

# STATEMENT OF ENVIRONMENTAL EFFECTS

Development of Sector  
303, including built  
form and subdivision

16 Macpherson Street,  
Warriewood

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# Statement of Environmental Effects

## Development of Sector 303 including built form and subdivision at 16 Macpherson Street, Warriewood



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## 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a development application proposing the development of Sector 303 in the Warriewood Valley Release Area. Specifically, the application proposes the construction of 28 dwellings, infrastructure, roadworks, landscaping, community title subdivision and the dedication of the creekline corridor to Council.

The proposed development also proposes the rehabilitation of the creekline corridor and the construction of the shared pathway within Brands Lane, being works identified in the Warriewood Valley Contributions Plan. The application is accompanied by an Offer to enter into a planning agreement with respect to the undertaking of these works.

The application is also accompanied by the following:

- Architectural Plans by PBD Architects
- Survey by LTS
- Landscape Plans by Black Beetle Landscape Architecture and Design
- Civil Plans by Craig & Rhodes
- Creek Works Plans by Craig & Rhodes
- Arboricultural Impact Assessment Report by Tree Management Strategies
- Biodiversity Management Plan by Anderson Environment and Planning
- Ecological Assessment Report by Anderson Environment and Planning
- Water Cycle Management Report by Craig & Rhodes
- Flood Risk Management Report by Stantec
- Traffic Report by CJP Consulting Engineers
- Access Report by Design Confidence (Sydney) Pty Ltd
- Additional Site Investigation by EI Australia
- Geotechnical Report by EI Australia
- BASIX and NatHERS Certificates by Greenview Consulting Pty Ltd
- Demolition and Construction Waste Management Plan
- Operational Waste Management Plan by Elephants Foot Consulting
- Subdivision Plans by Craig & Rhodes
- Draft Community Management Statement
- Detailed Cost Report by Berco Consulting

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- Water Management Act 2000,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004,
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**),
- Pittwater 21 Development Control Plan 2012 (**P21 DCP**),
- Warriewood Valley Contributions Plan (**Contributions Plan**),
- Warriewood Valley Roads Masterplan (**Roads Masterplan**),
- Warriewood Valley Landscape Masterplans and Public Domain Guidelines (**Landscape Masterplan**) and

- **Warriewood Valley Urban Land Release Water Management Specification (Water Management Specification)**

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The accompanying plans depict a high quality and contextually appropriate built form outcome that responds to adjacent and nearby development and the surrounding environment. The proposed development is a suitable design solution in light of the zoning of the land and the context of the site.
- The apparent height and bulk of the proposed development is compatible with that of surrounding development, and consistent with the desired future character of the locality.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the apparent size of the proposed development offensive, jarring or unsympathetic in the streetscape context.
- The non-compliance with controls prescribed by P21 DCP have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.
- The proposed development has been amended in response to the pre-lodgement feedback from Council at the meeting on 1 December 2022 and the subsequent Pre-lodgement Meeting Notes.
- The proposed development provides for the upgrade of the public domain, including the half road reconstruction of Macpherson Street, the upgrade and continuation of Brands Lane, the construction of a shared pathway connecting Macpherson Street to Narrabeen Creek, and the dedication of a rehabilitated creekline corridor to Council.
- As a result of the proposed development, the occurrence of flooding on Macpherson Street and Brands Lane will be reduced, which is known to be of particular concern in the local community.

## 2 Site Analysis

### 2.1 Site Description and location

#### 2.1.1 The Site

The site has a legal description of Lot 4 in DP 553816 and is commonly referred to as 16 Macpherson Street, Warriewood. The site is also referred to as Sector 303, as identified on the Urban Release Area Map of Pittwater Local Environmental Plan 2014. The site is slightly irregular in shape, with a 39.09m wide frontage to Macpherson Street to the south-west, a 237.24m wide frontage to Brands Lane to the south-east, a 5.175m splay at the intersection of the two street frontages, an irregular boundary to Narrabeen Creek to the north-east, and a total area of 10,172m<sup>2</sup>.

The site currently contains a two storey dwelling house presenting to Macpherson Street and a plant nursery presenting to Brands Lane. Vehicular and pedestrian access to the dwelling is gained via Macpherson Street, with vehicular and pedestrian access to the plant nursery gained via Brands Lane.

The site is generally level, with a slight fall towards Narrabeen Creek to the north-east. The site contains a number of existing canopy trees that are predominantly located along the Brands Lane boundary and between the dwelling house and the plant nursery.

Aerial location photographs are at Figure 1 and 2, below and over.



**Figure 1: Aerial photograph of the subject site**



**Figure 2: Aerial photograph of the subject site**

The physical and topographical characteristics of the site are depicted on the site survey by LTS.

The site is located within Class 4 on the Acid Sulfate Soils Maps of PLEP 2014 and is affected to varying degrees by low, medium and high risk flooding as shown on Council's Flood Hazard Map.



**Figure 3: The subject site as seen from the intersection of Macpherson Street and Brands Lane**



**Figure 4: The subject site as seen from Macpherson Street to the west**





**Figure 5: The primary/public entrance to the plant nursery from Brands Lane**



**Figure 6: The trade/delivery driveway entrance to the plant nursery from Brands Lane**



**Figure 7: The subject site as seen from the shared pathway in Brands Lane**

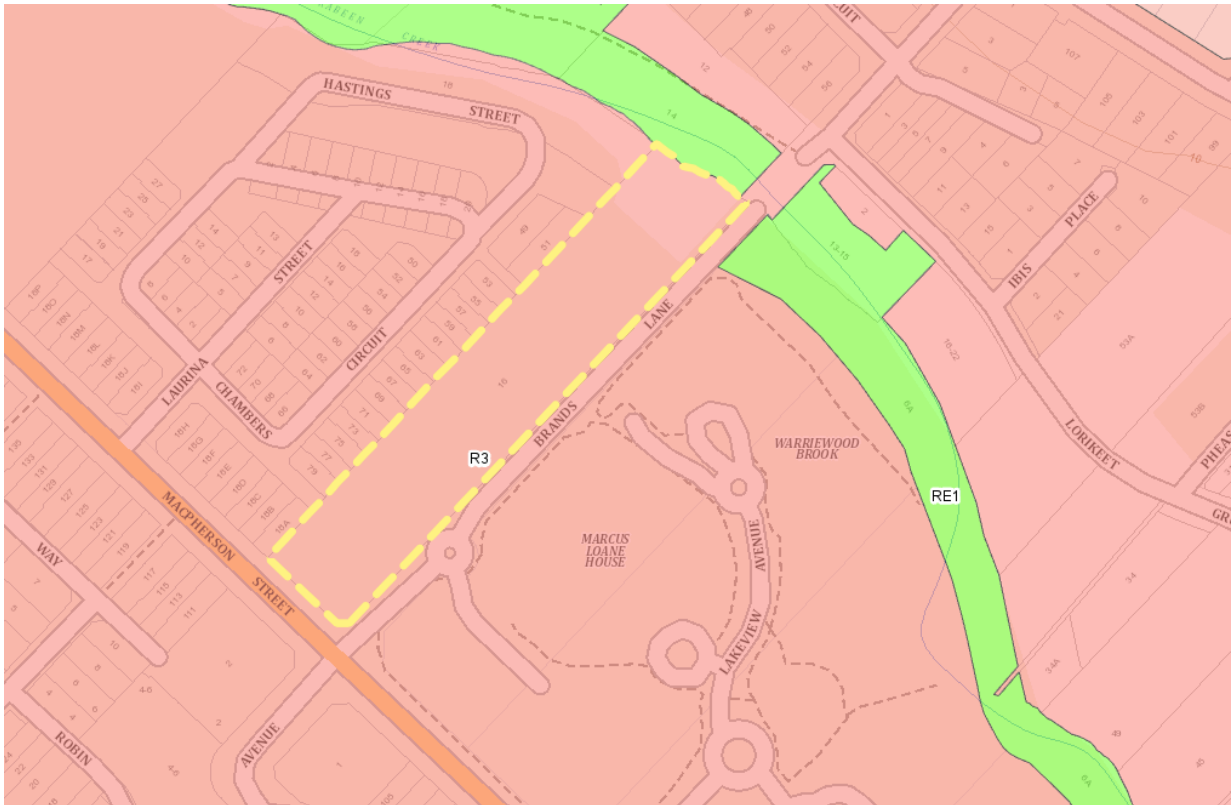
### 2.1.2 The Locality

The site is zoned R3 Medium Density Residential under the provisions of PLEP 2014, as shown on the extract of the Zoning Map at Figure 8. With the exception of land along the creekline zoned RE1 Public Recreation, all surrounding land is also zoned R3 Medium Density Residential under the provisions of PLEP 2014.

Land to the south-east at 6-14 Macpherson Street comprises a seniors living development ranging in scale from single storey independent living units to three storeys residential care facilities. Land to the north-west at the site formerly known as 18 Macpherson Street comprises a community title medium density housing development with 79 two-storey dwellings.

Land to the south-west on the opposite side of Macpherson Street comprises two storey dwellings and attached dwellings. Land to the north-east on the opposite side of Narrabeen Creek comprises two storey dwellings.

The character of the locality is demonstrated in Figures 9-11 on the following pages.



