

24 July 2023

Project Number - 2230070

Council Ref: DA2022/2152

The General Manager  
Northern Beach Council  
PO Box 82  
MANLY NSW 1655

By email: [council@northernbeach.nsw.gov.au](mailto:council@northernbeach.nsw.gov.au)

Cc: Gareth David – [Gareth.david@northernbeaches.nsw.gov.au](mailto:Gareth.david@northernbeaches.nsw.gov.au),

[Adam Croft – Adam.croft@northernbeaches.nsw.gov.au](mailto:Adam.croft@northernbeaches.nsw.gov.au)

**Attn: Gareth David, Senior Planner**

**Response to Request for Information - DA2022/2152**

**122, 126 & 128 Crescent Road and 55 & 57 The Avenue, Newport**

**Demolition works and subdivision of land into 9 lots including tree removal and infrastructure work at**

Dear Gareth,

This letter has been prepared to provide additional information in response to the request dated 19 May 2023, and the meeting with Council (online) on 19 June 2023.

As requested in your letter, this response to further information request seeks to provide the necessary information required for Council to progress to finalise the assessment of the development application. The letter is accompanied by several attachments and technical inputs which provides further detail on the particular items and clarification request in the accompanying technical referrals of Council.

The following information is provided to accompany this RFI letter in order to respond to the information requested by Council.

- Draft Plan of Subdivision, draft Deposited Plan Administration Sheet and draft 88b Easements (**Attachment A**)
- Revised Architectural Drawings, prepared by Scott Carver (**Attachment B**)
- Indicative Landscape Plan, prepared by Scott Carver (**Attachment C**)
- Engineering Details and Plans (including road cross section, erosion and sediment control plan, and overland flow), prepared by BG&E (**Attachment D**)
- MUSIC Model, prepared by BG&E (**Attachment E**)
- On Site Detention Details, prepared by BG&E (**Attachment F**)
- Aboriginal Due Diligence Report, prepared by AMAC Archaeological (**Attachment G**)
- Clause 4.6 – Clause 7.8 Development in Foreshore Area (**Appendix H**)

We trust this information assist and look forward to continuing discussion with the Council's planning team ahead of the development application assessment being finalised.

## 1.0 Design Modifications and Updates

Following the receipt of Council's RFI, the applicant and project team have made minor amendments to the proposal in response, align with a range of additional clarification and detail to accompany these plans. The key changes are provided in the attachments and include the following:

### Architecture

- Drawings have revised the property line to sit on the upper side of the central shared driveway, which removed the need for a Right of Way to these lots
- Indicative built forms on the lots (which exceed the min. 175sqm house as stipulated in the PDCP 2.2) which sit compliant within the required envelopes, accounting for setback requirements, minimum landscaped open space and vehicle access etc.

## Landscape

- A concept landscape plan is documented on sheet 20220005-LD-DA910, showing an indicative landscape layout that maximises the area for native planting. However, the landscape can only demonstrate full compliance to PDCP B4.6 with the approval of this subdivision, i.e.. selection of planting species.
- The removal and retention of existing trees is outlined on sheet 20220005-AD-DA902, which is to be read in conjunction with the arborist report. The removal of these trees have been done in accordance to the arborist recommendation.

## Engineering

- The proposed plans have been revised and update, along with additional detail relating to stormwater quality and quantity, road design, erosion and sediment control.

## 2.0 Response to Request for Information

A summary of the request for information/clarification from Council's RFI letter is provided below, accompanied by a response.

### Planning Matters

#### 1. Subdivision Category

*Due to inconsistencies in the submitted documentation, it is unclear whether the proposal seeks consent for community title or torrens title subdivision. Clarification is required on this matter and if community title subdivision is sought, a management statement is required in relation to any 'association property'.*

**Response:** As shown on the draft plans of subdivision and accompanying administrative information (**Attachment A**) confirms that torrens title subdivision of the site is proposed, with associated easement and rights of way as indicated on the plans. Community title subdivision is not sought as part of this application.

