

WILLOWTREE PLANNING



6 September 2024

REF: WTJ23-388

Thomas Prosser
Northern Beaches Council
Via NSW Planning Portal

Attention: Thomas Prosser

RE: REQUEST FOR ADDITIONAL INFORMATION - DA2024/0492
PROPERTY AT: 49 BLACKBUTTS ROAD & 21A WARILI ROAD, FRENCHS FOREST

Dear Thomas,

I refer to the Request for Additional Information (RFI) provided by Northern Beaches Council dated 19 July 2024 in relation to Application No. **DA2024/0492** for the Community title subdivision of the Site.

Please refer to the following letter which provides the applicant's response/clarifications to each matter raised in the RFI. Supporting evidence and amended plans are also provided at the following appendices:

RFI Appendix 1	Council RFI Letter
RFI Appendix 2	Amended Plan of Subdivision
RFI Appendix 3	Draft Neighbourhood Management Statement
RFI Appendix 4	Updated Arboricultural Impact Assessment
RFI Appendix 5	Updated Flora and Fauna Assessment
RFI Appendix 6	Enspire Civil RFI Response

AMENDMENTS TO THE PROPOSAL

It is noted that the Applicant has amended the Proposal from a Community title subdivision to a Neighbourhood title subdivision. This is a minor amendment to the proposed scheme and can be incorporated as part of this RFI response pursuant to S37 of the EP&A Regulation 2021.

A Neighbourhood Management Statement was submitted with the original DA and is reproduced at **RFI Appendix 3**. Accordingly, the Plan of Subdivision has been updated to reflect a Neighbourhood title subdivision and is provided at **RFI Appendix 2**. It is noted that no change to the quantity, size, or configuration of the lots is proposed, and no change to any proposed civil works or otherwise, with only the type of subdivision amended.

ACN: 146 035 707 ABN: 54 146 035 707
165 Walker Street
North Sydney, NSW 2060

enquiries@willowtp.com.au
willowtreeplanning.com.au
02 9929 6974



SYDNEY | BRISBANE

RESPONSE TO COUNCIL REQUEST FOR ADDITIONAL INFORMATION

The following matters were raised in Council's RFI letter provided at **RFI Appendix 1** and have been summarised to identify key issues to be addressed.

1. Biodiversity

A Flora and Fauna Assessment (Ecological Consultants Australia Pty Ltd TA Kingfisher Urban Ecology and Wetlands, April 2024) has been submitted with the application and concluded that the application would not trigger entry into the Biodiversity Offsets Scheme (BOS) as the proposal does not exceed the clearing threshold (0.2 ha). However:

- *No map including these calculations has been provided and the inclusion of Figure 7.2 Trees retained after demolition would allow for consideration that the total impact of demolition works and subdivision works have been considered separately in the calculation of the clearing thresholds.*
- *The report considers in its results that a total of 88 prescribed trees, 45 exotic trees and a grouping of an additional 18 trees are proposed for removal (total of 151 trees). These numbers are inconsistent with those presented in the AIA.*
- *The report has also failed to adequately address and discuss the Avoidance and Minimisation strategies explored by the development as required in Council's Biodiversity Requirements for Development Applications.*

Furthermore, a Landscape Plan (Taylor Brammer, April 2024) has been submitted with the application and includes a planting schedule that is consistent with the Native Planting Guide available on Council's website. The Planting guide includes a total of 14 trees to be planted.

Council's Biodiversity Referrals team do not support the application in its current form due to the following:

- *The proposal to subdivide the lot into 13 lots for residential development is found to be inconsistent with the requirements of the Environmental Planning and Assessment Act Section 4.1.5 (1) (b).*
- *The proposal is also inconsistent with the objectives of WDCP cl. E2 and cl. E6 as the majority of trees on site appear to be proposed for removal.*
- *The information provided with the subdivision application is unclear. The total number of trees to be removed for the purposes of demolition of existing subdivision is inconsistent in the reports (Arboricultural Impact Assessment and Flora and Fauna Assessment) submitted with the application.*
- *The submitted Flora and Fauna Assessment has not adequately demonstrated whether the application exceeds the Biodiversity Offsets Scheme and has failed to adequately address the Avoidance and Minimisation strategies explored to reduce impacts to the natural environment.*
- *The application in its current form would require substantial removal of prescribed trees that are not compensated by the proposed Landscape planting schedule.*

The applicant is encouraged to retain prescribed vegetation and consider alternative designs that will avoid and minimise impacts to the natural environment. Reports submitted with the application should be consistent with each other for evaluation of impacts to the natural environment to be clearly discernible. In addition to the incorporation of the landscaping elements already included in the application, consideration should be given to the removal of a dwelling within proposed Lot 3 to form a community title lot which would allow for the retention of a number of prescribed trees including trees 15, 16, 17, 18, 19, 20, 21, 22, 29, 30, 34, 36, 37, 43, 45, 46, 47, 48 and 49.



