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Statement of Environmental Effects

Proposed Residential Flat Building, Semi-Detached Dwellings and Dwelling House and Subdivision

25-27 Warriewood Road, Warriewood



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Abbreviations

AADT	annual average daily vehicle trips
AHD	Australian Height Datum
AS	Australian Standard
ASS	acid sulfate soils
BC Act	Biodiversity Conservation Act 2016
BCA	Building Code of Australia
BTA	bushfire threat assessment
CC	construction certificate
CIV	capital investment value
Council	Northern Beaches Council
DA	development application
DCP	development control plan
DFP	DFP Planning Pty Limited
DPIE	NSW Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	environmental planning instrument
ESD	ecologically sustainable development
FPL	flood planning level
FSR	floor space ratio
GFA	gross floor area
LEP	local environmental plan
LGA	local government area
LPP	Local Planning Panel
PA	planning agreement
OEH	NSW Office of Environment and Heritage
PVT	peak hour vehicle trip
RFS	NSW Rural Fire Service
RF Act	<i>Rural Fires Act 1997</i>
RL	reduced level
SC	Subdivision Certificate
SEE	Statement of Environmental Effects
SEPP	state environmental planning policy
vtph	vehicle trips per hour
WM Act	<i>Water Management Act 2000</i>
WSUD	water sensitive urban design

1 Introduction

1.1 Commission

DFP has been commissioned by the Knowles Group to prepare a Statement of Environmental Effects (SEE) for the proposed residential and subdivision development at 25-27 Warriewood Road (the site).

This report is to accompany a development application (DA) to Northern Beaches Council (Council) for a development comprising a residential flat building containing 32 dwellings, 10 semi-detached dwellings, a dwelling house and community title subdivision.

1.2 Purpose of this Statement

The purpose of this report is to provide Council and relevant NSW State Government Agencies with all relevant information necessary to assess the subject development proposal and to determine the DA in accordance with section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The proposed development has a capital investment value (CIV) of \$28,610,694 (excluding GST as per the definition of CIV in the Regulation) as determined in the DA Cost Estimate prepared by Turner and Townsend (submitted with the application). The CIV is below the \$30 million CIV threshold under Schedule 7 of *State Environmental Planning Policy (Stage and Regional Development) 2011* and the proposed development is therefore not Regional Development.

The proposed development is Integrated Development pursuant to Part 4 Division 4.8 of the EP&A Act. It requires a controlled activity approval under section 91(2) of the Water Management Act, 2000 as the part of the proposed works are within 40m of the top of bank of Narrabeen Creek (being waterfront land).

2 Background

2.1 Previous Development Consents

2.1.1 DA NO611/16

Development Application (DA) N0611/16 was approved by the Sydney North Planning Panel on 12 July 2017 for a residential care facility, construction of a new road (Lorikeet Grove) and subdivision into 4 lots. The 4 lots included:

- Lot 1 being the site of the residential care facility.
- Lot 2 being a future development site (the subject of this DA- hereinafter referred to a **Future Lot 2**).
- Lot 3 being the creek corridor (land to be dedicated to Council).
- Lot 4 being Lorikeet Grove (land to be dedicated to Council for the purpose of a road).

The residential care facility and Lorikeet Grove have been constructed but the 4 lots have not yet been created.

2.1.2 DA2018/1862

Development Application DA2018/1862 was approved by the Sydney North Planning Panel on 24 June 2019 for the construction of a mixed residential development comprising a residential flat building containing 32 dwellings, 10 semi-detached dwellings and 2 dwelling houses, with associated internal road, site works, landscaping and community title subdivision. The development was to be carried out on **Future Lot 2**.

The consent issued in relation to DA2018/1862 has not been acted upon.

The Knowles Group has reviewed the development approved under DA2018/1862 and proposes to make changes to the approved development. The proposed development is very similar to the approved DA. The main changes are:

- Amendment from a two level basement to a single level basement which has a slightly larger footprint.
- Minor amendments to the internal planning of the apartments capturing design amendments required by DA2018/1862.
- Inclusion of a rooftop mechanical plant platform for air conditioning.
- Relocation of the internal road eastwards and provision of at-grade visitor car parking spaces and creation of a common landscaped area with playground for the residents of the development.
- Deletion of the detached dwelling house (lot 12) located on the south-western corner of Warriewood Road and Lorikeet Grove adjacent to the residential care facility. The house was considered to be isolated and this land has a better contextual relationship with the residential care facility and will become part of its landscaped and recreation area. Former Lot 12 will be consolidated with the residential care facility land title.
- Redesign of the dwellings facing Warriewood Road by incorporating the garages under the dwellings and reducing the depth of the lots upon which they are located which has enabled the creation of the common landscaped area.

The proposal presented at the Pre-DA meeting outlined the proposed construction staging of the development which was not documented in the approved DA. The consolidation of previously approved Lot 12 into the future Lot 1 for the residential care facility is the first step in the sequencing of the consent. Following that, the development is proposed to be constructed in two stages.

- The first stage will be the construction of the residential flat building and the internal road and its visitor car parking spaces and landscaping of the central open space.
- The second stage will be the construction of the dwellings fronting Warriewood Road.

2 Background

2.2 Pre-DA Meeting

A Pre-DA meeting was held with Northern Beaches Council on 17 December 2019. A copy of Council's minutes from that meeting are attached at **Appendix 1**. The development proposal as lodged is essentially the same as that considered by Council in the Pre-DA meeting with minor design adjustments being made as the design evolved.

The minutes note that *“the proposal [is] supportable, given the overall improvement to the built form for the site and the opening up of the central part of the site for communal use.”* The comments made in the pre-DA minutes have been taken into account in preparing the DA and this SEE.

3 Site Context

3.1 Location

The site is located on the north western corner of Warriewood Road and Lorikeet Grove (see **Figure 1**). The development will be located to the north and east of Lorikeet Grove.

Figure 1 shows the location of the legal title (in blue) and the smaller outline (in red) is the location of the proposed development (which is also shown in **Figure 2**).



Figure 1 Site Location

3.2 Site Description

The site is legally described as Lots 28 and 29 Section C in Deposited Plan (DP) 5464. However, these lots comprise part of a subdivision approved under DA - N0611/16 including the following proposed lots:

- Lot 1 being the site of the residential care facility
- Lot 2 being a future development site (**Future Lot 2**) (the land the subject of this DA)
- Lot 3 being the creek corridor (land to be dedicated to Council)
- Lot 4 being Lorikeet Grove (land to be dedicated to Council for the purpose of a road)

The DA the subject of this SEE relates to **Future Lot 2** which straddles the now constructed Lorikeet Grove. The land on the southern side of Lorikeet Grove relates to proposed Lot 21 of the previously approved subdivision under DA2018/1862. **Figure 2** illustrates the location of the land the subject of this DA.

The site has a total area of 8177.9m². The site comprises 7784m² being the larger portion of the site where the development is proposed and a small lot of 393.9m² comprising the smaller parcel of land on the south western corner of Warriewood Road and Lorikeet Grove (refer to the survey plan at **Appendix 2**). Since the previous DA there has been minor reduction to the site area of the previous DAs as a result of the creation of splay corners.

The site has three (3) street frontages, Warriewood Road to the east and Lorikeet Grove to south and west. To the north is a newly formed road (Baz Retreat) but following the earthworks associated with the adjoining subdivision, this road is above the level of the site.

3 Site Context

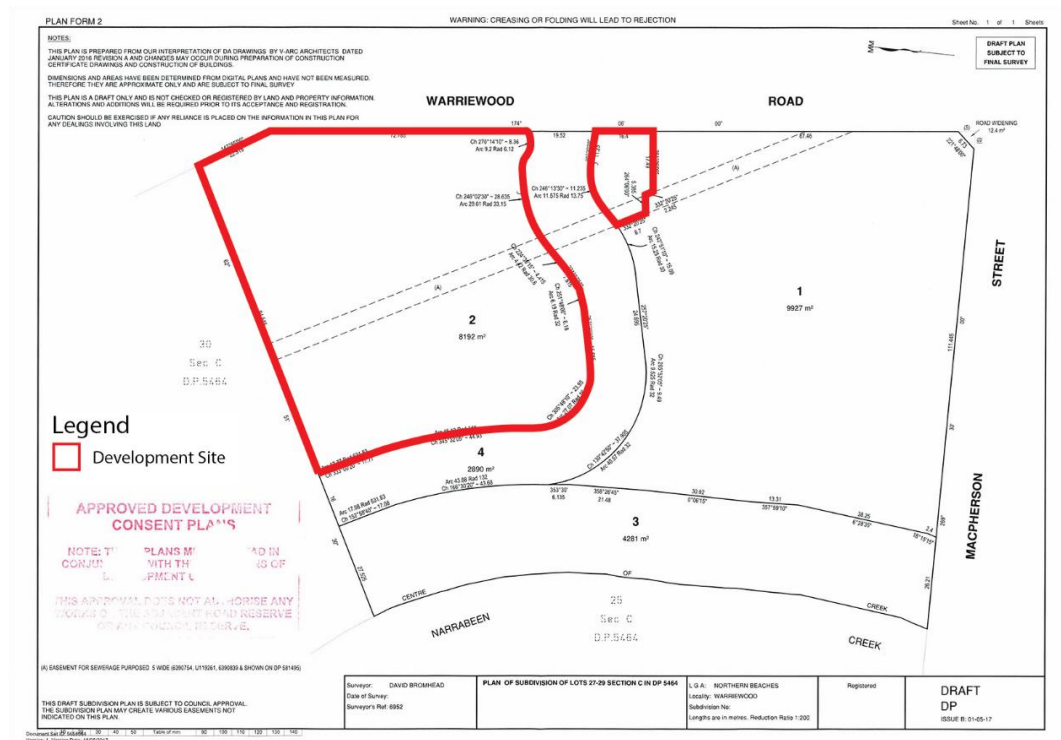


Figure 2 Site of the proposed development compared to the approved subdivision plan (DA - N0611/16)

As illustrated in **Figure 1**, the site is cleared of previous structures and vegetation.

A temporary site shed from the construction of the residential care facility remains on the site as indicated on the survey plan (**Appendix 2**).

The site falls from Warriewood Road (approximately RL11.5 – RL 15.0) to the west to Lorikeet Grove (RL 5.0 – RL 5.5) representing a level change of between 6m to 10m.

3.3 Surrounding Development

The immediate area is undergoing redevelopment and the character of the area is in transition. The following summarises the surrounding development and the site analysis contained in the Architectural Design Statement prepared by VIA Architects provides photographic analysis of the surrounding area.

Figure 3 is a recent aerial photograph and is referenced in following description of the surrounding character.

3 Site Context



Figure 3 Surrounding Development

- To the **east** are older style detached houses that are elevated above street level. Many houses are located above a lower level of car parking / garages. A child care centre operates for the corner of Warriewood Road and Hill Street. The houses have informal landscaped front gardens and there are several larger canopy trees in private properties which contribute to the streetscape.
- To the **south** is the recently constructed residential care facility. It has a 2 storey presentation to Warriewood Road and a part 2/part 3 storey scale to Lorikeet Grove.
- To the **west** is an open space corridor along Narrabeen Creek. The open space in the vicinity of the site has recently been landscaped as part of the residential care facility development consent (N0611/16).
- To the **north** is a residential subdivision that is currently being developed. Two storey dwelling houses are progressively being constructed on those lots.

Warriewood Road has recently been upgraded and Lorikeet Grove has been constructed as part of the works associated with the residential care facility.

4 Proposed Development

4.1 Contextual Background of Previous Development Consents

As noted above, there has been an approved subdivision (DA - N0611/16) which created four lots and this DA relates to **Future Lot 2**.

Future Lot 2 comprises two parcels of land separated by Lorikeet Grove. There is a small parcel of land on the south western corner of Warriewood Road and Lorikeet Grove that will be consolidated with Future Lot 1 (residential care facility site). This consolidation will occur after development consent has been issued for the development. This can occur without development consent and is only referenced in this SEE for contextual purposes.