**Figure 8: Extract of Zoning Map of PLEP 2014**



**Figure 9: Anglican Retirement Village at 6-14 Macpherson Street**



**Figure 10: Attached housing on the opposite side of Macpherson Street**



**Figure 11: Neighbouring development (formerly 18 Macpherson Street)**

### 3 Description of Proposed Development

#### 3.1 Details of the proposed development

The application seeks consent for the following works:

- Demolition of the existing dwelling and plant nursery,
- Earthworks,
- Construction of an internal road,
- Construction of 28 dwellings:
  - 21 dwelling houses,
  - 4 semi-detached dwellings, and
  - 3 attached dwellings,
- Rehabilitation of the creekline\*,
- Half road reconstruction of the Macpherson Street frontage,
- Construction of Brands Lane including a two-way public road and the construction of a shared pathway\*,
- Landscaping,
- Services and infrastructure,
- Community Title subdivision of the site, and
- The dedication of the 25m inner creekline corridor\*.

\*Works identified in the Warriewood Valley Contributions Plan.

The proposed dwellings are depicted in the architectural plans by PBD Architects. The dwellings provide a high level of amenity for future occupants, without compromising the amenity of surrounding development or the character of the locality. The proposed development will result in a significant enhancement of the public domain, with the proposed contemporary coastal vernacular complemented by a superior landscaped treatment, as shown in the Landscape Plans by Black Beetle Landscape Architecture and Design.

The public domain will also be significantly enhanced as a result of proposed upgrades to Macpherson Street, the construction of a formalised roadway and shared path in Brands Lane and the rehabilitation of the creek line corridor, which is to be dedicated to Council.

The construction of the shared pathway in Brands Lane and the rehabilitation of the creekline corridor are works identified in the Warriewood Valley Contributions Plan. The application is accompanied by an Offer to enter into a planning agreement with respect to the undertaking of these works. The rehabilitation works proposed within the creekline are detailed within the Creek Works Plans by Craig & Rhodes and the Biodiversity Management Plan by Anderson Environment and Planning that accompany this application.

Vehicular access to the site is to be gained at the existing roundabout on Brands Lane or via the proposed extension of Brands Lane to the outer creekline corridor. The acceptability of the

proposed movement of traffic and the design of the proposed roadway is confirmed in the Traffic Report prepared by CJP Consulting Engineers.

The application necessitates earthworks across the site, including fill to meet applicable flood levels and excavation in the creekline to meet the desired profile. The excavation within the creekline and other works proposed within 40m of the centreline of Narrabeen Creek constitute Nominated Integrated Development under the provisions of the EP&A Act and the Water Management Act and Controlled Activity Approval from the Natural Resource Access Regulator is required.

The site is identified as being prone to flooding, and as such, the application is accompanied by a Flood Risk Management Report by Stantec.

As a consequence of the necessary earthworks, tree removal is proposed, as detailed in the accompanying Arboricultural Impact Assessment by Tree Management Strategies. The tree removal is unavoidable in the circumstances of this application and the impact is qualified in the accompanying Ecological Assessment Report by Anderson Environment and Planning.

The proposed development provides 7 (25%) adaptable housing units, being Lots 23-29, as certified in the accompanying Access Report by Design Confidence (Sydney) Pty Ltd. BASIX and NatHERS Certificates by Greenview Consulting Pty Ltd are provided to support the application to confirm that the housing product also meets industry standards with regard to energy, water, and thermal efficiency.

Water management infrastructure is also proposed, as detailed in the accompanying Civil Plans by Craig and Rhodes and as considered in the Water Cycle Management Report by Craig & Rhodes.

The earthworks proposed across the site are also considered in the Geotechnical Report by EI Australia, with consideration of potential contamination addressed in the Additional Site Investigation by EI Australia.

The application also seeks consent for the Community Title Subdivision of the development, with one community lot comprising the internal road and outer creekline corridor, and 28 residential lots. The dedication of the 25m inner creekline corridor is also proposed.

The application is supported by a Construction and Demolition Waste Management Plan detailing how waste is to be managed during construction and over the life of the development, noting that specific measures relating to collection can be enforced under the terms of the Community Management Statement.

### **3.2 Response to Pre-Lodgement Minutes**

A detailed response to the advice provided in the Pre-Lodgement Meeting Minutes from the meeting on 1 December 2022 is provided at **Annexure One**.

## 4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act, as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.1 Pittwater Local Environmental Plan 2014

An assessment of the relevant provisions of PLEP 2014 is undertaken, below.

#### 4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the R3 Medium Density Residential zone and the proposed dwelling houses, semi-detached dwellings and associated works are permissible with consent.

The objectives of the R3 Medium Density Residential zone are considered as follows:

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

Comment: The development proposes 28 dwelling houses on lots ranging from 190m<sup>2</sup> to 304m<sup>2</sup>, consistent with the density prescribed by clause 6.1(3) of PLEP 2014 and the surrounding medium density environment.

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

Comment: The proposed development comprises 21 dwelling houses, 4 semi-detached dwellings and 3 attached dwellings, with a variety of differing compositions. The dwellings range in size from three bedrooms to four bedrooms, with a variety of lots sizes. The proposal also comprises 7 adaptable dwellings, representative of 25% of the dwellings proposed. Whilst the proposal provides an appropriate degree of variation of itself, it also contributes to the variety of housing typologies throughout the Warriewood Valley Release Area.

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

Comment: Not applicable.

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

Comment: Not applicable.

Council can be satisfied that the proposed works are consistent with the objectives of the zone.

The proposed subdivision of land is permissible under the provision of clause 2.6 (Subdivision - consent requirements) of PLEP 2014, and it is noted that the minimum lot size provisions of clauses 4.1 and 4.1AA of PLEP 2014 are not applicable to the subject site.

Accordingly, there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

#### 4.1.2 Height of Buildings

Pursuant to clause 4.3(2) and the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 10.5m. However, pursuant to clause 4.3(2F), development within 12.5m from the Macpherson Street property boundary must not exceed 8.5m.

Building height is defined as follows:

***building height** (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

In relation to the subject site, it is noted that building height is to be measured from existing ground levels as opposed to finished ground levels resulting from the development.

As demonstrated on the architectural plans by PBD Architects, the proposed development is maintained below the applicable height plane, being 8.5m for the first 12.5m from Macpherson Street and 10.5m for the remainder of the site. As such, the proposal is consistent with the relevant provisions of this clause.

#### 4.1.3 Flooding

The site is affected to varying degrees by low, medium and high risk flooding as shown on Council's Flood Hazard Map and the provisions of clause 5.21 of PLEP 2014 are applicable to the proposed development.

The application is supported by a Flood Impact Assessment and a Water Cycle Management Report prepared in accordance with the Water Management Specification, which confirm that the proposed development –

- is compatible with the flood function and behaviour on the land, and
- will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- incorporates appropriate measures to manage risk to life in the event of a flood, and
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

As such, Council can be satisfied of the matters prescribed by this clause.



#### 4.1.4 Warriewood Valley Release Area

Clause 6.1(3) of PLEP 2014 prescribes that development consent must not be granted to development at the subject site unless the consent authority is satisfied that not more than 29 dwellings or less than 23 dwellings will be erected.

In accordance with the findings of the NSW LEC in the matter of *Karimbla Construction Services (NSW) Pty Ltd v Pittwater Council* [2015] NSWLEC 83 and *Lotus Project Management Pty Ltd v Pittwater Council* [2015] NSWLEC 166, the dwelling yield prescribed by clause 6.1(3) of PLEP 2014 is not a development standard that can be varied but rather a prohibition.

The application proposes an integrated housing development with 28 dwellings and Council can be satisfied that the proposed development is consistent with the provisions of this clause.

Clause 6.1(4) of PLEP 2014 prescribes that development consent must not be granted at the subject site unless the consent authority are satisfied that the proposed development will not have any significant adverse impacts upon opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors, the water quality and flows within creek line corridors, or the stability of the bed, shore, and banks of any watercourse within creek line corridors.

In this respect, the application is supported by:

- An Ecological Assessment Report and Biodiversity Management Plan to ensure that the creekline corridor is appropriately rehabilitated to ensure against any adverse impacts upon the ecology of the creekline, and
- a Water Cycle Management Report, consistent with the provisions of the Water Management Specification, to ensure acceptable water quality and flows within the creekline, and
- Detailed Creek Works Plans and Landscape Plans to ensure the stability of the creekline corridor.

Council can be satisfied that the proposal is consistent with the provisions of clause 6.1(4) of PLEP 2014.

#### 4.1.5 Acid Sulfate Soils

The site is identified within Class 4 on the Acid Sulfate Soils Map of PLEP 2014.

The application does not involve works more than 2m below the natural ground surface or that are likely to lower the watertable by more than 2m. As such, an acid sulfate soils management plan is not required.

#### 4.1.6 Earthworks

The consent authority can be satisfied that the earthworks proposed to accommodate the proposed development will not have a detrimental impact on environmental functions and

processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 7.2 of PLEP 2014.

The application is supported by a Geotechnical Report to confirm that the earthworks proposed can be undertaken in a safe manner, with acceptable levels of risk. Further, the application is supported by a Flood Report to confirm that the proposed fill will not result in any adverse impacts upon flood levels throughout the locality.

#### **4.1.7 Biodiversity**

The north-eastern most portion of the site is identified as “Biodiversity” on the Biodiversity Map of PLEP 2014. The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid any significant adverse environmental impact, consistent with the provisions of clause 6.7 of PLEP 2014.

