



CREATIVE **PLANNING** SOLUTIONS

## Statement of Environmental Effects

---

Development of the land, including a twelve (12) lot residential subdivision, civil and creekline works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments



43 Warriewood Road Warriewood – Lot 2, DP 972209

45 Warriewood Road Warriewood – Lot 2, DP 349085

49 Warriewood Road Warriewood – Lot 1, DP 349085

Prepared for: Archidrome

Project No: D221

Date: April 2020

Creative Planning Solutions Pty Limited | PO Box 1074 Broadway NSW 2007

+61 2 9517 1803 | [info@cspplanning.com.au](mailto:info@cspplanning.com.au) | [www.cspplanning.com.au](http://www.cspplanning.com.au)

Creative Planning Solutions Pty Limited – ABN: 70 135 093 926

## Document Control

Creative Planning Solutions works to a stringent Quality Assurance Program.

If this document has not been signed for review and approval then it is deemed a preliminary draft.

Prepared by:



Tyson Ek-Moller

Reviewed by:



Ben Tesoriero

Authorised by:



Ben Tesoriero

© Copyright CREATIVE PLANNING SOLUTIONS PTY LIMITED 2020

This document is copyrighted; reproduction of this document or any part thereof is not permitted without prior written permission of Creative Planning Solutions Pty Limited.

### Disclaimer:

In preparing this document, Creative Planning Solutions has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

Creative Planning Solutions is unable and does not accept responsibility for any errors or omissions in any of the material provided by other parties.

## Contents

1.0	Introduction.....	5
1.1	Purpose .....	5
1.2	Cost of proposal .....	5
1.3	Consent authority.....	5
1.4	Project background .....	5
2.0	Context of the Site and Surrounding Area .....	7
2.1	Location and site description .....	7
2.2	Surrounding development.....	12
2.3	Warriewood Valley Locality .....	14
2.4	Site History .....	16
3.0	Proposed Development.....	17
3.1	Project Details .....	17
3.1.1	Demolition and Tree Removal .....	17
3.1.2	Subdivision .....	17
3.1.3	Residential Development .....	18
3.1.4	Vehicular access and car parking.....	21
3.1.5	Civil Works.....	21
3.1.6	Waste Management.....	22
3.1.7	Landscaping Works.....	22
3.1.8	Utilities .....	22
3.2	Documentation .....	22
4.0	Planning Assessment .....	24
4.1	Regulatory framework.....	24
4.2	Legislative Requirements .....	25
4.2.1	Rural Fires Act 1997.....	25
4.2.2	Water Management Act 2000.....	25
4.2.3	Coastal Management Act 2016 .....	25
4.2.4	Biodiversity Conservation Act 2016.....	26
4.3	Environmental Planning Instruments .....	27
4.3.1	State Environmental Planning Policy (Infrastructure) 2007.....	27
4.3.2	State Environmental Planning Policy (Coastal Management) 2018.....	27
4.3.3	State Environmental Planning Policy 55 - Remediation of Land.....	28
4.3.4	State Environmental Planning Policy 65 - Design Quality of Residential Flat Development .....	28
4.3.5	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 .....	33
4.3.6	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 .....	33
4.4	Environmental Planning Instruments .....	34
4.4.1	Pittwater Local Environmental Plan 2014.....	34
4.5	Draft Environmental Planning Instruments.....	41
4.6	Development Control Plans.....	41
4.6.1	Pittwater 21 Development Control Plan.....	41
4.7	Impact on the Natural and Built Environment.....	41

4.7.1	Impact on the Natural Environment.....	41
4.7.2	Impact on the Built Environment .....	42
4.7.3	Social and Economic Impacts .....	42
4.8	Suitability of the Site .....	43
4.9	Submissions.....	43
4.10	Public Interest .....	43
5.0	Conclusion .....	45

## Appendices:

- Appendix A Written variation request to clause 4.3 (building height) of Pittwater Local Environmental Plan 2014
- Appendix B Assessment of the Apartment Design Guide (ADG)
- Appendix C Assessment of Pittwater 21 Development Control Plan

## 1.0 Introduction

This Statement of Environmental Effects ('SEE') has been prepared to accompany a Development Application ('DA') for Archidrome ('Client') for the development of the land, including a twelve (12) lot residential subdivision, civil and creekline works and construction of integrated residential development including two residential flat buildings at 43, 45 and 49 Warriewood Road Warriewood (Lot 2, DP 972209, Lot 2, DP 349085 and Lot 1, DP 349085 respectively).

The proposal is designated development pursuant to Section 3.17 of the *Environmental Planning & Assessment Act 1979* ('the Act') and clause 10(2) of *State Environmental Planning Policy (Coastal Management) 2018* ('Coastal Management SEPP')

The proposal is also integrated development pursuant to Section 100B of the *Rural fires Act 1997* and Section 91 of the *Water Management Act 2000*.

This DA is being lodged for consideration by Northern Beaches Council ('Council') pursuant to Section 4.12 of the Act by Creative Planning Solutions Pty Limited ('CPS').

This SEE includes details of the site and surrounds, a description of the proposed development and an assessment of the proposed development pursuant to Section 4.15 of the Act and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000* ('the Regulations').

### 1.1 Purpose

The purpose of this SEE is to outline the development proposal for the subject site, consider any environmental effects that may result from the proposed development and address how such effects can be mitigated.

### 1.2 Cost of proposal

The Capital Investment Value ('CIV') of the proposal is \$19,852,573 (including GST). The completed form (completed by a Quantity Surveyor and submitted with this DA) should be referred to when verifying the cost of the proposal.

### 1.3 Consent authority

As detailed above the proposal has a CIV of \$19,852,573. Council would therefore be the consent authority for the proposed development.

### 1.4 Project background

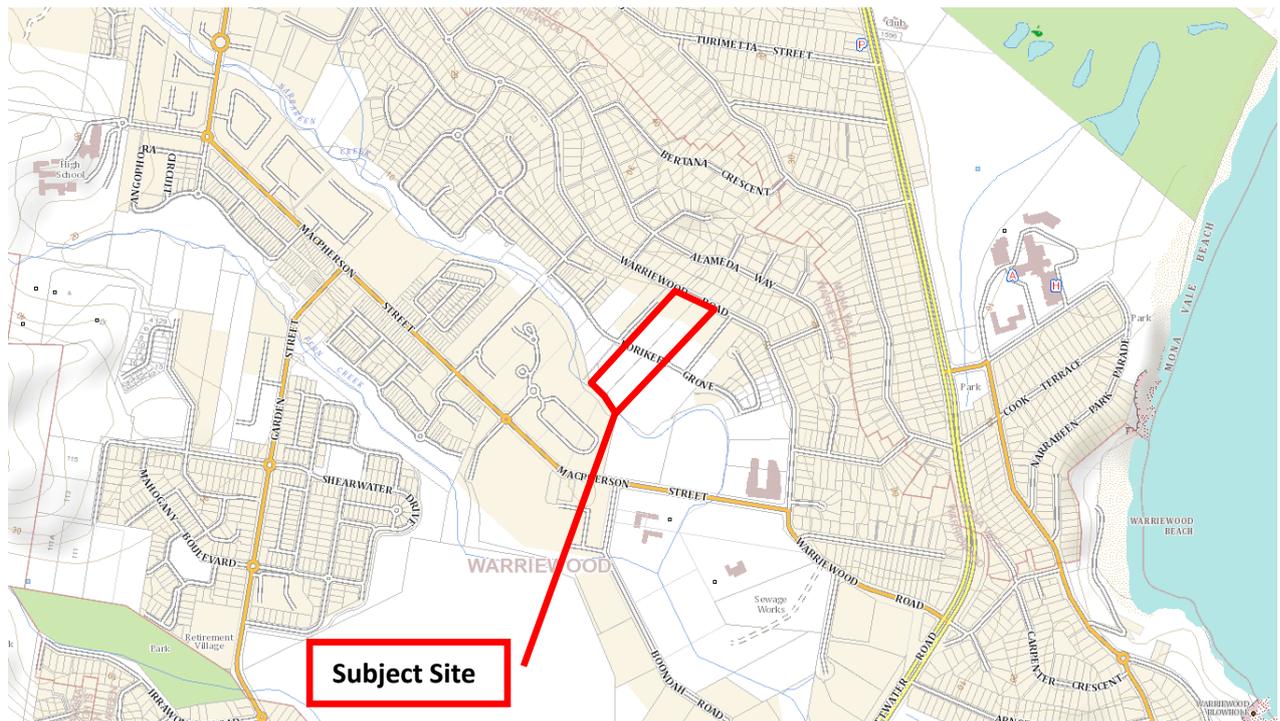
An initial Pre-Development Application Meeting (Pre-DA Meeting Ref. PLM2019/0109) was held in relation to development of the subject site with Council on 6 June 2019.

While the relevant minutes of Council's technical officers was referenced in the preparation of this DA, the form of the development proposed by this application is substantially different to that presented at the meeting on 6 June 2019, therefore the minutes of that meeting are not appended to this SEE.

## 2.0 Context of the Site and Surrounding Area

### 2.1 Location and site description

The site which is the subject of this DA ('site') consists of three (3) allotments that are legally described as 43, 45 and 49 Warriewood Road Warriewood (Lot 2, DP 972209, Lot 2, DP 349085 and Lot 1, DP 349085 respectively). 43 Warriewood Road is a narrow sliver of land that was formerly owned by Council, while 45 and 49 Warriewood Road are semi-rural allotments.



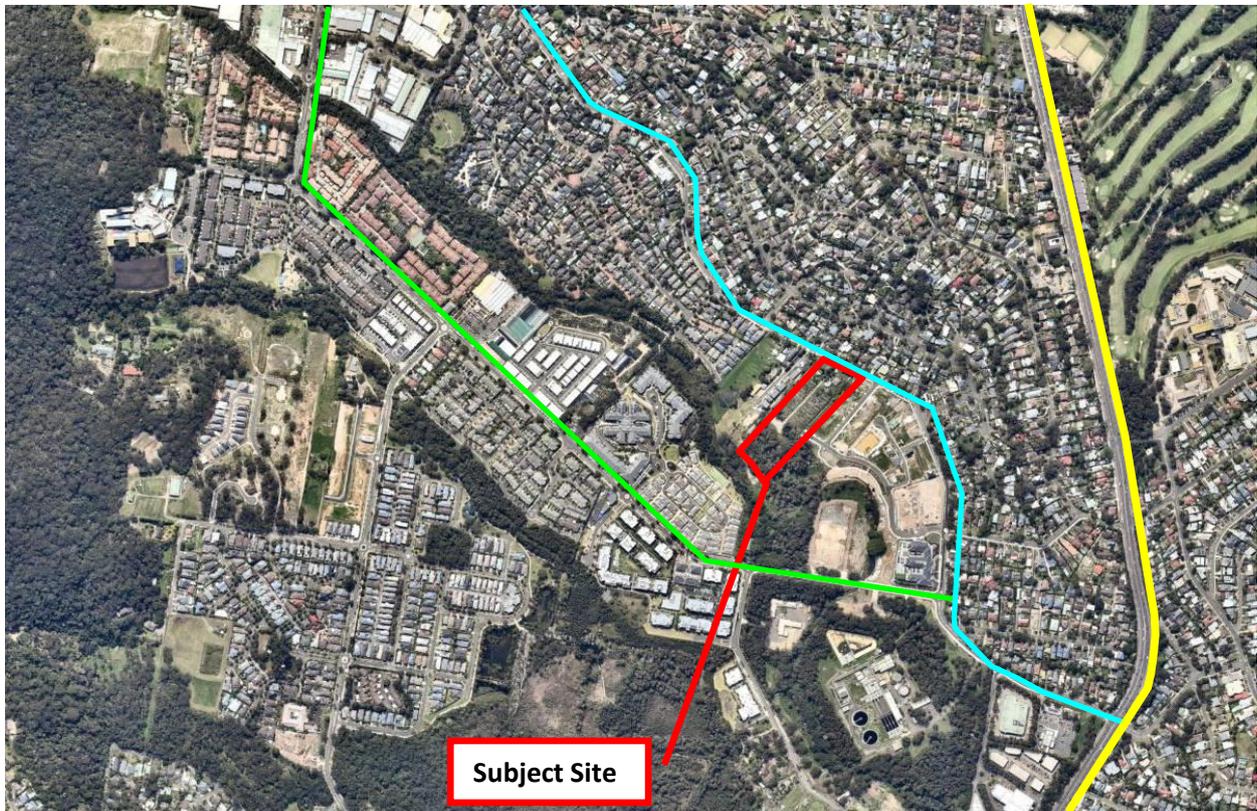
**Figure 1:** A map of the locality, showing the location of the site in relation to the surrounding area. **Note:** The base map data which forms this image is incorrect, in that it shows Lorikeet Grove as bisecting the site. While the map information shows the approximate location of the proposed Lorikeet Grove road corridor within the site, this road has not been constructed within the site boundaries, and forms part of this DA.

Source: Six Maps

Combined, the three allotments form an irregularly shaped site with an area of approximately 22,187m<sup>2</sup>. The site contains a progressive north-to-south (i.e. front-to-rear) slope of approximately 9.2 metres. The site has four boundaries that are detailed as follows:

- **Northern boundary:**
  - Adjoins Warriewood Road
  - Total length: 83.93 metres
- **Eastern boundary:**
  - Adjoins 41 Warriewood Road
  - Total length 292.585 metres
- **Southern boundary:**
  - Adjoins Narrabeen Creek

- Total length: Approximately 81.4 metres
- **Western boundary:**
  - Adjoins a number of residential allotments (formerly 85 Warriewood Road prior to subdivision of that site)
  - Total length: 262.18 metres



**Figure 2:** An aerial photo of the subject site (outlined by the red border) and the wider area. This image encompasses the Warriewood Valley to the south and east of the industrial precinct, the southeast part of which is visible within the top left of this image. For reference, the routing of Warriewood Road, Macpherson Street and Pittwater Road have been superimposed onto the image, and are denoted by the blue, green and yellow lines respectively.

Source: Nearmap, 27 September 2019

43 Warriewood Road contains an open drainage channel and is undeveloped except for existing wire boundary fences. The front halves of 45 and 49 Warriewood Road each contain a detached dwelling house, associated outbuildings and structures (i.e. sheds, paved areas/driveways, etc.) and a number of decrepit/unused greenhouses; the rear halves of these sites are largely undeveloped and are characterised by heavily vegetated areas within the Narrabeen Creek creekline corridor.

The subject site is located within the suburb of Warriewood, which is located within the Northern Beaches (formerly Pittwater) Local Government Area ('LGA'). The site is approximately 850 metres south of the Mona Vale town centre and 21 kilometres northeast of the Sydney Central Business District ('CBD').

The subject site is located within an R3 Medium Density Residential zone; the rear boundary adjoins an RE1 Public Recreation zone however all other boundaries adjoin R3-zoned areas (refer to **figure 19**). Sites within older residential areas on the northern (i.e. opposite) side of Warriewood road are

within an R2 Low Density Residential zone, while residential sites further to the north are located within an E4 Environmental Living zone.

*Pittwater Local Environmental Plan 2014 ('PLEP 2014')* maps the site as being within an Urban Release Area, with 43, 45 and 49 Warriewood Road identified as forming Buffer Zones 1h, 1g and 1f respectively. The PLEP 2014 also maps the site as containing Class 3, 4 and 5 acid sulphate soils, while southern parts of the site are mapped as being of biodiversity significance. Council's mapping also indicate that southern parts of the site are bushfire prone and flood affected; the front (i.e. northern) areas of the site are largely unaffected by flooding, however the level of flood risk increases towards the southern end of the site, due to Narrabeen Creek being located at the rear boundary. The NSW Department of Planning and Environment also maps areas at the rear of the site around Narrabeen Creek as containing Coastal Wetlands, with most the site mapped as being within a proximity area for Coastal Wetlands. The site is not identified as being affected by any other hazards or major constraints. The site does not contain a heritage item nor is it within a heritage conservation area; the site is also not in close proximity to another heritage item.



**Figure 3:** A closer aerial photo of the subject site and surrounding allotments. Note recent subdivision works and associated residential development which have been undertaken immediately to the east and west of the subject site.

Source: Nearmap, 13 April 2020



**Figure 4:** A closer aerial photo of the subject site. Note that Lorikeet Grove has not been constructed through the site, as indicated on mapping information within *figure 1*.

Source: Nearmap, 13 April 2020



**Figure 5:** 45 Warriewood Road, as viewed from Warriewood Road; 43 Warriewood Road is located at the far left of the image.

Source: CPS, 14 December 2019



**Figure 6:** 49 Warriewood Road, as viewed from Warriewood Road.  
Source: CPS, 14 December 2019



**Figure 7:** The dwelling house at 45 Warriewood Road, as viewed from the front boundary.  
Source: CPS, 14 December 2019



**Figure 8:** The dwelling house at 45 Warriewood Road, as viewed from the front boundary.

Source: CPS, 14 December 2019



**Figure 9** The northern (i.e. front) part of the site, as viewed from the common boundary separating 45 and 49 Warriewood Road, in front of the thick vegetation that is located within the creekline corridor.

Source: CPS, 14 December 2019

## 2.2 Surrounding development

Development within the surrounding area is considerably diversified, however it consists predominately of residential development. Sites adjoining both side boundaries and along the southern side of Warriewood Road more broadly consist of urban/rural allotments, most of which are subject to works related to the subdivision of those sites and associated civil works and residential development; such residential development contains a variety of one, two and three storey low-density residential development (i.e. dwelling houses) and two-three storey residential flat buildings ('RFBs'), with the site at the intersection of Warriewood Road and Macpherson Street also containing

a large multi-storey aged care development (Arcare Warriewood). Whilst not yet built, it is also noted that Development Consent DA2018/0607 approved a three-storey residential flat building at 29-31 Warriewood Road in 2018.



**Figure 10** The Arcare seniors housing development at the corner of Warriewood Road and Macpherson Street, Warriewood.  
Source: CPS, 14 December 2019

Sites on the northern side of Warriewood Road contain older and well-established residential areas, with development in these areas consisting predominantly of low-density residential development (i.e. predominantly one and two storey dwelling houses, dual-occupancies, etc.).



**Figure 11** The recently completed residential subdivision at 41 Warriewood Road, as viewed from the completed section of Lorikeet Grove within that site. Dwellings under construction in the background are located within the recently-completed residential subdivision located at 29-31 Warriewood Road.

Source: CPS, 14 December 2019



**Figure 12** The recently completed residential subdivision at 85 Warriewood Road. The subdivision of this site separated the dwelling and associated structures at the front of the site (shown within the centre-left of this photo) from new allotments towards the rear (shown centre right). Development on the new allotments consist of three-storey semi-attached dwellings.

Source: CPS, 14 December 2019

Development to the south of Narrabeen Creek (i.e. along Macpherson Street) is part of the Warriewood Valley Urban Release area, and contains a wide variety of predominately residential development. Such development includes low, medium and high-density residential accommodation in addition to seniors housing developments.