The proposed development the subject of this DA will be carried out on the remainder of **Future Lot 2** being the land parcel bound by Warriewood Road, Lorikeet Grove and the northern boundary with adjoining development.

4.2 Summary of Proposed Development

The proposed development comprises a residential flat building, semi-detached dwellings, a dwelling house and community title subdivision. The development will be carried out in stages. The following subsections provide a more detailed description of the proposed development. The following appendices illustrate the proposed development: **Appendix 3** – Architectural Plans; **Appendix 5** – Subdivision Plans; **Appendix 6** – Landscape Plans, **Appendix 7** - Civil Plans and **Appendix 9** – Road Works Plans. The building design has been reviewed against the relevant provisions of the BCA as documented in the BCA Report prepared by McKenzie Group (**Appendix 17**).

4.3 Staging and Subdivision

The development will be carried out in stages and the staging is tied in with the sequencing of the proposed subdivision and consolidation. DA – 030 in the Architectural plans at **Appendix 3** illustrates the staging. An extract from Drawing No. DA-030 is provided in **Figure 4** on the following page.

Stage 1 – will be the consolidation of the small area of land on the southern side of Lorikeet Grove to be part of the residential care facility lot (Future Lot 1). This does not require any physical works and can be consolidated (without development consent) after development consent for this DA has been issued.

Stage 2 – This will be a Community Title subdivision of the remainder of **Future Lot 2**. The subdivision will create 3 lots:

- Lot 1 will be Community Association Property;
- Lot 2 will be future Strata Lot for the residential flat building; and
- Lot 3 will be development lot for future dwellings fronting Warriewood Road.

The residential flat building, laneway and common open space, associated landscaping and stormwater infrastructure on **Future Lot 2** will be constructed in Stage 2.

The residential flat building, internal accessway and central open space will all be constructed before this plan is finalised and registered.

Stage 3 – will include the construction of the dwelling and semi-detached dwellings fronting Warriewood Road. Stage 3 will also involve the Community Title Subdivision of Lot 3 into 11 lots. The proposed dwellings will be constructed before this plan is finalised and registered.

The Strata Subdivision of the residential flat building can be undertaken as complying development and therefore does not form part of this DA.

4 Proposed Development

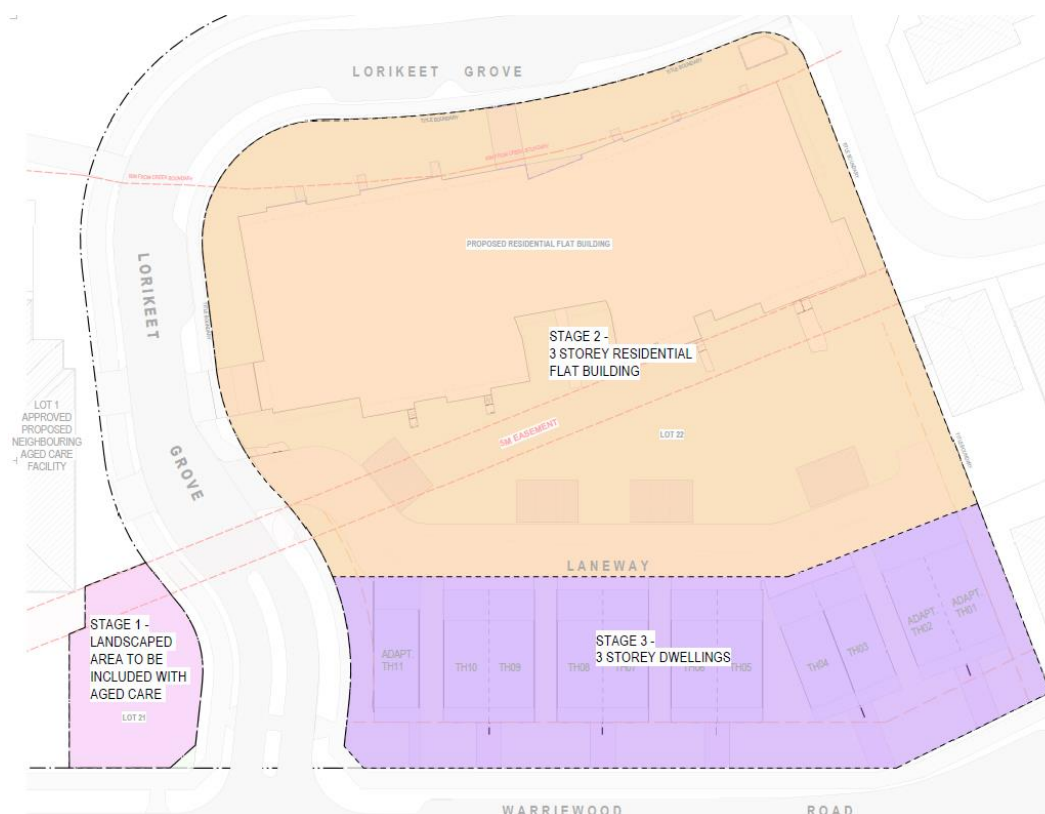


Figure 4 Proposed Construction and Subdivision Staging

The community title subdivision is illustrated in the draft subdivision plans prepared by Survey Plus and attached at **Appendix 5**.

4.4 Residential Apartments

The apartment building maintains the same built form, external appearance, building siting and footprint as the approved building. The total number of apartments and dwelling remains unchanged from the approved development being:

- 4 x 1 bedroom dwellings
- 22 x 2 bedroom dwellings
- 6 x 3 bedroom dwellings

Total of 32 apartments. Eight (8) apartments will be adaptable dwellings.

The basement car park will be single level and contain a total of 60 resident car parking spaces. Eleven (11) visitor car parking spaces for the residential flat building are located off the laneway.

4.5 Semi-Detached and Detached Dwellings

A total of 11 dwellings are proposed fronting Warriewood Road. These comprise 10 semi-detached dwellings and 1 detached dwelling. All dwellings have a similar floor plan.

- Lowest level comprises garages and storerooms which are excavated into the slope of the land.
- First floor is the main living area with a front door / street address to Warriewood Road. The private open space is located on the western side of the dwelling above the garage overlooking the central landscaped area. The front setback will be a landscaped courtyard that is afforded a level of privacy through the use of landscaping.

4 Proposed Development

- Second floor comprises three bedrooms and bathrooms.

4.6 Landscaping

Landscape plans prepared by CDA Design Group are provided at **Appendix 6**. Landscaping comprises the following main components:

- The landscaping immediately surrounding the residential flat building (e.g. front and side setbacks);
- The large common open space situated between the residential flat building and dwelling houses fronting Warriewood Road;
- Landscaping around each of the dwelling houses fronting Warriewood Road; and
- A landscape element being the former Lot 12 at the south western corner of Warriewood Road and Lorikeet Grove. This landscaped area will be integrated with the residential care facility open space.

The landscaped area (as per clause 16.5 of Pittwater 21 DCP) associated with the residential development is 2989m² and the landscaped area of Former Lot 12 is 328m² (refer Drawing DA-052 at **Appendix 4**).

4.7 Vehicular Access and Car Parking

Vehicular access to the residential flat building basement is from Lorikeet Drive opposite the residential care facility. This is the same location as that approved under DA2018/1862. The basement car park provides 60 residential car parking spaces including 8 adaptable spaces.

Vehicular access to the dwellings fronting Warriewood Road is from the laneway from Lorikeet Drive. Road works plans prepared by SGC are provided at **Appendix 9**. The stub of this accessway has already been constructed under a previous development consent. Each dwelling is provided with a double width garage and the garages have sufficient depth that can accommodate an additional tandem car parking space.

The accessway / laneway provides access to the 11 visitor car parking spaces for the residential flat building including one accessible car parking space.

5 Approvals, Permits and Licences

5.1 General

This section outlines relevant other legislation including the approvals, licences and permits which may need to be sought concurrently with the subject DA. This outline is structured under headings relating to the responsible Government departments and approval authorities.

5.1.1 Water Management Act 2000 (WMA)

The objects of the WM Act are generally “to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations....”

Part 3 of Chapter 3 of the WM Act relates to Approvals and section 91(2) requires a ‘controlled activity approval’ for works at a specified location in, on or under ‘waterfront land’. The requirement for an approval of this nature triggers the integrated approval provisions of the EP&A Act. ‘Controlled activity’ and ‘waterfront land’ are defined by the WM Act as follows:

“controlled activity means:

- (a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or
- (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source.

...

waterfront land means:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
- (a2) the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.”

As part of DA N0611/16 for the approved residential care facility and subdivision (which included the land the subject of this DA) a Vegetation Management Plan (VMP) prepared by Ecological Australia dated 22 September 2016 was approved. The VMP included the revegetation of the Narrabeen Creek corridor immediately adjacent to the land relating to the approved development which includes 25-27 Warriewood Road (being subject site). The VMP identified the location of the creek bank. A copy of the VMP is provided in **Figure 5** below. This has been annotated and indicates that the creek banks are less than 40m from the western boundary of the site.

5 Approvals, Permits and Licences



Figure 5 Approved VMP under DA N0611/16

As part of DA2018/1826 for the previously approved residential flat building and dwelling development, the DA was referred to the Natural Resource Access Regulator (NRAR) and General Terms of Approval (GTAs) were issued in respect of that referral. That DA relied upon the previously approved VMP and the VMP was referenced in the GTAs.

Whilst the site boundary is within 40m of the top of bank, the ecological outcomes for the creek corridor have already been established, approved and works commenced. The extent of the VMP stopped at the western side of Lorikeet Grove (i.e. outside the development

5 Approvals, Permits and Licences

footprint of the proposed development). The proposed development does not impact on the objectives and outcomes of the approved VMP which will continue its maintenance period established as part of the previous approvals.

6 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

6.1 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

6.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated and if the land is contaminated that it is either suitable in its contaminated state for the proposed development, or will be made suitable for the proposed use and in such a case that it will be remediated before the land is used for the proposed purpose.

Contamination assessments have been undertaken in relation to DA N0611/16 (for the residential care facility, road works and subdivision) and DA2018/1826 for the approved residential flat building and dwelling development. Since those reports were prepared the site has been used for site sheds and the parking of construction workers personal vehicles during the course of construction of the residential care facility. These are not considered to be potentially contaminating activities however, for abundant caution a separate preliminary site investigation (PSI) has been commissioned for **Future Lot 2** given its use as a construction works site. A copy of the PSI prepared by Getex is provided at **Appendix 13**.

Soil samples taken from locations across the site were analysed for a broad range of potential contaminants all of which were within the adopted criteria. No asbestos containing material was visually identified on the ground surfaces across the site. However, chrysotile asbestos in the form of fibre cement was detected in one (1) soil sample located midway along the southern boundary (refer Figure 2 of the PSI) and this might represent a human health risk. No asbestos was detected in the remaining nine (9) soil samples.

Getex also observed that the site contains foreign material in form of crushed building and rock aggregate and is likely to require remediation/management for aesthetic reasons given the future residential use, but there was no contamination found in this material. The crushed building and rock aggregate would not remain in its current state and 'accessible' soil and landscaped beds would be constructed with clean top soil. Getex recommends as follows:

- “1. The foreign material in the form of crushed building and rock aggregate on the soil surface is removed.
2. A detailed asbestos investigation to determine the human health risk for the proposed development with regards to asbestos.
3. Where a detailed asbestos investigation identifies an asbestos human health risk so that remediation is required, then the remediation is to be undertaken in accordance with a Remedial Action Plan (RAP) developed and implemented in accordance with the relevant regulatory requirements.
4. Once remediation works are completed a validation assessment is to be undertaken in accordance with the relevant regulatory requirements to confirm if the Site is suitable for the proposed development application with regards to the asbestos contamination identified in the detailed asbestos investigation.”

Getex also notes that all remediation works could be undertaken during development. These recommendations can be imposed as conditions of consent. Such a condition will ensure that the site is suitable for the proposed residential use such that the consent authority can satisfy itself that the land will be made suitable for the proposed use and remediated before the land is used for the proposed purpose.