#### **4.1.8 Essential Services**

Pursuant to clause 7.10 of PLEP 2014, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

As evident on the supporting Civil Plans, the consent authority can be satisfied that these services will be available prior to occupation, and if necessary, conditions of consent can be imposed in this regard.

## 4.2 Pittwater 21 Development Control Plan

### 4.2.1 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the P21 DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
<b>Part B General Controls</b>			
<b>B3.11 Flood Prone Land</b>	Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.	The application is supported by a Flood Risk Management Report prepared by Stantec.  The report concludes that the proposed residential development satisfies the flooding requirements of P21 DCP and the Water Management Specification.	Yes
<b>B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)</b>	For land identified within the Warriewood Valley Land Release Area involving development to which this control applies, a climate change assessment shall be incorporated in the Water Management Report as required by Clause C6.4 of P21 DCP.	The application is supported by a Flood Risk Management Report prepared by Stantec which includes consideration of climate change factors.	Yes
<b>B6.3 Off-Street Vehicle Parking Requirements</b>	2 parking spaces (min.) designed in accordance with AS2890.1-2004	2 spaces per dwelling designed in accordance with AS2890.1-2004.	Yes
<b>B8.1 Construction and Demolition - Excavation</b>	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk	The application is supported by a Geotechnical Risk Management Report by EI Australia, consistent with Council's Geotechnical Risk	Yes

Control	Requirement	Proposed	Compliance
	Management Policy for Pittwater.	Management Policy for Pittwater.	
<b>B8.3 Construction and Demolition – Waste Minimisation</b>	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a Construction and Demolition Waste Management Plan.	Yes
<b>C1 Design Criteria for Residential Development</b>			
<b>C1.5 Visual Privacy</b>	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation (measured from a height of 1.7 metres above floor level).	Clause C1.5 is not applicable to land within the Warriewood Valley Release Area.	N/A
<b>C1.7 Private Open Space</b>	<p>Minimum 80m<sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres.</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to</p>	Clause C1.7 is not applicable within the Warriewood Valley Release Area.	N/A

Control	Requirement	Proposed	Compliance
	function as an extension of internal living areas.		
<b>C1.9 Adaptable Housing and Accessibility</b>	25% of the proposed residential development is to meet the Class B requirements of AS4299.	7 of the proposed dwellings (25%) have been designed to meet the relevant provisions of AS4299. The application is supported by an Access Report by Design Confidence (Sydney) Pty Ltd confirming consistency in this regard.	Yes
<b>C1.12 Waste and Recycling Facilities</b>	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The application is supported by a Waste Management Plan.	Yes
<b>C1.13 Pollution Control</b>	Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	The proposed development is designed and will be constructed and maintained in a manner to prevent pollution.	Yes
<b>C1.15 Storage Facilities</b>	A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Each dwelling comprises sufficient space for storage, in excess of 8 cubic metres.	Yes

Control	Requirement	Proposed	Compliance
<b>Part 4 Design Criteria for Subdivision</b>			
<b>C4.1 Subdivision – Protection from Hazards</b>	All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards.	Clause C4.1 is not applicable to land within the Warriewood Valley Release Area.	N/A
<b>C4.6 Service and delivery vehicle access in subdivision</b>	Roads and accessways within the subdivision are to be designed and constructed to accommodate access for waste, recycling, service, emergency and delivery vehicles.	Clause C4.6 is not applicable to land within the Warriewood Valley Release Area.	N/A
<b>C4.7 Amenity and Design</b>	<p>All properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area.</p> <p>The impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment.</p>	Clause C4.7 is not applicable to land within the Warriewood Valley Release Area.	N/A

Control	Requirement	Proposed	Compliance
<b>C4.8 Landscaping on the existing and proposed public road reserve fronting subdivision lots</b>	Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres.	Clause C4.8 is not applicable to land within the Warriewood Valley Release Area.	N/A
<b>Part C6 Design Criteria for Warriewood Valley Release Area</b>			
<b>C6.1 Integrated Water Cycle Management</b>	<p>Consistency with the Warriewood Valley Water Management Specification.</p> <p>50% impervious area.</p> <p>Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide Outer Creekline Corridor.</p>	<p>The application is supported by a Water Cycle Management Report by Craig &amp; Rhodes to confirm consistency with the requirements of the Water Management Specification.</p> <p>48.39% impervious area</p> <p>No part of a dwelling or garage is located within the outer creekline corridor. Whilst the gardens of Lots 18 and 19 extend within the outer creekline corridor, this is entirely consistent with other development along the creekline, including the development of the adjoining lot to the north-west, formerly known as 18 Macpherson Street, and the developments approved at 53A and 53B Warriewood Road, in addition to that approved at 2 Macpherson Street.</p>	Acceptable on merit.
<b>C6.3 Natural Environment and Landscaping Principles</b>	Consistency with Warriewood Valley Landscape Masterplan and Design Guidelines.	The application is supported by Creek Works Plans to detail the works within the creekline corridor, in addition to a Biodiversity Management Plan and Landscape Plans to	Acceptable on merit.

Control	Requirement	Proposed	Compliance
		<p>detail the landscaped treatment of the area.</p> <p>Landscape Plans are also provided with respect to the landscaped treatment of individual lots, and the public domain along Macpherson Street and Brands Lane.</p> <p>However, the landscaped treatment of the internal roadway and Brands Lane cannot comply with the requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines, as follows:</p> <ul style="list-style-type: none"> <li>• The width of Brands Lane is too narrow to meet the minimum road widths prescribed. Nonetheless, the proposal has been designed to provide a suitable road width, in addition to the shared pathway, which was identified as being of upmost importance in the Pre-Lodgement Minutes.</li> <li>• The design of both internal roads and Brands Lane are consistent with the recommendation from Council in the Pre-Lodgement Minutes namely (<i>consideration may be given to a 2.1m wide footpath 6.0m wide road without on street parking</i>)</li> <li>• The width for landscaping along the internal road as outlined in the Roads Masterplan and the Landscape Masterplan</li> </ul>	



Control	Requirement	Proposed	Compliance
		<p>would unreasonably impact upon the depth of the residential lots proposed along either side.</p> <ul style="list-style-type: none"> <li>The reduced landscaped width has been supported on other sites throughout the Warriewood Valley Locality, where proposed in relation to Community Title roadways, including the adjoining site formerly known as 18 Macpherson Street.</li> </ul>	
<p><b>C6.3 Ecologically Sustainable Development, Safety and Social Inclusion</b></p>	<p>An ecologically sustainable environment is developed and maintained.</p> <p>Ensure that development is designed on a 'whole of development/site' approach by applying the principles and processes that contribute to Ecological Sustainable Development</p> <p>Ensure that the development has incorporated the CPTED principles of surveillance, access control, territorial management and space management control into its design.</p>	<p>The application is supported by a Water Cycle Management Report by Craig &amp; Rhodes which details a "whole of site" approach for water management.</p> <p>The proposed architectural designs have appropriate regard for CDTED principles.</p>	<p>Yes</p>
<p><b>C6.4 The Road System and Pedestrian and Cyclist Network</b></p>	<p>The road plans must comply with the relevant specifications and cross sections in Council's</p>	<p>The proposed road design incorporates a 6.0m wide two-way roadway along the internal road and the Brands Lane extension.</p>	<p>Acceptable on merit.</p>

Control	Requirement	Proposed	Compliance
	<p>Warriewood Valley Roads Masterplan.</p>	<p>The application is supported by a Traffic Report by CJP Consulting Engineers to confirm that the road layout is appropriate for the intended capacity and that sufficient dimensions are provided for the movement of all anticipated vehicles, including garbage trucks.</p> <p>The road width does not comply with the road width prescribed by the Roads Masterplan. However, the proposed width is considered to be the most appropriate outcome for the site noting that:</p> <ul style="list-style-type: none"> <li>• The width of Brands Lane is constrained and cannot accommodate the width of the roadway and adjacent reserve prescribed,</li> <li>• The design of both the internal roads and Brands Lane are consistent with the recommendation from Council in the Pre-Lodgement Minutes.</li> <li>• Strict compliance on the internal roadway would detrimentally compromise the depth of the residential allotments, and</li> <li>• It is logical for the one road pavement width to be continued throughout the development as a whole.</li> </ul>	

Control	Requirement	Proposed	Compliance
<p><b>C6.5 Utilities, Services and Infrastructure Provision</b></p>	<p>Ensure that utility services are capable to meet the demands of increased development in Warriewood Valley.</p>	<p>All essential utilities are provided to each lot/dwelling.</p> <p>The proposal also provides appropriate upgrades to the public domain and stormwater infrastructure to meet the increased demand associated with the redevelopment of the site.</p>	<p>Yes</p>
<p><b>C6.7 Landscape Area</b></p>	<p>35% of total site</p>	<p>46.51% of the site is to be landscaped, as qualified on the Area Calculation Schedule Plan by PBD Architects.</p>	<p>Yes</p>
<p><b>C6.8 Subdivision Principles</b></p>	<p>Sectors, buffer areas and development sites with an effective lot width less than 60 metres should ideally pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.</p> <p>A 'break' (i.e. a larger lot width, an indentation in the dwelling with a width and depth of 1.5m on both levels, a housing product of a different width, a detached housing product) is to be provided between every 3 attached/abutting dwellings of the same lot width.</p>	<p>Whilst less than 60m in width, the site cannot amalgamate with an adjoining property, as the adjacent property has been developed under the provisions of PLEP 2014 and P21 DCP.</p> <p>The proposed subdivision is designed around a central spine roadway, with residential dwellings to both sides, which is the most efficient subdivision layout in response to the context of this site.</p> <p>With the exception of the 2 groups of semi-detached dwellings and the 1 group of 3 attached dwellings, a clear break is provided between each dwelling.</p> <p>The proposed dwellings comprise multiple variations of 3 distinctly different housing typologies, with further</p>	<p>Acceptable on merit</p>