## 2.3 Warriewood Valley locality

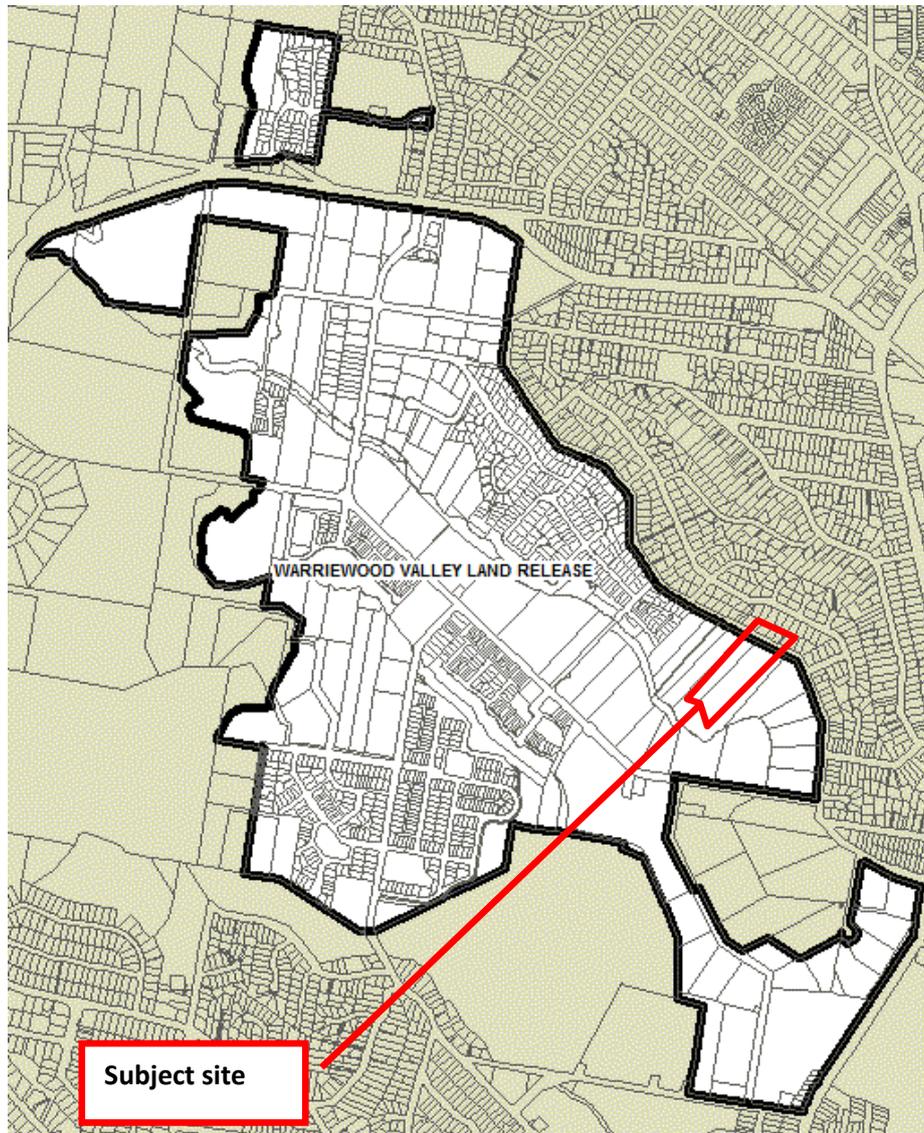
The subject site is located within the Warriewood Valley locality (refer to **figure 13**). The locality statement for this area under Section A4.16 of Pittwater 21 Development Control Plan ('P21 DCP') is as follows:

*Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood (see map). It comprises of land known as "Stage 1 Release" and land identified as the Warriewood Valley Release Area.*

*The Warriewood Valley Release Area, first identified in 1997 as a Release Area, comprises of 110 hectares including 32.68 hectares of industrial/commercial land and associated community facilities and infrastructure. Two recent reviews have been undertaken, firstly the Warriewood Valley Strategic Review 2012 and secondly the Warriewood Valley Strategic Review Addendum Report 2014. The Release Area now includes land within 400m of the Warriewood Sewerage Treatment Plant (known as Buffer Areas 1, 2 and 3) encompassing an area of approximately 190 hectares.*

*Warriewood Valley Release Area is primarily a residential area expected to provide a total of 2,451 new dwellings (this figure includes the dwellings approved under the former Part 3A legislation but does not include development in Stage 1 Release considered to be completed in 1997.). When*

completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).



**Figure 13:** The Warriewood Valley locality, as shown by Section A4.16 of Pittwater 21 Development Control Plan.  
Source: Northern Beaches Council, 2019

Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.

Stage 1 Release, has a residential component and a business/industrial component. The residential area is characterised by two storey residential attached dwellings with the area fully developed. The industrial/business area is defined by up to three storey large complexes that generally contain smaller units. The majority of the business/industrial zoned land has been developed with some smaller parcels still to be developed in the northern industrial area.

*The Warriewood Valley locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.*

*Warriewood Valley is affected by various hazards and contains heavily vegetated areas, threatened species, or areas of natural environmental significance, which are identified on various maps within the Pittwater LEP 2014.*

*A number of identified heritage items are located in Warriewood Valley.*

## 2.4 Site history

Excluding planning proposals, Council's Development Application tracker indicates that the only development consent that affected any the allotments within the site was Development Consent No. N0081/98, which approved the construction of a shed on 22 March 2000.

A pre-lodgement meeting (PLM2019/0109) was held on 6 June 2019 to discuss a concept development proposal. The development which was the subject of that meeting took a substantially different form to the development being proposed as part of this development proposal.

## 3.0 Proposed Development

### 3.1 Project details

Pursuant to Section 4.12 (Application) of the Act, consent is sought for development of the site, including a twelve (12) lot residential subdivision, civil and creekline works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments, including associated civil and creekline works and residential development on some of the created allotments.

The proposal is 'designated development' pursuant to Section 3.17 of the Act and clause 10(2) the Coastal Management SEPP.

The proposal is also integrated development pursuant to Section 100B of the *Rural fires Act 1997* and Section 91 of the *Water Management Act 2000*.

Given the complexity of the development, the specifics and details of the proposal have been split up and described separately in the subsections below.

#### 3.1.1 Demolition and tree removal

Demolition of existing structures are not sought as part of this proposal. Demolition of such structures will be subject to separate consent.

It is proposed to remove forty-seven (47) trees (including one (1) dead tree and thirty-two (32) 'exempt' trees) from within the site boundaries. No trees are proposed to be removed from surrounding areas, noting that trees at the front of the site are located within the site boundaries.

#### 3.1.2 Subdivision

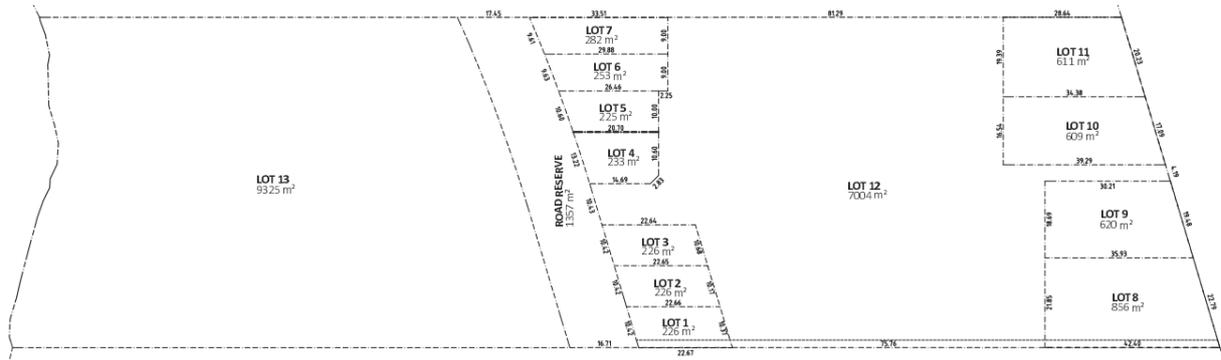
Part of the proposal will include a thirteen (13) lot subdivision of the site. The subdivision would create:

- One (1) super-allotment that would contain the proposed residential flat building (detailed within Section 3.1.3 below) and associated works. This allotment would be strata subdivided,
- Eleven (11) allotments that would become Torrens-Title residential allotments, and
- One (1) allotment containing the creekline corridor.

Allotment number	Allotment Area	Allotment number	Allotment Area
1	226m <sup>2</sup>	8	856m <sup>2</sup>
2	226m <sup>2</sup>	9	620m <sup>2</sup>
3	226m <sup>2</sup>	10	609m <sup>2</sup>
4	233m <sup>2</sup>	11	611m <sup>2</sup>
5	225m <sup>2</sup>	12	7004m <sup>2</sup>
6	253m <sup>2</sup>	13	9325m <sup>2</sup>
7	282m <sup>2</sup>		

**Table 1:** An outline of the apartments within the proposed development.

The extension of Lorikeet Grove would be excluded from the above allotments, and is to be allocated to Council as a public road upon completion.



**Figure 14:** An extract of the lot layout plan, showing the locations and sizes of proposed allotments.

Source: C&M Consulting Engineers, 2020

### 3.1.3 Residential development

The proposal incorporates residential development, which would include the construction of two (2) three-storey residential flat buildings (identified as 'Block B' and 'Block C'; each of the RFBs would contain seventeen (17) dwellings for a total of thirty-four (34) residential apartments. Basement parking and facilities would be located beneath this development.

The Torren-Title allotments addressing Warriewood Road and Lorikeet Avenue would not be developed as part of this application, and would be individually developed as separate future consents.

The bottom two storeys of each RFBs would contain ten two-storey 'terrace' style apartments that would be accessible both at ground level via the central communal area (which can be reached from the basement by both stairs and elevators) and stairways contained within individual garages for each of these dwellings within the basement level. Private open space areas for these dwellings would be located both to the front and rear of each dwelling (i.e. private open space areas would address both the site's side boundaries and the internal communal area). The third level of both RFBs would contain seven (7) single-level apartments, which would be accessed via lobbies with stair and lift access to both ground floor communal areas and the basement level; private open space areas for these apartments would be provided as balconies.

Four (4) of the proposed apartments (Units C11, C12, D11 and D12) would be adaptable, however at-grade or lift access would be provided to all apartments.

An outline of the apartments within the proposed residential flat building is as follows:

Unit Number	Number of bedrooms	Internal floor area	Unit Number	Number of bedrooms	Internal floor area
C1	4	208m <sup>2</sup>	D1	4	176m <sup>2</sup>
C2	4	208m <sup>2</sup>	D2	4	208m <sup>2</sup>
C3	4	208m <sup>2</sup>	D3	4	208m <sup>2</sup>
C4	4	208m <sup>2</sup>	D4	4	208m <sup>2</sup>

C5	4	208m <sup>2</sup>	D5	4	208m <sup>2</sup>
C6	4	208m <sup>2</sup>	D6	4	208m <sup>2</sup>
C7	4	208m <sup>2</sup>	D7	4	208m <sup>2</sup>
C8	4	208m <sup>2</sup>	D8	4	208m <sup>2</sup>
C9	4	208m <sup>2</sup>	D9	4	208m <sup>2</sup>
C10	4	176m <sup>2</sup>	D10	4	192m <sup>2</sup>
C11	3	127m <sup>2</sup>	D11	3	120m <sup>2</sup>
C12	3	127m <sup>2</sup>	D12	3	121m <sup>2</sup>
C13	3	124m <sup>2</sup>	D13	3	124m <sup>2</sup>
C14	3	124m <sup>2</sup>	D14	3	124m <sup>2</sup>
C15	3	120m <sup>2</sup>	D15	3	121m <sup>2</sup>
C16	3	121m <sup>2</sup>	D16	3	127m <sup>2</sup>
C17	3	121m <sup>2</sup>	D17	3	127m <sup>2</sup>

**Table 2:** An outline of the apartments within the proposed development. Also refer to additional information within the assessment of the *Apartment Design Guide* for further details regarding specific areas and design information/

Communal facilities within the centre of the site will include paved and landscaped areas, picnic facilities and a swimming pool for use by residents. Pathways parallel to the main driveway and between Lots 9 and 10 will also provide pedestrian access through the site to both Lorikeet Grove and Warriewood Road.

The exterior of the residential flat building would also be finished with a variety of materials (consisting predominately of rendered masonry walls and brick veneer surfaces) that would be mostly finished in dark tones with ancillary metal finishes; refer to *figure 15*. The plans propose a contemporary and highly articulated design that would address all boundaries within the superlot (refer to *figure 16* and *figure 17*), noting that the building would be separated from adjoining roads by the separate allotments.



**Figure 15:** An extract of the architect's materials schedule.

Source: Archidrome, 2020



**Figure 16:** An extract of a montage showing Block C from the southeast corner of the building.

Source: Archidrome, 2020



**Figure 17:** An extract of a montage showing Block D from the northwest corner of the building.

Source: Archidrome, 2020

With regard to the above, a breakdown of the proposed apartment mix and types are as follows:

Dwelling types:	Dwelling numbers	Proportion of total number of dwellings (%)
Three bedrooms	20	58.8%
Four bedrooms	14	41.2%
<b>Total</b>	<b>34</b>	<b>100%</b>

**Table 3:** Numbers and proportional mixes of apartment types within the proposed development.

The basement level would be designed in an 'H'-shaped configuration. Parking areas for Blocks C and D would be located beneath their respective buildings, with each section located beneath the respective residential flat building. Each 'section' would contain both residential and visitor parking (refer to Section 3.1.4 below for allocation) and residential storage and lift lobbies for common/residential areas above, though the basement below Block D would contain a large plant room and garbage transport room. Part of the basement section connecting the two main parking areas would also contain bicycle parking, car-wash bay and garbage drop-off area.

Resident car parking spaces for the terrace-style apartments would be secured within the basement by individual garage doors; direct stairway access would also be provided from within these garages

to the apartments above, with lift access also provided via the central common area on the ground floor. The basements would otherwise be accessible via stairways and lifts from the levels above.

### 3.1.4 Vehicular access and car parking

Vehicular access and parking facilities (including visitor spaces) are to be provided for all apartments within the basement levels of the RFB.

A total of seventy-seven (77) car parking spaces are proposed. Two (2) car parking spaces are to be allocated to each dwelling (i.e. sixty-eight (68) residential spaces would be provided in total, including four (4) accessible spaces) with nine (9) visitor spaces to be provided, including two (2) accessible spaces.

As indicated within Section 3.1.3 above, the main car parking areas would be split into two sections, with each section and associated access to be located beneath the respective apartment building.

Access to the basements would be provided via a two-way access driveway and ramp that would connect to the basement below Block C. Two-way driveways would provide access to all parking spaces. The basement would be secured by a security roller door.

Car parking for the top-floor apartments would be contained within 90-degree car parking, with parking for the terrace apartments to be contained within individually secured garages with internal stairway access to be provided from each garage to the respective terrace apartment above.

Vehicular access to the other residential allotments would be provided via driveway crossovers from Warriewood Road and Lorikeet Grove (which will be included as part of the civil works).

Waste collection vehicles would access the site and collect bins from the bin collection area, which is located at the southern end of Block D.

### 3.1.5 Civil works

Civil works are to include water collection and catchment facilities, which would be largely centred around a large Onsite Stormwater Detention (OSD) system, which would be located below beneath the driveway, waste collection area and central common area. Stormwater from Warriewood Road that was previously channelled to Narrabeen Creek via the drainage depression within 43 Warriewood Road will be channelled through the same area via an enclosed pipe. Runoff from Lorikeet Grove will also channel to an infiltration basin within the creekline reserve. Further civil works would include earthworks, flood mitigation measures, vehicular access/parking facilities and construction of Lorikeet Grove between the subdivisions at 41 and 53 Warriewood Road.

Refer to the detailed engineering plans and information (prepared by C&M Consulting Engineers) for further detail regarding civil and engineering works.

### 3.1.6 Waste management

Waste from dwellings within the residential flat buildings would be transferred by residents to a garbage drop-off room that would be centrally located within the car park. Prior to collection, all bins would be relocated to a garbage transport room at the southeast part of the site, before being moved via a waste lift to the temporary storage area above. Bins would then be collected by a waste collection vehicle from this location.

### 3.1.7 Landscaping works

A variety of landscaping treatments are proposed within the site. A range of trees and vegetation (including trees, plants, shrubs, ground covers and turfing areas) are to be located within private open space and common areas. Street trees are also proposed to be planted within both the Warriewood Road and proposed Lorikeet Grove road reserves. In accordance with the arboricultural report, thirty (30) large (i.e. 15+ metre high) endemic tree plantings (i.e. *Casuarina glauca* (Swamp Oak), *Eucalyptus botryoides* (Bangalay), *Eucalyptus robusta* (Swamp Mahogany) and *Melaleuca quinquenervia* (Broad-leaved Paperbark)) are also proposed to be planted on the site to compensate for trees that are to be removed during works.

Works are also proposed to be undertaken to remove weed and exotic plant growth within the creekline corridor areas.

### 3.1.8 Utilities

The subject site is connected to all essential services. Utilities and connection points for necessary service wills will be provided in consultation with the particular agencies and authorities. All overhead electricity infrastructure within Warriewood Road will be relocated underground as part of the proposal.

## 3.2 Documentation

This SEE relies upon the following documentation, which has been lodged as part of the subject Development Application package to support the proposal:

#### Plans and drawings:

- Architectural plans and drawings, prepared by Archidrome Architects
- Survey plans, prepared by C.M.S Surveyors
- Engineering plans and reports, prepared by C & M Consulting Engineers
- Landscape plans, prepared by Creative Planning Solutions

#### Reports and technical documents:

- Arboricultural Impact Assessment, prepared by Creative Planning Solutions
- Statement of Environmental Effects, prepared by Creative Planning Solutions

- Clause 4.6 Written request, prepared by Creative Planning Solutions
- Preliminary Groundwater Assessment & Monitoring Program, prepared by NG Child and Associates
- Preliminary Acid Sulphate Soil Assessment, prepared by NG Child and Associates
- Preliminary Stage 1 Site Investigation, prepared by NG Child and Associates
- Bushfire Hazard and Risk Assessment, prepared by NG Child and Associates
- Addendum Geotechnical Advice, prepared by NG Child and Associates
- Biodiversity Development Assessment Report, prepared by Lesryk Environmental
- Biodiversity Management Plan, prepared by Land Eco Consulting
- Civil Engineering plans and reporting, prepared by C&M Consulting Engineers
- Operation and Maintenance Manual for water management infrastructure, prepared by C&M Consulting Engineers
- Flood Impact Assessment, prepared by BMT
- Traffic and Parking Assessment, prepared by TEF Consulting
- BASIX Certificate, prepared by Eco-Mantra Design
- Waste Management Assessment, prepared by Dickens Solutions Pty Ltd
- Quantity Surveyor Form, prepared by G.T. Gibson

## 4.0 Planning Assessment

### 4.1 Regulatory framework

In accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the Consent Authority is to take into consideration matters that are of relevance and that are the subject of the development application, specifically:

- (a) *the provisions of:*
- (i.) *any environmental planning instrument, and*
  - (ii.) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii.) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv.) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
  - (v.) *(Repealed)*
- that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

With regard to the above, the key environmental planning instruments and development control plans that are of relevance to the development are as considered within Part 4 of this document.

For reference, the following list contains the relevant legislation, environmental planning instruments and development control plan that have been considered in the preparation of this statement:

- *Environmental Planning and Assessment Act 1979 ('the Act')*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *Coastal Management Act 2016 ('CM Act')*
- *Biodiversity Conservation Act 2016 ('BC Act')*
- *State Environmental Planning Policy (Infrastructure) (2007) ('ISEPP')*
- *State Environmental Planning Policy (Coastal Management) 2018 ('CM SEPP')*
- *State Environmental Planning Policy No. 55 – Remediation of Land ('SEPP 55')*
- *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development ('SEPP 65')*
- *State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004*

- State Environment Planning Policy (Vegetation in Non-Rural Areas) 2017
- Pittwater Local Environmental Plan 2014 ('PLEP 2014')
- Pittwater 21 Development Control Plan ('P21 DCP')

## 4.2 Legislative Requirements:

### 4.2.1 Rural Fires Act 1997

As indicated within Section 2.1 of this SEE, the subject site is bushfire prone. As the proposal includes a residential subdivision of bushfire prone land, pursuant to Section 100B of the *Rural Fires Act 1997*, the consent authority is to refer the application to the NSW Rural Fire Service ('RFS') for concurrence.

As demonstrated by the Bushfire Report submitted as part of this DA, the proposed subdivision and associated development would satisfy the provisions of *Planning for Bushfire Protection 2019*, and it is expected that the concurrence would be subsequently forthcoming from the RFS.

### 4.2.2 Water Management Act 2000

While initial testing (refer to the Groundwater Study prepared by NG Child and Associates) indicates that groundwater levels would be located below the maximum proposed excavation depths, until long-term testing is finalised interception of groundwater by the proposed basement carpark cannot be ruled out. As such, reference is made to of the Water Management Act 2000, and the proposal is considered as nominated integrated development pursuant to section 91 (Activity approvals) of this Act.

The consent authority is to therefore refer the application to NSW Department of Planning, Industry and Environment ('DPI&E') for concurrence. Given that significant disturbance of groundwater is not expected, concurrence is expected to be forthcoming from DPI&E.

### 4.2.3 Coastal Management Act 2016

The subject site is not in close proximity to the coastline (therefore some considerations such as coastal hazards would not apply), nor does it include littoral rainforest; it does however indicate part of the site including coastal wetlands and being in proximity to such areas. Pursuant to Section 6(1) of the CM Act, the provisions of this legislation would apply.

The management objectives for coastal wetlands and littoral rainforest areas are found within Section 6(2) of the CM Act, and for reference are as follows:

- (a) to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity,*
- (b) to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests,*
- (c) to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration,*
- (d) to support the social and cultural values of coastal wetlands and littoral rainforests,*

*(e) to promote the objectives of State policies and programs for wetlands or littoral rainforest management.*

It should be noted that the mapping of coastal wetlands are inaccurate (refer to **figure 18**), in that parts of the site that are mapped as 'coastal wetlands' include no such environment (noting that areas such as the completed section of Lorikeet Grove within the adjoining site at 41 Warriewood Road are mapped as such areas).

