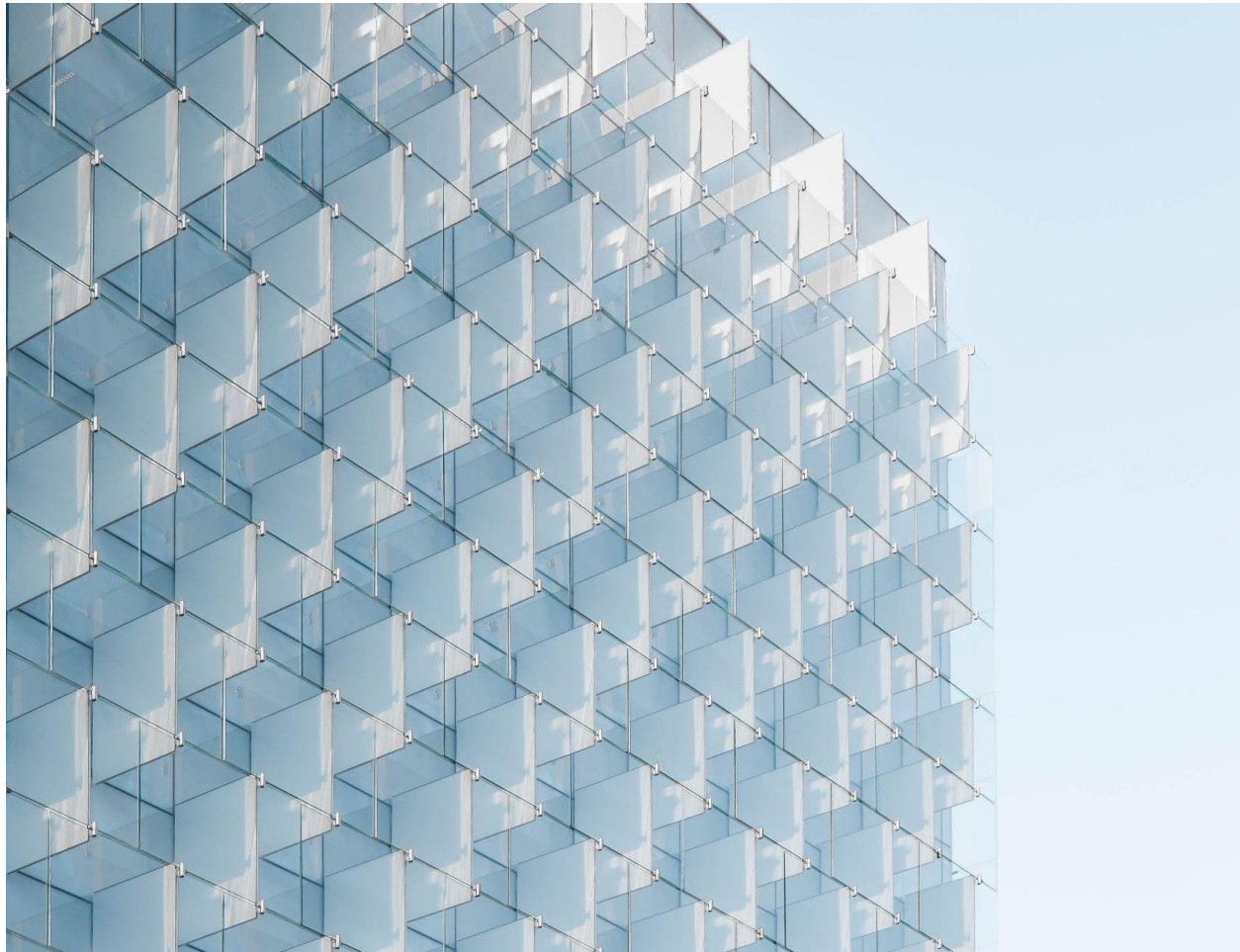


WILLOWTREE PLANNING



23 August 2024

Ref: WTJ22-323
Contact: Cameron Gray



STATEMENT OF ENVIRONMENTAL EFFECTS:

COMMUNITY TITLE SUBDIVISION AND CIVIL WORKS

53A & 53B Warriewood Road, Warriewood
Lot 2 & 3, DP1115877

—
Prepared by Willowtree Planning Pty Ltd
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SYDNEY | BRISBANE

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Community Title Subdivision and Civil Works
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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| |  |  |  |

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Proposed Community Title Subdivision and Civil Works
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| 11 | Owners Consent | Sekisui House Services (NSW) Pty Ltd. |
| 12 | Pittwater Development Control Plan 21 Assessment | Willowtree Planning |
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PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Sekisui House Services (NSW) Pty Ltd (Sekisui House) (the Applicant) and is submitted to Northern Beaches Council (the Council) in support of a Development Application (DA) at 53A & 53B Warriewood Road, Warriewood (Subject Site), which captures the following land parcels:

- Lot 2 DP1115877; and
- Lot 3 DP1115877.

The proposed development includes adjoining Lot 3 in DP 942319 which is a Council-owned drainage reserve, and the Application proposes land negotiations (further detailed in **Section 3.3** below) to the Council to consider as part of the proposed development. The inclusion of Council's land will allow for the orderly development of the land and result in future public benefit/assets.

By including Council's drainage reserve, the development will facilitate::

- The extension and dedication of Lorikeet Grove to Council;
- The creation of proposed Lot 1 and dedication as Public Reserve to Council; and
- The extension of private Road No.2 and private Road Pheasant Place.

This DA seeks development consent for the five (5) lot Community Title Subdivision of the Subject Site, including a private internal road i.e. Community Lot 1, a future public reserve, the extension of Lorikeet Grove, the widening of Pheasant Place, civil works and tree removal to facilitate the future residential development of the Subject Site. Three (3) residential super lots are proposed which will be further subdivided under separate applications at a later date. The proposed development is further described in **PART C** of this SEE.

The Subject Site is zoned R3 Medium Density Residential, pursuant to *Pittwater Local Environmental Plan 2014* (PLEP2014), which is intended to:

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

The proposed development seeks consent for subdivision and infrastructure works only, which requires development consent pursuant to Clause 2.6 of PLEP2014 and will facilitate the future residential accommodation which is permitted with consent in the R3 Medium Density Residential zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment*



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Regulation 2021 (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the Subject Site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies. The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.

1.2 PRE-LODGE MENT CONSULTATION

Pre-Development Application (Pre-DA) meetings were held with Northern Beaches Council on 21 July 2022 (PLM2022/0134) and 9 February 2023 (PLM2022/0235). **Table 1** below outlines the notes provided by Council and commentary against each matter. It is noted that the meeting held on 21 July 2022 included 53A Warriewood only and the meeting held 9 February 2023 included 53A and 53B Warriewood Road. The proposed development has been altered significantly since both meetings, now seeking consent for the five (5) community title lots only with associated civil and tree removal works.

| TABLE 1. PRE-LODGE MENT NOTES | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council Comments | Applicant Response |
| 21 July 2022 (PLM2022/0134) | |
| <u>Lot Layout</u> Concern was raised by Council in relation to lot layout and compliance with Council's controls for the Warriewood Valley under <i>Clause C6.8 Residential Development Subdivision Principles</i> under Pittwater 21 DCP. Specifically, concern was raised in relation to the following matters, in summary: <ul style="list-style-type: none">• Concern was raised as to the ability to provide a quality dwelling design outcome for lots 15, 16 and 17 in relation to internal amenity and impacts on adjoining lots to the south-eastern boundary. A dwelling design for each lot having regard to the proposed setbacks under the DCP must be provided | The proposed subdivision layout has been amended considerably since the initial Pre-DA and as such, these comments are no longer relevant. Nonetheless, it is noted that Building Envelope Plans have been provided in Appendix 3 which demonstrate that the proposed subdivision layout is capable of being subdivided further to deliver compliant dwellings. |