Control	Requirement	Proposed	Compliance
		variation in relation to lot size and materiality.	
	<p>Where dwellings front two roads, dwellings are to present to the higher street classification and are to reflect the streetscape character of the higher street classification.</p> <p>Appropriate presentation to the higher street classification is to include a front door, front entry articulation such as a porch, letterbox and direct pedestrian access to the higher street classification from the dwelling.</p>	<p>Macpherson Street, a sub-arterial street, has the highest classification in the road hierarchy.</p> <p>The dwellings adjoining Macpherson Street are designed with the front door presenting to Macpherson Street, with garaging to the rear.</p> <p>Brands Lane and the proposed internal road have equal status in the roads hierarchy. Nonetheless, the properties that front both Brands Lane and the proposed internal road have been designed to address both streets.</p>	Yes
	<p>The design of the subdivision must consider the future ownership, access and management of the internal road network, water management facilities and any other infrastructure associated with the development that, in turn, informs the form/type of subdivision proposed.</p>	<p>The application proposed the Community Title subdivision of the dwellings, with the internal roadway and outer creekline corridor, including all communal infrastructure, to be managed by the Community Association.</p> <p>The application is supported by a Draft Plan of Subdivision by Craig &amp; Rhodes, in addition to a Draft Community Management Statement.</p>	Yes
<b>C6.9 Residential Land Subdivision</b>	Subdivision and dwelling construction involving attached dwellings on	An integrated housing development is proposed.	Yes

Control	Requirement	Proposed	Compliance
<b>Approval Requirements</b>	lots less than 225 square metres or on lots with a lot width less than 9 metres.  Dwelling plans (floor plans, sections and elevations etc.) are required as part of an Integrated Housing proposal.		
<b>Part D16 Warriewood Valley Locality</b>			
<b>D16.1 Character as viewed from a public place</b>	The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.	The proposed dwellings are well articulated and are designed to positively contribute to the streetscape and wider public domain.	Yes
	Landscaping is to be integrated with the building design to screen and soften the visual impact of the built form.	The proposed development includes a high-quality, integrated landscaped treatment, as demonstrated in the accompanying Landscape Plans by Black Beetle Landscape Architecture and Design.	Yes
	Garages, carports and other parking structures including hardstand areas must not be the	The garages are appropriately integrated into the design of the dwellings.	Yes

Control	Requirement	Proposed	Compliance
	<p>dominant site feature when viewed from a public place.</p>	<p>Of greatest importance, the development has been designed with all garages oriented to the internal private roadway, with no garages presenting to Macpherson Street or Brands Lane.</p>	
	<p>Front loaded lots &lt;12m wide: Single garage with an opening ≤3m</p> <p>Front loaded lots &gt;12m wide: Double garage with an opening &lt;6m</p> <p>Rear loaded lots: single or double garage (3m or 6m wide)</p>	<p>Lots 8 is a front loaded lot that is 12m wide and comprises a single garages presenting to the proposed internal road.</p> <p>Lots 2-7 and 19-29 are rear loaded lots with single or double garages.</p> <p>All remaining lots are either wider than 12m or are rear loaded lots with double garages.</p>	<p>Yes</p>
<p><b>D16.5 Landscaped Area for Newly Creates Individual Allotments</b></p>	<p><u>Lots 9m-14m wide</u> Min. landscaped area: 35% Min. dimensions: 4m</p> <p><u>Lots &gt;14m wide</u> Min. landscaped area: 45% Min. dimensions: 4m</p> <p><u>Lots fronting Macpherson St:</u> 2 trees in front setback 1 small tree in rear setback</p> <p><u>Other Lots:</u> 1 small tree in front setback</p>	<p>The Area Calculations Schedule (DA 512) by PBD Architects confirms that each lot meets the minimum landscaped area requirement prescribed.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>1 small tree in rear setback</p> <p>Small tree = 6m at maturity</p>		
<p><b>D16.6 Front Building Lines</b></p>	<p>6.5m to Macpherson Street, 5m to articulation zone.</p> <p>3m to all other streets, 1.5m to articulation zone.</p> <p>4m to garages (or 5.5m where hardstand is proposed).</p> <p>Corner Lots: 2m to dwelling and 1m to articulation zone.</p> <p>Note: The secondary frontage of a rear loaded lot is considered a rear setback under the provisions of P21 DCP. With the exception of Lots 8-18, all lots are rear loaded lots.</p>	<p><u>Macpherson Street</u> 6.5m to front façade 5.0m to articulation zone</p> <p><u>Brands Lane</u> 3.0m (min) to front façade 1.7m (min) to articulation zone</p> <p><u>Internal Road</u> 3.0m to front façade 1.7m to articulation zone 5.8m to garage</p> <p>Dwellings 7 and 29 do not meet the 2.0m minimum setback along one frontage presenting to the internal road. The siting of the dwellings is acceptable on merit, as the proposed setbacks to Brands Lane exceed the 2.0m minimum to achieve a consistent alignment of buildings along the streetscape.</p> <p>The proposed front balconies within the articulation zone exceed 25% of the width of the frontage. The balconies positively contribute to both the articulation and functionality of the dwelling, which would be unreasonably compromised if strict compliance was to be required. In the absence of any adverse impacts, the size</p>	<p>Acceptable on merit</p>

Control	Requirement	Proposed	Compliance
		of the balconies within the articulation zone is reasonably supported on merit.	
<b>D16.7 Side and Rear Building Lines</b>	<p><u>Side</u> One side: 0m at ground floor and 1.5m at upper levels on zero lot line.</p> <p>Length of zero lot line is limited to 13m (excludes detached garages on rear loaded lots, including those incorporating secondary dwellings above garage). 0.9m setback applies to remaining portion of the dwelling.</p> <p>Other side: 0.9m</p> <p><u>Rear</u> Rear loaded lots: 0.5m to garages</p> <p>Front loaded lots less than 20m: 4m</p>	The proposed dwellings comply with the side and rear setbacks prescribed, as demonstrated on the Ground Floor Level Plans by PBD Architects for each individual dwelling type.	Yes
<b>D16.9 Solar Access</b>	70% of the proposed dwellings - 2 hours of sunlight between 9am and 3pm in midwinter to private open space and windows to principal living area.	The application is supported by Solar Access Diagrams by PBD Architects demonstrating that well in excess of 2 hours of sunlight is received to each dwelling.	Yes
<b>D16.10 Private and Communal Open Space Areas</b>	<p>Min. area of private open space: 16m<sup>2</sup></p> <p>Min. dimensions: 3m</p>	Each dwelling comprises private open space with a minimum dimension of 3m and an overall area in excess of 16m <sup>2</sup> .	Yes



Control	Requirement	Proposed	Compliance
<b>D16.12 Fences</b>	Fencing is not permitted forwards of the building line. Boundaries between public and private land should be delineated by vegetation such as low hedges, garden beds or the like.	<p>Fencing is proposed to provide privacy to areas of private open space and to differentiate between public and private property.</p> <p>Fencing is also required where there is a change of level as a result of fill necessary to achieve the minimum prescribed flood levels.</p> <p>The incorporation of fencing is consistent with that of adjoining properties to the east and west, which both feature fencing presenting to Macpherson Street and the internal road network.</p>	Acceptable on merit.
<b>D16.13 Building Colours and Materials</b>	External colours and materials shall be natural tones.	The application is supported by a Material Schedule by PBD Architects.	Yes

### **4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### **4.3.1 Vegetation in non-rural areas**

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development necessitates the removal of 38 individual trees and 4 groups of trees, as outlined in the Arborist Report by Tree Management Strategies. The tree removal is necessitated by the need to fill the site to the flood planning level, and as a result of required upgrades to the Macpherson Street and Brands Lane road reserves and the creekline corridor.

The impact upon trees is qualified in the Ecological Assessment Report prepared by Anderson Environment and Planning, with sufficient replacement plantings demonstrated on the Landscape Plans by Black Beetle Landscape Architecture and Design.

The proposal is consistent with the requirements and objectives of Chapter 2 of SEPP (Biodiversity and Conservation).

### **4.4 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### **4.4.1 Remediation of Land**

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated.

The application is supported by an Additional Site Investigation by EI Australia which confirms that the site can be made suitable for the proposed residential development, subject to a series of recommendations. There is no objection to the imposition of these recommendations as conditions of consent.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

### **4.5 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

- (i) any environmental planning instrument*

The proposed development is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

- (ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

- (iii) *Any development control plan*

P21 DCP applies and the relevant provisions have been considered in this statement.

- (iiia) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

- (iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

- (v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

#### *Context and Setting*

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of P21 DCP. The travel demand associated with the development is consistent with that anticipated at the site, noting that the development complies with the site specific dwelling density prescribed by PLEP 2014.