The proposed development would satisfy such objectives however, as development and primary subdivision works would be located outside of higher-quality wetland areas. The plans propose to retain almost all significant vegetation within the Creekline Corridor, and exotic trees and weeds are proposed to be both removed and managed under the submitted Biodiversity Management Plan.

Refer to the submitted Biodiversity Development Assessment Report ('**BDAR**') for further information.

#### 4.2.4 Biodiversity Conservation Act 2016

The purpose of BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

The BC Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offset Scheme ('**BOS**'; refer to Part 6 of this Act). In regard to this proposal, the BOS would be triggered based on the presence of an area of Biodiversity Value that is located within the southern part of the site.

The most significant development would be situated within northern parts of the site; and are considered to be of least impact, to avoid remnant vegetation at the rear of the site. The proposed development would retain a 'no go' zone within the southern part of the site, which would protect the majority of remnant vegetation on the site; no threatened species listed under the BC Act would be directly or indirectly affected by the proposal. Further, offset credit obligations would be payable for the areas to be cleared.

As such, the relevant requirements of the BC Act would be satisfied; refer to the BDAR submitted with this application for further information.

### 4.3 State Environmental Planning Policies

#### 4.3.1 State Environmental Planning Policy (Infrastructure) 2007

The subject site is not located in close proximity to any part of the Classified Road network, therefore the provisions of Division 17 (Roads and traffic) of the ISEPP are not applicable.

Further, the development is not of a size that is identified by Schedule 3 of the ISEPP as 'traffic generating development'. Council is therefore not required to make a referral to Roads and Maritime Services (RMS).

It is however acknowledged that as the proposal would require the placement of underground power lines; subject to clause 45(1)(d) of the ISEPP, it is therefore expected that Council would refer this DA to the relevant electricity supply authority for comment, and take into consideration any response received within 21 days of that notice.

#### 4.3.2 State Environmental Planning Policy (Coastal Management) 2018

The subject site is not located in close proximity to the coast, however due to its proximity to Narrabeen Warriewood Wetlands, it is mapped as both containing coastal wetlands, and being within a proximity area for coastal wetlands. As such, Divisions 1 and 5 of the CM SEPP would be applicable to the DA.

As is detailed within Sections 1.0 and 3.1 of this SEE, the proposal would be designated development, subject to the provisions of clause 10(2) of the CM SEPP. An Environmental Impact Statement (EIS) is subsequently being prepared in accordance with the Planning Secretary's requirements. Council can therefore be satisfied that sufficient measures would be taken to protect and enhance where possible, the biophysical, hydrological and ecological integrity of the coastal wetland.



**Figure 18:** An extract from the Coastal Management SEPP maps, showing the location of coastal wetlands and areas in proximity to such area. The subject site is outlined by the red border. Note that the details of the mapping are inaccurate, as they include areas which are clearly developed (such as constructed roadways, created allotments, highly disturbed areas, etc.) and/or of very poor environmental quality.

Source: NSW Department of Planning and Environment

Council can also be satisfied that the requirements of clause 11 of the CM SEPP would be satisfied, as the proposal would not adversely affect the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

The requirements of Division 5 of the CM SEPP would be satisfied, in that the development would not result in any increased risks to coastal hazards, and noting that Council's website does not contain any Coastal Zone Management Plans that are applicable to the site.

In summary, the submitted information demonstrates that the proposal would take sufficient measures to – where possible – protect the biophysical, hydrological or ecological integrity, of coastal wetlands. Further, the development would not increase the risk of coastal hazards. As such, the relevant provisions of the CM SEPP would be satisfied.

#### 4.3.3 State Environmental Planning Policy No. 55 - Remediation of Land

The *State Environmental Planning Policy No. 55 – Remediation of Land* applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The subject site and surrounding sites are located within a residential area, however previous land uses on the site and surrounding sites have included both residential and rural/agricultural land uses. As such, Preliminary Stage 1 Site Investigation (prepared by NJ Child & Associates) has been prepared and submitted.

The findings show that despite earlier agricultural activities on the site, there was no sign of contamination. Further, there was no information to suggest that contaminated fill had been imported onto the site, and hazardous materials (e.g. asbestos, volatile compounds, etc.) were not identified. As such, there would be no foreseeable risks to the development, subject to recommendations regarding the demolition of structures on the site and processes regarding unexpected finds during works.

With regard to the above, the site is considered to be suitable in its present state for the proposed development, and no further investigations of site contamination is warranted.

#### 4.3.4 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

As the proposed development includes residential flat buildings that are more than two storeys high, the provisions of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) would apply to the proposal. The proposal has been designed to comply with both the prescriptive and non-prescriptive provisions of SEPP 65 and the *Apartment Design Guide* ('ADG'), the latter of which provides design criteria and guidance about how development proposals can achieve the nine design quality principles contained within Schedule 1 of the SEPP.

The design of the building was directed by Tarun Chadha of Archidrome Architects, a registered architect (registration number 8777). The SEPP 65 Design Verification Statement accompanying this development application confirms that the design achieves the nine design principles set out in SEPP65 and that the building has been designed with regard to the ADG.

For reference, the responses to the Design quality principles are contained within the following table:

Principle	Comment:
<p><u>Principle 1: Context and neighbourhood character</u></p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The proposed RFBs respond well to the context of the site and surrounding area, and are consistent with both the existing and desired character of the Warriewood Valley locality.</p> <p>The buildings consider site limitations and context; the buildings will be stepped along the slope to minimise height and scale and to facilitate the amenity of surrounding sites. The proposed building heights, scale and designs are consistent with the future character of the area, noting that surrounding sites within the new-release areas already contain constructed and approved RFBs that are consistent with that being proposed. The layout of the subdivision will also enable the building to be partially screened from surrounding public areas (such as roads and the creekline corridor); the overall development will therefore present to such areas in a manner that is consistent with other subdivisions on the northern side of Narrabeen Creek to enable further consistency with the surrounding area.</p>
<p><u>Principle 2: Built form and scale</u></p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The development is articulated with an appropriate massing and legibility of scale which is in line with the current development controls. The proposal is appropriate for the site and commensurate in density, scale, height and articulation with existing and approved development on surrounding sites and the subsequent future character of the locality.</p> <p>The locations of the RFBs would be sited behind lower-density forms of development on lots addressing surrounding road corridors, and as such would further reduce the visual bulk of the structures from such roads.</p> <p>The development is set to respond to the slope on the site to minimise the need for excavation/infill. The design proposal follows natural pattern of the site while maintaining vistas both to the north and south.</p> <p>Most setback areas also include oversized separation to site boundaries, and separation between buildings surpasses ADG requirements.</p>

<p><u>Principle 3: Density</u>  <i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposed development satisfies dwelling density requirements in support of Council's vision for future residential growth in the area, without disrupting the streetscape and maintaining the existing character along approach roads, Warriewood Road &amp; Lorikeet Grove. It is envisioned that density targets will be attained through the provision of a range of dwelling typologies, as has been proposed by this application.</p> <p>The proposed mix of type of units and the density ensures compliance with the existing street character while matching up to the desired future development character.</p>
<p><u>Principle 4: Sustainability</u>  <i>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The orientation, modulation, massing and articulation of the RFBs optimizes both cross ventilation and sunlight usage, thereby enhancing energy efficiency and sustainability.</p> <p>The building orientation and facade elements are implemented with a climate control strategy as described below:</p> <ul style="list-style-type: none"> <li>• Provision of POS areas to the front and rear of terrace apartments to provide solar access to open areas of such unit.</li> <li>• Provision of skylights on the top level units to maximise solar access to living areas within these apartments.</li> <li>• The buildings are planned such that they completely utilise eastern, western and northern solar access.</li> <li>• The building designs reflect efficient energy usage through effective cross ventilation.</li> <li>• The buildings will incorporate energy and water efficient devices appropriate to specification of the building and BASIX requirements.</li> <li>• Energy Efficient Design strategies for this development include: <ul style="list-style-type: none"> <li>- Maximising occupants' access to daylight, ventilation and views;</li> <li>- External shutters that would appropriately shade balconies where needed.</li> <li>- Providing majority of units with cross ventilation.</li> </ul> </li> </ul>
<p><u>Principle 5: Landscape</u>  <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining</i></p>	<p>The development is to be extensively landscaped to provide for outdoor landscaped recreation for the residents while maintaining the atmosphere of the surrounding natural aspects of the area.</p> <p>The communal open space proposed along the central spine of the site, creates an adequate buffer between two rows of buildings while ensuring maximum amenity for residents. This central spine offers multiple viewpoints and vistas along and through the site.</p>

*positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.*

The inner landscaping is designed with different characters to create a variety of landscaped spaces. They are equipped with seating areas, natural grass areas, BBQ's, outdoor seating areas children's play equipment and a swimming pool.

Areas that are inaccessible to the public will be planted with decorative groundcovers to provide visual interest, especially when viewed from above. The planting palette is proposed to be a mixture of predominately native planting. Trees that would be visible from public areas once grown would consist of native species that would reflect the development's environmental performance that would positively contribute to the surrounding natural environment.

Principle 6: Amenity

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.*

The design of the RFBs has sought to maximise internal and external amenity for residents and neighbouring sites.

The unit sizes are generously proportioned and provide oversized rooms and private open space areas that are significantly larger than minimum requirements. The layouts of individual units are configured in a way to assure rooms of similar function are adjacent to common walls.

The vast majority of apartments would receive significant amounts of solar access and would be capable of being naturally ventilated. All apartments would have a visually pleasing outlook, with both elevations of terrace apartments looking onto landscaped areas and large private open space areas, while upper apartments would obtain views of the surrounding locality. Further, the layouts of the apartments would provide ample internal space and storage and direct access to communal areas within the centre of the site.

Communal areas would contain a range of environments that would obtain sufficient solar access to enable a range of activities within such areas.

The orientation and design of the buildings has capitalised upon the site orientation to maximise amenity within the site without excessively nor unreasonably overshadowing surrounding sites. The design of the buildings would also be aesthetically pleasing and would not adversely affect the visual amenity of surrounding sites and areas.

The separation of habitable rooms/balconies also follows recommendations of the Apartment Design Guide to limit overlooking of neighbouring buildings, in combination with significant boundary set-backs and landscape screening.

Principle 7: Safety

*Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*

The development provides secure parking with direct linkages between parking areas and dwellings for residents; highly visible walkways from both Warriewood Road and Lorikeet Grove are also provided. All units have lift access which means that with a keyed system, while terrace apartments contain internalised stairway access; a high degree of security is therefore assured.

All pedestrian areas are designed to provide clear sight lines and minimise potential for obscure places. All the public domain spaces and all lobbies are wide, brightly lit and can be observed from all surrounding apartments.

All landscaped spaces and pedestrian paths within the site will be well lit, and designed to maximise personal security, and a camera surveillance system forms a feature of the design. Well-maintained security features have been provided to comply with Crime Prevention through Environmental Design factors.

Principle 8: Housing Diversity and social interaction

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*

A range of apartment typologies, layouts and sizes are proposed. They are well-designed and significantly larger than minimum requirements and provide generous internal and external spaces. Such a design would be well suited to the family-based demographics that would likely occupy this development.

The orientation of the RFBs, the location of the centralised communal area and the provision of private open spaces to both the front and rear of the terrace apartments would also promote social interaction and a sense of community.

Principle 9: Aesthetics

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

The overall development has a high-quality aesthetic. The building masses are appropriately articulated, considering massing within the prescribed envelope. The landscaped setting ensures they are integrated well into their surroundings.

The buildings have a contemporary architectural style with a balanced composition of frame, glazed walls, recessed balconies and shutters. The form and mass of the buildings has been modelled to reduce the visual bulk of the structure. The topmost level units are setback further from the articulation frame so as to visually reduce their heights and thus, the apparent building bulk as a whole. Visual interest is also introduced through efficient use of variety of materials and

finishes.

The design is in-line with the existing and desired future character of the area. An appropriate composition of building elements, material textures and colours has been utilised to reflect the building's residential character.

Elements such as large masonry frames, timber shutters, combination of subtle colours, with a series of articulated windows and entry canopies provide a contemporary refined aesthetic.

Compliance with the provisions of the ADG are contained within Appendix A, which is attached to the end of this document.

In summary, the design of the proposed development satisfactorily addresses the design principles of SEPP 65, and complies with the requirements of the ADG.

#### 4.3.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in New South Wales.

Pursuant to Clause 6(1) of the SEPP, the SEPP would apply to 'BASIX affected development' (as defined by the Regulations). In accordance with the regulations, a BASIX certificate would be required.

As such, a BASIX certificate and accompanying documentation form part of the DA package, and demonstrate that the proposal is able to achieve all targets relating to water, thermal comfort and energy. Refer to the accompanying documentation for further information.

#### 4.3.6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies to the subject development application. Clause 7 of the SEPP states that a person must not clear non-exempt vegetation in any applicable area without the authority conferred by a permit granted by the Council.

Pursuant to clause 5(1) of the SEPP, the subject site is located within an applicable area as it is both within the Northern Beaches LGA and the R3 Medium Density Residential zone.

The aims of the policy are as follows:

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

As indicated within Section 3.1.1 of this SEE, forty-seven (47) trees (including one (1) dead tree and thirty-two (32) 'exempt' trees) are to be removed from within the site boundaries. Only one (1) of the trees proposed to be removed is of high retention value, and the proposal does not exceed the biodiversity offsets scheme threshold. Further, the site does not form part of an Aboriginal object or that is within an Aboriginal place of heritage significance (refer to the assessment of clause 5.10 of PLEP 2014 for further information).

As such, the aims of the policy would be satisfied, and Council may permit to the proposed removal of trees.

## 4.4 Local Environmental Plans

### 4.4.1 Pittwater Local Environmental Plan 2014

#### Permissibility and zone objectives

Pursuant to clause 2.6(1) of the LEP, subdivision of the site is permissible with development consent.

The site located within an R3 Medium Density Residential zone.

The residential development component is most appropriately defined as 'residential accommodation', and more specifically as 'residential flat buildings'.

Residential flat buildings are a form of development that is permissible with consent within the R3 zone under PLEP 2014.

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The proposed development would provide for the housing needs of the community by providing dwellings within the medium density residential environment and developable land upon which to support future lower-density residential development; a variety of housing types (i.e. different sized apartments and land that would accommodate a variety of detached dwellings) would therefore be provided within the context of the surrounding medium density residential environment. Further, the development would not affect the ability of surrounding sites to accommodate development, land uses and/or services that would both serve the needs of the community in a manner that would consistent with the character of the surrounding area. As such, the development would satisfy the objectives of the R3 zone<sup>1</sup>.

---

<sup>1</sup> Refer to Appendix A for further discussion of the zone objectives.

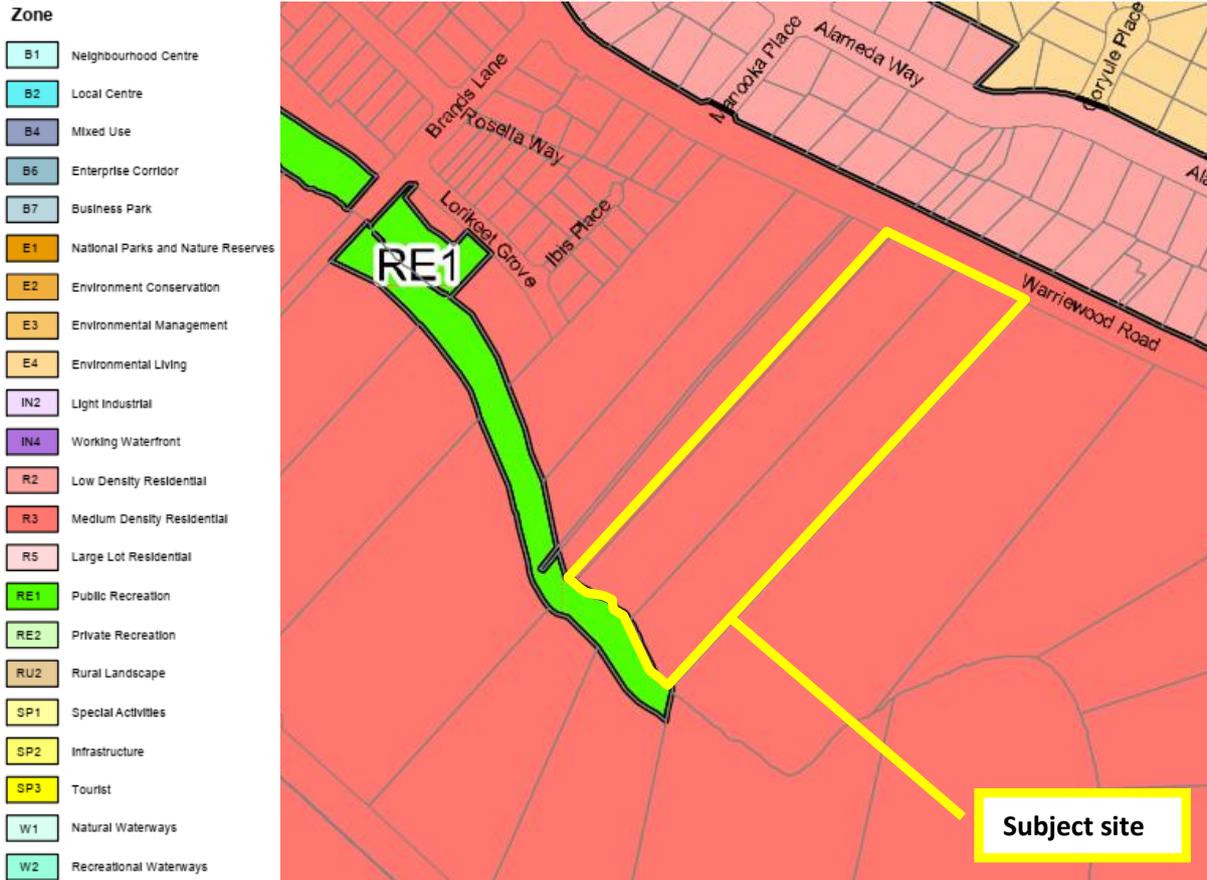


Figure 19: An extract of Council’s land zoning map. The subject site is outlined by the yellow border.  
 Source: www.legislation.nsw.gov.au

**Development standards**

The following table provides an assessment of the proposed development against the relevant provisions of PLEP 2014.