#### 2. Minimum Lot Size Variation

*The site is subject to a minimum lot size of 700m<sup>2</sup>, pursuant to Pittwater Local Environmental Plan 2014, Clause 4.1 or 4.1AA. The proposed variation to this control in relation to Lot 5 (640m<sup>2</sup> excl. association land/ROW) is not supported and further assessment of environmental planning ground area to be provided.*

**Response:** The proposal incorporates subdivision lots sizes and configuration that are commensurate with the character of the local area. As show on the revised subdivision plans (**Attachment A**) and accompanying analysis of the built form (Architectural envelope plan and 3D envelope diagram) (**Attachment B**), provide configuration, geometry and sizing that allow for compliance of all Council LEP and DCP built form development controls.

As demonstrated through the additional analysis prepared by Scott Carver which accompanies the RFI letter, the minor variation to the minimum lot size as prescribed under Clause 4.1 does not generate any unreasonable impacts and is considered appropriate in the circumstances of the site. The future development envelopes shown in the package of information accompanying the RFI demonstrate the built form are appropriate in scale and form.

With regard to the necessary tests required under clause 4.6, and the information provided attached to the RFI, compliance with the development standard is unreasonable and unnecessary in the circumstances the site, and there are sufficient environmental planning grounds (set out below) The proposed development will be in the public interest, being consistent with the objective of the zone and the development standard.

As confirmed by supporting consultant reports and addressed throughout the variation request (including the additional analysis and justification below), the non-compliance with the development standard does not result in any adverse environmental planning impacts. Specifically, the information provided (spatial/built form, watse, traffic, engineering, stormwater and landscaping) demonstrate that there will be no additional impacts to surrounding properties with respect to hazards, bulk, visual and acoustic privacy,

services or amenity. The variation is only sought for a single lot and is less than the 10% maximum variation permitted under Clause 4.6(6) of the Pittwater LEP 2014.

The proposed subdivision pattern protects the character and residential amenity of the area, as well as the desired future character. This is reinforced through the demonstrated ability for the proposed built forms on the lots (including Lot 5) to comply with all built form controls of the LEP and DCP. These buildings are also demonstrated in plan and 3D form as not having any unacceptable amenity of view impacts to neighbouring properties.

For the reasons discussed above, it is contended that there are sufficient environmental planning grounds to justify the contravention to the development standard in the circumstances of the case, particularly given that the subdivision delivers a high-quality future residential development.

### **3. Development in Foreshore Area**

*Stormwater works are not permitted within the foreshore area pursuant to PLEP 2014 Clause 7.8. Clause 7.8 is a development standard that can be varied under Clause 4.6, however no written request is submitted with the application.*

**Response:** The proposal will be accompanied by a Clause 4.6 variation request to address the proposed infrastructure development (stormwater) within the foreshore building line which is not expressly provided for within the development standard.

It is noted that this clause 4.6 is provided to facilitate the orderly development of the land, which, given the topography, required stormwater infrastructure to be located within the foreshore building line. Based on the accompanying stormwater and engineering information, the necessary considerations under Clause 7.8(3) are able to be satisfied.

### **Referrals Matters**

#### **4. Landscaping and Biodiversity**

*The concerns raised relate to the proposed removal of significant trees, inadequate tree root investigation and inconsistencies regarding tree removal. Further, a concept landscape plan is required to demonstrate compliance with PDCC B4.6.*

**Response:** Scott Carver have prepared a Concept Landscape Plan (**Attachment C**) that illustrates the areas of the proposed lots, outside of the future building envelopes (as per the Development Control Plan), and that this area can accommodate generous tree planting and canopy cover. We note that these requirements of the DCP (for tree planting and canopy cover) will be applicable to each and all future development applications for construction. The Concept Landscape Plan that accompanies this DA demonstrates that this space will be available on each lot, so as to suitably enable the realisation of the controls as set out in the DCP.

#### **5. Development Engineering**

*The referral identifies various items of additional information required the matters set out in the referral comments (attached), including:*

- *Overland flow study*
- *Stormwater management incorporating OSD;*
- *Engineering plans for the internal access road; and*
- *Proposed subdivision titling.*

**Response:** Additional Engineering details and analysis has been prepared by BG&E and accompanies this RFI Letter, including details of the MUSIC Model, and letter addressing On Site Detention (**Attachments D-F**). The package attached to this letter also includes the proposed subdivision and engineering plans for the internal access road proposed.