*Public Domain*

The proposed development will have no adverse impact on the public domain. Rather, the proposed development will positively enhance the public domain by virtue of the half road reconstruction of Macpherson Street, the construction of Brands Lane and the rehabilitation and dedication to Council of the creekline corridor.

*Utilities*

This matter has been discussed in detail in the body of this report.

### *Flora and Fauna*

The proposal will result not result in any unreasonable impacts upon flora and fauna.

### *Waste Collection*

The proposed development provides appropriate onsite waste storage, with waste to be collected from the street weekly by Council's contractors. The Community Management Statement addresses how waste collection is to occur on the site.

### *Natural hazards*

The proposed development is designed to be safe from natural hazards, specifically flooding.

### *Economic Impact in the locality*

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

### *Site Design and Internal Design*

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*

- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

#### *Construction*

*i) What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

*(c) The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

*(d) Any submissions received in accordance with this act or regulations*

It is envisaged that Council will appropriately consider any submissions received during the notification period.

*(e) The public interest*

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

## 5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The accompanying plans depict a high quality and contextually appropriate built form outcome that responds to adjacent and nearby development and the surrounding environment. The proposed development is a suitable design solution in light of the zoning of the land and the context of the site. The apparent height and bulk of the proposed development is compatible with that of surrounding development, and consistent with the desired future character of the locality.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the apparent size of the proposed development offensive, jarring or unsympathetic in the streetscape context.

Non-compliances with controls prescribed by P21 DCP have been acknowledged and appropriately justified having regard to the associated outcomes. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposed development has been amended in response to the pre-lodgement feedback from Council at the meeting on 1 December 2022 and the subsequent Pre-lodgement Meeting Notes.

The proposed development provides for the upgrade of the public domain, including the half road reconstruction of Macpherson Street, the upgrade and continuation of Brands Lane, the construction of a shared pathway connecting Macpherson Street to Narrabeen Creek, and the dedication of a rehabilitated creekline corridor to Council. As a result of the proposed development, the occurrence of flooding on Macpherson Street and Brands Lane will be reduced, which is known to be of particular concern in the local community.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.

**Boston Blyth Fleming Pty Limited**



**Greg Boston**

**Director**

## Annexure 1

Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
<b>SEPP (RESILIANCE AND HAZARDS) 2021</b>			
Chapter 4 Remediation		The site has an historic use as a market garden. Horticultural activities are listed in table 1 Appendix 1 of the Draft Contaminated Land Planning Guideline as an activity that may cause contamination. Pursuant to Clause 4.6 (3) of the SEPP a preliminary site investigation is required.	Addressed. Additional Site Investigation completed.  Refer Additional Site Investigation Report.
<b>PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)</b>			
4.3 Height of Buildings (HOB)	10.5m (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.	The applicant shall demonstrate compliance noting HOB is calculated from existing ground level	Addressed. Height has been calculated from existing ground level.
6.1 Warriewood Valley Release Area	Sector 303 Not more than 29 dwellings or less than 23 dwellings	The proposal complies with the maximum density, however, the proposal needs to demonstrate that 29 dwellings can be accommodated on the site while achieving compliance with all other relevant planning controls.	Total number of dwellings has been reduced to 28.  Refer to architectural plans, which demonstrate compliance with relevant controls.
<b>PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)</b>			
C1- Design Criteria for Residential Development	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	The upper floor bedroom windows have a 4m set back to the rear to boundary and 8m setback to the upper floor windows of dwellings along Chambers Circuit.  The proposal is inconsistent with the requirements and outcomes of the control and an increase in the setback of the upper floor is required.	Clause C1.5 does not apply to Warriewood Valley Release Area.



Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
	Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.		
C1.7 Private Open Space (POS)	The outcome includes a requirement for private, usable and well-located area of private open space for the use and enjoyment of the occupants.	<p>The montages show decks, however, the floor plans do not provide any details of the useable POS which may result in a reduction of landscape open space (LOS).</p> <p>Any future DA shall include details of the usable areas of POS such as decks and service areas including bin storage and paths.</p>	<p>This clause does not apply to Warriewood Valley Release Area.</p> <p>Refer landscape plans for details regarding and soft landscape treatments.</p>
C4.1 Subdivision – Protection from Hazards	<p>All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards.</p> <p>The subdivision must not have any adverse affect or provide a threat on public or private infrastructure, assets and people in the vicinity.</p>	<p>Insufficient information has been submitted to demonstrate that the proposal addresses the flood hazards requirements, refer to flood comments below.</p> <p>Please also refer to the following sections of the PLEP Clause 5.21 and 7.4 and PDCP Clause A1.9, B3.11, B3.12, C6.1, the Warriewood Management for Development Policy (2020) and Considering Flooding in Land Use Planning Guideline (2021).</p>	<p>This clause does not apply to Warriewood Valley Land Release Area.</p> <p>The proposed development satisfies the flooding requirements of the Pittwater DCP 2014, Pittwater 21 DCP and the Warriewood Valley Urban Land Release Water Management Specification. Refer Flood Impact and Risk Assessment.</p>
C6.4 The Road System and Pedestrian and Cyclist Network	A traffic analysis report and road plans and sections for the Sector, buffer area or development site, demonstrating that the outcomes within this control will be achieved, must be prepared by a suitably by qualified professional and submitted with the application. The road plans must comply with the relevant specifications and cross sections in	<p>Concern is raised regarding the proposed internal road and Brands Lane as a one way road. The proposed road and pedestrian footpath are inconsistent with the requirements and outcomes of the Warriewood Valley Masterplan, Clause C6.4 and the following DCP controls.</p> <p>...</p>	<p>Addressed.</p> <p>All internal roads have been amended to two-way.</p> <p>The design of the road and pedestrian networks provide for full pedestrian and vehicular access.</p> <p>Council Traffic Offer advised via PLM minutes that consideration may be given</p>

Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
	Council's Warriewood Valley Roads Masterplan...	<p><i>Subdivision to be created as a Community Title</i> Where a subdivision is to be created as a community title, allowing full public access, the design and construction of the road and pedestrian networks shall provide for full pedestrian and vehicular access and onroad parking as a public road network.</p> <p><i>Subdivision adjoining a public road reserve</i> Where the subdivision adjoins a public road reserve, the subdivision shall include the design and construction of the perimeter road for half width construction including road pavement, vertical kerb and gutter, footpaths or cycleways (minimum 1.5m width or minimum 2.1m width where a cycleway is required), street lighting and landscaping, for full width of the development site frontage to all public road reserves and shall include any intersection to provide access the subdivision all at the full cost to the applicant.</p>	<p>to a 2.1m wide footpath 6.0m wide internal road without on street parking. The road network has been designed to these dimensions - refer to the Traffic Report for justification.</p> <p>The proposed design includes half width construction of road pavement, vertical kerb and gutter and footpath along boundary with Macpherson Street. The proposed design included a reconstruction/extension to Brands Lane.</p>
C4.6 Service and delivery vehicle access in subdivision	Roads and accessways within the subdivision are to be designed and constructed to accommodate access for waste, recycling, service, emergency and delivery vehicles.	Significant concern has been raised by Council's Waste Officer regarding the road design and access for waste services, refer to comments below. As such, the proposal is inconsistent with this clause.	<p>This clause does not apply to Warriewood Valley Land Release Area.</p> <p>The design has been amended to address concerns from Council's Waste Officer. Refer below for further details.</p>
C4.7 Amenity and Design	The control requires: -All properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality	The proposal will have unreasonable impacts on the residential amenity of the dwellings to the west (Chambers Circuit) due to insufficient setback of the upper	<p>This clause does not apply to Warriewood Valley Land Release Area.</p> <p>Rear setback of dwellings on Lots 8-18</p>

Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
	<p>and the desired character of the area; -the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment.</p>	<p>floor and a loss of privacy.</p> <p>Insufficient information has been submitted to confirm that there will be no unreasonable impact on the environment, including flooding.</p>	<p>comply with D16.7 Side and rear building lines.</p> <p>These dwellings are setback the same distance (4m) as neighbouring dwellings on Chambers Circuit from the rear boundary.</p> <p>Extensive landscaping is proposed along the western boundary, including tree planting, which will provide adequate privacy screening. Refer to Landscape plans.</p> <p>The proposed residential development satisfies the flooding requirements of the Pittwater DCP 2014, Pittwater 21 DCP and the Warriewood Valley Urban Land Release Water Management Specification. Refer Flood Impact and Risk Assessment.</p>
C4.8 Landscaping on road reserve	<p>Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres.</p> <p>All existing trees over 3m in height and native vegetation and trees within the road reserve areas are to be retained where practical.</p>	<p>Concern is raised regarding the ability to provide sufficient landscaping to meet the control.</p> <p>In addition, the proposal includes the removal of all trees including significant canopy trees.</p> <p>The proposal is inconsistent with the requirements and outcomes of the control.</p>	<p>This clause does not apply to Warriewood Valley Land Release Area.</p>

Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
C6.1 Integrated Water Cycle Management	<p>The flood levels are to be determined as part of the Water Management Report.</p> <p>Likely flood impacts from the development must also be assessed and where required, mitigated.</p> <p>The filling of land will only be permitted where it can be demonstrated that there is no net decrease in the floodplain volume of the floodway or flood storage area within the property, for any flood event up to the 1% AEP flood event and the PMF event including climate change considerations for both design events; and/or there is no additional adverse flood impact on the subject and surrounding properties and flooding processes for any flood event up to the PMF event including climate change impacts.</p> <p>The Water Management Report must identify the minimum floor level requirements for development in accordance with the Flood Hazard and Flood Category applicable to the proposed land use specified in Flood Risk Management Policy.</p> <p>The subdivision of land requires the building platforms for each additional allotment to be created at or above the Flood Planning Level (plus climate change). The Plan of Subdivision is to include the Flood Planning Level (plus climate change) for each new allotment</p>	<p>Flooding - Insufficient information has been submitted to demonstrate that the addresses the flood hazards requirements, refer to Flood comments below.</p> <p>Fill - Insufficient information has been submitted in respect of the proposed fill to assess this aspect of the development.</p> <p>Lots 19 and 20 are located within the creekline corridor which is inconsistent with the requirements and outcomes of the control.</p>	<p>Flood Planning Levels (FPLs) have been determined by Stantec.</p> <p>The Flood Impact and Assessment concludes there are no adverse flood impacts on the subject or surrounding properties.</p> <p>The proposal satisfies flooding requirements of the Pittwater DCP 2014, Pittwater 21 DCP and the Warriewood Valley Urban Land Release Water Management Specification.</p> <p>Building platforms are above FPL's for each lot, as noted on the architectural drawings.</p>

Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
	<p>created.</p> <p>...</p>		
<p>C6.7 Landscape Area (Sector, Buffer Area or Development Site)</p>	<p>Where a sector, buffer area or development site has a frontage to a creek, a minimum 35% of the site area is to be landscaped area. The minimum landscaped area directly impacts on site storage requirements for the overall water cycle management of a sector, buffer area or development site based on the Warriewood Valley Urban Land Release Water Management Specification (2001). This policy assumes 50% impervious area for a sector, buffer area or development site, therefore the Water Management Cycle model must account for the quantum of built upon area. Where the proposal's impervious area exceeds 50%, a reassessment of the site storage requirements should be undertaken and measures to address the difference must be clearly outlined. Landscaped areas are to be predominately areas of deep soil to allow the infiltration of rain water to the water table to reduce stormwater runoff, promote the healthy growth of large trees with large canopies and protect existing mature trees. Deep soil areas are areas of soil</p>	<p>As notes above, concern is expressed about the ability to comply with the LOS requirements given that the landscape areas to each lot fail to provide details of decks / usable space for bin store etc which will reduce the available deep soil area. This will directly impact of the ability of the development to meet the 50% impervious area requirement.</p>	<p>Addressed. The proposed development exceeds requirements for both min. landscaped site area (47.64%) and max. impervious surface (48.63%). Refer architectural plans for details.</p>

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	unobstructed by buildings or structures above or below the ground. The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation.		
C6.8 Residential Development Subdivision Principles	Sectors, buffer areas and development sites with an effective lot width less than 60 metres should ideally pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.		The site is an isolated lot.
	A 'break' is to be provided between every three (3) attached/abutting dwelling of the same lot width. Continuous runs of garages fronting laneways are to be avoided (i.e. break up through pairing, setback variation etc.)		Of the 28 dwellings proposed, 21 dwellings are freestanding. No more than 3 dwellings are attached. No more than two garages front internal laneway without a break.
	Lots are to be orientated to optimise solar access for dwellings and areas of private open space. Widest or deepest lots are to be oriented with north to the front, with the narrowest orientated with north to the rear.		Lots have been oriented to maximise solar access.  The solar study demonstrates each lot receives ample direct sunlight.
	Larger lots should be located on corners.	Lot 5 on the corner appears small and fails to meet the control requiring large lots on corners which address the two street frontages.	Addressed. The width and area of Lot 6 (corner of Macpherson Street & Brands Lane) has been increased to address this comment. Lot 6 is now wider and larger than other Lots of the same type.
	Lots less than 225m <sup>2</sup> in size or less than 9m wide are to be rear loaded, except where it can be demonstrated that rear access is not practical due to the size or shape of the development site; or there will be no adverse impact on	27 lots are <225 and are not rear loaded. The applicant is required to justify an exception to the rear load requirement.	Addressed. Of the 28 lots proposed, 24 lots are less than 225sqm or 9m wide. 8 of these lots are not rear loaded. Each of these lots exceeds 9m in lot width. It is not practical for these 8 lots to be rear

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	streetscape amenity and on-street parking.		loaded due to the narrow, isolated nature of the site.
	A range of residential lot types (varying in area, frontage, depth and access) should be provided to ensure a mix of housing types and dwelling sizes. Not more than 40% of the lots created through a subdivision proposal may be of the same lot type. Lot type is determined by lot width.		A total of 11 dwelling configurations are proposed. No type represents more than 25% of the total number of lots.
	Allotments for attached and abutting dwellings are to be rear loaded, except where it can be demonstrated that rear access is not practical due to constraints arising from the shape or size of the development site.	The proposal includes attached dwellings which are required to be rear loaded. The applicant shall provide justification for an exception to the control.	Addressed. Of the 28 lots proposed, 24 lots are less than 225sqm or 9m wide. 8 of these lots are not rear loaded. Each of these lots exceeds 9m in lot width. It is not practical for these 8 lots to be rear loaded due to the narrow, isolated nature of the site.
	Where dwellings are proposed on lots with two street frontages (not corner lots), the dwellings are to present (have a street address) to the higher street classification and are to reflect the streetscape character of the higher street classification.		All dwellings present to the higher street classification.
	<p>The composition of attached/abutting dwellings needs to be determined at the subdivision stage to take into account the lot widths required in order for a 'break' to be provided.</p> <p>A 'break' (i.e. a larger lot width, an indentation in the dwelling with a width and depth of 1.5m on both levels, a</p>		<p>The proposal is for an integrated development.</p> <p>Of the 28 dwellings proposed, 21 dwellings are freestanding. No more than 3 dwellings are attached.</p>

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	housing product of a different width, a detached housing product) is to be provided between every 3 attached/abutting dwellings of the same lot width.		
	Corner lots are to be configured to allow the dwelling to address both street frontages		Dwellings on corner lots include windows/façade features which address both street frontages.
C6.9 Residential Land Subdivision Approval Requirements	<p>Pathway 2a and 2b – Application for subdivision and dwelling construction</p> <p>Subdivision of land creating residential lots with an area less than 225m<sup>2</sup> or a width less than 9 metres, shall include dwelling plans (floor plans, sections and elevations etc.) as part of the Development Application for subdivision, i.e. Integrated Housing approval for the subdivision and construction of the dwellings on each lot.</p> <p>Upon approval of the subdivision a Section 88B instrument will be attached to the lot restricting the built form to the approved dwelling plans.</p>	<p>A full Integrated DA is required as lots are less than 225sqm.</p> <p>The applicant has agreed to this approach.</p>	<p>Addressed.</p> <p>The proposal is for an integrated development.</p>
D16.5 Landscaped area for newly created lots	<p>Lots less than 9m wide 25% min 3m dimension</p> <p>Lots 9m-14m wide 35% min 3m dimension</p>	The plans do not include details of usable outdoor areas such as decks. As such it is not possible to confirm compliance.	All lots meet requirements of D16.5 for minimum landscaped area. Refer to Architectural plans for details.
<b>SPECIALIST ADVICE</b>			
<b>Landscape Officer</b>			
C6.1 Integrated Water Cycle Management:	Creekline corridors in the Warriewood Valley Release Area are to be restored to a 'natural watercourse' that results in healthy ecosystems.		The creek corridor will be re-constructed and rehabilitated to Council's standards.



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Creekline Corridors			
	A 50 metres creekline corridor zone applies from Narrabeen Creek across the site.		Noted and applied.
	The 25 metre wide Inner Creekline Corridor is to be brought into public ownership. This zone is a corridor that contains the creek, floodway and flora and fauna habitat.		The inner creek corridor will be dedicated to Council.
	The 25 metre Outer Creekline Corridor is to be retained in private ownership and is to perform the functions of part water quality control and a fauna/flora corridor.		The outer creek corridor will remain in private ownership. The outer creek corridor contains an OSD/Bio-basin for water management and extensive landscaping.
	Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide Outer Creekline Corridor.		All dwellings and garages are located outside the creek corridor. Boundary fencing and landscaped areas for lots 18 & 19 encroach on a small area of the outer creek corridor. We understand this is not inconsistent with other developments approved in Warriewood Valley, including neighbouring 18 Macpherson Street.
C6.4 The Road System and Pedestrian and Cyclist Network	Road hierarchy shall be in accordance with the Warriewood Valley Roads Masterplan, and hence any footpaths and street tree planting shall likewise be in accordance.		Footpaths and street tree planting are proposed along the full length of both Brands Lane and the internal laneway.
	Street trees within proposed Public Road Reserves shall be in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).		Street trees and provided in accordance with the Warriewood Valley Landscape Masterplan. Refer landscape drawings for details.