Pittwater Local Environmental Plan 2014			
Clause	Requirement	Proposed	Complies
2.6 Subdivision—consent requirements	(2) Land to which this Plan applies may be subdivided, but only with development consent.	Consent is sought for the subdivision of the site.	Yes
2.7 Demolition requires development consent	(1) The demolition of a building or work may be carried out only with development consent.	Noted, however demolition is not sought as part of this application.	N/A
4.1 Minimum subdivision lot size	(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	Does not apply to the Urban Release Area.	N/A
4.3 Height of buildings	(3) The height of a building on any land is not to exceed the maximum height shown for	<b>Maximum permitted height:</b> 10.5m	No, refer to cl.4.6

	the land on the Height of Buildings Map.	<b>Maximum proposed height:</b> 12.34m  Refer to Appendix A for a written variation request.	written request
	(2F) Despite subclause (2), development on land identified as “Area 6” on the Height of Buildings Map must not exceed 8.5 metres within the area that is 12.5 metres measured from the boundary of any property fronting Orchard Street, Macpherson Street, Warriewood Road or Garden Street.	<b>Maximum permitted height within street frontage:</b> 10.5m  <b>Maximum proposed height:</b> Development is not proposed within allotments addressing Warriewood Road that are subject to the 8.5m height standard.	N/A
4.4 Floor space ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	Not applicable to the site.	N/A
4.6 Exceptions to development standards	(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	Refer to Appendix A for a written variation request to the building height standard.	Yes
	(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating— (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	As above.	Yes
5.10 Heritage conservation	(2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i.) a heritage item,	The site does not contain a heritage item, is not within a heritage conservation area nor is it in close proximity to a heritage item.  A check of the Aboriginal Heritage Information Management System (AHIMS)	Yes

	<ul style="list-style-type: none"> <li>(ii.) an Aboriginal object,</li> <li>(iii.) a building, work, relic or tree within a heritage conservation area,</li> <li>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</li> <li>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</li> <li>(d) disturbing or excavating an Aboriginal place of heritage significance,</li> <li>(e) erecting a building on land—             <ul style="list-style-type: none"> <li>(i.) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii.) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</li> </ul> </li> <li>(f) subdividing land—             <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</li> </ul> </li> </ul>	<p>for each allotment has not identified any record of an indigenous place or object(s) being located on and/or in close proximity to the site.</p> <p>Further, as a result of earlier development on the site and works on adjoining sites encroaching onto the owner’s site, the rear of the site has already been significantly disturbed. It is therefore unlikely that the site would contain items of aboriginal culture. The consent authority could however impose a condition of consent regarding processes associated with unexpected archaeological finds.</p>									
<p>6.1 Warriewood Valley Release Area</p>	<p>(2) This clause applies to the land in the Warriewood Valley Release Area.</p> <p>(3) Development consent must not be granted for development on land in a buffer area or sector or at an address mentioned in Column 1 of the table to this clause unless the consent authority is satisfied that the total number of dwellings shown opposite that buffer area, sector or address in Column 2 of that table will be erected.</p> <table border="1" data-bbox="453 1720 924 1921"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> </tr> </thead> <tbody> <tr> <td>Buffer area 1f</td> <td>Not more than 21 Lot less than 14</td> </tr> <tr> <td>Buffer area 1g</td> <td>Not more than 23 Not less than 17</td> </tr> <tr> <td>Buffer area 1h</td> <td>Not more than 1</td> </tr> </tbody> </table>	Column 1	Column 2	Buffer area 1f	Not more than 21 Lot less than 14	Buffer area 1g	Not more than 23 Not less than 17	Buffer area 1h	Not more than 1	<p>Noted.</p> <p><b>Required:</b> Note more than 45 and not less than 31.</p> <p>34 dwellings are proposed, in addition to a further 11 allotments capable of accommodating a single residential dwelling.</p> <p>A total of 45 dwellings and/or lots capable of accommodating a single residential dwelling are therefore proposed.</p>	<p>-</p> <p>Yes</p>
Column 1	Column 2										
Buffer area 1f	Not more than 21 Lot less than 14										
Buffer area 1g	Not more than 23 Not less than 17										
Buffer area 1h	Not more than 1										

	(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following— (a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors, (b) the water quality and flows within creek line corridors, (c) the stability of the bed, shore, and banks of any watercourse within creek line corridors.	The proposed development would not adversely affect water quality and flows within the creekline corridor, nor the stability of the creek bed, shore and banks of Narrabeen Creek. Development within the creekline corridor would be minimised, and would subsequently maximise rehabilitation opportunities within the corridor.	Yes
7.1 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is mapped as containing Class 3, 4 and 5 acid sulphate soils.	Yes
	(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	A preliminary Acid Sulphate Soils assessment is lodged with this application. Testing undertaken indicates an absence of acid sulphate soils on the site. While not proposed, if excavation were to exceed two metres on areas of the site that are mapped as containing Class 4 acid sulphate soils are to be treated and reused at the site to minimise any acid sulphate generating potential.	
7.2 Earthworks	(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	Noted.	-
	(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage	The site is not subject to a geotechnical hazard, preliminary documentation addressing geotechnical considerateness (prepared by NG Childs and Associates) has been prepared and submitted	Yes

		<p>patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</p>	<p>as part of this proposal.</p> <p>This report has found that, subject to its recommendations, that the level of earthworks being proposed would not adversely affect the stability of the site and surrounding areas.</p> <p>Further, the accompanying reports have found that the proposed development would not adversely affect drainage patterns nor the adjoining waterway.</p> <p>The site is not mapped as containing any items of indigenous heritage, and the unlikely discovery of any such items during works could be readily addressed by Council.</p>	
7.3 Flood planning	(2)	This clause applies to land at or below the flood planning level.	Noted.	-
	(3)	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>	<p>The Flood Risk reporting (prepared by BMT) has found that the proposed subdivision would provide adequate protections for all proposed lots, the levels of which would be situated above the flood planning level; the development would also not significantly reduce storage within the flood catchment. Refer to these documents for further information.</p>	Yes
7.6 Biodiversity	(2)	This clause applies to land identified as “Biodiversity” on the Biodiversity Map.	Noted.	-

	<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i.) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii.) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii.) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv.) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>A BDAR (prepared by Lesryk Environmental) forms part of this application package. Such reporting has found that the development would not adversely affect the natural environment. Development would be situated towards the northern end of the site, with southern ends of the site (i.e. those containing remnant vegetation) to be designated as 'no go' zones to prevent further disturbance and fragmentation. Ongoing management of this section of the site would be subject to the requirements of the submitted Biodiversity Management Plan, prepared by Land Eco Consulting.</p>	Yes
	<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>As discussed above, the development has been sited to avoid adverse environmental impact, and the ongoing management of southern sections of the site would continue to manage and improve the environmental quality of remnant vegetation and the creekline corridor.</p>	Yes
7.10 Essential services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>Essential services are already obtainable at the site. The proposal includes works that will provide all relevant utilities and adequate vehicular access.</p>	Yes

## 4.5 Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

There are no draft planning instruments which apply to the subject site.

## 4.6 Development Control Plans - Section 4.15(1)(a)(iii)

### 4.6.1 Pittwater 21 Development Control Plan

P21 DCP provides guidelines and controls for development in the Northern Beaches Council local government area. A detailed assessment of the proposed development against applicable provisions is attached to this report; refer to **Appendix C**.

To summarise however, the proposed development would satisfy the relevant provisions of the P21 DCP. Council is reminded that pursuant to section 4.15(3A)(b), it is to be flexible in applying the provisions of the P21 DCP where the objects of relevant provisions are satisfied.

## 4.7 Impact on the Natural and Built Environment – Section 4.15(1)(b)

### 4.7.1 Impact on the Natural Environment

The proposal would have minimal impact on the natural environment. A substantial part of the site is covered by exotic/low-quality trees and vegetation, therefore works within such areas and associated vegetation removal (the vast majority of which consists of exotic species) will not have an adverse impact on the natural environment. Further, landscaping works and tree planting within these areas are to consist of prominently native and locally endemic trees, thereby ensuring that such landscaping treatments will present to surrounding areas in a manner that is both aesthetically pleasing and consistent with vegetation within surrounding vegetated areas.

Development to the south of Lorikeet Grove would consist primarily of civil and stormwater works (i.e. the bioretention basin) and the cycleway. Development is to otherwise be kept out of this area; vegetation removal is to be minimised, and where it cannot be avoided, any such removal would be offset by compensatory planting. Further vegetated areas within the southern part of the site (i.e. to the south of Lorikeet Grove) would be both revegetated, cleared of weeds and be subject to ongoing environmental management to improve habitats and both the quality and function of vegetation to enable long-term improvements in local biodiversity values.

The design of stormwater infrastructure would minimise flows from the proposed development into environmentally-significant areas. Further, the location of all facilities to within the fabric of the buildings and basement carpark would prevent any adverse noise impacts. The design and orientation of the RFBs would also prevent overshadowing and overlooking of adjoining sites and as such would not adversely affect the amenity of the surrounding area.

With regard to the above, the development would not have adverse nor unreasonable impacts on the natural environment.

#### 4.7.2 Impact on the Built Environment

Built works would include the creation of a residential subdivision and associated civil works, the appearance and operation of which would be consistent with other such development within the surrounding area (notable examples of which include similar such developments along Warriewood Road between the east of the site and Macpherson Street). The extension of Lorikeet Grove would connect to similar such road extensions on adjoining sites and would not have any impact on the built environment in that regard.

The proposal also includes the construction of two seventeen-apartment developments containing a total of thirty-four dwellings. Such development is permissible within the R3 Medium Density Residential zone, and the height, scale and appearance of such buildings is consistent with that either approved or under construction within the surrounding area. The design of the buildings have carefully considered the constraints of the site, and would minimise impacts on the surrounding area. Further, the appearance of these buildings would be further minimised through locating them behind the proposed Torrens Lots and providing oversized private open space and deep soil areas along both sides of the superlots, thereby enabling future development and landscaping (both on the Torrens Lots and superlot) that would further filter the development from the public domain.

As demonstrated by attached planning assessments and the appended clause 4.6 written request, a high degree of compliance is obtained by the proposed design; there would subsequently be no adverse impacts (such as excessive and unreasonable overshadowing or visual privacy impacts) on surrounding sites and the public domain. Further, the development would promote good amenity and high levels of sustainability, noting that the vast majority of proposed apartments would be capable of obtaining solar access and natural ventilation.

With regard to the above, it is submitted that the proposal will not have any unacceptable impacts on the built environment and is therefore satisfactory.

#### 4.7.3 Social and Economic Impacts

##### Social Impacts

The proposed development will have positive social and economic impacts for the community. The proposal would enable the provision of a significant number of well-designed dwellings that would provide additional housing choice (i.e. high-quality and well-equipped family-sized homes in terrace configurations) that are not commonly provided within the locality. Further, such housing is well designed, in that high levels of residential amenity would be afforded to the vast majority of dwellings; a range of community facilities are within the centre of the site that would promote community interaction, involvement and wellbeing for residents.

Accordingly, it is submitted that the proposed development will not contribute to any negative community/social impacts, but rather a positive community/social impact the local area.

### Economic Impacts

Significant and positive economic impacts would be associated with the proposed development, both within the locality and the Northern Beaches LGA more broadly as a result of the following:

- More efficient use of land resources, existing infrastructure and existing services;
- Employment of tradesmen and other construction-related professionals during construction;
- Ongoing employment to manage the site and biodiversity of creekline areas,;
- On-going consumption of local products and services by the residents of the development; and
- Cost savings associated with improved energy and water efficiency of a new consolidated development.

The development would also not adversely affect the development potential of, and subsequent economic activity on, surrounding sites. As such, there are no unacceptable economic impacts that would be associated with the proposed development.

## 4.8 Suitability of the site for the development – Section 4.15(1)(c)

The subject site is situated within an accessible area that is close to major transport routes on Pittwater Road and local employment centres such as Warriewood and Mona Vale. The proposed development is permissible on the site and is consistent with the objectives of the R3 zone. The design of the development has considered the constraints and hazards of the site; aside from not being an impediment to the proposed development, undertaking of the development would not adversely affect nor put residents at risk, both on the site and within the area more broadly. Further, the layout of the site and the design of development upon it would enable construction of the development without adverse impacts on the surrounding area. Further, it is envisioned that the surrounding area will eventually be redeveloped to accommodate development similar to that being proposed by the subject development application.

Given the above, the site is considered suitable for the proposed development.

## 4.9 Public Submissions – Section 4.15(1)(d)

Any public submissions received in response to the development proposal are required to be considered in the light of Section 4.15 of the Act, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

## 4.10 Public Interest – Section 4.15(1)(e)

The proposal would occupy sites that are currently unoccupied and which contain outdated structures with a residential subdivision that would provide both modern and high-quality RFBs containing thirty-four (34) dwellings and a further eleven (11) allotments of varying sizes for future residential development. The subdivision and associated development would promote very high levels of amenity, architectural integrity, environmental sustainability within a modern presentation that would complement the desired future residential character of the Warriewood Valley locality.

The location of the site is highly accessible for residents seeking to access local transport, services and facilities and is therefore well suited for the type of residential development that is proposed. The provision of modern and spacious housing for families is consistent with the objectives of the zone and the desired character of the area. The dwellings offer future residents efficient layouts with high levels of amenity (noting that very high levels of compliance are attained with regard to natural cross ventilation, solar access, acoustic privacy and visual privacy) and would not adversely nor unreasonably affect surrounding residential sites.

Further, the proposal would not expose residents to risk from local (i.e. flooding and bushfire) hazards, and would not increase risks to surrounding residents. Finally, the development acknowledges and respects the environmental constraints of the site; the layout has sought to minimise impacts on areas of environmental and biodiversity significance, and aside from minimising impacts upon such area, would further enhance the health and environmental function of such areas.

Accordingly, it is considered the proposed development will result in a positive development outcome for the neighbourhood, the Warriewood Valley locality and the Northern Beaches LGA more broadly. The proposed development is therefore in the public interest.

## 5.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other heads of consideration. It is concluded the proposed development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development is permissible within, and is consistent with the aims and objectives of the R3 High Density Residential zone,
- The proposal is consistent with the relevant provisions of Pittwater 21 DCP and both SEPP 65 and the ADG. Consistency with the objectives of relevant development provisions within applicable Environmental Planning Instruments and planning policies has been demonstrated.
- There would be no excessive and unreasonable impacts that would arise as a result of the proposed development.
- The development would not have an adverse impact on residents both within the proposed development and surrounding sites.
- The proposal would not increase resident exposure to risk from hazards both on the site and surrounding sites.
- The development would not have unreasonable adverse impacts on the natural environment, noting the steps taken to both minimise risk to the natural environment and improve the health and function of such areas.
- It is considered there are no matters that would warrant the refusal of the proposal on the grounds of it being contrary to the public interest.
- The proposal would be generally consistent with the planning controls for the site. The proposal would not have any adverse impacts on the future development potential of the surrounding area or the amenity of surrounding sites, and would have significant beneficial impacts. As such, the proposal is considered to be in the public interest.

The proposal has merit and will make a positive contribution to the Warriewood Valley locality and the Northern Beaches LGA more broadly. It is therefore recommended that Northern Beaches Council support and approve this DA.

## Appendices

Appendix A Written variation request to clause 4.3 (building height) of Pittwater Local Environmental Plan 2014

Appendix B Assessment of the Apartment Design Guide (ADG)

Appendix C Assessment of Pittwater 21 Development Control Plan

## Appendix A

### Clause 4.6 Exceptions to development standards written request – Height of Buildings

---

---

Development of the land, including a twelve (12) lot residential subdivision, civil and creekline works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments



43 Warriewood Road Warriewood – Lot 2, DP 972209

45 Warriewood Road Warriewood – Lot 2, DP 349085

49 Warriewood Road Warriewood – Lot 1, DP 349085

Prepared for: Archidrome

Project No: D221

Date: 24 April 2020

Creative Planning Solutions Pty Limited | PO Box 1074 Broadway NSW 2007  
+61 2 8039 7461 | [info@cpsplanning.com.au](mailto:info@cpsplanning.com.au) | [www.cpsplanning.com.au](http://www.cpsplanning.com.au)  
Creative Planning Solutions Pty Limited – ABN: 70 135 093 926

### Document Control

Creative Planning Solutions works to a stringent Quality Assurance Program.

If this document has not been signed for review and approval then it is deemed a preliminary draft.

Prepared by:



Tyson Ek-Moller

Reviewed by:



Ben Tesoriero

Authorised by:



Ben Tesoriero

**© Copyright CREATIVE PLANNING SOLUTIONS PTY LIMITED 2020**

This document is copyrighted; reproduction of this document or any part thereof is not permitted without prior written permission of Creative Planning Solutions Pty Limited.

**Disclaimer:**

In preparing this document, Creative Planning Solutions has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

Creative Planning Solutions is unable and does not accept responsibility for any errors or omissions in any of the material provided by other parties.

## Clause 4.6 Written Request to Vary a Development Standard

### Pittwater Local Environmental Plan 2014

<b>Applicant's name</b>	Archidrome C/O Creative Planning Solutions Pty Limited
<b>Site address</b>	43 Warriewood Road Warriewood – Lot 2, DP 972209 45 Warriewood Road Warriewood – Lot 2, DP 349085 49 Warriewood Road Warriewood – Lot 1, DP 349085
<b>Proposal</b>	Development of the land, including a twelve (12) lot residential subdivision, civil and creekline works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments
<b>Environmental Planning Instrument</b>	<i>Pittwater Local Environmental Plan 2014</i>
<b>Development standard to be varied</b>	Clause 4.3 – Height of buildings  (1) The objectives of this clause are as follows:  (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,  (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,  (c) to minimise any overshadowing of neighbouring properties,  (d) to allow for the reasonable sharing of views,  (e) to encourage buildings that are designed to respond sensitively to the natural topography,  (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

This document contains a written request relating to the proposed variation to clause 4.3 (height of buildings) of *Pittwater Local Environmental Plan 2014* ('PLEP 2014') in accordance with the provisions of clause 4.6 (Exceptions to development standards) of PLEP 2014. The written request has been prepared in accordance with clause 4.6(3) of the PLEP 2014.

### Details of development standard sought to be varied

Pursuant to Clause 4.3(2) of PLEP 2014, the height of a building is not to exceed the maximum height shown on the Height of Buildings Map. The Height of Buildings Map indicates that the site is affected by two different height limits, which are outlined as follows:

- 10.5 metres, pursuant to clause 4.3(2) of PLEP 2014, and
- 8.5 metres, pursuant to clause 4.3(2F) of PLEP 2014.



Figure 1: An extract of the PLEP 2014 height of buildings map, showing the location of the subject site.

Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

Clause 4.3(2F) imposes an 8.5 metre height limit within the site to 12.5 metres of the boundary with Warriewood Road. Given that the 'superlot' containing the two proposed residential flat buildings ('RFBs') would be more than 12.5 metres from the Warriewood Road boundary, and that this application does not propose to develop the allotments fronting Warriewood Road, the provisions of clause 4.3(2F) would not apply.

Measured from existing ground level, particular points of the proposed development would exceed the 10.5-metre height limit, which include the following:

- Parts of the upper floors,
- Sections of the roofs, and
- Four (4) lift overruns (two (2) per building).

Due to the slope of the site, the earthworks being proposed and the stepping of the two RFBs along the slope, the maximum heights of each RFB are variable. Each RFB contains three 'steps' along the slope, with the greatest breaches of the height standard occurring at the southern end of each 'step'; as the slope begins to level out towards the southern end of the site, the highest point of each RFB is located at the southern end of the middle 'step'.

The maximum heights of the buildings are therefore as follows:

- Block C: 12.34 metres. This is a 1.84 metre (i.e. a 17.5%) breach of the 10.5 metre building height standard
- Block D: 11.61 metres. This is a 1.11 metre (i.e. a 10.6%) breach of the 10.5 metre building height standard

While there are other breaches of the height standard, the other breaches are all less than those detailed above.

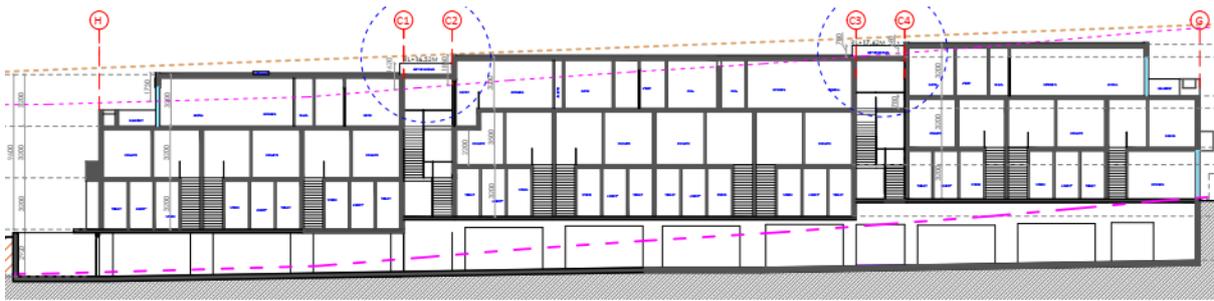


Figure 2: An extract of the section plan of Block C.

Source: Archidrome, 2020

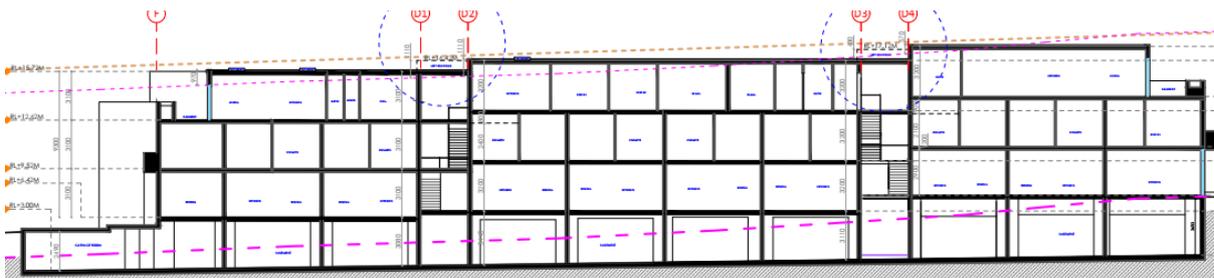


Figure 3: An extract of the section plan of Block D.

Source: Archidrome, 2020

The breaches of the height standard are technical noncompliances, which have been created both as a result of the ground levels being raised towards the southern end of the site due to the flood hazard that affects the land and the proposal being lodged as an 'integrated' development (i.e. subdivision works and residential development are contained as one development proposal).