## 6. Water Management

*Amended drainage plans are required to demonstrate effective management of stormwater to achieve the water quality targets stated in section 4.0 of the Council policy.*

**Response:** Additional Engineering details and analysis has been prepared by BG&E and accompanies this RFI Letter, including details of the MUSIC Model, and letter addressing On Site Detention (**Attachments D-F**). This information addresses the relevant section of the Council's policy along with the specific details of Council's technical referral.

## 7. Traffic

*Various concerns are raised in relation to access, car parking and waste collection within the subdivision. Upgrades to The Avenue are required to facilitate appropriate access to the site in addition to a new footpath along the Crescent Road frontage.*

**Response:** As shown on the proposed subdivision plans (**Attachment A**), and accompanying diagrams prepared as part of this RFI by Scott Carver (**Attachment B**), appropriate and compliant vehicle access is provided on the site. The following comments are provided in conjunction with the traffic consultants (JMT).

- Council waste trucks already use The Avenue to collect waste for three residential lots, those being:
  - 50 The Avenue
  - 55 The Avenue
  - 57 The Avenue
- The proposed arrangements do not alter these existing waste collection arrangements nor inhibit vehicle manoeuvring compared to current conditions. The requirement for other works within Council's public domain/roadway are considered to be appropriate to be considered as a condition of consent for development.
- The proposal does not require Council trucks to undertake additional movements down The Avenue compared to current conditions, with waste collection from 50 The Avenue still required irrespective of whether the proposal proceeds or not.
- With respect to the proposed shared driveway, dimensions and passing bays, Clause 3.2.2 of Australian Standards AS2890.1 has been referenced as the basis for the driveway layout and design, including:
  - A passing bay within the internal driveway at least every 30m (This is proposed at the centre of the site)
  - Minimum driveway width of 3m (the proposal provides for 3.25 with a reserve of 4.5m)
  - There is no requirement for 5.5m width for the first 6m from the property boundary. This is only required under the Australian Standard when the access driveway fronts a road that is either arterial or sub-arterial road, which neither The Avenue or Crescent Road are classified as. The Avenue is a local road and therefore this passing bay at the driveway entrance is not required – noting that a passing bay is provided at the centre of the site.

On this basis and combined with the advice provided by Auswide Consulting (applicant's waste consultant) and as discussed with Council (19 June 2023 meeting) regarding waste collection locations, the proposal is considered to be appropriate in design, layout and operation.



## **8. Strategic Planning**

Concern is raised in relation to the subsequent impacts of the proposal on the future use of the commercial marina, specifically with regard to the W2 zoning of the marina, the additional permitted uses applicable to the development site and the proposal's inconsistency with the Pittwater Waterways Strategy and Northern Beaches Strategic Planning Statement. It is recommended that either:

- i. The proposal demonstrate the opportunity for use of the marina for commercial purposes in the future; or
- ii. A planning proposal be submitted to Council to rezone the marina to W1 and amend the additional permitted uses applicable to the land.

Additionally, given the redevelopment of the land for residential purposes, it is considered appropriate to re-draft the Foreshore Building Line on the site to align with the adjoining residential development, noting the existing FBL is drafted to reflect the location of the existing Commercial Marina building on the land.

It is considered that further discussion/clarification is required in relation to the intended future use of the marina and foreshore and any future development applications, noting that the land is under Crown ownership.

**Response:** The Strategic Planning referral of Council refers to a potential loss of land that is suitable for the above commercial waterway services and facilities, which is considered to be inconsistent with relevant strategic policy which. An analysis of the Council's applicable strategic planning policy as it relates to the site, its current condition and viability and the proposed development application, is provided below in this section.

The referral suggests that where the proposed subdivision is supported in a way so that use of the site and access to the foreshore for marina purposes are no longer suitable and result in likely impacts of the development under the evaluation of the DA are appropriate then the zone be amended from W2 to W1. We note that this would be a separate process, subsequent to the development application, and would not be needed in order for the current DA (or future water-based DA for moorings associated with the future subdivided residential to be assessed and determined.

In responding to the strategic planning referral and commentary in the RFI, the following approach is provided and expanded upon below.