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To ensure a consistent approach and response to the applicant, I note the following Landscape Referral requirements that are not flexible:	2.1-metre-wide share path along Brands Lane to connect Narrabeen Creek bridge to Macpherson Street. This is a key connection for the pedestrian and cycle network throughout the Valley, and is required under the Warriewood Valley Landscape Masterplan and Design Guidelines (page 6 Warriewood Valley Active Travel Masterplan - item 23).		A 2.1m shared path is provided along the full length of Brands Lane and connects Macpherson Street to Narrabeen Creek bridge.
	2.1m wide share path along the Macpherson St frontage to continue across to the full frontage, and inclusive of large canopy street tree planting (page 9 of the Warriewood Valley Landscape Masterplan and Design Guidelines)		A 2.1 shared pathway is provided along the full frontage with Macpherson Street with large canopy tree planting.
	A 1.5m wide share path to one side of the internal road and small canopy tree planting to the other side, to satisfy the Warriewood Valley Roads Masterplan and the Warriewood Valley Landscape Masterplan and Design Guidelines: page 12 section S-4 Access Street.		A 2.1m wide footpath/nature strip and street tree planting is provided to the internal laneway.
	Sector Entry roundabout landscape treatment in accordance with refer page 15 section S-7 of the Warriewood Valley Landscape Masterplan and Design Guidelines.		The existing dome roundabout island will be reconstructed.
	I note the 2.1m wide sharepath is from the Warriewood Valley Roads Masterplan and the Warriewood Valley Landscape Masterplan and Design Guidelines, however AusRoads now nominates 2.5 metres but we should maintain the 2.1m under the adopted masterplans		2.1m has been adopted
<b>Development Contributions Officer</b>			

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Traffic	Item 23 in the Traffic and Transport Schedule – Roundabout at Macpherson Street and Brands Lane	<p>The preliminary design and investigation of this roundabout is currently underway by Council. The Contribution Plan anticipates that construction may commence in 2028/29.</p> <p>Any future DA must demonstrate adequate interim vehicular access arrangements until such time as this roundabout is delivered by Council. If vehicular access to the site relies on the construction of this roundabout, the applicant may need to consider including the construction of this infrastructure in their DA. This could be the subject of a potential Planning Agreement for the delivery of works-in-kind.</p> <p>...</p>	The Traffic and Parking Assessment Report confirms the proposal will not necessitate an upgrade to the intersection at Macpherson Street and Brands Lane.
Pedestrian Shared Path	Item 23 in the Pedestrian and Cyclist Network Strategy – Shared path connection (on road) from Narrabeen Creek to Macpherson Street.	<p>The construction of this shared path is anticipated to commence in 2029/30.</p> <p>Council’s Senior Landscape Architect has advised that this shared path is to be 2.1m wide. The DA must allow for the provision of this shared path in the design and reconstruction of Brands Lane. If the applicant wishes to include the construction of this shared path in the DA, this could be the subject of a Planning Agreement for the delivery of works-in-kind.</p>	Addressed. A 2.1m shared path is provided along the full length of Brands Lane and connects Macpherson Street to Narrabeen Creek bridge.
Creek Corridor		The Contributions Plan requires the dedication of the inner 25m creek corridor to Council. This dedication will occur via registration of a plan of subdivision and will result in a reduction in the monetary contribution payable to	Addressed. The inner creek corridor will be dedicated to Council. This is Lot 30 on the subdivision concept plan.

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		Council. The draft plan of subdivision identifies that Lot 31 contains the inner 25m creek corridor.	
		The Contributions Plan also identifies the future creek reconstruction and rehabilitation of the inner 25m corridor to contain the 1% AEP. These works are anticipated to commence in 2029/30. Control C6.1 of the Pittwater DCP requires the preparation and submission of a Water Management Report demonstrating compliance with the Warriewood Valley Water Management Specification. This must also include detailed engineering plans depicting the creek reconstruction.	Addressed. The creek corridor will be re-constructed and rehabilitated to Council's standards.
		From the information provided with the PLM it is unclear if the future DA will include the reconstruction/rehabilitation of the inner 25m creek corridor. If the development of this site relies on the reconstruction of the inner 25m creek corridor to contain the 1%AEP, these works should be included in the DA. If these works are proposed under the DA, this could be the subject of a Planning Agreement for the delivery of works-in-kind.	Addressed. The creek corridor will be re-constructed and rehabilitated to Council's standards.

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		<p>It is also noted that two residential allotments encroach on the outer 25m creek corridor. This is not supported.</p>	<p>All dwellings and garages are located outside the creek corridor. Boundary fencing and landscaped areas for lots 18 &amp; 19 encroach on a small area of the outer creek corridor. This is consistent with other approved developments in Warriewood Valley, including neighbouring 18 Macpherson Street.</p>
<b>Traffic Officer</b>			
		<p>The construction of Brands Lane as a One-Way Road of 7m in width is also proposed together with an internal road network.</p> <p>I have concerns regarding the location of the entry road intersecting with Brands Lane. This should either be located at the Brands Lane roundabout or relocated further to the east. In its current location there is lack of clarity over permissible movements at either end of the exit road and a potential for conflict and movements contrary to permitted traffic directions are likely. It is suggested that locating this road at the roundabout is probably the best outcome.</p>	<p>Addressed. The entry road has been relocated slightly to align with the existing roundabout. The existing dome roundabout island will be realigned towards the centre of Brands Lane to ensure vehicles negotiate the intersection correctly.</p>

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		<p>Access to units 28, 29, 11 &amp; 12 in particular is not convenient. Drivers will be required to circulate around via Brands Lane and the proposed community title accessway in order to access their homes. It is likely that they will proceed the wrong way up the accessway. Two way access along the accessway and also along Brands Lane is considered more appropriate from a traffic perspective to provide better access to homes and, as highlighted by Council's waste team, to enable servicing of waste from side loading trucks. It is noted that the Brands Lane road reserve is only 9m in width, this will mean that parking is unlikely to be achievable on Brands Lane if two way access is to be provided.</p>	<p>Addressed. Two way access is proposed for all internal laneways and Brands Lane.</p> <p>No parking is proposed on Brands Lane.</p>
		<p>The Warriewood Valley Roads Masterplan specifies that access streets should be min 7.5m in width between kerbs with 2.5m verges on either side (i.e 12.5m road reserve) and a 1.5m footpath on one side. While a cross section view of the community title accessway has not been provided both sides of an access street should also be kerbed and guttered. The Access Street serving lots 6 to 29 is inconsistent with the above and should be revised to comply. It is not considered appropriate to be constructed as a laneway given its length. Any departures from the WVRM requirements would need to be well supported by a traffic and parking impact report</p>	<p>Addressed. The internal road network has been re-designed to address PLM comments below. A 2.1m wide footpath and 6.0m wide road without on street parking is proposed.</p> <p>The proposed road design is supported by a Traffic and Parking Assessment Report.</p>

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		<p>The Warriewood Valley Roads Masterplan specifies that laneways shall be a minimum of 7m in width with 0.75m verge, dish drains and a carriageway no less than 5.5m in width and constructed as a 10km/h Shared Traffic Zone. The laneway serving lots 1 to 5 is consistent with these dimensions and is acceptable providing parking is banned on either side of the laneway and appropriate pavement treatments consistent with a 10km/h Shared Traffic Zone are implemented</p>	<p>Addressed. A 10km/h Shared Zone speed limit is proposed for internal roads.</p>
		<p>Swept path plots for B85 vehicles accessing driveways along the access street should be provided with the DA. If parking is proposed opposite or adjacent to a driveway the plots shall take account of the above. The location of proposed No Parking and No Stopping should be shown. Plots for a service vehicle circulating through the internal road network will also be required.</p>	<p>Addressed Swept turn path assessment confirms the road design is functional and acceptable.</p> <p>Refer to the Traffic and Parking Assessment Report.</p>
		<p>Swept path plots for a B85 vehicle accessing parking on lots 5 &amp; 1 should also be plotted.</p>	<p>Addressed. Swept turn path assessment confirms the road design is functional and acceptable.</p> <p>Refer to the Traffic and Parking Assessment Report.</p>
		<p>It is assumed "No Parking" is to be signposted both sides of the laneway serving units 1 to 5. This should be shown on the DA plans.</p>	<p>Addressed. No parking restrictions are proposed on all internal roads and along Brands Lane.</p> <p>Refer to the Traffic and Parking Assessment Report for signage plan.</p>

Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
		It is assumed that 'No Parking' is to be signposted on both sides of the section of access road serving units 6 to 9. This should be shown on the DA plans.	Addressed No parking restrictions are proposed on all internal roads and along Brands Lane.  Refer to the Traffic and Parking Assessment Report for signage plan.
Notes		The applicant requested that consideration be given to the requirements of transport, landscape, and waste in respect of the minimum requirements for road and footpath widths. While it is preferred that a 2.5m wide footpath be provided as an absolute minimum, consideration may be given to a 2.1m wide footpath 6.0m wide road without on street parking. The applicant will be required to provide a detailed justification for any non-compliance with the relevant controls.	Addressed. The internal road network has been designed to address these comments.  A 2.1m wide footpath and 6.0m wide road without on street parking is proposed.  The proposed road design is supported by a Traffic and Parking Assessment Report.
<b>Waste Officer</b>			
Road Circulation and Bin Presentation		The proposal suggests provision of a one-way, anticlockwise loop road. Waste collection is undertaken by three axle, 10.5 metre long, heavy rigid vehicles with the bin lifter on the left hand side only.	Addressed. The proposal has been amended to address Council comments. A two-way road network is now proposed.
		Under this proposal the waste collection truck will not be able to service the bins from a total of 10 lots (11 thru to 19 & 5).	Addressed. The waste collection vehicle can service bins from all dwellings.
		Lots 20 to 29 are accessible to the arm of the waste collection vehicle but under this proposal the dwellings are surrounded by parked cars	Addressed. No parking restrictions are proposed for all internal roads.