6 Environmental Planning Assessment

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

Under the *Environmental Planning and Assessment Regulation 2000*, all dwellings within the proposed development are defined as *BASIX affected buildings* and accordingly, the provisions of the SEPP apply.

A BASIX Assessment has been undertaken by Partners Energy Management and copies of the relevant certificate and stamped plans are included in **Appendix 16** of this SEE. These confirm that the proposed development complies with the provisions of the SEPP in relation to water, thermal comfort and energy.

6.1.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) provides the criteria relevant to the design of residential apartment buildings. SEPP 65 applies to residential apartment buildings greater than 3 storeys in height and that provide more than 4 self-contained dwellings and therefore applies to the residential flat building component of the development. SEPP 65 does not apply to the detached and semi-detached dwelling houses fronting Warriewood Road.

Clause 6A of the SEPP sets out that the Apartment Design Guide (ADG) objectives, design criteria and design guidance set out in Part 3 and 4 of the ADG prevail over any DCP that contains provisions in relation to the following matters:

- visual privacy;
- solar and daylight access;
- common circulation and spaces;
- apartment size and layout;
- ceiling heights;
- private open space and balconies;
- natural ventilation; and
- storage.

Schedule 1 of SEPP 65 sets out the design quality principles to be taken into consideration for residential apartment development. Further, Clause 28(c) requires the Apartment Design Guide to be taken into consideration when determining a development application.

Parts 3 and 4 of the ADG provide objectives, design criteria and design guidance for the siting, design and amenity of an apartment development. The design criteria provide measurable requirements for how objectives can be achieved, and the design guidance provides advice on how the objectives and design criteria can be achieved through appropriate design responses, in cases where design criteria cannot be met.

An assessment of the proposal against the design quality principles of SEPP 65 has been completed by VIA Architects (see **Appendix 4**) and an assessment against the guidelines within the Apartment Design Guide has been prepared by DFP (**Table 1**).

Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
Part 3 – Siting the Development		
3A Site Analysis Site Analysis illustrates that the design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	VIA Architects has prepared a site analysis (Appendix 3) which documents the surrounding context.	Yes
3B Orientation	The siting of the buildings is that same as that already approved. They respond to	Yes

6 Environmental Planning Assessment

Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
Building types and layouts respond to the streetscape and site while optimising solar access within the development	the streetscape with dwellings facing Warriewood Road and the apartment building facing Lorikeet Grove and the creek corridor.	
Overshadowing of neighbouring properties is minimised during mid-winter	The proposed apartment building does not give rise to overshadowing on neighbouring properties between 9am and 3pm at the winter solstice.	Yes
3C Public Domain Interface Transition between private and public domain is achieved without compromising safety and security	The siting of the building provides an appropriate transition between the private and public domain and is that same as that previously approved.	Yes
Amenity of the public domain is retained and enhanced	The amenity of the public domain (roads and open space along the creek corridor) is not affected by the proposed development	Yes
3D Communal and public open space Communal open space to have minimum area equal to 25% of site area	The site of the residential flat building has an area of 5539m ² (including the communal open space, parking and lane) requiring a total area of communal open space of 1384.75m ² . A communal open space of 1849m ² is provided in the form of the common open space shared with the dwelling houses fronting Warriewood Road. This represents 33.4% of the site area (refer Drawing DA- 050 at Appendix 3 . This space is far greater than that of the previously approved scheme.	Yes
Development to achieve 50% direct sunlight for minimum 2 hours between 9am and 3pm mid-winter	The orientation of the communal open space is such that it will receive in excess of 2 hours sunlight to more than 50% of the area.	Yes
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	The communal open space is provided with a playground, BBO facilities and seating area making it a useable area whilst still providing an attractive landscaped outlook for the apartments and dwelling houses.	Yes
Communal open space is designed to maximise safety	The communal open spaces have good surveillance from the street, the apartments and the terraces of the dwellings fronting Warriewood Road.	Yes
Public open space, where provided is responsive to the existing pattern and uses of the neighbourhood	The communal open space, whilst visible from the public domain, is not a public space however it integrates with Lorikeet Grove and therefore the open space corridor along the creek.	Yes
3E Deep soil zones 7% of the site is to be a deep soil zone. Dimension requirements for sites with an area: - Less than 650m ² – N/A - 650m ² -1,500m ² – 3m - Greater than 1,500m ² – 6m	The site of the residential flat building has an area of 5539m ² requiring 387.73m ² of deep soil zone. A total of 1836m ² is provided (refer DA-051). The areas have dimensions of at least 6m in width.	Yes
3F Visual Privacy Minimum building separation to side and rear boundaries for buildings up to x height: - 12m (4 storeys) – 6m between habitable rooms and 3m between non-habitable	A setback to the northern boundary of 4.5m is proposed to the ground floor and level 1 and 6.2m to level 2. This is the same as the approved development. This northern elevation of the residential flat building adjoins Baz Retreat and the road reserve provides an additional 10m	Yes

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Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
	separation from the nearest residential lots.	
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Privacy to private open space of dwellings is provided by landscaping, fencing or screens without compromising solar access or outlook.	Yes
3G Pedestrian entries Building entries and pedestrian access connects to and addresses the public domain	The building entry is from either the western side directly from Lorikeet Grove (as previously approved) or from the communal open space.	Yes
Access, entries and pathways are accessible and easy to identify	The accesses to the apartment building will be readily identifiable.	Yes
Large sites provide pedestrian links for access to streets and connection to destinations	The pedestrian entries are in the form of a wide breezeway separating the northern and southern wings of the building. This provides a physical and visual connection between the communal open space and Narrabeen Creek open space.	Yes
3H Vehicle Access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The vehicle access points are from the southern arm of Lorikeet Grove consistent with the approved development.	Yes
3J Bicycle and Car parking Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas Car parking rates as per the Guide to Traffic Generating Developments. For Metropolitan Regional Centres: - 0.4 spaces per 1 bed unit - 0.7 spaces per 2 bed unit - 1.2 spaces per 3 bed unit - 1 visitor space per every 7 units For Metropolitan Sub-regional Centres: - 0.6 spaces per 1 bed unit - 0.9 spaces per 2 bed unit - 1.4 spaces per 3 bed unit - 1 visitor space per every 5 units	The site is not located in a metropolitan, regional or subregional centre. The car parking is provided in accordance with the Pittwater DCP.	Yes.
Parking and facilities are provided for other modes of transport	Bicycle storage is provided in the basement.	Yes
Car park design and access is safe and secure	Residents car parking spaces are located in the basement which will be secured. Visitor car parking spaces are located off the laneway adjacent to the common open space and have good surveillance from the proposed apartments and dwellings.	Yes
Visual and environmental impacts of underground car parking are minimised	The basement will not have a visual impact on the surrounding area.	Yes
Part 4 – Designing the Buildings		
4A Solar and daylight access Minimum 2hrs sunlight between 9am and 3pm mid-winter to 70% of living rooms and private open space.	The dwellings in the apartment building achieve the solar criteria (refer to architectural plans at Appendix 3 and Section 6.1.7 of this SEE). Condition 20(f) of DA2018/1826 required a 1.2m setback of the master bedroom to Units G.11 and 1.13 on the western	Yes

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Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
	elevation. This has been incorporated into the new design to improve solar access to the private open and living room of those dwellings.	
In areas outside of Sydney, Newcastle and Wollongong LGAs, a minimum 3hrs sunlight between 9am to 3pm mid-winter to 70% of living rooms & private open space.	N/A	N/A
A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm mid-winter	All dwellings receive some sunlight to either (or both) the living room and private open space (refer to architectural plans at Appendix 3).	Yes
Daylight access is maximised where sunlight is limited.	All dwellings have good daylight access.	Yes
Design incorporates shading and glare control	The west facing dwellings are provided with bifold shutters to allow occupants to control sunlight into the dwellings (refer to detail on DA-260 at Appendix 3) This is in lieu of the retractable blinds approved with the previous DA.	Yes
4B Natural Ventilation All habitable rooms are naturally ventilated The layout and design of single aspect apartments maximises natural ventilation	Refer to the Design Statement prepared by VIA Architects (Appendix 4) which explains how apartments are ventilated, including the single aspect apartments.	Yes
At least 60% of apartments are to be naturally cross ventilated	21 or 65% of dwellings are corner apartments and are therefore naturally cross ventilated.	Yes
Overall depth of cross through apartments does not exceed 18m	Cross through apartments are not proposed.	N/A
4C Ceiling Heights Minimum ceiling heights are: Habitable rooms – 2.7m Non-habitable rooms – 2.4m	2.7m ceiling height to habitable rooms is generally achieved, however there are some dwellings (refer to DA400 and DA401) that have bulkheads lowering the ceiling height in certain areas to 2.4m.	Amenity not compromised. Refer to discussion at the end of this table.
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	All rooms have generous proportions and width to the living rooms that will provide open outlooks and a sense of space.	Yes
Ceiling heights contribute to the flexibility of building use over the life of the building	This provision relates to opportunities to allow for non-residential uses on the ground floor which is a very unlikely outcome this location being a predominantly residential zone.	N/A
4D Apartment size and layout Minimum apartment sizes: Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 90m ² Each area only allows for one bathroom, each additional bathroom increases the minimum floor area by 5m ² . Each additional bedroom increases the minimum floor area by 12m ² .	All apartments meet or exceed the minimum apartment sizes.	Yes
Every habitable room must have a window in an external wall with a minimum glass area of at least 10% of the floor area of the room	All habitable rooms comply with this provision	Yes
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Habitable rooms meet this requirement.	Yes

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Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
	(Refer to open plan layout provision in the next row).	
In open plan layouts (where living, dining & kitchen are combined) the maximum habitable room depth is 8m from a window.	7 apartments vary from this requirement. Whilst these do not meet the <i>design criteria</i> , they do meet the <i>design guidance</i> of the ADG (refer to discussion at the end of this table).	Yes
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobes)	Master bedrooms comply.	Yes
Bedrooms have a minimum dimension of 3m (excluding wardrobes)	Other bedrooms comply.	Yes
Living rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments	Living room widths exceed the width of the <i>design criteria</i> .	Yes
The width of cross-over or cross-through apartments are at least 4m internally.	Cross over or cross-through apartments are not proposed.	N/A
4E Private Open space and balconies Primary balconies are as required: Studio – 4m ² 1 bed – 8m ² area / 2m depth 2 bed – 10m ² area / 2m depth 3+ bed – 12m ² area/2.4m depth (min balcony depth to be counted as contributing to the balcony area is 1m) Ground floor open space is 15m ² and a minimum depth of 3m	All balconies and ground floor courtyards meet the minimum area and dimensions of the <i>design criteria</i> . The ground floor balconies facing Lorikeet Grove depart from these requirements which is discussed at the end of this tale.	Yes Minor variations but amenity is not compromised.
Private open space and balconies are appropriately located to enhance liveability for residents	The northern setback area to Apartments G.03 and G.04 has been allocated as a courtyard with appropriate privacy fencing as required by Condition 20(a) and (b) of the previous approval.	Yes
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Balconies are designed to add interest to the building	Yes
Private open space and balcony design maximises safety	All balconies will have balustrades to provides the necessary safety under the BCA.	Yes
4F Common Circulation and spaces The maximum number of apartments of a circulation core on a single level is eight	There are no more than 7 apartments served by one circulation core.	Yes
Ground floor and podium open space is to be at least 15m ² and a minimum depth of 3m	The main ground floor podium space is the breezeway between the two wings which has a width of 12m and an area far in excess of 15m ² .	Yes
Common circulation spaces promote safety and provide for social interaction between residents	The corridors are simple in design and generally provide line of sight along the corridor from the front door of each dwelling. The ground floor entrances to each wing flow on the breezeway which will promote social interaction.	Yes
4G - Storage The following additional storage spaces outside of the kitchen, bathroom and bedrooms is required: Studio – 4m ³ 1 bed -6m ³ 2 bed – 8m ³	All apartments are provided with a combination of storage in the apartments and a storage cage in the basement.	Yes