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| <ul style="list-style-type: none">• Council is not opposed to the concept of lots 10-14 presenting to Warriewood Road and having a rear access garage. Dual access to the rear and to Warriewood Road will not be permitted.• The applicant should address how the lots can accommodate a dwelling with solar access to the POS• The applicant should explore the potential for an improved variety of building typologies including semi-detached dwellings and/or attached dwelling• The applicant should be aware that lots with a width less than 12.5m are permitted only a single garage (Clause D16.1) | |
| <p><u>Traffic and Parking</u></p> <ul style="list-style-type: none">• Concern was raised in relation to the lots fronting Warriewood Road having 2 points of vehicular access. Limited access to Warriewood Road is preferred.• The Warriewood Valley Roads Masterplan (WVRM) requires Access Streets to have a traffic lane width of 7.5m (to allow parking on one side) with a 2.5m verge on both sides i.e., a 12.5m Road Reserve in total. Widening of the road to 7.5m is requested• A Traffic and Parking Impact Report is required to be provided. | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ The vehicular access to the lots fronting Warriewood Road has been reconsidered. Limited access to Warriewood Road is proposed, with only three (3) lots having access;▪ The roadway width has been increased to 7.5m generally, with a 2.5m verge generally on both sides. It is noted that this verge reduces in width at the turning head of the internal road which is required to facilitate compliant vehicle manoeuvrability however where practicably achievable, the 2.5m verge is maintained; and▪ A Transport Impact Assessment has been prepared in support of the proposed development and is provided at Appendix 16. |
| <p><u>Flooding</u></p> <p>It is noted that if all the land is above the FPL (from our modelling, maximum FPL on the property is 5.02m AHD), then there are no flood related objections.</p> | <p>The flood study prepared by Craig and Rhodes, dated 19 March 2019 outlines the peak flood levels for all relevant events. Refer Table 11 – Peak Water Surface Levels for details. The report is included as <u>Appendix D</u> of the Civil Report provided in Appendix 6. All proposed lots are located above the FPL.</p> |
| <p><u>Riparian and Water Management</u></p> | <p>Civil Plans, a Civil Report and Vegetation Management Plan (VMP) have been provided in Appendices 5, 6 and 17 respectively.</p> |



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| <ul style="list-style-type: none">• The development application is considered integrated development and therefore is to be referred to the Department of Planning Environment – Water for Controlled Activity Approval under the Water Management Act 2000.• The following specialist reports are required:<ul style="list-style-type: none">◦ Flood Impact Assessment◦ Water Management Report◦ Riparian Land Vegetation Management Plan◦ Detailed design drawings◦ Pre and post construction hydraulic conditions◦ Detailed plans of permanent bed and bank stabilisation works for scour protection.◦ Site Management Plan | |
| <p><u>Landscaping</u></p> <p>To satisfy the Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018 and the Warriewood Valley Roads Masterplan, August 2018, the following path network is required:</p> <ul style="list-style-type: none">▪ A 2.1m wide footpath is required along Warriewood Road, including street tree planting▪ A 1.5m wide footpath is required to one side of Lorikeet Grove, including street tree planting▪ A 2.5m wide share-path is required within the Outer creekline corridor,• An Arboricultural Impact Assessment is required | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ The proposed footpaths and paths have been designed to comply. Concept Landscape Plans are provided in Appendix 7 which demonstrate that suitable street planting can be achieved and will be included as part of the future detailed subdivision; and• An Arboricultural Impact Assessment Report has been provided in Appendix 2. |
| <p><u>Strategic Planning</u></p> <ul style="list-style-type: none">• Site coverage is capped at 50% of developable area• The applicant should confirm in its formal Development Application the following:<ul style="list-style-type: none">◦ Works being undertaken in the outer 25m riparian corridor immediately | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ Compliance with the site coverage control will be demonstrated as part of any future application for dwellings, however it is considered that each lot can achieve compliance; |



