redesigned to meet Council's requirements.</p>
<p>Fence</p> <p>Is the location of the fence acceptable? Fencing is proposed around the whole property</p> <p><u>Relevant PLEP/P21 DCP Clause</u></p> <p><i>D8.10 Fences</i></p>	<p>As per the requirement of the P21 DCP no front fence will be supported within the front setback area facing Thomas Street.</p> <p>The proposed secondary frontage along Hilda Avenue and side fence can be a maximum height of 1.8m, constructed of dark coloured materials and shall not obstruct the passage of wildlife and have opening(s) with min dimension of 150mm accessible to ground dwelling animals.</p>

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/otherlegislation/regulations/2014/20140001.htm)

Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	<i>Dwelling house</i> - means a building containing only one dwelling..
Zone:	E3 Environmental Management
Permitted with Consent or Prohibited:	Permitted with consent



Principal Development Standards:	
Clause 4.3 Height of Buildings	
Standard	Proposed
8.5m	Complies
Comment The architectural drawings indicate that the proposed development would comply with the maximum 8.5m height requirement. Detailed sections are required to be submitted with the application. Full compliance is required and this will need to be demonstrated on the plans submitted with the Development Application.	

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)

Note: P21 DCP can be accessed via Council's Website www.northernbeaches.nsw.gov.au

Section A: Shaping Development in Pittwater
A4 Localities
Lower Western Foreshores and Scotland Island Locality
Comment The proposal has been designed to integrate into the landform by stepping down with the slope of the land and the use of piers helps to minimise the impact on the root system of existing canopy trees on the site. However, the proposed built form and the removal of trees to accommodate development does not meet the landscaped area requirements and the landscape outcomes of the P21 DCP. The proposed built form dominates the landscape, and not is secondary to landscaping and vegetation. It is recommended that the built form be reduced to meet the P21 DCP requirements and any canopy trees removed require replacement planting and additional landscaping will be required to soften the impact of the development. A detailed landscape plan must be provided with the application.

Section B: General Controls
B3 Hazard Controls
Control/Requirement B3.1 Landslip Hazard
Comment The property falls within the H1 area on the Geotechnical Hazard Map. As such a geotechnical report will be required with the application, in accordance with the requirements of this clause.
Control/Requirement B3.2 Bushfire Hazard
Comment The site falls within bush fire prone land. A bushfire report from an appropriately qualified consultant (an RFS recognised FPA accredited consultant) must be submitted with the application. The report must also be accompanied by a Bushfire Risk Assessment Certificate.



B4 Controls Relating to the Natural Environment
Control/Requirement
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
Comment See comments below under Specialist Advise – Natural Environment.
B5 Water Management
B5.7 Stormwater Management - On-Site Stormwater Detention B5.10 Stormwater Discharge into Public Drainage System
Comment Stormwater management is to be in accordance with the above requirements of the P21 DCP.
B8 Site Works Management
Comment Any proposed development on the site would be required to satisfy the requirements of Part B8 of Pittwater 21 DCP.

Section C: Development Type Controls
C1 Design Criteria for Residential Development
Control/Requirement
C1.3 View Sharing
<p>Comment</p> <p>The proposal has the potential to impact upon existing water views obtained from adjoining and nearby properties. Any future development proposal would need to carefully consider the impacts on views from adjoining properties. View corridors and views should be retained where possible. An assessment of view impacts would need to be in accordance with Part C1.3 (View Sharing) of Pittwater 21 DCP, which (amongst other things) requires such an assessment to consider the planning principles established by Tenacity Consulting v Warringah Council [2004] NSWLEC 140.</p> <p>Where possible you are encouraged to speak with the owners of surrounding sites to advise them of your intentions prior to lodgement; you may also wish to obtain the consent of those neighbours to enter their sites with the intention of undertaking a photographic analysis from sensitive areas to assist with a future design and the preparation of application documents. Despite this advice please be aware that the owners of surrounding properties are not under any obligation to grant access should they decline to permit you onto their sites.</p> <p>Should it be determined after a preliminary view loss assessment that there may be an impact upon the existing views from adjoining properties, the following additional documentation requirements would be required:</p> <ul style="list-style-type: none"> • The erection of height poles; • A statement prepared by a Registered Surveyor which certifies the height and location of poles in relation to the proposed structures; and • A photographic analysis which details view loss impacts on surrounding sites (in addition to this analysis, you may also wish to submit a photomontage of the proposed development as viewed from the rear of the site).