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		A two-way road circulation is the only arrangement that Waste Services will support. It will allow residents to place their bins outside their own premises.	Addressed. A two-way road network is now proposed.
		For lots 1 through to 5 there is no space provided for the presentation of bins or bulky goods in the laneway at the rear of the properties. Macpherson St frontage is not suitable due to stair access only.	Addressed. The bin and bulky goods collection area for Lots 2-8 is on the nature strip adjacent to Lot 10.
		For lots 20 to 29 the footpath needs to be widened to allow for the presentation of bins and bulky goods. Bins and bulky goods must be presented above the kerb. No materials or bins to be placed on the road pavement. Sufficient space is to be provided above the kerb in front of each property for 3 bins / 3 cu metres bulky goods.	Addressed. All bins are to be presented to the nature strip above the kerb.
		Step access to dwellings on Brands Lane and Macpherson St frontage requires that all waste be collected from the private roadway within the property.	Addressed. All bins are to be presented to the internal accessway.
		Swept path analysis must be provided showing waste collection vehicles can negotiate all corners and turns with the property and the access to/from the public road.	Addressed. Swept turn path assessment confirms the road design is functional and acceptable for waste vehicles.
Under Road Infrastructure		Waste collection trucks weigh 23 tonnes. The truck has 3 axles. All under road infrastructure (e.g. osd tanks, pipes) must be capable of withstanding the load exerted by the waste collection vehicles. Overhead Clearance.	No under-road infrastructure is proposed.

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		Waste collection vehicles require a working clearance of 4.5 metres above the road pavement	Noted and applied.
On-Street Parking		Waste Services requires all road pavements must be: <ul style="list-style-type: none"> <li>• a minimum of 6 metres wide where on-street parking is prohibited</li> <li>• a minimum of 7.5m wide where on-street parking is provided/permitted.</li> </ul>	Addressed. Internal roads are 6m wide with on-street parking prohibited.
		Waste Services will not support a proposal for on-street parking on any road pavements widths less than 7.5 metres.	Addressed. Internal roads are 6m wide with on-street parking prohibited.
Brands Lane		Brands Lane will be required to be two be a two-way carriageway to match the two-way road requirement within the property.  The width of the road pavement must comply with the following waste management design requirements: <ul style="list-style-type: none"> <li>• A minimum of 6 metres wide kerb to kerb where on street parking is prohibited.</li> <li>• A minimum of 7.5 metres wide where on-street parking is permitted.</li> </ul>	Addressed. Brands Lane to be two-way, 6m wide with on-street parking prohibited.
Roundabout Access		The driveway exiting the property does not align with the roundabout. Waste trucks leaving the estate via the driveway would not be able to negotiate entry to the roundabout resulting in trucks on the wrong side of the road. The roundabout provides access to two driveways into a large retirement village.	Addressed. The entry road has been relocated slightly to align with the existing roundabout. The existing dome roundabout island will be realigned towards the centre of Brands Lane to ensure vehicles negotiate the intersection correctly.

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Dwellings – Onsite Bin Storage		No onsite bin storage has been provided. Within each lot an area must be provided for the storage of the four waste bins provided by Council. This area must obscure the bins from view from the roadway.	Addressed. Storage for 4 bins is provided within the garage of each dwelling.
Positive Covenant and Community Management Statement		A positive covenant must be placed on the community roadway (usually Lot 1) of the property to allow Council access to collect waste. Wording for the covenant will be provided by Council.	Noted.
		Council will provide clauses to be inserted into the Community Management Statement regarding access for waste collection vehicles Waste Clauses for Community management Statement. The wording for the community management statement can be found at appendix “D” in the link attached below. Please Note – Appendix “E” will also be required for this proposal.	Addressed. Council Waste Collection clauses have been added to the Community Management Statement.
<b>Urban Designer</b>			
		Provide additional options for site layout and houses configuration other than the long linear scheme proposed.	A number of site layout options were considered prior to concluding the proposed layout offers the best design outcome in light of Council controls. Alternative site layout options resulted in non-compliance with Council controls.
		A ‘break’ is to be provided between every three (3) attached/abutting dwelling of the same lot width.	Addressed. Of the 28 dwellings proposed, 21 dwellings are freestanding. No more than 3 dwellings are attached.

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		Improve solar access from the north-west boundary and relief from the linear built form of the existing two storey dwellings to the north.	Addressed. Site layout and built form have been designed to maximise solar access. Solar diagrams demonstrate all dwellings receive ample direct sunlight.
		Privacy between windows to habitable rooms between houses in the development and next-door neighbouring development should be taken into account when considering the site layout.	Addressed. Site layout and built form has been designed to address privacy.
		Corner lots should generally be bigger in size to account for boundary setbacks requirements.	Addressed. The width and area of Lot 6 (corner of Macpherson Street & Brands Lane) has been increased to address Council comments.
		Improve variety to the façade treatment to add interest and individuality to the houses.	Addressed.
		Increase landscape area to each individual house lot to incorporate outdoor paved terrace area and bins storage besides footpaths and vehicle driveways.	Addressed. External decks are provided to each dwelling. Bin storage is provided within the garage of each dwelling.
		Reconfigure the 900mm separation between houses as no landscaping will grow there	Shade tolerant species have been specified for side setbacks.
		Integrate traffic and garbage collection requirements taking into consideration footpath and street trees within road reserves	Addressed.
<b>Biodiversity Officer</b>			
		In order to assess the potential impacts of the proposed development on biodiversity values, the application is to be accompanied by an ecological	Addressed. Refer Ecological Assessment Report

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		<p>assessment prepared by a suitably qualified ecologist. The report must account for any direct and potential indirect impacts (e.g. native vegetation removal, demolition of man-made structures, changes in hydrology, weed invasion) upon native vegetation and fauna habitats resulting from the proposal, and document the measures taken to avoid and minimise those impacts (e.g. retention of existing trees, replacement plantings).</p> <p>...</p>	
		<p>In relation to the riparian corridor, the applicant is to submit a Vegetation Management Plan (VMP). The VMP can be a map-based report intended to assist the landowner to manage the site to ensure that biodiversity on the site is protected, maintained and enhanced, and should be prepared by an appropriately qualified person with theoretical and practical experience in bushland restoration and management (minimum Certificate III Natural Area Restoration or equivalent). Personnel undertaking bush regeneration work must have a minimum of a Certificate II Bushland Regeneration or a Certificate III Natural Area Restoration (or equivalent). Landowners may undertake weed control and rehabilitation work under the guidance/supervision of an appropriately qualified bush regenerator. The Council Guideline 4 relates to Bushland Management Plans, and this can also be used as a</p>	<p>Addressed. Refer Biodiversity Management Plan</p>

Standard	Permitted	Council Comment - PLM Minutes	Applicant Response
		reference. ...	
<b>Flooding Officer</b>			
Flood Information for 16 Macpherson Street Warriewood	Refer email from Valerie Tulk on Thursday, 2 February 2023	<p>We recognise that there are discrepancies between the documents, which makes it complex to work out what is required for a DA.</p> <p>As far as flooding is concerned, please address Control C6.1 (in conjunction with Control B3.12) of the Pittwater DCP first, which require that climate change (CC) should be included in all flood assessment.</p> <p>Consideration of climate change only needs to include a 30% increase in rainfall intensity, as this property is considered to be upstream of the impact of Narrabeen Lagoon even in the PMF. Sea level rise and tailwater levels do not need to be considered.</p> <p>...</p>	Addressed. Refer Flood Impact and Risk Asssment
<b>Development Engineer</b>			

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Road and Footpaths		All roads ,verges and footpaths are to be constructed in accordance with the Warriewood Valley Roads masterplan June 2018.The internal road is to be constructed as an access street with a 7.5m wide pavement and 2.5m wide verges. A 1.5m wide concrete footpath is to be provided. A 2.1m wide shared footpath is to be provided along the Macpherson Street frontage	<p>The internal road network has been designed to address PLM comments from Council's Traffic Officer.</p> <p>A 2.1m wide footpath and 6.0m wide road with no on-street parking is proposed.</p> <p>The proposed road design is supported by a Traffic and Parking Assessment Report.</p>
Macpherson Street frontage		The Macpherson street frontage is to be fully reconstructed in accordance with the Warriewood Valley Roads masterplan with the provision of kerb and gutter and indented vehicle parking. The pavement and subbase is to be fully reconstructed to the centre line of the road in accordance with Councils Auspec one design specification. Design vehicle loadings (ESAs) are to be in accordance with Auspec One. Any aerial electrical services are to be fully undergrounded.	<p>Addressed.</p> <p>Macpherson Street frontage will be reconstructed in accordance with the Warriewood Valley Roads masterplan with the provision of kerb and gutter and indented vehicle parking.</p>
Brands Lane		The extension beyond the cul de sac is to be constructed in accordance with Councils Auspec one specification and designed to cater for the appropriate vehicle ESAs.	<p>Addressed.</p> <p>Refer Civil documentation for details of proposed Brands Lane upgrade.</p>
On site stormwater detention(OSD)		OSD is to be provided in accordance with the Warriewood Valley water management specification plan February 2001. All detention basin outlets are to be set above the 1 in 100 AEP storm event to prevent drowned outlets.	<p>Addressed.</p> <p>Refer Civil documentation for details of proposed detention basin.</p>