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| <p>abutting the southern alignment of Lorikeet Road</p> <ul style="list-style-type: none">Design drawings for the rehabilitation of the inner 25m riparian corridor in accordance with any Water Management Report submitted with the DALocation of a section of the sharepath on 53A Warriewood Road and how this links to the sharepath approved/constructed on the adjacent properties. | <ul style="list-style-type: none">Design drawings for the inner and outer riparian corridors are provided in the Civil Plans provided in Appendix 5; andDetails of the sharepath and its connection to the adjacent properties are provided in the Civil Plans provided in Appendix 5. |
| <p><u>Development Engineer</u></p> <ul style="list-style-type: none">The proposal is to demonstrate consistency with the provisions of clause C6.4 of P21 DCP, the Warriewood Valley Roads Masterplan 2018 (WVVRM) and the Warriewood Valley Landscape Masterplan 2018 (WVLM).A Water Management Plan is required. | <p>The Civil Plans and Report provided in Appendices 5 and 6 demonstrate compliance.</p> <p>The proposed development generally complies with the planning controls outlined in C6.4 of Pittwater DCP, WVRM and WVLM. The typical road cross sections comply as follows:</p> <ul style="list-style-type: none">Carriageways compliant with the Access streets profile in the WVRM;Verge profiles compliant with the access streets profile in the WVRM;Provision of footpaths/shared paths (WVRM); andWarriewood Road profile compliant with the Sub-arterial street profile in the WVRM. |
| <p>9 February 2023 (PLM2022/0235)</p> | |
| <p><u>Principal Development Standard</u></p> <ul style="list-style-type: none">Any future DA will need to demonstrate that at least 30 lots/dwellings can be accommodated in the site while achieving compliance with the relevant built form controls.An Acid Sulfate Soils (ASS) Management Plan submitted is required to be submitted if work is proposed below 2 metres of natural ground level that would lower the natural water table.Flood modelling is required and details demonstrating compliance need to be provided in the Water Management Report submitted with the DA. | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">As demonstrated in the Building Envelope Plan provided in Appendix 3, the future subdivision of the proposed community title lots will be capable of accommodating 30 dwellings including a secondary dwelling on northernmost lot (proposed lot 23) fronting Warriewood Road.Based on the design levels, cut operations/bulk excavation will not exceed 2m from the natural ground plane;Flood modelling and reporting has previously been prepared by Craig & Rhodes, dated 19 March 2019. The report |



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| <ul style="list-style-type: none">▪ A Biodiversity Assessment and Vegetation Management are required. | <p>is included as Appendix D of the Civil Report provided in Appendix 6; and</p> <ul style="list-style-type: none">▪ A Flora and Fauna Assessment and Vegetation Management Plan has been provided in Appendices 9 and 17 respectively. |
| <p><u>Pittwater 21 Development Control Plan</u></p> <ul style="list-style-type: none">▪ The amalgamation of 53B into the subject site addresses a lot of the previous access, servicing, and layout issues. The site includes 53 Warriewood Road which is owned by Council. It is acknowledged that the applicant is negotiating the purchase of this land and it is recommended that the applicant continue to liaise with Council's property team preferably with the transfer of the sale concluded before the lodgement of any future DA. If the sale has not been concluded, owners' consent will be required from Council for the lodgement of the DA.▪ The plan suggests that not more than 40% of the lots created through a subdivision proposal may be of the same lot type, based on lot width. Lots exceeds 225sqm and are generally front-loaded lots except for lots 9, 10, 11 and possibly 12. Concern is expressed in respect of the ability of the development to provide "a break" to 4-7 and lots 11-15.▪ The Building Envelope, shown on the Plan of Subdivision, should be at a legible scale and include the following elements:<ul style="list-style-type: none">○ maximum permissible building envelope (including site coverage for a Complying Development Certificate), specifying setbacks, storeys and articulation zones;○ landscaped areas and deep soil areas;○ preferred location of private open space;○ driveway location and location of any hardstand areas;○ garage size (single or double) and location; and○ zero lot line boundaries.○ retaining walls; easements; | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ Sekisui House wish to undertake such negotiations with Council as part of this DA (refer to Section 3.3 below which explains the intent of the inclusion of Council's land);▪ The Subdivision Plans provided at Appendix 14 indicate that no more than three (3) adjacent lots would be required to be provided of the same lot width. Given the Subject Site constraints, including the narrow lot width, it is not considered practicable to provide multiple lot types and achieve the minimum dwelling requirements. The Subdivision Plan indicates that a range of lot widths can be accommodated within the proposed subdivision to facilitate a range of dwelling sizes;▪ A Building Envelope Plan is provided in Appendix 3;▪ The future development of Community Lot 5 will result in the number of driveways off Warriewood Road being reduced to only three (3) lots now relying on access from Warriewood Road; and▪ The larger lots will generally be situated towards Warriewood Road with the smaller lots located towards Lorikeet Grove. |