C1.5 Visual Privacy

Comment

Privacy measures in accordance with clause C1.5 should be incorporated where applicable to ensure adjoining properties are protected from direct overlooking.

Section D: Locality Specific Development Controls

D8 Lower Western Foreshores and Scotland Island Locality

Control/Requirement

D8.1 Character as viewed from a public place

Comment

The design of the proposal which steps down with the slope of the land integrates into the landform and the use of piers helps to minimise the impact on the root system of existing canopy trees on the site. However, as a result the size of the dwelling and the proposed removal of trees, the landscape outcomes of P21 DCP are not being met. The proposed built form dominates the landscape, and not is secondary to landscaping and vegetation. The proposal also has several non-compliances with the controls being the setback to the secondary street frontage of Hilda Avenue and landscape area which further contribute to this and are discussed in detail below.

These issues can be resolved with the use of replacement planting, additional landscaping and compliance with the P21 DCP objectives and requirements.

Control/Requirement

Proposed

D8.3 Building colours and materials

Comment

External colours and materials shall be dark and earthy tones as detailed under clause D8.3 Building colours and materials of the PDCP.

Control/Requirement

Proposed

D8.5 Front building line

Thompson Street - 8.24m
Hilda Avenue – 3.02m

Comment

The proposal is a corner block with frontages to both Thomas Street and Hilda Avenue. The primary street frontage requires buildings to be setback 6.5 or meet the established building line, whichever is the greater. Thompson Street has varying and inconsistent front setback. The development proposes an 8.2m setback which is considered acceptable in this instance.

On corner blocks, Council may accept a minimum building setback to a secondary street of half the front building line. The secondary street frontage for this proposal does not meet the numerical requirements of the control which would require the minimum setback to Hilda Avenue to be 3.25m. Council would be willing to support the non-compliance as the majority of the proposal complies with the requirement and the site is irregular shape. However, the applicant must clearly demonstrate on the plans submitted the elements of the building that breach the control and detailed in the Statement of Environmental Effects (SEE) how the non-compliance meets the objectives of the control and will not cause unreasonable impacts on the adjoining properties.



As the site does not meet the Landscaped Area requirements it is recommended that the applicant look at the design of the dwelling and increase the setback to the secondary street frontage to provide full compliance which allows for adequate landscaping.

Control/Requirement	Proposed
D8.6 Side and rear building line	Northern side building line – 2.05 – 10.99m Western side building line or Rear building line – 12.794m
Comment Complies	
Control/Requirement	Proposed
D8.8 Building envelope	No encroachment
Comment Complies	
Control/Requirement	Proposed
D8.9 Landscaped Area	270.1m ² (22.79%)
Comment <p>The proposal does not meet the numerical requirements of the control. For sites larger than 1000m², the maximum area not provided as landscaped area shall be 230m². The development is proposing 270.11m².</p> <p>For new builds Council requires full compliance with the control and as there are other non-compliances such as the secondary front setback and the proposed effluent system, Council is not willing to support such a variation. It is recommended that the proposal be reduced in size to meet the requirements.</p>	
Control/Requirement	Proposed
D8.10 Fences	Fencing around the whole of the site
Comment <p>No fencing within the front setback area towards Thomas Street will be supported as per the requirements of the P21 DCP. The fencing along the secondary street frontage and side boundaries shall not obstruct the passage of wildlife and will have opening(s) with minimum dimension of 150mm accessible to ground dwelling animals.</p>	

Specialist Advice	
Referral Body	Comments
Landscape <i>Joseph Tramonte</i> <i>Senior Landscape Architect</i>	<p>From the information presented, the landscape outcomes of P21 DCP are not met, with the proposed built form becoming dominant in the landscape, and not secondary to landscaping and vegetation.</p> <p>A key component of the P21 DCP (controls B4.22 and C1.1) is the preservation of existing canopy</p>



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trees, where development results in the retention of existing trees, to allow for the built form to be softened by landscaping and vegetation.