Applicant comment:

An updated Arboricultural Impact Assessment (see **RFI Appendix 4**) and Flora and Fauna Assessment (see **RFI Appendix 5**) have been provided to correct the inconsistencies between these reports in respect of the total number of trees to be removed as part of the subject DA.

The Flora and Fauna Assessment has been updated to adequately address the Biodiversity Offsets Scheme and to address the Avoidance and Minimisation strategies explored to reduce impacts to the natural environment.

In respect of compensatory planting, the Applicant is amenable to a condition imposed on any consent granted indicating the required extent of compensatory planting required to adequately compensate for the tree removal proposed.

The Applicant is also amenable to a condition requiring the payment of a monetary contribution for compensatory planting off-site in a nearby Council reserve to provide additional compensatory planting.

2. Development Engineering

The following comments have been provided by Council's Development Engineer:

The proposed 12 lot subdivision is not supported for the following reasons:

Stormwater management

- 1) *The proposed stormwater management plan is to be supported by a DRAINS model to determine the OSD storage volumes and post development discharge rates, noting the pre developed condition is to be state of nature. A summary report of the DRAiNS inputs and outputs is to be submitted also.*
- 2) *The On-Site Detention tank is to be fully located within the footprint of the proposed internal road, this will limit the current OSD Tanks footprint which impacts open space and landscaping.*
- 3) *The stormwater management plans are also to comply with the minimum information requirements for development as detailed in section 9.7.3 of Councils Water Management for Development Specification.*
- 4) *A catch drain is also to feature of the rear boundaries of Nos 21-23 Warili Road to capture any upstream overland stormwater flows.*

Applicant comment:

The above matters have been addressed by Enspire in their response at **RFI Appendix 6**.

Geometric Road Design

The proposed Cul De Sac diameter is 25m in width these seems excessive and is to be reduced to 20m.

Applicant comment:

The Cul De Sac has been designed to cater for Councils 10.5m waste vehicle and is unable to be reduced while allowing for a continuous turning movement, refer to Enspire Drawing C22.01 for swept paths. The diameter proposed is 24.4m as is supported by Council's Traffic Engineers and it is not appropriate to reduce further.



Community Management Plan

As the subdivision is proposed to be a Community Title enabling a community association to fund and maintain community facilities including the On site detention tank, water quality treatment devices, street lighting, the shared footpath and the private road.

A draft community management statement is to be submitted for Councils review together with an Operations and Maintenance Manual for the operation of the OSD Tank and Water Quality treatment devices.

Applicant comment:

A Neighbourhood Management Statement was provided as part of the original DA (see attached at **RFI Appendix 3**).

As noted above, the Proposal has been amended to seek consent for Neighbourhood title subdivision rather than Community title subdivision. This is a minor amendment to the proposed scheme and can be incorporated as part of this RFI response.

An Operations and Maintenance Manual for the operation of the OSD Tank and Water Quality treatment devices is proposed to be prepared at Construction Certificate and detailed design stage and this request is appropriate to be included as a condition of consent.

3. Noise

Insufficient information and detail have been provided to show an appropriate buffer for noise between the internal road and dwellings to the north, as well as the dwelling at 21 Warili Road.

Applicant comment:

The Proposal is for subdivision only for a future residential development. The proposed internal road is set back a minimum of 2m from the rear boundary with the adjoining residential development to the west of the Site fronting Malbara Crescent and 2.25m from the side boundary of 21 Warili Road. The existing mature trees along the rear of the Malbara Crescent dwellings are being retained which will provide some acoustic relief.

The Traffic Impact Assessment prepared for the Proposal identifies that the scale of additional car trips in the network is no more than 10 vehicles per hour in the peak period. The Proposal is not expected to result in any significant acoustic impact on nearby residential accommodation.

Conclusion

We trust the above information satisfactorily closes out the queries raised by Northern Beaches Council in the RFI.

If you have any queries or concerns in relation to the above and/or attached, or if you require any further clarification, please do not hesitate to contact Asher Richardson by email at asher.richardson@willowtp.com.au or by phone on 0488010636.

Kind regards



Asher Richardson
Senior Associate
Willowtree Planning Pty Ltd