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Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
3+ bed – 10m ³ At least 50% of the required storage to be located within the apartment.		
Additional storage is conveniently located, accessible and nominated for individual apartments	Storage in the basement is generally located close to the allocated car parking spaces. Refer to DA -105 at Appendix 3 .	Yes
4H Acoustic Privacy Noise transfer is minimised through siting and design of buildings	Apartment layouts generally have non-habitable rooms adjoining each other and adjacent to the common circulation, stairs and lifts.	Yes
Noise impacts are mitigated within apartments through layout and acoustic treatments		
4J Noise and Pollution In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	The surrounding environment is not noisy.	N/A
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	There are no external noise sources that require mitigation measures for the dwellings.	Yes
4K Apartment mix A range of apartments types and sizes is provided to cater for different household types now and into the future	The apartment mix comprises: <ul style="list-style-type: none"> 4 x 1 bedroom 22 x 2 bedroom 6 x 3 bedroom This is the same unit mix as previously approved and provides a reasonable mix of dwelling types to suit different household needs.	Yes
The apartment mix is distributed to suitable locations within the building	The apartment types are distributed through the building levels.	Yes
4L Ground Floor Apartments Street frontage activity is maximised where ground floor apartments are located	Ground floor apartments facing the western leg of Lorikeet Grove have access from their private open space to the footpath via individual pathways in the landscaped front setback.	Yes
Design of ground floor apartments delivers amenity and safety for residents	The ground floor apartments have large courtyard open spaces which provides for better amenity.	Yes
4M Facades Building facades provide visual interest along the street while respecting the character of the local area	The building façade utilises a variety of materials to provide interest. The use of timber feature panels on the southern elevation (as required by Condition 20(g) of the previous approval) has been incorporated into the new design.	Yes
Building functions are expressed by the facade	The building has a residential function and the facades reflect the residential use.	Yes
4N Roof Design Roof treatments are integrated into the building design and positively respond to the street	A low pitched roof is proposed (as originally approved). A roof plant and air conditioning platform is now proposed as part of the roof structure. The location of the roof plant within the roof footprint will minimise its visibility. Low screens approximately 1m in height are utilised where the roof plant might be visible (refer to DA-260 for details).	Yes
Opportunities to use roof space for residential accommodation and open space are maximised	Roof top terraces are not proposed	N/A

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Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
Roof design incorporates sustainability features	Manipulating the roof design for solar access has not been necessary in this design.	N/A
4O Landscape design Landscape design is viable and sustainable	Landscaping has been selected according to its location (e.g. on structure or deep soil) and its function e.g. playground, canopy trees, privacy screening).	Yes
Landscape design contributes to the streetscape and amenity	The landscape treatment along Lorikeet Grove comprises a combination of large and medium sized evergreen native trees that will complement the Narrabeen Creek open space corridor.	Yes
4P Planting on structures Appropriate soil profiles are provided	<p>There are 3 locations where landscape is above structure. The Architectural Design Report and Landscape Plans detail the soil depth in the 3 locations</p> <ol style="list-style-type: none"> 1. The courtyard between the 2 wings of the building has soil depth of approximately 600mm on the eastern side and a 300-500mm on the western side 2. To the south of the building there 1m depth of soil above the basement car park. 3. To the south east of the building there is 1m depth of soil above the car park (services room). <p>The soil depths are consistent with the ADG in terms of the landscape treatments proposed for those areas.</p>	Yes
Plant growth is optimised with appropriate selection and maintenance	The landscape plan (Appendix 6) uses plant species appropriate for the location and purpose (e.g. shade, privacy, boundary definition, streetscape).	Yes
Planting on structures contributes to the quality and amenity of communal and public open spaces	<p>Planting on structure will still provide a landscape character that contributes to the streetscape.</p> <p>Most of the central communal open space is not located on structure and will make a significant contribution to the setting of the development.</p>	Yes
4Q Universal design Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	A total of 8 dwellings are adaptable dwellings.	Yes
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs	Many apartments have 'L' shaped living/dining areas which will provide a level of versatility for occupants needs and furnishing.	Yes
4R Adaptive reuse New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable	N/A
Adapted buildings provide residential amenity while not precluding future adaptive reuse	Not Applicable	N/A

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Table 1 SEPP 65 – Apartment Design Guide Assessment

Provision	Assessment	Consistent
4S Mixed use Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable	N/A
Residential layouts of the building are integrated within the development, and safety and amenity are maximised for residents	Not Applicable	N/A
4T Awnings and signage Awnings are well located and complement and integrate with the building design	Not Applicable	N/A
Signage responds to the context and desired streetscape character	Not Applicable	N/A
4U Energy efficiency Development incorporates passive environmental design	All dwellings will receive good solar access and daylight access.	Yes
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The apartments on the western façade will be fitted with bifold shutters to allow occupants to control the western sun in summer.	Yes
Adequate natural ventilation minimises the need for mechanical ventilation	65% of dwellings are cross ventilating.	Yes
4V Water management and conservation Potable water use is minimised	A rainwater tank is proposed to will be used for irrigation of the landscaped areas.	Yes
Urban stormwater is treated on site before being discharged to receiving waters	SGC has prepared stormwater plans which detail the WSUD measures to be constructed as part of the development. Importantly, the development maintains the 41% landscaped area which is a requirement of development consent N0611/16 to achieve the water quality requirements of the Pittwater 21 DCP.	Yes
Flood management systems are integrated into site design	The site is mapped in the DCP as being subject to flooding, however the civil works approved as part of DA N0611/16 have managed the flood affectation for the allotment upon which the development is to be constructed.	Yes
4W Waste management Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	A waste storage room is located in the basement of the building. A building manager will transfer the bins to the hold room located on Lorikeet Grove. This waste management arrangement is the same as that previously approved.	Yes
Domestic waste is minimised by providing safe and convenient source separation and recycling	Separate general waste and recycling bins will be provided.	Yes
4X Building maintenance Building design detail provides protection from weathering	The Design Report prepared by VIA Architects notes that buildings material that require little maintenance have been selected where practicable.	Yes
Systems and access enable ease of maintenance	Services rooms and the centralised roof plant platform will make access convenient for maintenance.	Yes
Materials selection reduces ongoing maintenance costs	The Design Report prepared by VIA Architects notes that buildings material that require little maintenance have been selected where practicable.	Yes

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Discussion in relation to ADG Variations

4C - Ceiling Height

Drawings DA400 to DA 402 illustrate where the 2.7m ceiling height is achieved in each apartment. The dwellings on the top floor level (DA-402) all meet the 2.4m and 2.7m minimum ceiling height requirement to non-habitable and habitable rooms, respectively.

All apartments on the ground and first floor levels meet the 2.4m ceiling height to non-habitable rooms however parts of the habitable areas of the apartments on those levels have a 2.4m ceiling height in order to accommodate bulkheads for services.

There are 16 apartments where the bulkhead is located above the kitchen (10 on the ground floor and 5 on the first floor). The reduced ceiling height is justified for the following reasons:

- The 2.4m ceiling height is confined to the kitchens which are located in a corner of the room and the bulkhead does not divide or interrupt the 2.7m ceiling height to the living spaces.
- The living rooms have room widths that are more generous than the ADG minimums (3.6m for a 1-bedroom apartments or 4m for a 2 or 3 bedroom dwelling) providing a more spacious room with good outlooks and access to daylight.
- 2.7m ceiling height extends down the length of the corridor to the front door providing an open outlook upon entering the apartment.
- Apartments G.04, G.06, G.09, 1.04, 1.07, 1.08 have dual aspect living rooms providing a second aspect and outlook, creating a greater sense of space to the living room.

4D - 8m Depth to Kitchen in Open Plan Layout

There are 7 apartments that have a room depth of greater than 8m to the kitchen. The justification for each apartment varies and are therefore addressed individually

- G.09 and 1.11 – have a depth of 8.315m to the kitchen (from the southern window). The open plan living/dining/kitchen areas have a dual aspect allowing for good daylight access and ventilation for the room. These apartments also have 3 aspects further improving cross ventilation. The previously approved DA also included a variation to apartment G.09 which was found to be acceptable by Council in its previous assessment.
- G.10 and 1.12 – have a depth of 8.786m to the kitchen. The living rooms of these apartments have a width of approximately 4.5m being 500mm wider than the ADG's 4m room width design criteria. The living rooms also have full width and full height glazing providing a generous open outlook and large opening for ventilation. Due to the L-shaped room, the living room could be made shorter but this would be at the expense of the amenity of the living room.
- G.11 and 1.13 – have a depth of 8.386m to the kitchen. These are dual aspect apartments which will allow for cross ventilation of the apartment. The room widths at 5.7m are also 1.7m wider than the ADG design criteria of 4m which will provide a wide opening and improved daylight penetration into the rooms.
- 1.06 – has a depth of 8.637m to the kitchen. The apartment layout is the same as that approved under DA2018/1826 and was the result of an amendment during the course of assessment to address a Council requirement regarding solar access and balcony depth.

4E - Private open space

Apartments G.01, G.02, G.09, G.10 and G.11 do not meet requirements of the second design criteria of Objective 4E-1 of the ADG, which require a minimum depth of 3m and a minimum

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area of 15m² for the private open space areas of ground floor apartments. The extent of variations are set out in **Table 2** below.

Under the ADG these spaces are defined as “private open space” as they are located on the structure of the basement. If they were not on the structure, then the balcony area and dimensions of Part 4E would apply.

Apartment No.	No of Bedrooms	Area (Required 15m²)	Min Dimension (3m)
G.01	2 bedroom	13m ²	2.20m
G.02	2 bedroom	11m ²	2.276m
G.09	3 bedroom	16m ² (complies)	2.835m
G.10	2 bedroom	13m ²	2.839m
G.11	2 bedroom	17m ² (complies)	2.840m

The apartments all exceed the 2.0m or 2.4m depth requirement of the ADG but all are less than 3 metres in depth and 3 are less than 15m² in area. The apartments are elevated above finished ground level and the terraces are mostly located on the structure of the basement with a small overhang. If they were designed to comply the overhang would increase, varying in size between the apartments resulting in an inconsistent appearance to the elevation. Greater overhangs would also create an undercroft and landscaping might not successfully grow under the overhang, detracting from the buildings appearance.

The variation was also supported by Council's assessment staff and the Panel in the previous approved DA.

6.1.4 State Environmental Planning Policy (Coastal Management) 2018

This SEPP applies to land within the coastal zone. The western part of 25-27 Warriewood Road is identified as “proximity area for coastal wetlands” on the Coastal Wetlands and Littoral Rainforest Map of the Coastal Management SEPP. The mapped area is west of the now constructed Lorikeet Grove and is on land that will be transferred to Council (being proposed Lot 3 in the approved subdivision).

Clause 11 of the SEPP states that development consent must not be granted on land identified as “proximity area for coastal wetlands” unless the consent authority is satisfied as to certain environmental matters. However, the proposed works are not on that part of the site mapped as “proximity area for coastal wetlands” and accordingly clause 11 of the SEPP does not apply.

This is the same situation as outlined in Council's assessment report for DA2018/1826 for the previous residential flat building and dwellings.

6.1.5 State Environmental Planning Policy (Infrastructure) 2007

The previous DA was referred to Ausgrid under the provisions of clause 45 of SEPP Infrastructure in relation to development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line

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- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.

Since that DA was assessed, civil works along Warriewood Road have been completed and the electricity infrastructure has been relocated underground. There should be no need to refer the DA to Ausgrid in this instance.

6.1.6 Pittwater Local Environmental Plan 2014

Table 3 provides a summary assessment of the proposed development against the relevant provisions of the LEP.