It is however acknowledged that the height of the development must be measured from 'existing ground level'; the height noncompliances are therefore created because they must consider the combined height of the groundworks *and* the RFBs, thereby creating the variation to the height standard.

The RFBs have been designed to comply with the 10.5 metre height standard when measured from the modified ground levels associated with the subdivision works. If the subdivision were approved, and then the RFBs were proposed later as part of a separate Development Application (as has been done within other approved subdivisions and subsequent RFB proposals elsewhere within the Warriewood Valley), then the RFBs as proposed would otherwise comply with the building height standard.

#### Clause 4.6 Exceptions to Development Standards – Pittwater Local Environmental Plan 2014

Clause 4.6 of PLEP 2014 is the mechanism by which a consent authority is able to grant consent to a development despite a non-compliance(s) with a prescribed development standard. Clause 4.6 is reproduced below:

- (1) *The objectives of this clause are as follows—*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
  - (a) *the consent authority is satisfied that—*
    - (i.) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii.) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider—*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
  - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

**Note.** When this Plan was made it did not include all of these zones.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
  - (c) clause 5.4,

**Note:** The development application does not cause a contravention to any of the provisions within clause 4.6(8).

**Clause 4.6(3) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are environmental planning grounds to justify the contravention of the standard**

The authority established by *Four2Five Pty Ltd v Ashfield Council (2015)*, necessitates that environmental planning grounds for the proposed variation must be established aside from the consistency of the development with the objectives of the standard and the objectives of the zone. This is consistent with the ruling of *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112*, which requires that the function of the consent authority must be satisfied that the written request must demonstrate that compliance with the standard is unreasonable and unnecessary, and that it establishes sufficient environmental planning grounds to justify contravention of the development standard.

The common way to demonstrate that compliance with the standard is unreasonable or unnecessary is summarised by *Wehbe V Pittwater Council (2007) NSW LEC 827*, Preston CJ set out the following 5 different ways in which an objection (variation) may be well founded:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the*

*land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Clause 4.6(3) (above) can be satisfied if it is established that a development satisfies one or more of points 2-5 above.

Having regard for the authority within *Wehbe*, compliance with the building height development standard has been determined to be unreasonable and unnecessary in the circumstances of this case, as is demonstrated by environmental planning grounds that are outlined below.

#### Objectives of the standard and zone:

Where they are applicable, the proposal would satisfy the objectives of both the building height standard and the R3 Medium Density Residential zone within PLEP 2014 (refer to the assessment of clause 4.6(4) below).

#### No impact on the surrounding area

As demonstrated by the SEE to which this variation request is attached, the proposed variations to the height standard would have no adverse or unreasonable impacts on the amenity of the neighbouring properties and the public domain in terms of privacy impacts, reduced solar access, view loss and adverse streetscape impact. Any impacts associated with the tallest parts of the buildings are mitigated through increased setbacks.

#### Character of the built form

With regard to the significant size of the superlot (7,004m<sup>2</sup>) and the R3 Medium Density Residential zoning, the proposed building height is appropriate both for the site and the locality more broadly. Development within the surrounding area contains a variety of residential developments that include a number of RFBs with similar (if not greater) heights and scale to that being proposed by this application; examples of such development include the following:

- Numerous three-storey RFB developments along Macpherson Street on the southern side of Narrabeen Creek,
- The three storey 'Arcare' aged-care development at 23 Warriewood Road approved by Development Consent No. N0611/16 (as modified),
- Three storey RFBs approved as part of Development Consent No. DA2018/1826 (as modified) at 25-27 Warriewood Road
- A three-storey, 27-dwelling RFB at 64-69 Lorikeet Grove (formerly 31 Warriewood Road) approved by Development Consent No. DA2018/0607, and
- A ten-unit RFB was approved by Development Consent No. N0386/16 at 53B53, 53A and 53B Warriewood Road, though construction of this development did not proceed.

Aside from being consistent with the future character of the locality, approval of the development would be consistent with other similar approvals within the surrounding area as outlined above and would therefore not set an undesirable development precedent.

### Visual impact of the variation

Only relatively small sections of the building breach the height standard, though once the subdivision works and associated changes to ground levels complete the visual appearance of the RFBs, they would be structures that would otherwise comply with the height standard. Further, with regard to:

- The stepped building platforms,
- The highly articulated design of the buildings,
- The landscape design of the site (which includes deep soil areas that are well in excess of minimum requirements, and which would accommodate large trees that would progressively filter and screen the development as they mature), and
- Low-density residential development on surrounding/oversized allotments that would likely contain expansive landscaped areas filtering the appearance of the building from the surrounding public domain,

any visual impact associated with the development's height is likely indiscernible from surrounding areas.

The largest breaches of the standard would be created by steps in the roof that are integrated into the overall design of the building. The lift overruns would be situated below the 'steps' in the roof and would be centralised within the recessed lobby areas (i.e. they would not be located at the peripheries of the building, and would not form dominant features when viewed from surrounding sites and the public domain). As such, elements which breach the height standard would have very minimal (if any) visual impact.

### Excavation limitations

Given the levels of the site, it would not be possible to excavate further into the land in order to attain compliance with the height standard; to do so would be contrary to the objectives of the building height standard (see below), and would likely have adverse outcomes with regard to the amenity of terrace units on lower levels and site drainage.

### Height limitations associated with earthworks

As indicated above, the proposed variation to the building height standard is a consequence of factoring in the heights of both the RFBs *and* the earthworks associated with the proposed subdivision. Whilst it is necessary to incorporate both elements in accordance with the PLEP 2014 'building height' definition, to enforce the building height standard when earthworks are required to protect residential allotments from local flood hazards would be unreasonable.

If the proposal were not 'integrated' development (i.e. the subdivision and subsequent residential development were subject to separate proposals), then a future proposal for residential development would be based upon the proposed ground levels of the subdivision; such development could therefore be constructed to the same RLs as that currently proposed without breaching the height standard (i.e. the 'existing ground level' of future residential development would be higher than current ground levels, therefore the height standard would permit future development to be the same height as that proposed by this application).

The variation sought by this written request is a result of proposing concurrent subdivision and residential development. Given that the staging of works and/or the lodgement of applications would enable an identical outcome (in terms of building height), enforcing compliance with the standard in this instance is therefore both unnecessary and unreasonable.

In summary, there are substantive environmental planning grounds which demonstrate why the strict application of the building height standard in this instance would be both unnecessary and unreasonable. If the development were to be staged, the altered ground levels associated with the subdivision component would allow the same height outcome as that proposed by this application. Further, the proposed variation to the building height standard will not adversely affect surrounding sites and the locality more broadly, as it would not present to surrounding areas in a manner that would be inconsistent with the existing and desired future character of the area and as such would not set a new and/or undesirable planning precedent.

**Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,**

The consent authority can be satisfied that the proposed development is in the public interest, as both the objectives of the building height development standard and the zone would be satisfied.

The objectives of the building height development standard, and a planning response to each demonstrating that such objectives would be satisfied are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

**Comment:**

As demonstrated by the environmental planning grounds above, the proposed development is consistent with surrounding development (either existing and/or approved) in terms of height, scale and number of storeys. Further, once works are complete the height variations would not be discernible from surrounding sites and the public domain, as the levels of the earthworks (which contribute to the variation) would match those of surrounding allotments; the apparent height of the building would appear to be in accordance with the standard. Given that a number of developments with similar (if not greater) heights have also been approved within the surrounding area, support of the proposed variation would not result in an undesirable development precedent, nor would it establish new height limits that would be reflected by similar future development within the surrounding area.

- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

**Comment:**

New release areas containing residential development within the Warriewood Valley locality consist predominantly of R3-zoend areas; such zoning permits a wide range of residential development, which is reflected by housing typologies on new subdivisions on surrounding sites.

Such development includes RFBs (both existing and approved) that are similar to the proposed development in terms of height and number of storeys. As indicated above, the apparent height and scale of the development will be reduced as a result of the earthworks altering the levels of the site in a manner consistent with surrounding allotments.

- (c) *to minimise any overshadowing of neighbouring properties,*

**Comment:**

Solar impacts associated with the tallest points of the buildings would be mitigated by increased separation along the side and southwest boundaries. As such, the development would fully comply with applicable solar access requirements; at least two hours of direct solar access would be provided to the private open space areas and likely dwelling locations of surrounding allotments, both on surrounding sites and within the proposed subdivision.

- (d) *to allow for the reasonable sharing of views,*

**Comment:**

With regard to the planning principles associated with *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, there are no significant views that are obtainable from surrounding sites and areas. The development will subsequently have no impacts on views.

- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*

**Comment:**

Both RFBs have variable floor levels that would result in a 'stepped' layout that respects the sloped topography of the site. The buildings have been designed to fully comply with the 10.5 metre height standard when measured from extrapolated ground levels associated with the completed subdivision works.

- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items,*

**Comment:**

As indicated above, the RFBs have been designed to fully comply with the 10.5 metre height standard when measured from extrapolated ground levels associated with the subdivision works. Further, seven residential allotments would be situated between the superlot containing the RFBs and the creekline corridor to the south; dwellings and landscaping on these allotments would filter the RFBs from surrounding public areas. The proposed RFBs would subsequently have little impact on the natural environment. Visual impacts on heritage items are not applicable, noting that there are no heritage items within the surrounding area.

The objectives of the R3 Medium Density Residential zone, and a planning response to each demonstrating that such objectives would be satisfied are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

**Comment:**

The proposed subdivision and associated RFBs would provide land and dwellings that would cater for the housing needs of the community. By supporting the proposed building heights, a third storey can be added to each of the RFBs; these would better satisfy the objective through the provision of additional dwellings to meet the housing needs of the community.

- *To provide a variety of housing types within a medium density residential environment.*

**Comment:**

The RFBs and the allotments (which, subject to future approvals would be capable of accommodating dwelling houses) would provide a variety of housing that is similar to those constructed and approved on surrounding sites. By supporting the proposed building heights, a third storey can be added to each of the RFBs; this would better satisfy the objective through enabling the provision of two-storey terrace housing with large private open space areas on the lower two levels and 'traditional' style apartments on the top level.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment:**

The development would not affect the ability of surrounding sites to provide development containing facilities and/or services that would meet the regular needs of local residents.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

**Comment:**

The development would not affect the ability of surrounding sites to provide development containing other land uses.

In summary, irrespective of the height variation, the consent authority can be satisfied that the proposed development will satisfy all objectives of both the building height standard and R3 Medium Density Residential zone. The proposed development would therefore be in the public interest.

## Conclusion

It is acknowledged that the proposed development does not comply with the building height standard imposed by clause 4.3(2) of PLEP 2014. Such a noncompliance would be a technical variation, as calculation of the development's height would be required to consider both earthworks associated with the proposed subdivision works in addition to the proposed RFBs; if the development were staged or the RFBs proposed as a future application once the subdivision works were completed, then the height standard would permit the same building heights as those currently proposed.

As demonstrated above however, the breach of the standard is not significant, nor would it adversely affect either surrounding sites and the public domain. The scale of the proposed development is also envisioned by the zoning and associated development controls which apply to the site, which is reflected by approvals for similar development with consistent heights in the surrounding area. The development is therefore consistent with the desired future character of the area and would not set an undesirable development precedent.

Aside from being consistent with the objectives of the zone, building height standard and subsequently the public interest, this written request has demonstrated that compliance with the standard in this instance would be unnecessary and unreasonable; there are also sound environmental planning grounds to justify the contravention of the development standard.

As such, it is submitted that the requirements of Clause 4.6 have been satisfied and that the proposed building height variation can be supported.

## Appendix B – Assessment of the Apartment Design Guide (ADG)

C – Is the development consistent with the Design Criteria? Y – Yes  
 G – Is the development consistent with the Design Guideline? N – No  
 O – Is the development consistent with the Objective? N/A or - – Not applicable

ADG Reference	Clause	Design Criteria	C	G	O
<b>Part 3 Siting the Development</b>					
3A Site Analysis	3A-1	A site analysis is prepared; refer to Sheet A02, prepared by Archidrome Architects	-	Y	Y
3B Orientation	3B-1	The location of the RFBs are situated so as to maximise solar access to surrounding sites and public areas.	-	Y	Y
	3B-2	The location of the RFBs would not excessively overshadow allotments within the proposed subdivision and allotments within the adjoining site (i.e. formerly 41 Warriewood Road).	-	Y	Y
3C Public domain interface	3C-1	Terrace apartments would provide direct ground-level access to the central communal areas. Balconies and internal living areas would overlook central areas.	-	Y	Y
	3C-2	The RFBs would not directly adjoin either road frontage, through their appearance would be softened from surrounding areas by strategic planting and landscaping around the site.	-	Y	Y
3D Communal and public open space	3D-1	<p><b>Required communal open space:</b> Minimum 25% of the site area (1,751m<sup>2</sup>, based on the superlot area of 7,004m<sup>2</sup>)</p> <p><b>Proposed communal open space:</b> 1,359m<sup>2</sup>, or 19.4% (inclusive of minimum dimensions)</p> <p>Whilst the proposed would not provide a minimum 25% of communal open space, the space would consist of well designed, easily identifiable and predominately landscaped areas. The communal space would be entirely located at ground level, would contain large deep soil areas and a range of amenities (including expansive landscaped areas, a swimming pool, outdoor seating and BBQ areas).</p> <p>Further, the majority (i.e. 20 of the 34 units) would contain landscaped private open space areas that are well in excess of minimum requirements (refer to the individual assessments below). The site layout therefore enhances residential amenity and provides ample opportunities for well-designed landscaped areas. As such, the proposal would satisfy the objectives and relevant design guidance requirements, therefore the variation would be supportable.</p> <p>Council is also reminded that with regard to Planning Circular PS 17-001, where the objectives and design guidance requirements of the ADG are met, the design criteria is not to be treated as a strict set of development standards.</p>			
		<p><b>Required:</b> Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2</p>	Y	Y	Y

		hours between 9 am and 3 pm on 21 June															
		<b>Proposed:</b> More than 50% of the communal open space receives direct solar access until after 12:00pm on June 21															
	3D-2	A range of facilities (including open spaces, outdoor seating, BBQ facilities and a swimming pool) will be provided to enable a wide range of activities.	-	Y	Y												
	3D-3	Communal open space areas will be centrally located and will be capable of being observed from the living areas of most apartments.	-	Y	Y												
	3D-4		-	-	-												
3E Deep soil zones	3E-1	<b>Required:</b> Deep soil zones are to be at least 7% of the site area, with minimum dimensions of 6m (i.e. 490.28m <sup>2</sup> , based on a site area of 7,004m <sup>2</sup> )  <b>Proposed:</b> 1,358.59m <sup>2</sup> (i.e. 19.4%), inclusive of minimum dimensions.	Y	Y	Y												
3F Visual privacy	3F-1	<b>Required:</b> Minimum required separation distances from buildings to side and rear boundaries are as follows:  <table border="1" data-bbox="504 842 1259 1133"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p><b>Note:</b> While the height of the buildings technically exceed 12 metres under the PLEP 2014, they would be less than 12 metres if measured from the modified ground levels; the 12m height has therefore been adopted.</p> <p><b>Proposed:</b></p> <ul style="list-style-type: none"> <li>• Southeast boundary: 11 metres</li> <li>• Northwest boundary: 9.1 metres</li> <li>• Northeast boundary: Minimum 4 metres</li> <li>• Southwest boundary: Minimum 8 metres</li> <li>• Internal separation: 24.4 metres</li> </ul> <p>As indicated above, most areas would significantly exceed minimum requirements. The only points of noncompliance would occur on the northeast boundary and would affect Unit D10, the southeast section of Unit C10, part of the Unit C17 balcony and the balconies of Units D16 and D17. The minimum separation distance to the boundaries from Blocks C and D would be 4 and 4.1 metres respectively.</p> <p>Despite the reduced distances, new Torrens-Title allotments (<b>Torrens lots</b>) to adjoin the northeast boundary of the superlot would not be overshadowed by the RFBs. With regard to visual privacy, the RFBs would maintain the amenity and privacy of the Torrens lost to the north with regard to the following:</p> <ul style="list-style-type: none"> <li>• The living areas of Units C10 and D10 would be oriented towards the southeast and northwest; the only windows from these units</li> </ul>	Building Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	N	Y	Y
Building Height	Habitable rooms and balconies	Non-habitable rooms															
Up to 12m (4 storeys)	6m	3m															
Up to 25m (5-8 storeys)	9m	4.5m															
Over 25m (9+ storeys)	12m	6m															

		<p>looking towards the northeast would be bedroom and bathroom windows.</p> <ul style="list-style-type: none"> <li>The northern boundaries of the balconies for Units C17, D16 and D17 will contain planters with 800mm wide landscaped areas. Planting within these will prevent views towards the northeast. The planters will also screen any views of living areas towards the northeast and the Torrens lots.</li> <li>The Torrens lots to the northeast will be of a substantial size, and will enable flexibility with regard to the placement of future building footprints (and noting that the DCP requires that future dwellings be set back at least 6 metres from the boundary), there would be substantial separation distances between the RFBs and any future dwellings to the north.</li> <li>Due to the slope of the site, future dwellings on the Torrens lots would be located at a higher ground level (i.e. the RFBs would not look down onto future dwellings).</li> <li>The rear setbacks of the Torrens lots would be required to contain large/mature trees and vegetation (and noting that northern parts of the superlot are also landscaped).</li> </ul> <p>As such, the privacy and amenity of the allotments to the northeast will be maintained, and the objectives and design guidance requirements will be satisfied, and the variation is therefore supportable.</p>			
	3F-2	Apartments and private open space would be separated from communal areas utilising landscaping and internal fences.	-	Y	Y
3G Pedestrian access and entries	3G-1	The superlot does not directly address public areas, however building entrances would be both clearly identifiable and will directly face onto communal areas within the centre of the site.	-	Y	Y
	3G-2	Lobby entrances form clearly identified features within the building facades.	-	Y	Y
	3G-3	A direct pedestrian link is to be provided between Warriewood Road and Lorikeet Grove. Clear sightlines will be provided, and would traverse the communal area within the centre of the site; it would therefore be located in active areas overlooked by habitable areas.	-	Y	Y
3H Vehicle access	3H-1	<p>The carpark entry would be both located at the lowest part of the RFB development and would be screened from the public domain by the Torrens allotments that will front Lorikeet Grove. The garbage collection point will also be screened by internal fencing.</p> <p>Pedestrian and vehicular access would be clearly identifiable, and will contain sufficient sight lines.</p>	-	Y	Y
	3J-1	<p><b>Required:</b> For development:</p> <ul style="list-style-type: none"> <li>On sites within 80m of a railway station or light rail stop in the Sydney Metropolitan Area, or</li> <li>Sites within 400m of B3 or B4 zoned land or equivalent in a nominated regional centre,</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by Council, whichever is less. The car parking must be provided off-street.</p>	-	Y	Y

		<p><b>Proposed parking:</b></p> <ul style="list-style-type: none"> <li>68 residential spaces</li> <li>9 visitor spaces</li> </ul> <p>Refer to the assessment of the DCP for further information.</p>			
	3J-2	Bicycle parking is proposed (noting that additional space would be located within the garages for terrace apartments for such parking). Parking would be secured via security door at the carpark entrance, in addition to garage doors for individual basement garages.	-	Y	Y
	3J-3		-	Y	Y
	3J-4	The basement carpark would be integrated into the proposed groundworks (i.e. excavation would be minimised due to the raising of ground levels) on/around the development. The carpark would not protrude more than one metre above finished ground levels.	-	Y	Y
	3J-5		-	-	-
	3J-6		-	-	-
<b>Part 4 Designing the Building</b>					
4A Solar and daylight access	4A-1	<p><b>Required:</b></p> <ul style="list-style-type: none"> <li>Living room and Private Open Space areas within at least 70% of all apartments must receive at least 2 hours of direct sunlight between 9am and 3pm in mid-winter.</li> </ul> <p><b>Proposed:</b></p> <ul style="list-style-type: none"> <li>The internal solar access plans indicate that 28 of the 34 (i.e. 82.4% of proposed apartments) would receive at least 2 hours of direct solar access on June 21.</li> </ul>	Y	Y	Y
		<p><b>Required:</b></p> <ul style="list-style-type: none"> <li>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm in mid-winter.</li> </ul> <p><b>Proposed:</b></p> <ul style="list-style-type: none"> <li>All (i.e. 100%) of apartments would receive direct solar access on June 21, noting that skylights would provide secondary solar access to living and/or private open space areas of apartments oriented towards the southeast (i.e. Units C11, C12, C14, D11, D12 and D14).</li> </ul>	Y	Y	Y
	4A-2	Opportunities for solar access are maximised where possible.	-	Y	Y
	4A-3		-	Y	Y
4B Natural ventilation	4B-1		-	Y	Y
	4B-2		-	Y	Y
	4B-3	<p><b>Required:</b> At least 60% of all apartments are naturally cross ventilated.</p> <p><b>Proposed:</b> All (i.e. 100%) of the proposed apartments would be capable of cross-ventilation.</p>	Y	Y	Y
<p><b>Required:</b> Cross-over/through not to exceed 18m</p> <p><b>Proposed:</b> Maximum 17.3m cross-through proposed</p>		Y	Y	Y	
4C Ceiling heights	4C-1	<p><b>Required:</b></p> <ul style="list-style-type: none"> <li>Minimum ceiling height for a habitable room is 2.7m</li> <li>Minimum ceiling height for a non-habitable room is 2.4m</li> </ul> <p><b>Proposed:</b></p> <ul style="list-style-type: none"> <li>Habitable rooms: Minimum 2.7m ceiling heights proposed</li> <li>Non-habitable rooms: Minimum 2.4m ceiling heights proposed</li> </ul>	Y	Y	Y
		4C-2		-	Y
	4C-3		-	Y	Y