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| <ul style="list-style-type: none">○ for corner lots, the preferred entry/frontage;○ frontage where vehicular access is not permitted; and○ special fencing requirements <ul style="list-style-type: none">▪ The proposal addresses the amalgamation requirements, and the indicative access appears to be compliant although the number of driveways along Warriewood Road should be minimised and opportunities for rear lane and shared access encouraged.▪ Detached dwellings should be located along the Warriewood Road frontage with denser typologies to the north-eastern side of Lorikeet Grove closer to the Creekline. | |
| <p><u>Development Contributions</u></p> <ul style="list-style-type: none">▪ Clause 6.1(3) is a prohibition and cannot be varied. The submitted subdivision plan proposes 29 residential allotments which does not meet the minimum yield. Any future DA will need to demonstrate that at least 30 lots/dwellings are achieved.▪ The Warriewood Development Contributions Plan Amendment 16, Revision 4 2022 (the 'Contributions Plan') applies to the land and any future development of this site. The Contributions Plan identifies the following public infrastructure to be provided within the vicinity of the subject property. <p><u>Pedestrian and Cycle Network</u></p> <ul style="list-style-type: none">▪ Items 2B, 2C and 2D in the Pedestrian and Cyclist Network Strategy is a shared path connection from Narrabeen Creek to Macpherson Street. Council's Senior Landscape Architect will identify the required location of this shared path within the inner/outer creek corridor. The DA must allow for the provision of this shared path and identify appropriate transitions to the adjacent properties. If the applicant wishes to include the construction of this shared path in the DA, | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ As demonstrated in the Building Envelope Plan provided in Appendix 3, the proposed subdivision, subject to future Development Applications, would be capable of accommodating the minimum yield requirement of 30 dwellings including a secondary dwelling on northernmost lot fronting Warriewood Road (proposed Lot 23). <ul style="list-style-type: none">▪ The proposed development allows for the extension of a shared path through proposed drainage reserve Lot 1 and is consistent with the location of the shared path on the adjoining property to the south (as approved by Council). |