Table 3 Assessment against Relevant Provisions of LEP		
Provision	Assessment	Consistent
Clause 2.2 – Zoning - R3 Medium Density Residential	Dwelling houses, semi-detached dwellings and residential flat buildings are all permissible with consent	Yes
Clause 4.1 – Minimum subdivision lot size	This clause does not apply to subdivision under the Community Land Development Act, 1989.	Not Applicable
Clause 4.1AA – Minimum subdivision lot size for community title schemes	This clause only applies to the RU2, R2, R5 and E4 zones (not the R3 zone) and requires community title lots to be no less than that shown on the Lot Size Map.	Not Applicable
Note: The effect of clauses 4.1 and 4.1AA is such that there is no minimum lot size for community title subdivision under PLEP 2014		
Clause 4.3 – Height of Buildings	<p>The site is subject to a 10.5m building height control and is also located in Area 6. Clause 4.3(2F) applies to development in Area 6:</p> <p><i>(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.</i></p> <p>Drawings DA-250 and DA-251 shown the building height controls.</p> <p>The residential flat building is not within the 'zone' specified in clause 4.6(2F) and therefore is subject to a 10.5m building height. The apartment building complies with the 10.5m building height control.</p> <p>The dwellings fronting Warriewood Road are subject to a 8.5m building height for a distance of 12.5m from the Warriewood Road property boundary. These dwellings comply with the control.</p>	Yes
6.1 Warriewood Valley Release Area	Refer to discussion at the end of this table.	Yes (refer to discussion at the end of this table).
7.1 Acid Sulfate Soils	<p>The proposed works are located in Class 5 acid sulfate soil and are within 500m of Class 3 and 4 land that is below 5m AHD.</p> <p>The clause applies and is discussed at the end of this table.</p>	Yes (refer to discussion at the end of this table).
7.2 Earthworks	The proposal involves earthworks to create suitable levels for the proposed development and to construct the basement. The proposed	Yes

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Table 3 Assessment against Relevant Provisions of LEP

Provision	Assessment	Consistent
	<p>development addresses the provisions of clause 7.2 as follows:</p> <ul style="list-style-type: none"> The drainage infrastructure has been established as part of development consent N0611/16 and the proposed development will connect with that infrastructure. Any fill (e.g. topsoil for landscaping) will be clean fill. The earthworks are unlikely to have an adverse impact on adjoining properties as the excavated areas are 3m off the boundary. The site is already disturbed from past market gardening land uses and a work site. The likelihood of disturbing relics is negligible. The landscaped area of 41% of the site area achieves the water quality targets of the DCP and the stormwater infrastructure controls water quantity and velocity entering the creek. There are no heritage items on the land or on adjoining properties. 	
7.3 Flood Planning	<p>Council's on-line mapping indicates that creek corridor is a high and medium flood risk. This reduces to a low flood risk in the newly constructed Lorikeet Grove with a small area in the southwestern corner of the site being low risk.</p> <p>The Water Management Report prepared by SGC addresses flooding.</p> <p>The subdivision and earthworks approved under DA N0611/16 have created lots that are clear of the flood constraint. The flood prone land is contained in the Narrabeen Creek corridor or Lorikeet Grove. The Water Management Report prepared by SGC contains flooding mapping with the development site shown. The site of the development (Future Lot 2) is clear of the 1:100 ARI + climate change factor and the PMF (refer Appendix 4 of the Water Management Report at Appendix 8).</p> <p>The subject lot is not affected by flooding. The lowest habitable floor level of 6.20 AHD is above the PMF level of 4.88 AHD. All dwellings have flood free access to Warriewood Road.</p>	Yes
7.6 Biodiversity Protection	<p>The Biodiversity Map indicates that the area mapped as biodiversity on this site relates to the land west of Lorikeet Grove. The area of Future Lot 2 (the subject of this DA) is not mapped as biodiversity.</p>	Not Applicable
7.10 Essential Services	<p>The site is serviced with water, sewer and electricity. Stormwater infrastructure is partly built as part of the newly constructed roads and stormwater infrastructure within Future Lot 2 is proposed as part of this DA to connect with the existing infrastructure. Suitable vehicular access is provided from Lorikeet Grove.</p>	Yes

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Clause 6.1 – Warriewood Valley Release Area

Clause 6.1 applies to the land on the Urban Release Area Map, an extract of which is provided in **Figure 6** below. The site is located in Buffer Area 1L and is subject to a creek line corridor at the western part of the site.

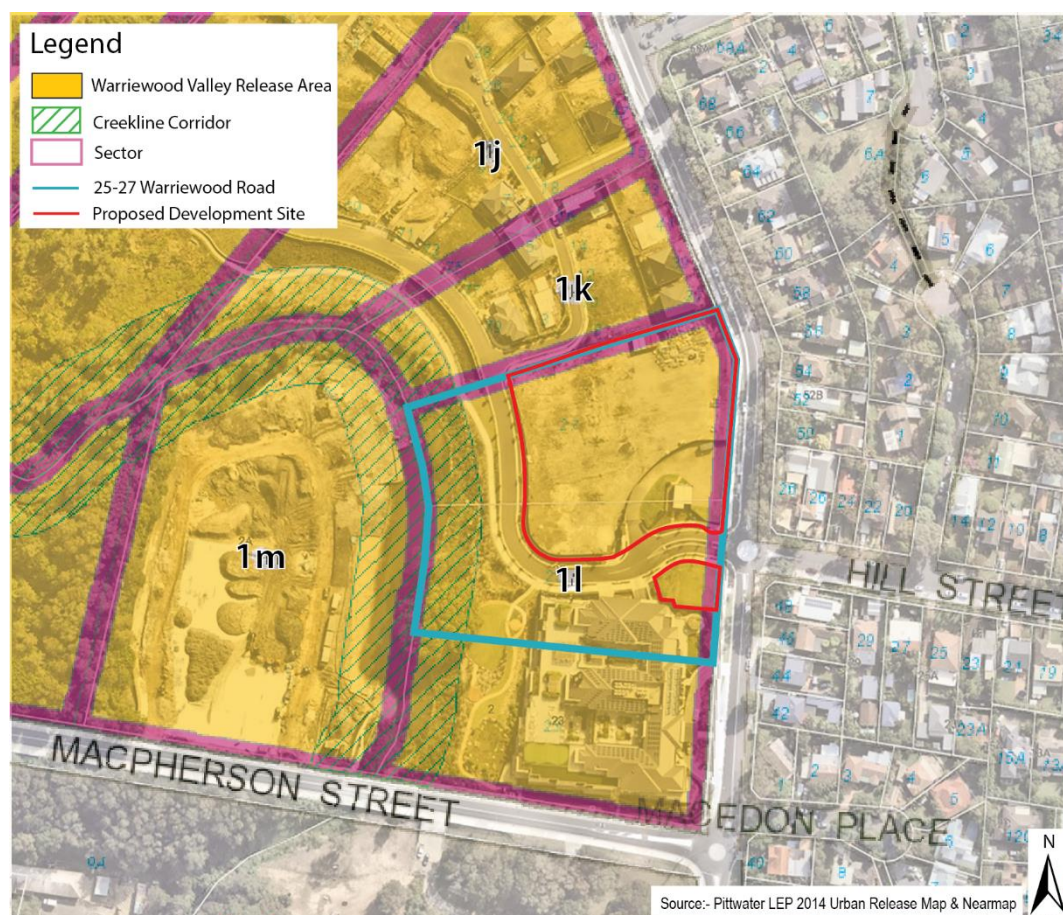


Figure 6 Extract from Urban Release Area Map, Pittwater LEP 2014

Subclause (3) requires a dwelling density to be achieved which is not more than 67 dwellings and not less than 43 dwellings in the case of Buffer Area 1L. The proposed development contains 32 apartments and 11 dwellings being a total of 43 dwellings and therefore satisfies the density provision of the clause.

The creek line corridor is located to the west of the newly constructed Lorikeet Grove. Clause 6.1(4) requires that consent must not be granted unless the consent authority is satisfied that the proposed development will not have an adverse impact on matters such as rehabilitation of the creek line corridors, water quality and stability of the creek banks.

The proposed development is not located in any part of the creek line corridor. The provisions of clause 6.1(4) have been addressed as part of N0611/16 including:

- A vegetation management plan (VMP) that addresses the ecological matters and bank stability.
- Stormwater infrastructure that incorporates water sensitive urban design measures and address the water quality and flows from the site. That WSUD infrastructure has been substantially constructed as part of the residential care facility and VMP.
- A stormwater strategy that addresses water quality. In this regard DA N0611/16 required a landscaped area of 41% of the site area of **Future Lot 2** to be achieved in

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order to achieve water quality outcomes. The landscaped area has been achieved as part of this design. Further discussion is provided in **Section 6.2.1** of this report.

Clause 7.1 – Acid Sulfate Soils

The site of the proposed works is located on land mapped as Class 5 acid sulfate soil and is within 500m of Class 3 and 4 land that is below 5m AHD (being the land relating to the creek corridor).

Geotechnique Pty Ltd A prepared A Geotechnical Investigation Report dated 6 March 2019 (**Appendix 12**) that provides an acid sulfate soil assessment and advises that “assessment of laboratory test results indicate soils across the site are unlikely to be acid sulphate or potentially acid sulphate soils.”

They note that acid sulfate soils can occur when exposed to oxygen such as excavation or lowering the groundwater level. Soil samples were tested, and the results indicated that potential acid sulfate soils were below detectable limits and noted *disturbance of soils during the proposed development works may be carried out without an approved Acid Sulphate Soils Management Plan.*”

Condition 44 of development consent DA2018/1826 required as follows:

44. Acid Sulfate Soil Management

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about the uncovering of Acid Sulfate Soil must be notified to the Certifier as soon as reasonably practicable. This will also require an Acid Sulfate Soil Management Plan, including disposal of affected soil to an approved facility, to be submitted to the certifier, before work continues.

Reason: To ensure potential Acid Sulfate Soil is appropriately managed.

Based on the Geotechnical Investigation Report prepared by Geotechnique this condition is not necessary as the works may be undertaken without an approved Acid Sulphate Soils Management Plan.

6.1.7 Pittwater 21 Development Control Plan

Table 4 provides a summary assessment of the proposed development against the relevant provisions of the DCP.

Built Form Controls for Dwellings

There is only one (1) detached dwelling proposed (Dwelling Title 14) which is located on the south western corner of Warriewood Road and Lorikeet Grove. This dwelling has a similar architectural form and expression as the semi-detached dwellings.

Table 4 Built Form Controls for Dwellings		
Provision	Assessment	Consistent
Front Building Line (Section D16.6)		Complies for both street frontages
<u>Warriewood Road</u> 6.5m – Dwelling 5.0m – Articulation Zone	<u>Warriewood Road</u> 7.9m to dwelling façade 6.0m to front verandah	
<u>Lorikeet Grove</u> 2m to Dwelling 1m to Articulation Zone	<u>Lorikeet Grove</u> 3m to Dwelling 2.5m to Articulation Zone	
Rear Building Line (Section D16.7)		Consistent with previous approval
Internal Road 0.5m	The garage of Dwelling Title 14 has a zero setback to its lot within the community title subdivision. This is consistent with the previously approved development (DA2018/1826) which had 3 double garages on the boundary to the rear laneway.	

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Table 4 Built Form Controls for Dwellings

Provision	Assessment	Consistent
Side Building Line (Section D16.7) Both sides: 0.9m – ground 1.5m – upper level	This control is based on a lot width of 9-14m. The setback to the south is the same as the secondary street frontage setback (3m to the dwelling and 2.5m to the articulation zone). The opposite side is setback 1.5m at both levels.	Complies.
Landscaped Area (Section D16.5) 35% (Dwelling Title 14)	Dwelling Title 14 has a site width of >9m. The landscaped area provided is 46% of its lot area	Complies

Built Form Controls for Semi-Detached Dwellings

The remainder of the dwellings fronting Warriewood Road and all semi-detached dwellings.