To further emphasis the need to retain existing canopy trees for their natural environment benefits, the site is contained within the Pittwater Spotted Gum Forest Endangered Ecological Community, which will require assessment against B4.7 Control – Natural Environment Officer to provide further and detailed comments regarding this.

DETAILED LANDSCAPE COMMENTS

The following documentation is required at DA stage for further consideration of the application's merit: Landscape Plan (s) and Aboricultural Impact Assessment.

Landscape Plan(s)

A detailed landscape plan will be required to satisfy the outcomes and controls of the P21 DCP as noted below:

C1.1 Landscaping

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.

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. It is considered that the rear of the property does not contain sufficient existing tree canopy to allow for the integration of the proposed built form into the existing landscape.

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.

C1.5 Visual privacy

Direct views of private open spaces are to be restricted by vegetation / landscaping. The impact on existing trees along the common western boundary may result in tree loss and subsequently overlooking issues.



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D12.1 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.

Aboricultural Impact Assessment

Of concern is the potential tree canopy loss along the common western and eastern side boundaries that may result in tree loss that may result in built form dominance.

An Aboricultural Impact Assessment, to document the impact upon the existing trees from the proposed development, from excavation and construction activities shall be provided.

To satisfy B4.22, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures. From the pre lodgement documents, all nominated trees shall be included in the report.

- The Arboricultural Impact Assessment report shall indicate the impact of development upon 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.
- A tree protection plan shall be included in the Arboricultural Impact Assessment indicating:
 - layout of the development;
 - location of trees identified for retention and/or removal;
 - location of trunk and extent of canopy spread;
 - tree protection zones around the trees



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	<p>nominated for retention;</p> <ul style="list-style-type: none"> • suggested construction techniques around existing trees to ensure retention; • location of tree protection fencing / barriers.
<p>Natural Environment</p> <p><i>Kristie King</i> <i>Natural Environment - Biodiversity</i></p>	<p><u>Relevant Provisions</u></p> <ul style="list-style-type: none"> • NSW Biodiversity Conservation Act 2016 (BC Act) • Pittwater LEP Clause 7.6 (Biodiversity Protection) • Pittwater DCP Clause B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community <p><i>DCP Pittwater Spotted Gum Forest EEC controls:</i></p> <ul style="list-style-type: none"> • Development shall not have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community. • Development shall restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants. • Development shall be in accordance with any Pittwater Spotted Gum Forest Recovery Plan. • Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees. • Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations. • Caretakers of domestic animals shall prevent them from entering wildlife habitat. • Fencing shall allow the safe passage of native wildlife. • Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community). • Development shall ensure any landscaping works are outside areas of existing Pittwater Spotted Gum Endangered Ecological Community and do not include Environmental Weeds.