		Unit	Proposed POS area	Unit	Proposed POS area						
		C1	200m <sup>2</sup>	D1	93m <sup>2</sup>						
		C2	67m <sup>2</sup>	D2	80m <sup>2</sup>						
		C3	105m <sup>2</sup>	D3	100m <sup>2</sup>						
		C4	70m <sup>2</sup>	D4	100m <sup>2</sup>						
		C5	69m <sup>2</sup>	D5	80m <sup>2</sup>						
		C6	69m <sup>2</sup>	D6	80m <sup>2</sup>						
		C7	70m <sup>2</sup>	D7	100m <sup>2</sup>						
		C8	105m <sup>2</sup>	D8	100m <sup>2</sup>						
		C9	70m <sup>2</sup>	D9	80m <sup>2</sup>						
		C10	203m <sup>2</sup>	D10	170m <sup>2</sup>						
		<b>Note:</b> Areas above are inclusive of 'front' courtyard areas and individual POS areas.									
	4E-2							-	Y	Y	
	4E-3	New balconies would be integrated into the facades of the buildings.						-	Y	Y	
	4E-4	The design prevents stepped changes in ground levels within POS areas.						-	Y	Y	
4F	Common circulation and spaces	4F-1	<b>Maximum number of dwellings off circulation core: 4</b>						Y	Y	Y
		4F-2							-	Y	Y
4G	Storage	4G-1	<b>Required:</b> <ul style="list-style-type: none"> <li>• Studio apartments: 4m<sup>3</sup></li> <li>• 1 bedroom apartments: 6m<sup>3</sup></li> <li>• 2 bedroom apartments: 8m<sup>3</sup></li> <li>• 3+ bedroom apartments: 10m<sup>3</sup></li> </ul> <p>Sufficient storage would be provided in accordance with ADG requirements, noting that each apartment includes storage areas, rooms and cupboards, in addition to substantial walk-in-robos. It should also be noted that individual garages would also include large areas for storage.</p>						Y	Y	Y
		4G-2	Storage is to be provided within dwellings and individual garages.						-	Y	Y
4H	Acoustic privacy	4H-1							-	Y	Y
		4H-2							-	Y	Y
4J	Noise and pollution	4J-1	Not applicable.						-	-	-
		4J-2	Not applicable.						-	-	-
4K	Apartment Mix	4K-1	<p>The proposed development includes the following mix:</p> <ul style="list-style-type: none"> <li>• Three bedrooms: 14</li> <li>• Four bedrooms: 20</li> </ul> <p>The apartments are also split between 'terrace style' apartments and more traditional layouts. The proposed mix anticipates demand for such housing by families seeking a larger number of bedrooms with larger private open space areas like those being proposed within this development. The size of the dwellings (in terms of number of bedrooms, floor space and POS area) is reflective of similar such development residential development within the surrounding area.</p>						-	Y	Y
		4K-2	The larger terrace style apartments are appropriately situated at lower levels to take advantage of larger at-grade POS areas, while small apartments are located at higher elevations.						-	Y	Y
4L	Ground floor apartments	4L-1	Direct access to communal areas is proposed for the terrace apartments at ground level. Activity is achieved through terraces, gardens and the façade of each dwelling, which enable overlooking of communal areas.						-	-	-

	4L-2	Privacy would be afforded to the terrace apartments through the situation of the majority of POS areas to the rear of the dwelling (i.e. within the side setback areas) and sufficient spatial separation between the two RFBs.	-	-	-
4M Facades	4M-1	The buildings would be highly articulated and provide areas of visual interest when viewed between surrounding residential development.	-	Y	Y
	4M-2	Building entries are clearly define; corners and ends of the building are clearly defined through changes in articulation, materials and colours.	-	-	-
4N Roof design	4N-1	Roof design is integrated into the building design.	-	Y	Y
	4N-2	Not applicable.	-	-	-
	4N-3	Sustainability measures will include skylights.	-	Y	Y
4O Landscape design	4O-1	The landscape design will enhance the local microclimate through the implementation of appropriately scaled and locally endemic trees.	-	Y	Y
	4O-2	Tree plantings will progressively be visible from, and positively contribute towards, the streetscape.	-	Y	Y
4P Planting on structures	4P-1	Planting on the buildings would be limited to planters on balconies. Appropriate structural reinforcement will be undertaken for basement areas beneath landscaped and deep soil areas.	-	Y	Y
	4P-2	Suitable plantings have been selected; refer to the landscaping information prepared by CPS.	-	Y	Y
	4P-3		-	-	-
4Q Universal design	4Q-1	Section C1.9 of P21 DCP requires that 20% of the apartments be adaptable. Four apartments (i.e. 11.7% of the total number) would be adaptable apartments. The proposal would however satisfy the 20% requirement for the Liveable Housing Guideline's silver level universal design features in accordance with the design guideline.	-	Y	Y
	4Q-2	Four three-bedroom apartments are proposed to be adaptable, which are contained within a variety of layouts.	-	Y	Y
	4Q-3	The proposed layouts are flexible and would be capable of accommodating a range of domestic uses and needs.	-	Y	Y
4R Adaptive reuse	4R-1	Not applicable.	-	-	-
	4R-2	Not applicable.	-	-	-
4S Mixed Use	4S-1	Not applicable.	-	-	-
	4S-2	Not applicable.	-	-	-
4T Awnings and signage	4T-1	Not applicable.	-	-	-
	4T-2	Not applicable.	-	-	-
<b>Performance</b>					
4U Energy efficiency	4U-1	The proposal would maximise the number of units that would obtain adequate solar access; refer to the assessment above.	-	Y	Y
	4U-2		-	Y	Y
	4U-3	The proposal would maximise the number of units that would obtain adequate natural ventilation; refer to the assessment above.	-	Y	Y
4V Water management and conservation	4V-1	Appropriate and drought-tolerant landscaping is proposed.	-	-	-
	4V-2	Urban stormwater would be treated; refer to submitted engineering information.	-	-	-
	4V-3	Appropriate stormwater management systems are proposed; refer to submitted engineering information.	-	-	-
4W Waste management	4W-1	Adequate waste storage areas would be provided within the basement and out of sight of public areas; there would be sufficient space for bulk waste storage. Refer to the submitted waste management plan for further information.	-	Y	Y

	4W-2	Designated waste and recycling bins would be separated. Refer to the submitted waste management plan for further information.	-	-	-
4X Building maintenance	4X-1	Measures to prevent weathering of the building as recommended by the ADG are to be adopted.	-	-	-
	4X-2	The design and layout would permit ease of maintenance where required.	-	-	-
	4X-3	Sturdy and natural materials are proposed to reduce ongoing maintenance requirements.	-	-	-

## Appendix C – Assessment of Pittwater 21 Development Control Plan (P21 DCP)

Pittwater 21 Development Control Plan		
Section B – General Controls		
Requirement	Proposed	Complies
<b>B1 – Heritage Controls</b>		
If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal object then additional independent information on the potential heritage significance may be requested.	A check of the Aboriginal Heritage Information Management System (AHIMS) for each allotment has not identified any record of an indigenous place or object(s) being located on and/or in close proximity to the site.	Yes
The additional information requested may take the form of a report prepared by a suitability qualified person as defined by the NSW Office of Environment and Heritage, as well as consultation with the NSW Office of Environment and Heritage and appropriate Aboriginal groups.	Further, as a result of earlier development on the site and works on adjoining sites encroaching onto the owner's site, the rear of the site has already been significantly disturbed. It is therefore unlikely that the site would contain items of aboriginal culture.	
If an Aboriginal site or relic is discovered, it must be reported to the NSW Office of Environment and Heritage and all works stopped.	Any discovery of an Aboriginal site or relic during development of the site is capable of being satisfied through the imposition of consent conditions by Council.	
Development must conserve the significance of any Aboriginal place of heritage significance or Aboriginal object.		
<b>B3 – Hazard Controls</b>		
B3.2 – Bushfire Hazard		
All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.	The design of both the subdivision and associated residential development has been undertaken in accordance with relevant standards and Planning for Bushfire Protection; refer to the submitted Bushfire Hazard Risk Assessment (prepared by NJ Childs and Associates).	Yes
Development land to which this control applies must comply with the requirements of: <ul style="list-style-type: none"> <li>Planning for Bushfire Protection (2006)</li> <li>Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area</li> </ul>	The proposal is also integrated development pursuant to Section 100B of the <i>Rural Fires Act 1997</i> , therefore concurrence from the RFS is required; refer to the assessment above.	
B3.6 – Contaminated Land and Potentially Contaminated Land		
Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.	The relevant requirements of SEPP 55 have been considered; refer to the assessment above.	Yes
In particular, Council shall consider: <ul style="list-style-type: none"> <li>whether the land is contaminated; and</li> </ul>	An investigation of the site (prepared by NJ Childs and Associates) has assessed	

<ul style="list-style-type: none"> <li>• if the land is contaminated, whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out; and</li> <li>• if the land requires remediation, whether the land will be remediated before the land is used for that purpose.</li> </ul>	<p>potential land contamination as a result of earlier agricultural uses and the suitability of the site for the development. Subject to recommendations, the site is capable of being appropriately remediated and being prepared to accommodate the proposed development. Refer to the contamination assessment for further information.</p>	
---	--	--

**B3.11 – Flood Prone Land**

<p>Development to which this Part applies must comply with the performance criteria set out in clause 1.1.</p>	<p>Parts of the site are flood affected both as a consequence of the rear of the site accommodating the Narrabeen Creek creekline corridor and overland flow risk associated with the pipeline which runs parallel to the southeast boundary of the site.</p> <p>A Flood Report (prepared by BMT) has been submitted with this application. The document shows that flooding impacts (including those associated with climate change) have been incorporated into the subdivision design.</p> <p>To summarise, the proposed subdivision would ensure that all future residential development on the site would be located above the floor planning level and as such would be adequately protected by the flooding hazard; further, the development would not significantly reduce flood storage and/or worsen impacts elsewhere within the flooding catchment.</p>	<p>Yes</p>
<p>Form A and A1 (Attachment A of Northern Beaches Council’s Guidelines for preparing a Flood Management Report) is to be completed and submitted to Council</p>	<p>Noted.</p>	<p>Yes</p>
<p>Development that satisfies the prescriptive controls in clause 1.2 is deemed to have satisfied clause 1.1.</p>	<p>Noted.</p>	<p>-</p>

**B4 – Controls Relating to the Natural Environment**

As assessed within the SEE, the rear of the site is mapped as being within an area of biodiversity significance.

The information package prepared for this Development Application includes landscape plans, and Arboricultural Impact Assessment, a Biodiversity Development Assessment Report (‘BDAR’) and a Biodiversity Management Plan (‘BMP’), which have been prepared in accordance with Council requirements.

To summarise, while forty-seven (47) trees are proposed for removal, thirty-two (32) of those are ‘exempt’ trees and another is dead. Proposed tree removal is proposed to mostly occur within areas of the site that will be occupied by residential allotments, and significant tree removal is not proposed within the rear areas of the site. As such, the

development shall not adversely nor unreasonably affect threatened species, endangered populations or endangered ecological communities. Areas of biodiversity significance at the rear of the site will be managed in accordance with the recommendations of the BMP; this will subsequently enhance such areas, noting that that such areas are currently significantly overrun with weeds and exotic species.

New planting will incorporate predominantly native and locally endemic species in accordance with Council specifications. The client would be accepting of conditions governing the design of any fences to permit passage of wildlife and the prevention of pets entering habitat areas at the rear of the site.

As is also addressed within the SEE, the development will not have a deleterious impact on wetland areas at the rear of the site. Proposed development will not encroach into such areas, and stormwater systems (designed in accordance with Council specifications to mimic natural flows) will collect stormwater from the development, with any runoff/discharge to be directed to a bioretention pond at the rear of the site. The development is also unlikely to intercept groundwater, though as a precaution concurrence is sought from DPI&E.

### **B5 Water Management**

Integrated Water Management Plans and associated reporting have been submitted as part of this application. To summarise:

- Pits and pipes would collect water from the allotments fronting Warriewood Road and the superlot would channel flows to an underground OSD beneath the access driveway and waste collection area for the superlot. Any discharge from the OSD would be directed to the proposed infiltration basin on the southern side of the proposed Lorikeet Grove extension.
- Stormwater from Warriewood Road would be collected within a pit in Warriewood Road and would be directed to the creekline corridor via a 900mm pipe that would run parallel to the southeast side boundary of the site; this is similar to current arrangements, noting that 43 Warriewood Road currently contains an open channel that discharges flows to the same location.
- Stormwater from the proposed Lorikeet Grove extension would be collected by pits and directed to the proposed bioretention basin.

Development is not proposed on the Torrens allotments, and would be subject to future approval. Construction of those developments would be in accordance with Council requirements, with overflows from future OSDs to be directed to Lorikeet Grove.

Refer to the engineering plans and reports prepared by C&M Consulting Engineers for further information regarding the satisfaction of Council requirements.

### **B6 Access and Parking**

A total of seventy-seven (77) car parking spaces are proposed, and are to be allocated as follows:

- Sixty-eight (68) residential spaces, with two (2) spaces to be allocated per dwelling. Four (4) accessible spaces are to be provided for adaptable apartments.
- Nine (9) visitor spaces, including two visitor spaces
- Racking spaces for twelve (12) bicycles, noting that there is also additional storage space for bicycles within individual garages.
- One (1) wash bay is proposed, to be shared with a visitor space. While not shown, the client would be accepting of a condition to ensure that vehicle washing facilities are in accordance with Council standards.

All parking and access facilities are to be located within the basement carpark and in accordance with applicable standards. Access for onsite waste removal activities would be located at the top of the access driveway to the RFB, and would enable resident vehicles to enter/exit the site while waste is being collected.

Refer to the submitted traffic and parking impacts report for further details regarding compliance with Section B6 of the DCP.

As the Torrens Lots will not be developed, car parking facilities on those sites would be subject to future approval.

**B8 – Site Works Management**

This DA package includes documentation regarding site works; refer to engineering and site works documentation prepared by C&M Consulting Engineers and NG Child and Associates. Whilst they would be undertaken regardless, compliance with site works and management (e.g. soil and erosion management, hoarding, construction fencing, etc.) can be addressed via conditions of consent to ensure adherence with applicable development contes.

A Construction Transport Management Plan is to be prepared for implementation upon commencement of works. The client is willing to accept a condition be imposed requiring that this document be submitted for approval by Council prior to commencement of works.

**Section C – Development Type Controls****C1 - Design Criteria for Residential Development****C1.3 View sharing**

Not applicable – The site is not within an area from which significant views are obtainable.

**C1.9 Adaptable Housing and Accessibility**

Four (4) of the thirty-four proposed apartments are to be adaptable apartments, noting that the development would meet Silver level of the Liveable Housing Guidelines in accordance with the ADG (see **Appendix B**).

**C1.12 Waste and Recycling Facilities**

All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

A WMP (prepared by Dickens Solutions) has been submitted that would address all phases of the development. As indicated by the plans, waste storage facilities are to be located within the basement carpark; bins would be transferred via a dedicated lift to a temporary storage area for collection.

Yes

**C1.13 Pollution Control**

Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.

The development has been designed to prevent any pollution or contamination of the surrounding area.

Yes

Developments must comply in all respects with the Protection of the *Environment Operations Act 1997*, and other relevant legislation.

Noted. The client would be accepting of a condition to ensure that all equipment on the site operates at levels that would satisfy relevant legislation and criteria.

Yes

**C1.15 Storage Facilities**

Refer to the assessment of the ADG (see **Appendix B**); storage in accordance with the ADG (and by default, the less onerous requirements of the DCP) would be provided.

**C1.17 Swimming Pool Safety**

Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.

To comply. Conditions are capable of being applied to ensure that safety measures would be provided to meet pool safety requirements.

Yes

**C1.18 Car/Vehicle/Boat Wash Bays**

A designated wash bay is to be incorporated on the site where developments have more than ten units.

A car wash bay is to be provided and would be shared with a visitor parking space. A condition could be applied to ensure that design of the bay is in

Yes

The wash bay must be designed and constructed so as to not

allow polluted waters to enter the stormwater drain and stormwaters do no enter the sewer. accordance with Council's requirements.

## Section C – Development Type Controls C6 - Design Criteria for Warriewood Valley

### C6.1 Integrated Water Cycle Management

The major elements of the proposal are outlined as follows:

#### **Water Management and Accompanying Plans**

As indicated above, Integrated Water Management Plans and associated reporting (prepared by C&M Consulting Engineers) have been submitted as part of this application; a summary of water management is contained within the assessment of Part B5 of the DCP (see above).

#### **Flooding**

A Flood Impact Assessment prepared by BMT has been submitted. In summary, all residential allotments would be located above the flood planning level. The development would not result in a significant reduction of flood storage volumes and would not significantly affect surrounding sites other than a localised minor increase in peak flood levels of less than 0.01m in adjacent floodplains. Refer to the accompanying documents for further information.

#### **Creekline corridor**

All allotments are to be located outside of the 50m inline creekline, and will be retained as a flora and fauna habitat; no residential development is proposed within this area. An extension of the walk/cycle way will connect to the existing pathway on adjoining sites. Refer to the submitted landscape and engineering plans for further information.

#### ***Stormwater Drainage Management***

The design of the stormwater management system is incorporated into the integrated water cycle management scheme and in accordance with Council specifications; refer to the engineering plans for further information.

#### **Groundwater**

Preliminary testing indicates that the development is unlikely to intercept groundwater; nonetheless, the DA been lodged as integrated development pursuant to Section 91 of the *Water Management Act 2000*, and concurrence is sought from DPI&E). Refer to the documentation prepared by NG Child and Associates for further information.

### C6.2 Natural Environment and Landscaping Principles

The major elements of the proposal are outlined as follows:

#### **Integration with Creekline Corridor and the Public Domain**

The proposed landscaping treatments would mostly incorporate locally endemic trees and vegetation. Vegetation within the creekline corridor would also include extensive stands of native trees with associated indigenous understoreys and groundcovers in accordance with the recommendations of the Biodiversity Management Plan, prepared by Land Eco Consulting. The design of the proposed cycleway is in accordance with Council requirements, noting that its location is dictated by the locations of such infrastructure on adjoining sites. Refer to the landscaping information prepared by CPS for further information demonstrating compliance with Council requirements.

#### **Landscaping of existing and proposed Public Road Reserves**

There are no street trees in front of the site. All new tree planting within the proposed road corridors would be in accordance to the DCP requirements; refer to the landscaping package prepared by CPS which form part of this application package.

**Landscaped Area:**

A landscaping plan prepared by CPS in accordance with the Warriewood Valley Release Area Landscape Masterplan forms part of this application package.

**C6.3 Ecologically Sustainable Development, Safety and Social Inclusion*****Designing for ESD***

Development should be designed and located with consideration to orientation, ventilation, topography, vegetation, microclimate, adjoining development and landscape, that incorporates:

- passive solar building design;
- a reduction in greenhouse gas emissions;
- opportunities to monitor consumption performance, for example through the installation of SMART metering;
- safe connections to the existing pedestrian/cycleway networks and public transport routes; and
- principles of Universal Design.

Sub-metering of building services to enable individual tenancies to facilitate individual monitoring of consumption performance is required.

The RFBs have been designed to provide passive solar design and natural ventilation.

The orientation of the Torrens allotments would enable future developments on those sites to incorporate such measures.