Table 5 Built Form Controls for Semi-Detached Dwellings

Provision	Assessment	Consistent
Front Building Line (Section D16.6) <u>Warriewood Road</u> 6.5m – Dwelling 5.0m – Articulation Zone	<u>Warriewood Road</u> 7.9m to dwelling façade 6.0m to front verandah Dwellings 1 to 3 have greater front setbacks.	Complies
Rear Building Line (Section D16.7) Internal Road 0.5m	The garage of Dwellings Titles 4 and 5 have a zero setback to their lots within the community title subdivision. The previously approved development (DA2018/1826) had 3 double garages on the boundary to the rear laneway and the corner of all other garages were on their respective boundaries.	Consistent with previous approval
Side Building Line (Section D16.7) Lots <9m wide 0.9m at the end of a row Lots 9 to 14m wide One side: 0m at ground and 1.5m at upper level Other side: - 0.9m	Dwelling Titles 5, 6 and 13 are less than 9m wide requiring 0.9m setback at the end of a row. The dwellings are setback 1.5m from both sides at both levels. Dwelling Title 4 is setback 3.05m from the northern side boundary exceeding the 0.9m control. The abutting wall is not setback 1.5m at the upper level as the ground floor setback is greater than the DCP requirement and the dwelling design matches the other 5 pairs of semi-detached dwellings creating a consistent built form in the street.	Complies with intent and design outcome of the control
Landscaped Area (Section D16.5) Lots <9m wide - 25% Lots 9-14m wide – 55%	The landscaped area for 8 of the 11 dwellings does not meet the required percentage Refer to Drawing DA-053 for details.	Refer to discussion at the end of Table 8 .

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Built Form Controls for Residential Flat Buildings

Table 6 Built Form Controls for Residential Flat Buildings		
Provision	Assessment	Consistent
Front Building Line (Section D16.6) <u>Lorikeet Grove</u> 4.5m – To Building 3.0m – Articulation Zone <u>Baz Retreat</u> 4.5m – To Building 3.0m – Articulation Zone	<u>Lorikeet Grove</u> 6.67m to 10.5m to western elevation 4.0m to 6.0m to southern elevation <u>Baz Retreat</u> 4.56m	Complies.
Side Building Line (Section D16.7) 3.0m both sides.	Northern Side: 4.56m Southern Side: 4.0m (minimum)	Complies
Rear Setback 3m	The site does not have a rear setback as it has 3 street frontages. The northern boundary with adjoining houses is treated as a side boundary. The community title subdivision and open space provides the large area of open space at the 'rear' of the residential flat building well in excess of 3m.	Consistent with the intent of the control
Landscaped Area (Section D16.5) 25%	A landscaped area of 33.5% of the site area, which includes the communal open space to be shared with the dwellings fronting Warriewood Road, has been provided. (Refer to Drawing DA-052 to details)	Complies

The remaining provisions of the DCP are considered in following table. If the proposal complies detailed discussion is not necessarily provided. Where a variation to the DCP provision is proposed they are discussed and justified after the table.

Table 7 Other DCP Provisions		
Provision	Assessment	Consistent
A1.7 Considerations before consent is granted	This SEE has considered Pittwater LEP 2014, the existing and future character of the Locality and the applicable development controls.	Yes
A4.16 Warriewood Valley Locality	This site is located in the Warriewood Valley Locality. The proposed residential development is consistent with the future character of the area as an 'urban community.'	Yes
B1.4 Aboriginal Heritage Significance	The site has been the subject to earthworks under DA N0611/16 to create the subject super lot. There are no known Aboriginal objects or significance on this site.	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Refer to discussion in Section 6.11 of this SEE in response to SEPP 55.	Yes
B3.11 Flood Prone Land	The Water Management Report prepared by SGC addresses flooding – Appendix 8 .	Yes
B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volumes)	The subdivision and earthworks approved under DA N0611/16 have created lots that are clear of the flood constraint. The southwestern corner is in a low flood risk precinct. The lowest habitable floor level of 6.20 AHD is above the PMF level of 4.88 AHD. All dwellings have flood free access to Warriewood Road.	Yes
B3.13 Flood Hazard – Flood Emergency Response		Yes

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Table 7 Other DCP Provisions

Provision	Assessment	Consistent
B6.3 Off-Street Vehicle Parking Requirements	Yes -refer to discussion at the end of Table 8 including justification for not making provision for removalist or emergency vehicles	Yes
B8.1 Construction and Demolition – Excavation and Landfill	Bulk earthworks on the site have already taken place under DA N0611/16. Further excavation is proposed for the single level basement and the lower ground floor of the dwellings facing Warriewood Road. A geotechnical report was prepared by Geotechnique as part of the original DA which proposed a greater depth of excavation in similar locations. That report was acceptable for DA purposes and Council imposed a condition to require the proposed method of support of excavations to be designed and certified by an appropriately qualified and practising Structural Engineer prior to issue of a construction certificate. A similar condition can be imposed for this DA. A copy of the Geotechnique report is provided at Appendix 12 .	Yes
B8.2 Construction and Demolition – Erosion and Sediment Management	A sediment and erosion control plan has been prepared by SGC and included in the civil plans at Appendix 7 .	Yes
B8.3 Construction and Demolition – Waste Minimisation	Existing structures have been demolished. A Waste Management Plan for the construction phase of the development has been prepared by TTM Consulting and is attached at Appendix 14 .	Yes
B8.4 Construction and Demolition – Site Fencing and Security	The site will be appropriately fenced during construction and can be conditioned accordingly.	Yes
B8.6 Construction and Demolition – Traffic Management Plan	More than 100m ³ of excavation is proposed. The requirement for a Construction Traffic Management Plan can be imposed as condition of consent prior and provided to Council prior to commencement of work. This is consistent with the previously approved DA.	Yes
C1.3 View Sharing	A submission was received to the previously approved DA in relation to view impacts from a dwelling on the opposite side of Warriewood Road which enjoys some views to the Ingleside escarpment. The built form and height of the proposed dwellings fronting Warriewood Road will be are similar to that already approved and under the height controls applying to the land. The views impacts were not considered to be unreasonable.	Yes
C1.9 Adaptable Housing and Accessibility	<p>20% of apartments in a residential flat building are required to be adaptable units. 7 are required and 8 dwellings have been provided as adaptable dwellings.</p> <p>20% of dwellings are required to be adaptable dwellings = 3 dwellings which have been provided.</p> <p>An access review has been undertaken by 3D Access and a copy of their report is provided at Appendix 11.</p> <p>TTM Consulting has confirmed in the Traffic Assessment (Appendix 10) that the car parking</p>	Yes

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Table 7 Other DCP Provisions

Provision	Assessment	Consistent
	spaces for the adaptable dwellings comply with AS4299.	
C1.12 Waste and Recycling Facilities	Separate waste management plans have been prepared by TTM for the construction and operational phases of the development. Copies are provided at Appendices 14 and 15 .	Yes
C1.13 Pollution Control	Water pollution has been addressed through the water sensitive urban design (WSUD) measures which are documented in the Water Management Report prepared by SGC (Appendix 8). This includes gross pollutant traps. The water quality targets of the DCP are achieved.	Yes
C1.15 Storage Facilities	<p>The DCP requires a minimum of 8m³ of storage per dwelling, including residential flat buildings. This exceeds the storage requirements for 1 bedroom dwellings under the Apartment Design Guide and as per clause 6A of SEPP 65, the ADG prevails. The apartments achieve the storage requirements of the ADG.</p> <p>The dwellings fronting Warriewood Road have basements with storage areas that exceed the DCP requirement.</p>	Yes
C1.18 Car/Vehicle/Boat Wash Bays	<p>A car wash bay is required for developments with more than 10 units (not including dwellings).</p> <p>A car washbay is provided in the basement of the residential flat building.</p> <p>There are 10 semi-detached dwellings (i.e. not more than 10 dwellings) and a car wash bay is not required.</p>	Yes
C1.23 Eaves	<p>The DCP requires 450mm eaves except for residential flat buildings.</p> <p>The dwellings fronting Warriewood Road do not have eaves. This design outcome is the same as the previously approved development. Refer to discussion at the end of Table 8.</p>	No.
C6.1 Integrated Water Cycle Management	A Water Management Report prepared by SGC (Appendix 8) has been prepared addressing WSUD, flooding and stormwater design. This report is essentially an update of the previous Water Management Report approved by Council as part of the previously approved DA.	Yes
C6.2 Natural Environment and Landscaping Principles	<p>A landscape plan has been prepared by CDA Design Group which is similar to the landscape plan forming part of the previously approved DA. A copy of the plans is provided at Appendix 6.</p> <p>More than 25% of the site is provided as communal open space for the residential flat building and dwellings fronting Warriewood Road. This is in the form of a large central open space with good proportions and functionality.</p>	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	The development includes a BASIX certificate ensuring that all relevant targets are achieved (refer Appendix 16).	Yes

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Table 7 Other DCP Provisions

Provision	Assessment	Consistent
	<p>Refer to the CPTED assessment in Section 6.2.5 of this SEE.</p> <p>Eight (8) adaptable apartments and three (3) adaptable dwellings are proposed providing opportunities for ageing in place. The adaptable layouts are documented in the architectural plans at Appendix 3. An Access Design Review Report prepared by 3D Access (Appendix 11) which reviewed the adaptable layouts and associated car parking spaces and confirmed that they are capable of compliance with AS4299-1995</p>	
C6.4 The Road System and Pedestrian and Cyclist Network	<p>The laneway has a width of 7m excluding setbacks to the dwellings fronting Warriewood Road. TTM Consulting's Traffic Assessment (Appendix 10) confirms that the width of the laneway is consistent with the DCP.</p> <p>Landscaping is provided each side of the laneway.</p> <p>The laneway has good surveillance from the dwellings and the common open space.</p> <p>The short length and design of the laneway will promote low speeds.</p> <p>The laneway is part of the community lot of the community title subdivision.</p>	Yes
C6.5 Utilities, Services and Infrastructure Provision	<p>All services are available to the site.</p> <p>All water management infrastructure is contained within the lot and will remain in private ownership.</p>	Yes
C6.7 Landscape Area (Sector, Buffer Area or Development Site)	<p>A 25% landscaped area is required for the site (which is consistent with the approached adopted for the previously approved DA).</p> <p>However, condition B2 of DA N0611/16 requires a landscaped area on this site of 41% to meet water quality targets. Refer to the discussion in Section 6.2.1 of this SEE.</p>	Yes
C6.8 Residential Development Subdivision Principles	<p>Refer to discussion in Section 6.2.2 of this SEE.</p>	Yes
C6.9 Residential Land Subdivision Approval Requirements	<p>The development involves the subdivision to create lots less than 225m² and less than 9m in width. The construction of a dwelling, or semi-detached dwellings is proposed on each of those lots and detailed floor plans, elevations and sections are provided for those dwellings.</p> <p>The subdivision is staged with the residential flat building occurring first. Therefore, any conditions relating to registration of the housing lots will need to be timed to allow a construction certificate to be firstly issued for the residential flat building.</p>	Yes
C6.10 Additional Specification for development of Buffer Area 1a to 1m	<p>The site is located within Buffer Area 1L.</p> <p>This part of the DCP has largely been addressed as part of the DA N0611/16 for the residential care facility, roads and subdivision of land into 4 lots. That consent approved road</p>	Yes

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Table 7 Other DCP Provisions

Provision	Assessment	Consistent
	layout, footpaths, creek corridor works consistent with the Indicative Layout Plan	
D16.1 Character as viewed from a public place	<p>The proposal is similar to that previously approved in terms of its character and streetscape presentation. The most significant change is the removal of the previously approved townhouse 11 which was a detached dwelling on the south-western corner of Warriewood Road and Lorikeet Grove. This land will be created as an open space associated with the residential care facility and will provide a streetscape outcome not anticipated by the DCP.</p> <p>The proposal varies from the DCP in respect of the lift over runs and roof top air conditioning platforms.</p> <p>The lift over runs have previously been approved and the roof top air conditioning platforms are a new element to the previously approved development.</p>	No – in respect of the lift overruns and roof top air conditioning. Refer to discussion in Section 6.2.3.
D16.5 Landscaped Area for Newly Created Individual Allotments	Refer to discussion at the end of Table 8.	Yes
D16.6 Front Building Line	Refer to discussion in Tables 3, 4 and 5.	Yes
D16.7 Side and Rear Building Line	Refer to discussion in Tables 3, 4 and 5.	Yes, or consistent with the intent of the provisions
D16.8 Spatial Separation	<p>The two wings of the residential flat building have a 12m separation complying with the DCP. The two wings break down the massing of the built form when viewed from the street or the creek corridor opposite.</p> <p>The dwellings fronting Warriewood Road have a separation of 3m each, complying with the DCP. These separations create breaks between each pair of dwellings to create a regular rhythm to the street.</p>	Yes
D16.9 Solar Access	<p>Detailed solar analysis has been carried out by VIA Architects and contained in the architectural package at Appendix 3. The dwellings achieve the 2 hours solar access required by the DCP.</p> <p>Refer to summary analysis in Table 9.</p>	Yes
D16.10 Private and Communal Open Space	<p>Dwellings on lots between 9m and 14m wide are required to have a private open space of 16m² with a minimum dimension of 3m.</p> <p>All dwellings fronting Warriewood Road are provided with a private open space off the dining room overlooking the common open space. These areas have a width of 5.075m or 6.075m and a depth 3.188m complying with the dimensions and area requirements of the DCP.</p> <p>In addition, all dwellings have an additional open space also accessible from the living room which have a minimum area of 6m x 5m (greater for some dwellings).</p>	Yes