- Viability of retention of the existing operation on the site – including the age of infrastructure and services and competition of offering
- Suitability of the land that is zoned for expansion – and ability for other, more appropriately located marinas, within the Pittwater to be identified for expansion.
- Supporting the strategic planning policy of Council for suitable and viable expansion of existing marinas and commercial

In summary, the proposal seeks to decommission an older and operationally substandard commercial marina that has various and ongoing amenity impacts to surrounding residential uses, and replace it with a unique and sought-after waterway offering (but not readily deliverable on sites within Pittwater) whereby deep water access can be provided for larger moorings, associated with the residential lots adjoining – maintaining access to the waterway.

As a result of this proposal, the justification, support, and viability for expansion of more modern, better located and more appropriate expansion of the commercial waterway offering is provided, which is considered to be in line with the strategic planning policy of the Waterway Strategy and Local Strategic Planning Statement.

A summary of the relevant strategic planning framework referenced in the Strategic Planning Referral is provided below, along with commentary. The sections of the policy that have been identified by Council are identified in bold.

## **Pittwater Waterway Strategy 2038**

### ***Theme 1 – Economics of the Waterway***

The primary objective of this theme is to ensure sustainable economic growth balanced with protecting the significance and intrinsic value of the natural environment. Council have set the aspiration to create a thriving and vibrant locale economic where traditional and new industries are supported and local career, training and education opportunities are expanded. It was identified in the Strategy that the tourism sector plays a critical role in the economics of the study area with 670,000 visitors to the area every year significant benefitting the local economy.

Within the Strategy it is largely acknowledged by the community sustainable economic growth is needed to support local employment opportunities, however there were concerns raised regarding large-scale economic development and associated impacts such as traffic generation, parking constraints, and impacts on the natural environment.

It was raised in consultation that tourism is important to the community, however growth in this sector needs to be well-managed and balanced to the natural environment, local visual aesthetics and amenity are not adversely impacted.

Council has subsequently developed strategies to achieve the objective of this theme, these include:

- Plan for, promote and manage sustainable tourism associated with the Pittwater waterway.
- Low-scale activation of strategic foreshore locations
- Low-scale activation of the Church Point public realm/wharf locality.

The following policy directions to achieve the economic objective of the waterway, as listed in the Strategy are:

- 1) Commence a Northern Beaches Destination Management Plan to include the Pittwater waterway.
- 2) Consider additional signage, web-based information and publications highlighting areas of interest, services and facilities in the Pittwater waterway.
- 3) Encourage tourism accommodation initiatives with a focus on eco-tourism.
- 4) Encourage well-managed waterway-focused events.
- 5) Continue to implement the Conservation Management Plan, 2015 for Currawong
- 6) Actively encourage National Parks and Wildlife Service to commence a comprehensive management plan for The Basin in conjunction with Transport for New South Wales and Roads and Maritime Services.
- 7) Identify appropriate foreshore locations for low-scale cafés and restaurants accessible via sustainable and active transport networks and subject to sensitive development controls.
- 8) Investigate opportunities to initiate place-making initiatives to improve place outcomes at Church Point Wharf locality.
- 9) Maintain and ensure access to commercial opportunities around the Pittwater waterway.**
- 10) Maintain the local economy that is based on the provision of recreational activities.

As it relates to the site and DA, Council have identified that direction 9 would be relevant. For the reasons set out below, the proposed decommissioning of the existing dilapidated and unviable commercial uses will strengthen demand, viability and take up of existing, better located and serviced marinas in Pittwater (particularly for a diverse range and smaller vessels), on sites that are better suited to cater for ongoing commercial uses, thereby minimising existing and future impacts to adjoining residential development. Importantly, the proposal will provide for unique and important deep-water access associated with the adjoining residential lots.

### ***Theme 6- Waterway regulation***

The primary objective of this theme is to effectively regulate and manage the Pittwater waterway sustainably and with transparency to meet the needs of the community and emerging demand pressures. Council have noted a best practice approach to planning and decision making to the Pittwater waterway is to be adopted. A review of the Local Environmental Plan and Development Control Plan need strengthening to support better outcomes for the waterways and this is captured in the strategies and directions.

In relation to Council's Local Environmental Plan, there is a need to consider zone boundary changes with specific reference to the zone W2 Recreational Waterways in order to sustainably manage the increase in boat ownership and subsequent boat storage demand. It is recognised that these should occur, and be identified for/on, sites that are suitably located to cater for growth.