Yes

***Integration of CPTED***

Development is designed to incorporate the following CPTED principles:

- Natural Surveillance
- Access Control
- Territorial Reinforcement
- Space Management

CPTED provisions have been incorporated, noting secure access provisions that would be provided for all apartments and basement parking areas, and that all communal areas are capable of being observed from the apartments.

Yes

***Universal Design and Adaptive Reuse***

The principles of Universal Design must be integrated into new developments and the urban spaces surrounding, ensuring access and utility for people.

Universal design measures are adopted into the development.

Yes

Developments and the public domain, must comply with Australian Standard AS 1428:2009.1: Design for access and mobility – General requirements for access – New building work.

To comply.

Yes

Developments should be designed and constructed to serve beyond its initial/first use to ensure that building stock is durable and capable of adaptability in the future. The 'whole of development' approach needs to consider the design, construction and materials selection at the outset to encourage adaptability and accessibility and, in turn, maximise the longevity of building stock.

Noted and applied.

Yes

Dwellings should be flexible in their design to facilitate 'ageing in place' and change in lifecycle/circumstance. Control C1.9 prescribes the circumstances when dwellings are to be designed to facilitate adaptable housing in accordance with Australian Standard AS4299-1995: Adaptable Housing.

Noted and applied; four adaptable apartments are proposed.

Yes

Residential accommodation in mixed use, shop top housing, residential flat buildings and multi dwelling housing developments require the provision of adequate communal open spaces to facilitate opportunities for: <ul style="list-style-type: none"> <li>its residents to meet informally; and</li> <li>casual/passive surveillance onto these spaces.</li> </ul>	Not applicable.	N/A
The design and location of the communal open space areas must consider the likely noise impacts generated from these areas.	Noted. The communal open space is centrally located and would therefore minimise impacts to surrounding areas. Use of the swimming pool will be restricted to hours to ensure that there is minimal disturbance to RFB residents.	Yes
<b>C6.4 The Road System and Pedestrian and Cyclist Network</b>		
Reference is made to the parking and traffic report prepared by TEF Consulting. A summary of the major elements of the proposal are however outlined below.		
Works to the road system would include part-road resurfacing in addition to kerb/gutter works on Warriewood Road and an extension of Lorikeet Grove; the connections and placement of Lorikeet Grove would be dictated by the works already undertaken on adjoining sites; such construction would be undertaken in accordance with Council specifications. One vehicular access point is provided to the superlot from Lorikeet Grove, with two pedestrian linkages to be provided from both Warriewood Road and Lorikeet Grove; these would also enable pedestrian access throughout the site.		
Street trees and landscaping are to be incorporated into the road reserve in accordance with Council specifications and with regard to driveway crossover placement; refer to the landscape plans prepared by CPS for further information.		
An off-road pedestrian/cyclist link is proposed to the south of the residential subdivision; the location and connections of this shared link is dictated by already-constructed pathways on adjoining sites.		
Access driveways to Warriewood Road have been limited to the four allotments that would address this road frontage.		
The design of all parking facilities would be in accordance with AS 2890 and other applicable standards.		
The extension of Lorikeet Grove will require separate approval from Pittwater Council as the Roads Authority under the <i>Roads Act 1993</i> .		
<b>C6.5 Utilities, Services and Infrastructure Provision</b>		
New development including the creation of new allotments is to be fully serviced by electricity, reticulated water and sewer, gas and communications.	The site is already serviced by all necessary infrastructure, and would be provided to all allotments and dwellings within the development.	Yes
All services, including telecommunications and cable television, are to be provided underground, within the road reserve (proposed and/or existing) and on the development site itself including lots being created by the subdivision. The undergrounding of the services is at the full cost to the developer.	Underground of infrastructure within the Warriewood Road road reserve is proposed.	Yes

Common trenching of services is encouraged, and consideration must be given to the location of underground services and landscape planting.	Common trenching is proposed where necessary.	Yes
All development is to be designed and constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling without costly retro-fitting. Buildings are to be designed to enable sufficient riser capacity and sufficient space within ceilings to permit connection to a central point for communications wiring for televisions, telephones, satellite, computers and burglar alarms. Consideration should be given to the provision of a "patch panel" in dwellings. This is a central point for communications wiring with conduits to various points such as living rooms and bedrooms.	To comply where required.	Yes
Infrastructure integral to the development must take into consideration that the water management facilities and the internal road network are likely to remain in private ownership, including access arrangements and lifecycle costs associated with the maintenance and management of the infrastructure.	Noted and factored into the water management facilities.	Yes
Infrastructure required for the development not listed in the Warriewood Valley Section 94 Plan, is to be provided by the proponent and will not be subject to credit against the developer contributions payable to Council. This includes works within Council's (existing or proposed) public road reserve.	Noted.	Yes
<b>C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development</b>		
<b><i>Development adjoining Warriewood Wetlands</i></b>		
A minimum setback of 15 metres (buffer strip) is to be provided between any development and the Warriewood Wetlands.	Sufficient separation distance between works and the wetlands are provided (noting that mapping provided by DPI&E does not accurately reflect the true location of wetlands within the site).	Yes
Landscaping is to be in accordance with the requirements specified in this control.	Noted and applied; refer to the landscaping package prepared by CPS.	Yes
<b>C6.7 Landscape Area (Sector, Buffer Area or Development Site)</b>		
Where a sector, buffer area or development site has a frontage to a creek, a minimum 35% of the site area is to be landscaped area.		
The minimum landscaped area directly impacts on site storage requirements for the overall water cycle management of a sector, buffer area or development site based on the Warriewood Valley Urban Land Release Water Management Specification (2001). This policy assumes 50% impervious area for a sector, buffer area or development site, therefore the Water Management Cycle model must account for the quantum of built upon area. Where the proposal's impervious area exceeds 50%, a reassessment of the site storage requirements should be undertaken and		

measures to address the difference must be clearly outlined.		
Landscaped areas are to be predominately areas of deep soil to allow the infiltration of rain water to the water table to reduce stormwater runoff, promote the healthy growth of large trees with large canopies and protect existing mature trees. Deep soil areas are areas of soil unobstructed by buildings or structures above or below the ground. The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation.		
<b>C6.8 Residential Development Subdivision Principles</b>		
The design of the subdivision should be generally consistent with key principles.	The proposal would satisfy the key principles associated with the controls as follows: <ul style="list-style-type: none"> <li>• Three buffer areas are to be consolidated,</li> <li>• Adequate vehicular, pedestrian and cyclist access would be provided,</li> <li>• The number of driveways onto Warriewood Road are to be minimised,</li> <li>• The lots are to be oriented and dimensioned to accommodate future development that would be capable of compliance with relevant development controls, and</li> <li>• No battle-axe allotments are proposed.</li> </ul>	Yes
Lots should be rectangular. Where lots are irregular in shape, they are to be large enough and orientated appropriately to enable a future dwelling to meet the controls in this DCP.	Except from angled front boundaries all Torrens Lots are to be regularly shaped. The orientation, area and dimensions of those lots would enable future development to be in accordance with Council requirements.	Yes
In instances where the permitted maximum dwelling yield for the sector, buffer area or development site is to be achieved, the retention of existing dwellings on large lots greater than 500m <sup>2</sup> , particularly along Warriewood Road, is not desired as it is not in keeping with the desired future character and limits the ability to achieve the adopted density. Lots suitable for housing typologies that reflect the streetscape character of existing housing on the opposite side of Warriewood Road, for example dual occupancies (attached or detached), should be sited fronting Warriewood Road.	Both existing dwellings are to be demolished.	Yes
Lots less than 225m <sup>2</sup> in size or less than 9m wide are to be rear loaded, except where it can be demonstrated that: <ul style="list-style-type: none"> <li>• rear access is not practical due to the size or shape of the development site; or</li> <li>• there will be no adverse impact on streetscape amenity and on-street parking.</li> </ul>	Not proposed.	N/A

The minimum width of a rear loaded lot is to be 4.5 metres.	Not applicable.	N/A
Where dwellings front two roads, dwellings are to present to the higher street classification and are to reflect the streetscape character of the higher street classification. Appropriate presentation to the higher street classification is to include a front door, front entry articulation such as a porch, letterbox and direct pedestrian access to the higher street classification from the dwelling. A front building setback is also applicable.	No corner allotments are proposed.	N/A
<b>Subdivision of existing small and narrow lots</b> Due to the dimensions and size of some sectors, buffer areas and development sites in Warriewood Valley, it may be difficult to achieve quality urban design outcomes and a mix of dwelling types. Narrow lots with single street frontages, in particular, are also likely to have difficulty in achieving access without compromising lot depth.	The three buffer zones are to be amalgamated to provide a combined frontage of 83.78 metres.	Yes
Through site amalgamations however there may be opportunities to reduce unnecessary road duplication and deliver better quality urban design outcomes.	As above.	Yes
Sectors, buffer areas and development sites with an effective lot width less than 60 metres should ideally pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.	As above.	Yes
<b>Lot Diversity Requirements</b> A range of residential lot types (varying in area, frontage, depth and access) should be provided to ensure a mix of housing types and dwelling sizes.	All residential allotments proposed different areas and dimensions.	Yes
With the exception of development applications for an Integrated Housing development (refer to control C6.9 Residential Land Subdivision Approval Requirements) not more than 40% of the lots created through a subdivision proposal may be of the same lot type. Every development application for subdivision must be accompanied by a Lot Mix table showing the lot types, number and percentage of the overall total. If the application is to be staged and a single stage does not demonstrate that not more than 40% of the lots are the same lot type, an indicative plan of the remaining lot types proposed under the remaining stages is to be submitted, indicating compliance with the above.	The proposal is a mix of integrated housing and undeveloped allotments. As indicated above, the 11 proposed Torrens allotments are to contain different areas and dimensions to facilitate a range of dwelling designs and sizes.	Yes
Lot type is determined by lot width. Lot width is measured from one side boundary to the other at the primary street front building line not including access handles. Lots of different lot types must have to have a difference in their lot widths of at least 2 metres.	Noted. Proposed lot widths are to vary between 9 and 21.85 metres.	Yes
Not more than 20% of any block length is to be of front loaded lots less than 9 metres wide to avoid the streetscape being visually dominated by garages and to reasonably	Not proposed.	N/A

optimise on street parking opportunities.		
<p><u>Additional requirements for specific development types</u>  <u>Residential Flat Buildings and Multi-dwelling housing</u>  The minimum dimensions of a lot proposed to contain a residential flat building (but not multi dwelling housing) is 30 metres in any direction.</p>	The site would provide minimum 75.76m dimensions.	Yes
<p>Residential Flat Buildings and Multi Dwelling Housing developments with 10 or more dwellings are to provide at least:</p> <ul style="list-style-type: none"> <li>• 10% studio apartments/units;</li> <li>• 10% 1 bedroom apartments/units; and</li> <li>• 10% 2 bedroom apartments/units.</li> </ul>	<p>34 dwellings are proposed. 20 (i.e. 59%) apartments would contain four bedrooms and 14 (i.e. 41%) would contain three bedrooms.</p> <p>It should be noted that the proposed RFBs are not 'traditional' type flat building, in that two of the three storeys contain two-storey terrace style apartments (as opposed to a development containing a range of smaller apartments).</p> <p>It is intended that the overall subdivision (i.e. both the RFBs and future allotments on the Torrens lots) would provide family dwellings in a range of configurations as follows:</p> <ul style="list-style-type: none"> <li>• Detached dwellings (i.e. on the Torrens lots),</li> <li>• Terrace-style dwellings, and</li> <li>• Apartments.</li> </ul> <p>Such family living arrangements are reflected by the large size of the terrace dwellings and the oversized private open space areas. Such development is also unique within this area, noting that other subdivisions within the release area north of Narrabeen Creek contain development that consists predominately of attached/detached dwelling houses and RFBs.</p> <p>The development would subsequently provide additional housing choice to families moving to the area. Further, it should be noted that other approved RFB developments within release areas north of Narrabeen Creek have already provided a substantial number of one and two-bedroom apartments as follows, examples include:</p> <ul style="list-style-type: none"> <li>• DA2018/0607, which included 2 x 1-bedroom apartments and 8 x 2-bedroom apartments, and</li> <li>• DA2018/1826, which included 4 x 1-bedroom apartments and 22 x 2-</li> </ul>	No

	<p>bedroom apartments.</p> <p>There are subsequently a large number of smaller apartments which would cater to the demand of smaller households.</p> <p>It should be noted that other developments both approved and under construction within the surrounding area would also provide a large number of one-and-two bedroom being provided in other developments within the surrounding area.</p> <p>With regard to the above, and noting that the relevant outcomes of the controls would be satisfied, the variation is considered to have merit and is worthy of support.</p>	
<p><b>Titling arrangements</b></p> <p>The design of the subdivision must consider the future ownership, access and management of the internal road network, water management facilities and any other infrastructure associated with the development that, in turn, informs the form/type of subdivision proposed.</p>	As indicated above, the superlot is to be strata subdivided while the standalone allotments are to be Torrens Titled.	Yes
Details of proposed requirements for services and infrastructure, including garbage collection and emergency services, access and maintenance necessary for the subdivision to function are to accompany the development application.	Documentation showing access and waste collection considerations have been submitted with this DA package.	Yes
<p><b>C6.9 Residential Land Subdivision Approval Requirements</b></p> <p>In the context of the DCP, the proposal would form integrated development, in that it proposes residential development on some of the allotments. The submitted documentation is in accordance with the 'Pathway 2' controls where relevant, and would subsequently satisfy the provisions within this section of the DCP.</p>		
<p><b>C6.10 Additional Specifications for development of Buffer Area 1a to 1m</b></p>		
<p><b>Subdivision and lot layout</b></p> <p>Individual buffer sectors with effective lot widths less than 60 metres should pursue opportunities for amalgamation to facilitate orderly planning and development outcomes and the efficient use of land. The Indicative Layout Plan included further in this control identifies Council's preferred site amalgamations.</p>	The three allotments are to be amalgamated to provide a combined frontage of 83.78 metres. The lots to be amalgamated are dictated by development of adjoining allotments to the east and west of the site.	Yes
Denser housing typologies, including Residential Flat Buildings and Multi Dwelling Housing, should be located on the north eastern side of Lorikeet Grove, in close proximity to the creekline corridor.	The RFBs are to be located on the northern side of Lorikeet Grove. These buildings would not adjoin Lorikeet Grove, and would be centrally located within the proposed superlot. Whilst the RFBs would not directly adjoin the road reserve, apartment at the southern end of both buildings would be capable	Yes

	of observing the road approach to the superlot and associated communal area, while dwellings on Torrens Lots to the south of the RFBs would be capable of overlooking the Lorikeet Grove road reserve.	
Where it is not possible to align Lorikeet Grove directly along the creekline corridor, Residential Flat Buildings and Multi Dwelling Housing products should be proposed adjoining these areas which will facilitate casual surveillance.	See above.	Yes
Lots suitable for housing typologies that reflect the streetscape character of existing housing on the opposite side of Warriewood Road, for example dual occupancies (attached or detached), should be sited fronting Warriewood Road. The retention of existing dwellings on lots greater than 500m <sup>2</sup> in size along Warriewood Road is not desired as it is not in keeping with the future desired character and limits the ability to achieve the adopted density.	Large (i.e. 609m <sup>2</sup> ) Torrens Lots capable of accommodating large detached dwellings would be located adjacent to Warriewood Road. Such lot typologies would reflect that of existing development on both sides of Warriewood Road.	Yes
<u>Access Arrangements</u>  Lorikeet Grove extension is to traverse Buffer Areas 1a to 1l, and be: <ul style="list-style-type: none"> <li>designed and constructed as a Local Road under the Warriewood Valley Roads Masterplan and comply with the specifications and cross section; and</li> <li>generally in accordance with the alignment of Lorikeet Grove on the Indicative Layout Plan below.</li> </ul>	Noted and applied. The layout of the road corridor is dictated by the road extensions on both adjoining allotments.	Yes
A maximum of two new public roads are to directly connect to Warriewood Road and Lorikeet Grove. Each new connection road is to comply with the specifications and cross section for a Local Road under the Warriewood Valley Roads Masterplan, as amended. One road connection is to be located across the boundaries of Buffer 1g, 1h and 1i. The second road connection is to be located within Buffer 1l, adjacent to Hill Street. The traffic management device for both proposed road intersections with Warriewood Road is to be in accordance with the Indicative Layout Plan contained further within this control.	<p>The proposal is not consistent with the indicative layout plan, in that a roadway connecting Warriewood Road to Lorikeet Grove would not be located within the boundaries of the subject site. It should however be noted that the indicative road layout envisions the amalgamation of 41, 43, 54 and 49 Warriewood Road, and 41 Warriewood Road has already been separately developed (refer to <b>Figure 11</b>).</p> <p>The constructed subdivisions approved at 25, 41 and 85 Warriewood Road have all included the construction of full/half width roads; three roads connecting Warriewood Road and Lorikeet Grove have therefore already been constructed. If the construction of an additional (i.e. fourth) through-road within the subject site were proposed, it would create a second full-width road intersection within a 120-metre section of Warriewood Road. It is therefore submitted that the proposed layout is</p>	No

	suitable for both the proposed subdivision and the locality more broadly, and is supported by the traffic assessment submitted as part of this application.	
The number of driveways along Warriewood Road is to be minimised. This can be achieved through shared driveways for dwellings that front Warriewood Road.	A maximum of four driveways are proposed to the Torrens Lots fronting Warriewood Road. All other vehicular access to the site is proposed via Warriewood Road.	Yes
All other access roads within Buffer Areas 1a to 1l must be designed with traffic calming devices to lower vehicle speeds, which may incorporate pavement treatment and enhanced landscaping. The provision of safe crossing areas is required.	Noted and applied to the driveway to the superlot.	Yes
No new vehicular access including driveways, is permitted onto Macpherson Street to ensure a safe approach to the bridge across Narrabeen Creek.	Not applicable.	N/A
A traffic analysis report will need to accompany any subdivision Development Application, taking into account the new East-West connection of Lorikeet Grove, and if applicable, the new North-South connections with Warriewood Road. Where the access arrangements have not been constructed in a timely manner, the construction of temporary roads may be permitted to enable the isolated property to develop ahead of the required roads being constructed. This will be assessed on a merit basis.	Refer to the submitted parking and traffic assessment prepared by TEF Consulting.  Temporary access roads are not proposed or required, due the construction of half/full road construction as part of subdivisions on adjoining sites.	Yes
<b>Location of Pedestrian and Cycleway Network</b>  The alignment of the pedestrian and cycleway network is to be generally in accordance with the Indicative Layout Plan below.	The alignment of the pedestrian and cycleway is mostly in accordance with the indicative plan, noting that the alignment of this pathway within the southwest part of the site is dictated by the construction of the cycleway as part of the subdivision of the adjoining allotment to the west. Refer to the landscape plans for further information.	Yes
<b>Section D – Locality Specific Development Controls</b>		
<b>D16 – Warriewood Valley Locality</b>		
<b>D16.1 Character as viewed from a public place</b>		
<b>Presentation to a public place</b> For the purpose of this control “public places” is considered to be areas within the public domain that are accessible to the general public, and may include roads and streets, the creekline corridor, parks and reserves.	Noted.	-
The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements (such as roof forms, textures, materials, arrangement of windows, modulation, spatial separation, landscaping etc.) that are compatible with any design themes existing in the immediate	The RFBs will contain a variety of finishes, textures and high levels of articulation. Whilst consistent with build element controls, it is worth noting that the RFBs will likely be heavily screened from the public domain by development	Yes

vicinity. Blank facades that front public places are not supported.	on surrounding allotments.	
Building function is to be expressed by the facade. Any building facade and front setback to a public place must incorporate at least two of the following design features: <ul style="list-style-type: none"> <li>pedestrian entry feature including a footpath;</li> <li>awnings or other features over windows;</li> <li>front entry feature or portico that highlights the location of the front door;</li> <li>front feature balconies on upper floors; and</li> <li>gables, dormer windows or the like that provide architectural interest to the roof form, visible from the street.</li> </ul>	The RFBs do not directly address the public domain, however the ends of both buildings will contain contrasting finishes and architectural treatments.	Yes
Clear visual connection must be achieved between the public place and the front setback/front façade of the building.	Clear visual connection from the public domain is provided.	Yes
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No unarticulated elements longer than 8 metres proposed.	Yes
The bulk and scale of buildings must be minimised.	The RFBs have been designed to comply with height, bulk and scale metrics when measured from finished ground levels.	Yes
Landscaping is to be integrated with the building design to screen and soften the visual impact of the built form. The height and scale of the landscaping in the setback area to the public place must be proportionate to the height and scale of the building.	Complies; refer to the landscape plans accompanying this application.	Yes
<b><i>Concealment of building plant or communications equipment, services and servicing areas</i></b>  General service facilities must be located underground or suitably concealed.	Services are to be located underground.	Yes
Stormwater, sewer, gas, electrical or communication service pipe or conduit should not be visible from the public place including building facades (and balconies/carpark entry points) visible to any public place.	To comply.	Yes
Plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. All noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar are to be located and designed to protect the acoustic privacy of workers, residents and neighbours. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement. Council does not encourage air conditioning units on the roof of development.	As indicated with the accompanying clause 4.6 variation request (see <b><i>Appendix A</i></b> ), the lift overruns would protrude the roofs, however they would be centrally located with the building and are lower than the adjacent 'steps' in the roof. The overruns would therefore not be visible from the public domain. All other plant equipment is to be internalised.	Yes
Television antennas, satellite dishes and other telecommunications equipment must be minimised and	To comply.	Yes