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Table 7 Other DCP Provisions

Provision	Assessment	Consistent
	<p>The private open space on each side of the dwellings provides access to morning and afternoon sun.</p> <p>The DCP requires 25% of the site area to be provided as communal open space. Because the proposal is a community title subdivision the communal open space is accessible to the apartments and dwellings fronting Warriewood Road. The apartment building has a site area of 5539m² requiring a common open space of 1384.75m². The common open space has an area of approximately 1849m² and contains a childrens play area meeting the DCP requirement (refer DA-050).</p>	
D16.11 Form of construction including retaining walls, terracing and undercroft areas	The retaining walls are contained within the development site and are not visible from a public place.	Yes
D16.12 Fences	Fencing to the courtyards of the ground floor apartments are behind the building line.	Yes
D16.13 Building colours and materials	The Design Report prepared by VIA Architects contains the proposed material palette and utilises natural tones.	Yes

B6.3 – Off Street Vehicle Parking Requirements

Table 8 Car Parking Provision per Clause 6.3 of the DCP

	Required	Provided
Residential flat building		
1 bed – 1 space / dwelling	4 x 1 bedroom = 4	4
2+ beds = 2 spaces / dwelling	22 x 2 bedroom = 44 6 x 3 bedroom = 12	56
1 space designed in accordance with AS4299-1995 per adaptable dwelling required by clause 1.9	7 adaptable dwellings = 7 spaces	8 spaces designed in accordance with AS4299-1995 are provided and included in the above provision
Disabled car parking 3% of total car parking (excluding parking for adaptable dwellings)	(71 – 8) x 3% = 1.89 2 spaces	1 space is provided off the laneway. Refer to discussion at the end of this table.
Visitor parking – 1 space / 3 dwellings	11 spaces required	11 spaces provided
Removalist / emergency vehicle	The rate is not specified – refer to discussion below.	
1 x Vehicle wash for > 10 dwellings	1 space required	1 space provided
1 bike rack / 3 dwellings	32 dwellings = 11 bike racks	16 racks provided.
Tandem parking	Allocated to 2+ bedroom dwellings Maximum 10% of 2+ dwellings = 3 tandem spaces	4 tandem spaces provided. Refer to discussion below
Dwellings and Semi-Detached Dwellings		
2 + bedrooms = 2 spaces	2 spaces / dwellings	2 spaces / dwelling plus 1 tandem space also provided for each dwelling

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Accessible Parking

The basement is only accessible to residents (not visitors) and 8 adaptable car parking spaces each 3.8m wide in accordance with AS4299-1995m have been provided. This is greater than that required by the DCP (by 1 space) and is considered to adequately cater for the likely demands for residents requiring an accessible space.

The visitors car parking is the only other component of the car parking provision that needs to be considered and one (1) accessible space off the laneway has been provided design in accordance with AS2890.6.

The provision of adaptable and accessible car parking spaces is considered to meet the intent of the DCP.

Tandem Parking

Four (4) tandem car parking spaces are provided for 2 bedroom dwellings being one (1) more tandem space that provided for in the DCP which is a minor variation. This variation has been considered in the Traffic Assessment prepared by TTM Consulting (**Appendix 10**). TTM notes that based on RMS traffic generation rates, the 4 x 2 bedroom dwellings will generate up to 2 peak hour vehicle trips. Therefore, the likelihood of several cars being shuffled at the same time is very low and in TTM's opinion the four sets of tandem car parking spaces is acceptable.

Removalist Vans and Emergency Vehicles

The DCP requires provision for removalist vans and emergency vehicles for a residential flat building. The quantum of spaces or whether they can be shared is not prescribed. The type of emergency vehicle is also not specified which has a large bearing on design. The previously approved scheme did not provide for a removalist or emergency vehicle space, and the current proposal does not propose to provide such a space. This is considered justifiable for the following reasons:

- The amended design is consistent with that previously approved.
- The DCP does not specify the type of vehicles. Typically, removalist and emergency vehicles require much greater ceiling height which would result in the basement being raised significantly (e.g. to provide a clearance of about 4.5m). This would unreasonably impact on building height.
- The turning area required for a removalist or emergency vehicle would be significant and unreasonably impact on the design of basement.
- Provision of a removalist or emergency vehicle outside of the basement would impact on landscaped area.
- Removalist or emergency vehicles are more likely to park in the parking bays in Lorikeet Grove to service the residential flat building. The laneway could also be used for emergency vehicles if necessary.

C1.23 Eaves

The DCP requires eaves on all elevations to have a minimum width of 450mm, with an exception provided for residential flat buildings.

The design of the proposed dwellings and semi-detached dwellings do not contain 450mm eaves to all elevations. The architectural design of the dwellings is the same as that of the previously approved development. The Council's assessment report supported the variation on the basis that the proposed development was consistent with the outcomes of clause C1.23 of P21 DCP. The proposed development still achieves the outcomes of the clause C1.23 for the same reasons including:

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- The proposed dwellings and semi-detached dwellings will reflect the coastal heritage and character of the locality,
- The proposed roof forms are optimised, and
- Appropriate solar access and shading will be achieved.

D16.5 Landscaped Area for Newly Created Individual Allotments

The DCP requires landscaped areas follows (being a % of the site area):

- 25% of the site area for a residential flat building
- 25% for dwellings on lots less than 9m wide
- 35% for dwellings on lots 9m to 14m wide.

Compliance with these controls for the dwellings fronting Warriewood Road is contained on Drawing No. DA 053 – Landscaped Area. The lots less than 9m wide do not achieve the 25% whilst the lots between 9-14m wide are well in excess of the 35% control.

The 'Outcomes' of the control are addressed below, and the proposed design is considered justifiable for the following reasons:

- The landscape character and streetscape outcomes are achieved by creating a strong streetscape to Warriewood Road.
- The sustainability and ecology outcomes are achieved by providing large areas of deep soil landscaping that can sustain canopy trees that add to the landscape and biodiversity of the locality.
- Stormwater runoff is controlled and managed with an overall 41% landscaped area provided to achieve the WSUD water quality targets of the DCP.
- Privacy and amenity to the development is achieved by providing a large common open space for all apartments and dwellings which will more than compensate for the shortfall of landscaped area within the individual lots.
- Privacy and amenity for neighbouring properties is achieved by creating a strong landscape character and landscaping in the central common open space will be visible from the immediately adjoining residential properties providing them with a green open outlook.

For the residential flat building, the 25% landscaped area is more than achieved in the form of the front setback and the central common open space.

D16.9 Solar Access

Table 9 is a summary of the solar analysis prepared by VIA Architects to demonstrate compliance with Pittwater DCP and the ADG.

- 68.75% (22 of the 32 dwellings) receive 2 hours to both the living and private open space which is consistent with the previous approval.
- All apartments receive some sunlight to the private open space or living complying with the 15% no sunlight control.

Table 9 Solar Access Summary (hours between 9am and 3pm at the winter solstice)					
Apartment	Living	Private Open Space	Apartment	Living	Private Open Space
G.01	0	2	1.06	2.5	4.75
G.02	0	1.75	1.07	2.5	4.75

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Table 9 Solar Access Summary (hours between 9am and 3pm at the winter solstice)

Apartment	Living	Private Open Space	Apartment	Living	Private Open Space
G.03	0	6	1.08	5.5	2.75
G.04	6	6	1.09	2.75	4
G.05	2	4.25	1.10	2.75	4
G.06	2	3.5	1.11	0.25	3
G.07	4.25	3	1.12	1.75	3.75
G.08	2.25	2.5	1.13*	1.75	3
G.09	0.25	2.75	2.01	2	4
G.10	0.25	2.25	2.02	2	6
G.11	1.5*	3.5	2.03	6	6
1.01	0	2	2.04	3.5	5.5
1.02	0	2.25	2.05	6	6
1.03	0	1.5	2.06	2.75	2.25
1.04	6	6	2.07	3	5
1.05	3	4.75	2.08	6	6

* - refer to discussion below regarding Apartment G.11 and 1.13

Condition 20(f) of DA2018/1862 required as follows:

The setback between Lorikeet Grove and the western façade of the Master Bedroom of Apartments G.11 and 1.13 (and the balcony above) is to be increased by 1.2m, with the internal division between the Master Bedroom and the associated robe to be adjusted accordingly.

The Council assessment report indicates that this condition was imposed to increase the solar access to the private open space and living rooms to achieve compliance with the 2 hour control. This amendment has been incorporated into the design. This results in Apartment G.11 receiving 1.5 hours of sunlight to the living room between 1.30pm and 3.00pm and Apartment 1.11 receiving 1.75 hours to the living room between 1.15pm and 3.00pm. As noted in the Council's assessment, the ADG contains the following *Design guidance*:

To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes

The solar analyses have been prepared at 15 minute intervals and measures the area of the room receiving sunlight. More than 15 minutes in each hour between 1pm and 3pm is received to these rooms meeting the ADG requirement.

6.2 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with section 4.15(1)(b) of the EP&A Act.

The impacts on the natural environment have been addressed as part of the DA N0611/16 for the residential care facility, subdivision, roadworks and revegetation of the riparian corridor along Narrabeen Creek, which included the implementation of a vegetation management plan. The main residual environmental impact to be assessed relates to stormwater management

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and water quality which is addressed below together with other impacts relating to the built environment.

6.2.1 Water Quantity and Quality

Condition B2 of DA N0611/16 requires as follow:

3. *Lot 2, any future lot within the land currently known as Lot 2, must be developed in a manner such that a minimum landscaped area (as defined by PLEP 2014) of 41% of the total site area of Lot 2 is retained in perpetuity.*

The purpose of the condition was to ensure that **Future Lot 2** (being the site of the development to which this SEE relates) is developed in accordance with the recommendations of the approved Water Management Report (as referenced in that consent) to achieve the water quality targets of the DCP.

The 41% landscaped area has been achieved as part of this design. The definition of landscaped area as defined in Pittwater LEP 2014 has been applied. The definition reads as follows:

“landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.”

The landscaped areas over structure (e.g. basement) have been excluded from the calculation. The definition also requires hard paved areas to be excluded. The visitor car parking spaces and part of the playground are proposed to be constructed of permeable paving and therefore allow water to penetrate the soil. The DCP states that “*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.*” The use of permeable paving meets the intent of the DCP and the condition as those areas are available for water to permeate to achieve the water quality targets of the DCP.

6.2.2 Subdivision and Clause C6.8 of Pittwater DCP 21

A community title subdivision is proposed as illustrated in the draft subdivision plans prepared by Survey Plus and attached at **Appendix 5**. The subdivision will be carried out in stages as shown on the draft subdivision plans and described in **Section 4.3** of this SEE.

C6.8 Residential Development Subdivision Principles

Future Lot 2 upon which the proposal is to be constructed has already been approved under DA N0611/16 but has not yet been registered. As part of that approval the road, pedestrian and open space network in this part of Buffer Area 1L has already been established and is not changed as a consequence of the subject DA.