The approach identified in the regulation was to consider and investigate appropriate locations for sustainable marina expansion with development consent and the need to sustainably manage boat storage demand pressures and mitigate associated environmental, aesthetics and neighbourhood impacts through the strategic site assessment and Development Application process.

The strategies established to achieve the primary objective of this theme include:

- 1) Effective governance and compliance of the Pittwater waterway and adjacent foreshore areas.
- 2) Council's Local Environmental Plan to reflect and achieve the outcomes of the Pittwater Waterway Review.
- 3) Council's DCP to reflect and achieve the outcomes of the Pittwater Waterway Review.
- 4) A safe waterway for all to enjoy. · Increased community education and awareness of waterway and boating matters.
- 5) Expand the W2 zone, subject to a strategic sites assessment, to permit, with consent, sustainable marina expansion. Marina expansion would only be considered subject to appropriate regard being given to all impacts including, but not limited to, environmental, social, economic, transport, traffic, visual and waterway navigation.
- 6) Policy directions have been developed to also achieve the theme objective:
- 7) Undertake a Coastal Management Program in accordance with the requirements of the Coastal Management Act 2016 utilising the community engagement outcomes of the Pittwater Waterway Review.
- 8) Continue to ensure compliance on and adjacent to the waterway, investigate illegal foreshore works and unauthorised structures over the water at Coasters Retreat.
- 9) Undertake a strategic sites assessment and planning proposal to amend the LEP to expand the W2 zone in appropriate locations to permit, with development consent, sustainable marina expansion. Any additional marina berths are subject to equal number of moorings relinquished. Marina expansion would only be considered subject to appropriate regard being given to all impacts including, but not limited to, environmental, social, economic, transport, traffic, visual and waterway navigation.**
- 10) Investigate whether mooring pens should be prohibited in the W1 zone.
- 11) Undertake a planning proposal to the LEP for the inclusion of dry stack boat storage facilities to be permitted with development consent in zone IN2 Light Industrial; An Additional Permitted Use for Avalon Sailing Club and BYRA for Community Facilities and for the inclusion of small-scale cafés and restaurants on the waterfront as permissible with development consent.
- 12) Review Council's DCP controls, including section D15 – Waterway locality in accordance with the outcomes of the Pittwater Waterway Review.
- 13) Encourage RMS to extend Pittwater's low wash zone north of Longnose Point, Stokes Point and Dark Gully to minimise the impact of boats on other recreational activities and the environment and review boat license and training requirements.
- 14) In consultation with Fire & Rescue NSW, investigate the availability of foam on the Pittwater fire tender for marine fires and investigate the potential implications on water quality.
- 15) Investigate waterway education campaigns to raise environmental awareness, impact of climate change and water safety.

During community consultation the community raised the following relevant issue:

- The strategies to expand the W2 zone around marinas whilst relinquishing equal mooring numbers generated high interest at all consultation phases. On balance, there was support for this approach **but only in appropriate locations** and only with development consent.

As outlined below, based on existing/historic operational and interface issues with adjoining residential, as well as the location, scale, size and age of existing infrastructure, it is not considered that the subject site would be supported for future expansion (i.e. not being in "an appropriate location").

## **Northern Beaches Council Local Strategic Planning Statement**

The following priorities of the LSPS are outlined below:

### ***Priority 1 Healthy and valued coast and waterways***

Key principles of this priority are to:

- Promote development that maintains or restores the community's uses and values of waterways. Where these values are being achieved in a waterway, they should be protected; and where they are not being achieved, all activities should work towards their achievement over time.
- Protect and enhance the ecological condition of coastal areas, catchments (including groundwater aquifers), waterways (wetlands, watercourses, lagoons and estuaries) and their riparian areas.
- Improve the quality of water discharged to beaches, waterways, riparian areas and bushland.
- Promote integrated water cycle management and integrate water sensitive urban design measures into the built form.
- Conserve watercourses or restore them to their natural state where possible.
- Encourage water efficiency, water re-use or alternative water sources to reduce potable water use.
- Protect and enhance sustainable recreation at beaches, lagoons, watercourses, wetlands and surrounding riparian or natural areas without compromising the integrity of environmentally sensitive aquatic and riparian habitats.

To achieve the principles of this priority the following actions are to be implemented in collaboration with identified state agency partners.