screened from public view.																				
Open and external storage areas, service/loading areas and garbage storage areas are to be screened from view from any public place and should not encroach on parking areas, driveways or landscaped areas.	Temporary bin storage/collection areas would be located between the southern end of Block D and the southern boundary of the superlot, and as such would be screened from the public domain.	Yes																		
External storage areas are not to interfere with the amenity of the locality due to smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, or otherwise.	The temporary storage area will have no impact on the amenity of surrounding areas.	Yes																		
<b>Parking structures presentation</b>  Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.	All parking areas to be located within the basement.	Yes																		
<b>16.5 Landscaped Area for Newly Created Individual Allotments</b>																				
<b>Minimum Landscaped Area Requirements</b>  The total landscaped area on individual allotments is to be in accordance with the following requirements:	<b>Superlot area:</b> 7,004m <sup>2</sup> <b>Required landscape area:</b> 25%, or 1,751m <sup>2</sup> <b>Proposed landscape area:</b> 1632.1m <sup>2</sup> (24%), inclusive of minimum areas.  The development would propose a small (i.e. 4%) variation to minimum landscaped area requirements if 3m x 3m dimensions were adopted.  If minimum dimensions were excluded, then 2,184m <sup>2</sup> (i.e. 31.2%) of the site would consist of soft/landscaped areas. Further, as indicted above the superlot would provide 1,358.6m <sup>2</sup> (i.e. 19.4%) of deep soil area, which is well in excess of the minimum 7% requirement. Further, it is important to note that these calculations include spaces within the laneway access to Warriewood Road and the access handle-type driveway; while they would contribute to the overall site area, the dimensions of these areas would not be capable of accommodating 3 metre dimensions in both directions.  As such, the layout of the superlot would satisfy the outcomes of the control, in that deep soil area would account for the majority (i.e. 62.2%) of proposed landscaped space, suitably-sized deep-soil areas would be provided (particularly adjacent to side boundaries), and stormwater infiltration would be maximised.	No																		
<table border="1"> <thead> <tr> <th>Residential Development</th> <th>Minimum of site area (%)</th> <th>Minimum dimensions (m)</th> </tr> </thead> <tbody> <tr> <td>Residential Flat building</td> <td>25</td> <td>3m (at ground level)</td> </tr> <tr> <td>Multi-dwelling housing</td> <td>25</td> <td>3m</td> </tr> <tr> <td>All other dwellings on lots less than 9m wide</td> <td>25</td> <td>3m</td> </tr> <tr> <td>All other dwellings on lots 9m to 14m wide</td> <td>35</td> <td>4m</td> </tr> <tr> <td>All other dwellings on lots greater than or equal to 14m wide</td> <td>45</td> <td>4m</td> </tr> </tbody> </table>	Residential Development	Minimum of site area (%)	Minimum dimensions (m)	Residential Flat building	25	3m (at ground level)	Multi-dwelling housing	25	3m	All other dwellings on lots less than 9m wide	25	3m	All other dwellings on lots 9m to 14m wide	35	4m	All other dwellings on lots greater than or equal to 14m wide	45	4m		
Residential Development	Minimum of site area (%)	Minimum dimensions (m)																		
Residential Flat building	25	3m (at ground level)																		
Multi-dwelling housing	25	3m																		
All other dwellings on lots less than 9m wide	25	3m																		
All other dwellings on lots 9m to 14m wide	35	4m																		
All other dwellings on lots greater than or equal to 14m wide	45	4m																		

	The Torrens Lots are to be developed at a later stage, though the lot areas and dimensions would enable compliance with these requirements.	
<p><b>Landscaping Requirements</b></p> <p>General landscaping requirements include:</p> <ul style="list-style-type: none"> <li>• The minimum depth of the landscaped area within the front setback is to be in accordance with the dimensions specified in control D16.6 Front building lines.</li> <li>• The infiltration of rain water into the water table to reduce stormwater runoff should occur and where possible, development should facilitate the retention of existing trees and vegetation, as well as provide opportunities for new canopy tree planting.</li> <li>• Basement car parking should be contained within the building footprint to maximise areas for deep soil planting.</li> <li>• At the time of planting, trees are to have a minimum container size of 45 litres, complying with the requirements of Specifying Trees: A Guide to Assessment of Tree Quality (Natspec, 2003).</li> <li>• Understorey plant species, in conjunction with the tree planting, are to screen 50% of the built form when viewed from the street after five (5) years from the date of issue of the occupation certificate. In order to achieve this, all understorey planting is to have a minimum container size of 200mm at the time of planting. Consideration shall be given to the appropriate use of exotic shrub planting at a maximum of 30% of the total shrub schedule.</li> <li>• Council encourages the retention and replanting of existing endemic tree species. All replacement trees shall be indigenous to the local area (refer to Warriewood Valley Landscape Masterplan &amp; Design Guidelines (Public Domain)), and where suitable, shall be habitat trees for endangered fauna. Applicants are encouraged to retain and protect areas of each site in their natural state.</li> </ul>	<p>The site does not contain a traditional 'front' setback area.</p> <p>The basement carpark level has been retained with the building footprints above where possible. The size of landscaped areas would enable infiltration into the water table.</p> <p>Vegetation within areas to be occupied by the proposed allotments and road corridor extension consist mostly of weeds/exotic species. Proposed landscaping treatment are to consist predominantly of locally endemic species.</p>	Yes
<p><b>Landscape plan preparation</b></p> <p>All Development Applications, except for interior works, must include a landscape plan prepared in accordance with Appendix 9 - Landscaping and Vegetation Management. The landscape plan is to illustrate the design intent of the landscape proposal and its relationship to the architectural, civil and hydraulic design. The landscape plan shall include (but not be limited to) the following information:</p> <ul style="list-style-type: none"> <li>• existing site information: site boundaries, fences, underground and overhead services, easements, drainage and rights-of-way;</li> <li>• existing vegetation to be retained or removed, as co-ordinated with an Arborists Report;</li> </ul>	Refer to the landscaping package and arboricultural assessment prepared by CPS for further information on compliance with these controls. Such documents have been prepared with regard to other consultant reports submitted with this application.	Yes

- the proposed architectural layout, and any impact on the landscape proposal, including existing and proposed finished ground levels;
- the proposed civil layouts, including road, driveways, footpaths, cut and fill, parking areas that may impact on landscape proposals, including existing and proposed finished ground levels;
- proposed services that may impact on landscape proposals;
- proposed drainage design, including location of stormwater lines, pits, water detention systems and overland surcharge paths;
- proposed surface treatment to all landscape and open space areas, including hard and soft treatments. The landscape plan must illustrate the extent of items such as paving, podiums, retaining walls, fencing, paths, decks, stairs, lighting, garden beds, lawns and the like, including existing and proposed ground levels;
- planting design including layout of the proposed design, featuring trees, shrubs and groundcovers. The plan must contain a schedule of plant species to be used, including quantities and pot sizes for all planted areas. The plant schedule is to include the botanical name, quantities, pot sizes, plant spacing, staking and mature size;
- all proposed trees are to be a minimum planted size of 45 litres;
- all proposed shrubs are to be a minimum planted size of 200mm pot;
- standard construction and detail drawings such as sections through mass planting beds, street tree planting details and retaining wall details; and
- the landscape plan shall be illustrated at a minimum scale of 1 to 200.

#### D16.6 Front building lines

The following minimum front building lines shall apply:

##### **All development fronting Warriewood Road, Garden Street and Macpherson Street.**

- Minimum front setback to articulation zone (metres) from front boundary: 5m
- Minimum front setback to garage/carport (metres) from front boundary: 6.5m
- Minimum front setback to dwelling (metres) from front boundary: 6.5m

##### **All other dwellings but not Residential Flat Buildings or Multi Dwelling Housing fronting all other streets.**

- Minimum front setback to articulation zone (metres) from front boundary: 1.5m
- Minimum front setback to garage/carport (metres) from front boundary: 4m
- Minimum front setback to dwelling (metres) from front boundary: 3m

##### **Residential Flat Buildings or Multi Dwelling Housing fronting all other streets other than Warriewood Road, Garden Street and Macpherson Street.**

- Minimum front setback to articulation zone (metres)

The site does not contain a 'front' setback area as the superlot (excluding the access handle) would not directly address a road frontage. For reference however, at its closet points the RFBs would be set back 4 and 7 metres from the northeast and southwest boundaries respectively.

Yes

<p>from front boundary: 3m</p> <ul style="list-style-type: none"> <li>• Minimum front setback to garage/carport (metres) from front boundary: 4.5m</li> <li>• Minimum front setback to dwelling (metres) from front boundary: 4.5m</li> </ul>		
<u>D16.7 Side and rear building lines</u>		
<p>The minimum side and rear building lines are subject to the incorporation of landscaping required under this DCP and adequate separation distances between buildings.</p>	<p>Noted. Landscaping is to be incorporated within setback areas, and sufficient separation is to be provided; see below.</p>	<p>Yes</p>
<p>In certain circumstances, setbacks greater than the minimum requirements detailed in the table below may be necessary to retain significant vegetation or to provide acceptable separation to the adjoining existing development.</p>	<p>Noted.</p>	<p>-</p>
<p>Required setbacks:</p> <ul style="list-style-type: none"> <li>• Side setbacks: Minimum 3 metres</li> <li>• Rear setbacks: Minimum 3 metres</li> </ul>	<p><b>Proposed setbacks:</b></p> <ul style="list-style-type: none"> <li>• Southeast: Minimum 9.5m</li> <li>• Northwest: Minimum 7.6m</li> <li>• Northeast: Minimum 4m</li> <li>• Southwest: Minimum 7m</li> </ul>	<p>Yes</p>
<u>D16.8 Spatial Separation</u>		
<p>The minimum spatial separation is to be in accordance with the following:</p> <p><b>Residential Flat Buildings, Residential component in the Mixed Use developments, Shop Top Housing, Seniors Housing, and Multi Dwelling Housing (3 storeys or greater)</b></p> <ul style="list-style-type: none"> <li>• Minimum side spatial separation in metres: 6m for habitable rooms and balconies, and 3m for non-habitable rooms.</li> <li>• Minimum rear spatial separation in metres: 6m for habitable rooms and balconies, and 3m for non-habitable rooms.</li> </ul>	<p><b>Proposed separation:</b></p> <ul style="list-style-type: none"> <li>• Minimum 24.4m (to Block C and Block D building lines)</li> </ul> <p>See above for distances to proposed internal boundary setbacks.</p>	<p>Yes</p>
<u>D16.9 Solar access</u>		
<p><b>Solar access received by the proposed residential development:</b></p> <ul style="list-style-type: none"> <li>• Minimum solar access to windows to the principal living area between 9am and 3pm on June 21 <ul style="list-style-type: none"> <li>○ Integrated Housing (Approval Pathways 2a and 2b) under control C6.11: 70% of the proposed dwellings - 2 hours</li> <li>○ Residential development not elsewhere defined in this table: 2 hours</li> </ul> </li> <li>• Minimum solar access to private open space area between 9am and 3pm on June 21 <ul style="list-style-type: none"> <li>○ Integrated Housing (Approval Pathways 2a and 2b) under control C6.11: 70% of the proposed dwellings - 2 hours</li> <li>○ Residential development not elsewhere defined in this table: 2 hours</li> </ul> </li> </ul>	<p>The internal solar access plans indicate that 28 of the 34 (i.e. 82% of proposed apartments) would receive at least 2 hours of direct solar access to both living and private open space areas on June 21; refer to the ADG Assessment (<b>Appendix B</b>) for further information.</p> <p>While dwellings are not proposed on the Torrens Lots, given the likely setbacks of such future development based on DCP requirements, the design and orientation of the RFBs will permit at least 2 hours solar access to all allotments to the southwest and southeast of the superlot.</p> <p>It is acknowledged that the orientation of the four Torrens Lots addressing Warriewood Road are not ideal for</p>	<p>Yes</p>

		providing optimal solar access, however the orientation of such lots is dictated by that of the site and the design of the surrounding road network. Regardless, 35 of the maximum 43 dwellings (i.e. 81%) permitted on the site would receive at least two hours of solar access to living and private open space areas between 9am and 3pm on June 21.										
Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 9am and 3pm during midwinter.		The proposal would not reduce the ability of proposed/future developments on the site to provide solar access to such features.	Yes									
Sunshine to clothes drying areas is to be maximised.		Sufficient clothes drying areas would be provided for all dwellings and allotments.	Yes									
<b>Impact of proposed development on existing adjoining residential development</b> Where the principal living area and private open space within an existing adjoining dwelling currently receives sunshine during midwinter, any proposed adjacent development is not to reduce that solar access below three (3) hours.		While the final design of dwellings on the adjoining site to the southeast (i.e. 41 Warriewood Road) are not known, based on the shadow plans and minimum DCP setback requirements on the adjoining site, the proposed development would not reduce solar access to dwellings and associated private open space areas on adjoining sites to less than three hours. The other adjoining site is located to the northwest and as such would not be affected.	Yes									
Where an existing structure already impinges upon the solar access of an adjoining property to a greater degree than that specified, any new structures or modifications must maintain that existing solar access as a minimum. However, Council encourages new structures to reduce the solar impact onto adjoining properties.			N/A									
Where the adjoining residential land is vacant, at least 50% of the rear yard area of the adjoining land is to receive sunshine in accordance with this control.		The proposed development would maintain at least 50% solar access to all proposed allotments within the subject site and existing allotments on adjoining sites; refer to the submitted solar access plans.	Yes									
<b>D16.10 Private and Communal Open Space Areas</b>												
The minimum private open space area and dimension are to be in accordance with the following:		All allotments not being developed by this proposal would contain dimensions capable of compliance. Refer to the DCP Part 6.11 ADG Assessment ( <i>Appendix B</i> ) for further information.	Yes									
<table border="1"> <thead> <tr> <th>Development</th> <th>Minimum area of POS (m<sup>2</sup>)</th> <th>Minimum dimensions of POS (m)</th> </tr> </thead> <tbody> <tr> <td>Integrated housing under control C6.11</td> <td>16</td> <td>3</td> </tr> <tr> <td>Development on</td> <td>20</td> <td>4</td> </tr> </tbody> </table>	Development			Minimum area of POS (m <sup>2</sup> )	Minimum dimensions of POS (m)	Integrated housing under control C6.11	16	3	Development on	20	4	
Development	Minimum area of POS (m <sup>2</sup> )			Minimum dimensions of POS (m)								
Integrated housing under control C6.11	16	3										
Development on	20	4										

lots between 9 and 14m				
Development on lots greater than 14m wide	24	4		
<b>Design and siting of private open space areas</b>				
Dwellings are to be designed so that private open space is directly accessible from internal living areas enabling it to function as an extension of internal living areas and is to have good solar orientation (i.e. orientated to the north, north east or north west where possible). Private open space for new dwellings is not to be in positions such that it 'borrows' amenity by overlooking adjoining dwellings.			POS areas would be directly obtainable from internal living areas. The design of individual POS includes split areas to provide a variety of open and partially-shaded environments.	Yes
Private open space areas should include provision of clothes drying facilities suitably screened from the street and public places. Private open space is to include gas BBQ points and external power points, where possible.			Clothes drying facilities are capable of being provided.	Yes
The primary orientation of balconies is to be to the street or rear boundary. Balconies are not to be fully recessed into the building form. Balconies should not form the dominant architectural expression of the building.			Balconies are oriented to the boundaries, and would not be recessed into the building.	Yes
For dwellings above ground, private open space is to be provided by balconies.			Balconies provided for Level 3 apartments.	Yes
For ground floor dwellings, private open space is to be provided as a terrace or garden.			Garden and terraces provided for all terrace apartments.	Yes
Balconies adjacent to the rear boundary must be designed to limit overlooking and maintain privacy to adjoining residences.			Excessively large setbacks have been proposed to limit overlooking; where smaller setbacks are proposed, they have incorporated 800mm planters to maximise privacy on adjoining sites.	Yes
<b>Communal Open Space Area</b>				
For Residential Flat Buildings and Multi Dwelling Housing, 25% of the site area is to be communal open space. The communal open space should be located in areas of deep soil and have good solar orientation, but also provide opportunities for shade.			Refer to the ADG Assessment ( <b>Appendix B</b> ) for further information regarding communal open space, associated features and a discussion of COS area.	No
For Residential Flat Buildings and Multi Dwelling Housing containing 20 or more dwellings, the communal open space is to contain a children's play area and permanent seating.			Permanent seating and a children's play area (in addition to other facilities such as a swimming pool) are provided.	Yes
<b>D16.11 Form of construction including retaining walls, terracing and undercroft areas</b>				
Lightweight construction and pier and beam footings should be used in areas identified on the Biodiversity Map in the Pittwater Local Environmental Plan 2014 to minimise the site disturbance.				N/A
Where retaining walls and terracing are visible from a public			Refer to the materials schedule and	Yes

place, preference is given to the use of sandstone or sandstone like materials. In creekline corridors, sandstone boulder walls are to be used instead of standard retaining walls to provide a more natural environment that allows fauna to traverse the boulder wall.	landscape concepts for further detail.	
Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.		N/A
In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.	Outdoor entertaining areas are not proposed.	N/A
<u>D16.12 Fences</u>		
In all cases, vegetation is preferable over fencing to delineate the property boundary.	Note.	Yes
Fencing is not permitted forwards of the building line. Boundaries between public and private land should be delineated by vegetation such as low hedges, garden beds or the like.	Boundary fencing (aside from rear boundary fences) on Torrens Lots is not proposed.	N/A
Any fencing must: <ul style="list-style-type: none"> <li>allow native animals to move between and to areas of environmental sensitivity and areas of habitat value;</li> <li>enable casual surveillance from buildings for safety and surveillance;</li> <li>assist in highlighting entrances and in creating a sense of community identity;</li> <li>be compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas; and</li> <li>complement any facilities and landscaping in public areas.</li> </ul>	The proposed fencing for the Superlot would enable active and passive surveillance, and would not inhibit waste collection and/or mail distribution. Fencing design to facilitate the passage of wild animals could imposed via a condition of consent.	Yes
Side and rear boundary fencing must not exceed 1.8 metres in height. Fencing must be located on the ground level (existing) of the property boundary, not raised by retaining walls or the like.	Fencing for the superlot would be limited to 1.8 metres.	Yes
Where residential lots front/face/about Macpherson, Garden and Orchard Streets, and Warriewood Road, dwelling frontages, pedestrian access and postal addresses must to be maintained to these roads. Corner lots are exempt from this requirement, where applicable.	The Torrens Lots would not be developed as oar of this proposal.	N/A
Fencing resulting in walled or gated communities is not permitted.	Not proposed.	Yes
<u>D16.13 Building colours and materials</u>		
External colours and materials shall be natural tones such as green, brown and dark earthy colours, as shown below:	The development would be largely finished by dark and earthy tones, with some lighter-coloured contrasting features. Refer to the material schedule and 3D images for further details regarding colour.	Yes

 <p>White, light coloured, red or orange roofs and walls are not permitted.</p> 		
<p><u>D16.14 Pets and companion animals</u></p>		
<p>The need for pets and companion animals must take into account their relationship with native animals, including endangered species, and their habitat.</p>	<p>Noted.</p>	<p>-</p>
<p>Pets should be contained within the owners property and/or dwelling (dependant on animal), especially at night to prevent predation on wildlife.</p>	<p>Noted. The client would be accepting of a condition for a restriction on title with regard to retaining pets indoors at night.</p>	<p>Yes</p>
<p>Pets and companion animals must be kept in accordance with the <i>Companion Animals Act 1998</i> and Council registration as required.</p>	<p>Noted.</p>	<p>-</p>