



22 May 2023

Olivia Ramage
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2095

Dear Olivia,

Re: Development Application DA2023/0154 for the construction of a new dwelling on Lot 9 at 6 Orchard Street, Warriewood.

We have received your letter (dated 10 May 2023) and thank you for the opportunity to address the concerns raised.

In response to concern regarding landscaped area, we proffer the following response:

1. Landscaped Area

As detailed in the SEE provided to support the application, we acknowledge the proposed non-compliance with respect to the dimensional requirements of clause D16.5 (Landscaped Area for Newly Created Individual Allotments) of P21 DCP. However, we emphasise that if not for the 4m dimensional requirement, the proposed development exceeds the 35% minimum requirement, with a total landscaped area of 41.8%. Further, as confirmed in the referral response from Council's Landscape Officer, despite non-compliance with the dimensional requirements of the control, the development is consistent with the landscaped outcome anticipated on the site under the provisions of this control.

Lot 9 is comparably constrained, with dual street frontages and an electricity substation that directly attribute to non-compliance with the minimum dimension requirements of this clause. Strict compliance with the 4m minimum dimensional requirements is unreasonable in relation to the proposal, which otherwise provides generous setbacks and high-quality landscaping, particularly along the western boundary.

Whilst the landscaped area along the western boundary does not meet the 4m minimum dimensional requirements, it positively contributes to the landscaped character of the locality and is seen as an extension of the generously proportioned and heavily landscaped road reserve of Fern Creek Road.

In accordance with clause 4.15(3A)(b) of the EP&A Act, Council is to be flexible in applying the provisions of a DCP control and is to allow reasonable alternative solutions that achieve the outcomes of the control. As detailed in the SEE and as confirmed by Council's Landscape Officer, the proposed development meets the outcomes of the landscaped area control, and the variation is reasonably supportable on merit.

It is relevant to highlight that Council has varied this control on the adjoining site at 10 Fern Creek Road, specifically in relation to:

- DA2021/2505 at Lot 9, 10 Fern Creek Road, Warriewood, and
- DA2021/2404 at Lot 10, 10 Fern Creek Road, Warriewood.

Council has also consistently varied the minimum dimensional requirements of the landscaped area control in relation to properties along Baz Retreat, Lorikeet Grove and Bubalo Street, including recent approvals at:

- 16 Baz Retreat, Warriewood
- 73 Lorikeet Grove, Warriewood
- 1 Bubalo Street, Warriewood
- 5 Bubalo Street, Warriewood
- 7 Bubalo Street, Warriewood
- 11 Bubalo Street, Warriewood
- 12 Bubalo Street, Warriewood
- 14 Bubalo Street, Warriewood
- 55 Lorikeet Grove, Warriewood

If you would like to discuss any aspect of this response in further detail, please do not hesitate to contact me on 0472 65 74 74 or email.

Yours sincerely,



Rebecca Englund
Director | Northern Beaches Planning