- Action 1.1: Prepare a stormwater quality management plan to guide implementation of the risk-based framework, identify stormwater quality targets, and prioritise public and private stormwater infrastructure needs
- Action 1.2: Prepare an environment study to inform best-practice landuse responses to growth and climate change
- Action 1.3: Develop LEP and DCP controls that incorporate the findings of the above studies, including stormwater quality targets; integrated water cycle management (including water sensitive urban design); coastal management programs; protection of riparian areas; coastal hazard management and criteria for environmentally friendly sea walls
- Action 1.4: Prepare an open space and recreation strategy and map a local green grid that supports environmentally sustainable access to the coast and waterways where appropriate
- Action 1.5: Implement Environment and Climate Change Strategy Protect. Create. Live. and develop associated action plans for coastal areas and waterways
- Action 1.6: Prepare long-term coastal management programs for the open coast, Hawkesbury River and Sydney Harbour and supporting plans for headlands, dunes and emergency response
- Action 1.7: Implement the Pittwater Waterway Strategy, including new LEP and DCP controls that cap mooring numbers at 3,641
- **Action 1.8: Expand the W2 zone, subject to a strategic sites assessment, to permit, with consent, sustainable marina expansion. Marina expansion would only be considered subject to appropriate regard being given to all impacts including, but not limited to, environmental, social, economic, transport, traffic, visual and waterway navigation**
- Action 1.9: Investigate the feasibility of local green grid projects;
  - a continuous foreshore path around the Pittwater waterway
  - a new boat ramp on Pittwater to cater for medium to larger boats
  - naturalisation of creeks at Dee Why, Mona Vale and Avalon
  - new aquatic reserves for areas of high biodiversity value, in addition to better management of the existing aquatic reserves and marine estates
  - opportunities for non-motorised water sports launching, storage and utilisation
- Action 1.10: Work with relevant stakeholders to promote community stewardship for Manly-Freshwater World Surfing Reserve
- Action 1.11: Work with Sydney Water on the development of the Eastern Sydney Regional Master Plan to address: resilience in the Northern Beaches water supply, requirements for new and upgraded infrastructure, wet weather overflows in priority catchments, outflows from Warriewood and North Head Wastewater Treatment Plants, opportunities for recycled water, and environmental assessment processes and outcomes

With respect to action 1.8, the response is consistent with the priorities identified in the Waterways Strategy outlined above.

## **9. Waste**

*No provision has been made for future waste collection in accordance with Council's Waste Management Guidelines.*

**Response:** Auswide Consulting have been engaged by the applicant to provide additional waste collection advice and design considerations in conjunction with the traffic consultant (JMT) who confirmed there is no requirement for waste trucks to enter the site, but undertake kerbside collection.

- **Lots 1-4** will provide their bins to lot frontages (Crescent Road) for kerbside collection by Council
- **Lots 5-9** will transfer their residential waste to a combined waste collection point within Council's Road reserve (The Avenue) via the shared driveway (in the same format as a battle axe development) – noting that lot 9 has frontage to The Avenue.

## **10. Aboriginal Heritage Office**

*The AHO has requested the preparation and submission of a preliminary 'due diligence' assessment under the National Parks and Wildlife Act 1974, by a qualified Aboriginal heritage professional.*

**Response:** A Due Diligence Aboriginal Archaeological Assessment under the National Parks and Wildlife Act 1974 has been prepared by AMAC Archaeological (**Attachment G**).

The Assessment found that there were no confirmed Aboriginal archaeological site records located within the study area on the Aboriginal Heritage Information Management System (AHIMS) or from other sources of information. As a result, an Aboriginal Heritage Impact Permit (AHIP) is not required at this stage however further assessment should be undertaken in the form of an Aboriginal Cultural Heritage Assessment Report. Archaeological test excavation may be undertaken as part of this assessment and, dependent on the approval's pathway required, this would determine whether an AHIP is required for any works to proceed.

A background analysis of the environmental and archaeological context revealed that study site has a moderate to high surface disturbances to sections of the site. Due to the foreshore's close proximity, however, there is a moderate potential for Aboriginal artefacts and/or deposits of archaeological and cultural significance to be present.

In accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010b), it is recommended that further archaeological and cultural assessment, as well as test excavation in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010a), is necessary as this work is within an area of archaeological potential being within 200m of waters. A list of recommendations and actions are provided in the assessment (**Attachment G**).

## **11. Crown Lands**

*Council's request for concurrence from Crown Lands remains outstanding. Any issues raised by Crown Lands will be provided under separate cover.*

**Response:** It is understood from discussion with Council planning staff since lodgement are that a response from Crown Lands is being sought. No action is required in relation to the proposal, at this stage. Should the concurrent request any clarification or information, this can be provided, as required.

### 3.0 Summary of Referrals

In addition to the RFI Letter provided by Council on 19 June 2023 the table below provides a list of the referrals that have been provided by the technical specialists of Council. These have been considered and addressed in RFI response and accompanying attachments.

Landscape and water management applications are likely to be supported upon fulfilling the outlined conditions.

Referral	Summary	Response
<b>Acid sulfate soils</b>	<b>Approval</b> – with conditions	<b>No action</b>
<b>Contaminated lands</b>	<b>Approval</b> – with conditions	<b>No action</b>
<b>Industrial use</b>	<b>Approval</b> - no conditions	<b>No action</b>
<b>Landscape</b>	<p><b>Information Requested/Additional details</b></p> <p>Amended plans requests that show the ability for proposed replanting associated with the proposed tree removal and subdivision along with further investigations to specific trees.</p>	<p>A concept landscape diagram has been prepared by Scott Carver (<b>Attachment B</b>) which identified the location, spatial dimensions to ensure compliance with the provisions of the DCP and the required canopy cover.</p> <p>The recommendations of the referrals relating to additional investors (roots etc) should be incorporated as a condition of consent.</p>
<b>Coastal</b>	<b>Approval</b> – with conditions	<b>No action</b>
<b>Flood</b>	<b>Approval</b> – no conditions	<b>No action</b>
<b>Parks, Reserves and Foreshores</b>	<b>Approval</b> – with conditions	<b>No action</b>
<b>Biodiversity</b>	<p><b>Information/Clarification</b></p> <p>The referral requests the following: Non-destructive tree root investigation for Tree 57 and amended plans, in accordance with the referral.</p> <p>A Concept Landscape Plan indicating the locations, species and sizes of required replacement plantings to compensate for trees removed for subdivision works</p>	<p>A concept landscape diagram has been prepared by Scott Carver (<b>Attachment C</b>) which identified the location, spatial dimensions to ensure compliance with the provisions of the DCP and the required canopy cover</p>
<b>Water Management</b>	<p><b>Information Requested</b></p> <p>Water Quality targets stated in section 4.0 Protecting the Environment are to be met. Additional information on the proposed stormwater management strategy is required.</p>	<p>Additional information to address stormwater and water quality has been prepared by BG+E at <b>Attachment D-E</b>.</p>
<b>Strategic Planning</b>	<b>Information Requested</b>	<p>The information and clarification requested, as discussed at the meeting with Council on 19 June 2023, is provided in this letter.</p>
<b>Waste</b>	<p><b>Information Request</b></p> <p>Concerned raised over the potential for waste collection truck being require to enter the site.</p>	<p>The concerns and additional information requested has been considered by the Waste Consultant (Auswide Consulting) along with the Traffic Consultant to confirm</p>

Referral	Summary	Response
		the proposed method, location and access for waste collection is appropriate. The proposed arrangement for waste collection was discussed at the meeting with Council on 19 June 2023 and are proposed to be incorporated into the proposal
<b>DPE Water</b>	<b>General Terms of Approval</b> provided by DPE Water under the <i>Water Management Act 2000</i>	No response required.
<b>Development Engineering</b>	<b>Information/Clarification</b> Additional information relating to stormwater (quantity and quality), engineering detailing and titling.	Engineering details requested by the Development Engineering Referral have been provided by BG+E at <b>Attachments D-E</b> and summarised above in section

## 4.0 Conclusion

Thank you for the opportunity to respond to your request for additional information. We trust the above information is sufficient to allow further assessment and approval of this development application.

We look forward to hearing from you again during your ongoing assessment and determination of this application. Should you have any further questions regarding the above, please do not hesitate to contact the undersigned.



**Stephen Gouge**  
Associate Director  
sgouge@ethosurban.com