Specialist Advice	
	<p><u>Required Information</u></p> <p>1. Five-part Test The subject site is mapped as containing Pittwater Spotted Gum Endangered Ecological Community (EEC). Accordingly, the DA is required to be accompanied by a 'five-part test' in accordance with Section 7.3 of the <i>Biodiversity Conservation Act 2016</i> (BC Act). The five-part test is to be prepared by a suitably qualified ecologist and be based on the actual plans and documentation submitted in support of the DA.</p> <p>The five-part test should be accompanied by a statement addressing how the proposal has been designed and sited to avoid adverse environmental impact, in accordance with Section 7.6 (Biodiversity Protection) of the PLEP.</p> <p>2. Arborist Report As per Senior Landscape Architect's PLM comments.</p> <p>3. Compensatory Plantings (if required) If the development will require removal of protected (non-exempt) trees, a landscape plan is to be submitted with the DA and must incorporate the following:</p> <ul style="list-style-type: none"> • Replacement plantings in compensation for any proposed canopy tree removals; • At least 80% of any new planting must be species found on the site or listed in the Pittwater Spotted Gum EEC species list (provided overleaf).
<p>Development Engineering</p> <p><i>Paul David</i> <i>Senior Development Engineer</i></p>	<p>These comments are only preliminary in nature and a detail assessment can only be provided upon a DA lodgement:-</p> <ul style="list-style-type: none"> • The site is located within the H1 hazard, a geotechnical engineers report is required and shall comply with Geotechnical Risk Management Policy for Pittwater – 2009. • Stormwater management is to be in accordance with B5.7 and B5.10 of Pittwater DCP .
<p>Environmental Health and Protection</p> <p><i>Max Payne</i> <i>Environmental Health Officer</i></p>	<p>Wastewater considerations: Reference is made to the site plans which show 4 bed rooms and a media room. The media room is deemed to be designed in such a way that it could be converted to a bedroom in the future. As such the</p>



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wastewater design should be based off of 5 bedrooms with the maximum potential occupancy of 10 persons. The property is also noted to be on tank water which reduces the expected litres per day.

Effluent disposal:

Reference is made to the proposed effluent disposal area with subsurface irrigation and secondary treated effluent. The bore holes list the most limiting factor as a sandy clay at a depth of 0.35m to 0.4m. Under AS 1547-2012 sandy clay is a category 5 soil with a daily load rating (DLR) of 3 for subsurface irrigation.

Therefore, the sizing of the disposal area should be based on 1200 Litres per day at 120L per person and a DLR of 3 making the expected metres squared of the disposal area would be 400m² and with a 100% reserve area making the total area required to be allocated for wastewater disposal as 800m². The wastewater consultant has proposed a primary area of 180m² based of 750litres per days and with a DLR of 4 with no reserve which is significantly smaller than required.

A buffer from the effluent disposal area of 6m is required from property boundary's, swimming pools and dwellings if downslope and 3m if upslope for subsurface irrigation. These buffers are not adhered to for the dwelling in the report.

Acid Sulfate:

Council's acid sulfate soil mapping shows the property as class 5 which would not require an acid sulfate soil report unless identified as an issue in the geotechnical report.

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 :

- Geotechnical Risk Management Policy for Pittwater – 2009
- Pittwater 21 Local Environment Plan
- Pittwater 21 Development Control Plan



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
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Certified Shadow Diagrams
- BASIX Certificate
- Schedule of colours and materials
- Landscape Plan
- Erosion and Sediment Control Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report
- Bushfire Report
- Five Part Test

Please refer to Development Application Checklist for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 6 September 2018 to discuss the construction of a new dwelling at 131 Thomas Street, Scotland Island. The notes reference preliminary plans prepared by Ezy Homes Australia Pty Ltd dated 18.07.18.

The proposal is not acceptable and requires redesign prior to submission.

The built form of the proposal needs to be reduced to comply with part D8.9 Landscaped Area of the P21 DCP. A reduction in the overall size of the development would mitigate some of the issues raised regarding the built form dominating the landscaped setting.

No fencing will be support in the primary front setback and the side and secondary setback fencing can have a maximum height of 1.8m.

As detailed above under Specialist Advice – Landscape and Natural Environment the following is to be provided:

- Detailed landscape plan addressing the P21 DCP requirements and if the proposal requires the removal of protected (non-exempt) trees, replacement plantings in compensation for any proposed canopy tree removals; and at least 80% of any new planting must be species found on the site or listed in the Pittwater Spotted Gum EEC species list (provided overleaf).
- Arborist Report



Concluding Comments
<ul style="list-style-type: none">• Five part test and statement. <p>The number of room's will need to be reduced and/or the effluent system be redesigned to meet Council's requirements.</p> <p>Based upon the above comments you are advised to satisfactorily address the matters raised in these notes prior to lodging a development application.</p>