The proposed community title subdivision creates lots that reflect the proposed buildings (residential flat building, dwelling and semi-detached dwellings) to be constructed on them. The design of the development has responded to topography and solar orientation to ensure dwellings are appropriately sited and then the subdivision created accordingly.

Dwellings and Semi-Detached

There are no driveways proposed from Warriewood Road. The site areas for these lots are generally less than 225m² and they are rear loaded as per the DCP. All lots have widths greater than 7.5m exceeding the minimum lots width of 4.5m for rear loaded lots.

Dwellings are in a semi-detached form to provide breaks in the built form, consistent with the DCP. The design of the dwellings fronting Warriewood Road have their garages facing the laneway and have varied setbacks from the laneway alignment. Because the dwellings are group in pairs, this allows landscaped elements to be provided between buildings to avoid continuous runs of garages.

Residential Flat Building

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The lot upon which the residential flat building is proposed has dimensions of greater than 30m in any direction (as per the DCP) – refer to the subdivision plan at **Appendix 5**.

The apartment mix complies with the minimum 10% for 1 and 2 bedroom dwellings with 12.5% and 69% respectively.

6.2.3 Built Form and Character and Section D16.1 of DCP 21)

Section A4.16 of the DCP describes the future character of the Warriewood Valley Locality as being an urban community with 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.*”

The proposed development is consistent with the desired future character.

Section D16.1 of the DCP relates to character as viewed from a public place.

Presentation to a public place

The proposed development adopts the same building presentation to the adjoining streets and Narrabeen Creek Corridor as the previously approved development on this site. The residential flat building has its main entrance off Lorikeet Grove and ground floor apartments facing the street have individual entrances from the street. All dwellings face the street or Narrabeen Creek Corridor. The dwellings fronting Warriewood Road all have a street address with front doors facing the street and pedestrian entrances from the footpath in keeping with the existing character of dwellings facing the street.

The proposed development has an improved outcome when compared with the previously approved development in terms of its relationship with the public domain in two main respects.

1. The communal open space is significantly larger and has an interface with Lorikeet Grove providing an green open space that is visible from the street.
2. The south-western corner of Lorikeet Grove and Warriewood Road was previously approved as detached dwelling house (TH 11). This house has been deleted and converted to an open space area that will be integrated into the landscape of the residential care facility. This achieves an improved streetscape for Warriewood Road and the houses opposite.

Concealment of building plant or communications equipment, services and servicing areas

The proposal varies from the DCP in respect of the lift over runs and roof top air conditioning platforms.

The lift over runs form part of the previously approved development. Council accepted these building elements provided the lift over runs are finished in the same colour as the roof (as required by part of condition 18 of the DA 2018/1826). A similar condition can be imposed on the subject DA.

The roof top air conditioning platforms are a new element to the previously approved development. A screened platform is proposed for each wing of the building. The introduction of this building element is to remove individual air conditioning units from the balcony or courtyard of each dwelling which improves the functionality of the private open spaces.

The roof top air conditioning is proposed behind a screened mechanical platform on the roof of each wing. The location of the roof plant within the roof footprint will minimise its visibility. Low screens approximately 1m in height are utilised where the roof plant might be visible (refer to Drawing No. DA-260 for details).

Parking structures presentation

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The DCP allows double garages of 6m width to present to a laneway for rear loaded lots of greater than 4.5m wide or less than 225m² in area (which is the situation for all lots fronting Warriewood Road). The double garages are no greater than 6m in width.

6.2.4 Access and Traffic

Access

Vehicular access to the development is provided from the southern arm of Lorikeet Grove. The residential flat building is provided with a basement and the ramp design has been reviewed by TTM in their Traffic Assessment provided at **Appendix 10**. TTM has noted a minor variation the DCP controls for length of the 1:20 ramp gradient at the entry to the basement but having regard to the footpath location and sight lines, have found the design to be acceptable despite the minor non-compliance.

The laneway access to the 11 visitor car parking spaces and the garages to the dwelling house and semi-detached dwellings have been found to be of an acceptable design.

The access arrangements are also consistent with DA2018/1862 which was an acceptable arrangement to Council and approved by the Panel.

Traffic

TTM has calculated the traffic generation for development to be 24 vehicle trips per hour in the morning and evening peak periods which they note is low and not associated with unacceptable traffic impacts in terms of road network capacity.

6.2.5 Crime and Safety – CPTED

Section C6.3 of Pittwater DCP 21 requires integration of Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial management and space management control into its design. The 4 principles are addressed below.

Principle 1 – Natural Surveillance

The proposed buildings all have dwellings with windows and balconies facing the street and common open space ensuring good surveillance of the public and private domain.

The entrances to the dwellings and the residential flat building are clearly identifiable being from the streets or from the common open space for those ground floor apartments on the eastern side of the residential flat building adjoining the common open space.

The common open space contains a playground, BBQ facilities for residents, visitor car parking and the garages to the dwellings facing Warriewood Road are also accessed from the laneway adjacent to the open space. This will provide a level of activity to provide natural surveillance of the communal spaces as well as the buildings.

Principle 2 – Access Control

Landscaping along Warriewood Road defines the edge of the property boundary and provides a form of access control to those dwellings. Ground floor apartments in the residential flat building are provided with courtyard fencing to define those spaces from the communal spaces of the development.

The communal open space is not fenced or gated however informal access control will be achieved through landscape treatment along Lorikeet Grove to define the edge of the site from the public domain.

As noted above entry points to all buildings will clearly legible from the street.

The basement will have a roller shutter door to control access. CCTV intercom security access is proposed to the residential flat building to enable occupants to control access for people entering the building.

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Principle 3 – Territorial Reinforcement

The apartments and dwellings fronting Warriewood Road all have private open space and habitable rooms with an outlook over the communal open space. Being a community title development, all apartments and dwellings will share ownership of the communal spaces. The physical design and legal ownership structure will foster a sense of ownership and pride in the common open space to encourage its use.

The treatment of the space, and presence of garaging and entrances to apartments will also serve as visual cues that a person is not in public space.

There are clear boundaries between all dwellings / apartments and the communal open space to define the public / common spaces.

Principle 4 – Space Management

Being a community title development, all apartments and dwellings will share ownership of the space and share in the cost of the maintenance and up-keep of the common open spaces (e.g. landscaped areas around the apartment building and the common open space).

The management of the grounds will ensure that the development is maintained.

6.2.6 Social and Economic Impacts

The proposed development will not have a detrimental social impact in the locality considering the character of the proposal and how it will integrate with the surrounds and the desired future character of the area.

The proposed development will not have a detrimental economic impact on the locality considering as the proposed use is consistent with expectations for urban development in the Warriewood Valley.

6.3 Suitability of the Site for Development

The following subsections assess the suitability of the site in accordance with section 4.15(1)(c) of the EP&A Act.

6.3.1 Geotechnical Conditions

Geotechnique prepared a Geotechnical Investigation dated 6 March 2019 for the previously approved development (DA2018/1862). That assessment covered the subject land (as well as the site of the residential care facility). A total of 21 boreholes were drilled on the site, approximately 13 were on the site of the proposed development bound by the newly created roads. The nature of the proposed development is very similar to that previously considered when Geotechnique prepared its original report and therefore that assessment is considered to be valid for the subject development. The main difference from a geotechnical perspective is that the previously approved development had a two level basement and a one-level basement is now proposed involving less excavation.

The proposal will involve excavation of approximately 3m in depth to create the basement and up to 3m for part of the garaging for the dwellings fronting Warriewood Road. Geotechnique noted that materials to be excavated are anticipated to comprise top soil, fill and alluvial soils. They did not anticipate any rock excavation. They considered that the excavation of the land could be achieved using conventional earth moving equipment such as excavators and dozers.

The boreholes also indicated that the depth to groundwater varies from 3m to 11.7m from existing ground surface and Geotechnique considered that an excavation depth of about 3m is unlikely to be encounter significant groundwater inflow. Minor groundwater inflow, if any, could be managed by a conventional sump and pump method.

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Section 6.1.6 of this SEE also addresses potential acid sulfate soils and Geotechnique found that potential acid sulfate soils were below detectable limits but there might still be the potential for acid sulfate soils during development. A condition to require an acid sulfate soil management plan is suggested as a condition of consent in the same form as Condition 44 of development consent DA2018/1826.

Based on the geotechnical investigations the site is considered to be suitable for the development.

This report also contains the Geotechnical Risk Management Policy for Pittwater Form No.1 which has been endorsed by Geotechnique.

6.3.2 Contamination

As discussed in Section 6.1.1 a preliminary site investigation (PSI) was commissioned for **Future Lot 2** given its use as a construction works site. A copy of the PSI prepared by Getex is provided at **Appendix 13**.

Soil samples taken from locations across the site were analysed for a broad range of potential contaminants all of which were within the adopted criteria. No asbestos containing material was visually identified on the ground surfaces across the site. However, chrysotile asbestos in the form of fibre cement was detected in one (1) soil sample located midway along the southern boundary (refer Figure 2 of the PSI) and this might represent a human health risk. No asbestos was detected in the remaining nine (9) soil samples.

Getex has set out a series of recommendations (refer Section 6.1.1) which they noted could be undertaken during development. Their recommendations can be imposed as conditions of consent. The implementation of their recommendations will ensure that the site suitable for the proposed residential use.

6.4 Public Interest

The proposed development is consistent with the provisions of Pittwater LEP 2014 being permissible in the zone and achieving the dwelling density prescribed by the LEP and all buildings are within the relevant building height control. The proposal also has a high degree of compliance with Pittwater 21 DCP and the variations are minor in nature and do not cause the proposal to be contrary to the public interest.

The proposal achieves a built form that responds well to the surrounding context and achieves a design outcome that introduces a greater level of landscaping visible to the public domain when compared to the previously approved development (DA 2018/1862).

The proposed development will not contribute to any unreasonable or adverse environmental impacts to the neighbouring buildings and will provide additional housing opportunities to a site that is capable of providing medium density forms of residential accommodation.

In accordance with section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest.

7 Conclusion

The proposed development for a residential flat building, semi-detached dwellings, a dwelling house as well as community title subdivision at 25-27 Warriewood Road, Warriewood has been assessed in accordance with the requirements of the EP&A Act and other relevant legislation.

Development Application DA2018/1862 was approved by the Sydney North Planning Panel on 24 June 2019 for the construction of a mixed residential development, comprising residential flat buildings semi-detached dwellings and dwelling houses, with associated internal road, site works, landscaping and community title subdivision. That approval relates to the same site as the DA the subject of this SEE and the proposed development is very similar in design and site planning to that previously approved. The main changes are:

- Replacing the two level basement with a single level basement for the residential flat building.
- Removing the detached garages for the dwellings fronting Warriewood Road resulting in shorter lots.
- The amendment to the Warriewood Road dwellings has allowed the laneway to be shifted and in turn create a large central common open space greatly improving internal amenity and opening up views to the landscaped area from the public domain.
- Former Dwelling 11 on the south-western corner of Warriewood Road and Lorikeet Grove has been removed from the design and this corner parcel of land will be a landscaped area associated with the now completed residential care facility.

The amended design improves the site planning, internal residential amenity and makes improvements to the public domain with the introduction of two significant landscaped elements in the streetscape.

There are some minor departures to some controls in Pittwater 21 DCP such as the number of tandem car parking spaces, not providing a space for a removalist van, absence of eaves to the dwellings and landscaped area requirement for some of the lots fronting Warriewood Road. These variations do not give rise to unacceptable outcomes or impacts.

The proposed residential flat building has a high level of compliance with the Apartment Design Guide with the exception of the 8m depth to the kitchen in open plan layouts and the ceiling height to part of the open plan living areas. However, as demonstrated in this SEE the residential amenity of those dwellings featuring those departures is not compromised and many offer other levels of amenity that exceed other ADG design criteria.

Accordingly, the proposal is considered to satisfactorily respond to the opportunities and constraints of the site and the relevant legislation, is unlikely to result in adverse impacts in the locality and is worthy of Council support.