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| <p>this could be the subject of a Planning Agreement for the delivery of works-in-kind. Please contact me if you require any further information regarding a potential Planning Agreement.</p> <p><u>Creek Corridor</u></p> <ul style="list-style-type: none">▪ The Contributions Plan requires the dedication of the inner 25m creek corridor to Council. This dedication will occur via the registration of a plan of subdivision and will result in a reduction in the monetary contribution payable to Council, consistent with Table 4 in the Contributions Plan.▪ The Contributions Plan also identifies the future creek reconstruction and rehabilitation of the inner 25m corridor to contain the 1% AEP. If the land is owned by Council, these works are anticipated to commence in 2026/27. Control C6.1 of the Pittwater DCP requires the 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. 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. <p><u>Bus Bay and Shelter</u></p> <ul style="list-style-type: none">▪ Item 5.5 in the Traffic and Transport Strategy is a bus bay and shelter on Warriewood Road. Council's Traffic Engineer has advised that this is intended to be delivered adjacent to lots 9-12. This should be included in the design for the | <ul style="list-style-type: none">▪ The 25m creek corridor is to be dedicated to Council; and▪ The approximate alignment of the creek corridor is reflected on the Civil Plans and provides adequate distances as provided in Appendix 5. The reconstruction and rehabilitation of the inner creek corridor is subject to this DA. Lot 1 shown on the Plan of Subdivision (Appendix 15) has been designed to cater for the 1% AEP flood extents. The approximate flood line is also reflected on the Civil Plans provided in Appendix 5. |
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| half-road reconstruction of Warriewood Road. | <ul style="list-style-type: none">▪ The 3m wide bus bay has been accommodated on the Civil Plans provided in Appendix 5. |
| <p><u>Transport Engineer</u></p> <ul style="list-style-type: none">▪ Although the prelodgement plans are lacking in detail it is noted that the internal roads now proposed are each 7.5m in width generally with 2.5m nature strips which is consistent with widths envisaged in the Warriewood Valley Roads Masterplan (WVRM) for Access Streets. This will allow parking to occur on one side of these roads without impacting upon two way traffic flow.▪ There was concern expressed at the previous PLM with regard to the inability of the narrow road proposed to accommodate parking, particularly for any visitors, the 7.5m road widths now envisaged will provide adequately for visitor parking needs associated with subdivision and this is no longer a particular concern.▪ No vehicle crossings or offstreet parking have been shown on the prelodgement plans however each residential lot would be expected to have a driveway providing access to offstreet parking for 2 vehicles.▪ No swept path plots have been provided to demonstrate turning of trucks at the end of road 1, provision will need to be made for turning around of 10.5m garbage trucks. Reversing back along these roads by heavy vehicles will be unacceptable from a safety perspective. The ability for turning of trucks at the junction of Road 2 and Pheasant Place may also be required given the current lack of rights of carriageway for Council over Pheasant Place.▪ It is noted that there are 8 lots fronting Warriewood Road. The WVRM seeks to minimise driveway access points along Warriewood Road and where possible access should be provided from internal access roads. Lots 9-12 appear capable of being accessed from the internal roads | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ The roadway width has been increased to 7.5m generally, with a 2.5m verge generally on both sides. It is noted that this verge reduces in width at the turning head of the internal road which is required to facilitate compliant vehicle manoeuvrability however where practicably achievable, the 2.5m verge is maintained;▪ Council's concerns in relation to carriageway widths less than 7.5m have been noted and addressed within the proposed development;▪ The Building Envelope Plan provided in Appendix 3 has provided for off-street parking for two (2) vehicles per lot. In addition, 10 potential visitor on-street parking spaces are identified in the Transport Impact Assessment (Appendix 16);▪ Swept paths have been provided in Appendix 5 which demonstrates that the vehicles may turn around within the turning head. Negotiations with the Community Association of Pheasant Place regarding access will be undertaken in due course;▪ Where possible, access has been provided from the internal road and been limited from Warriewood Road; |



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| <p>while lots 13/14 and 15/16 could be accessed via shared driveways i.e only 2 driveways to Warriewood Road.</p> <ul style="list-style-type: none">▪ The WVRM requires the provision of a 2.1m shared path along the full Warriewood Road frontage of the site. There is also a requirement for a 2.5m wide shared path along the creek boundary at the southern edge of the site (understood to be the outer creek line corridor). These shared paths will need to connect with and match widths of existing approved shared path connections through Lot 3 DP 1115877 (known as 53C Warriewood Road) and Lot 106 DP 1151062 (known as 16-22 Lorikeet Grove). It is noted that the nature strip at the north western corner of the lot narrows to 1.5m in width. This is probably to match the nature strip widths for the already constructed section of Lorikeet Grove west of the site. This may result in the shared path straddling the road reserve and the residual lot. A 1.5m wide footpath is also required along the north side of Lorikeet Grove matching the alignment of existing footpath connections on adjacent lots. Details for the above should be resolved at DA stage.▪ There is an existing bus stop on Warriewood Rd in front of No.53B Warriewood Road. Council's Traffic Committee has previously approved a relocation of that bus stop to a new location in front of No.53A. See concept plan below. Item 5.5 of the Warriewood Valley Development Contributions Plan makes allowance for the provision of a Bus Bay and shelter on Warriewood Road between Manooka Place and Alameda Way. The bus bay and shelter will be sited on the frontage of No. 53A Warriewood Road and the subdivision must therefore make allowance for the westbound carriageway along the Warriewood Road frontage of the site to be no less than 6.7m in width i.e 3.7m travel lane plus 3.0m for an indented bus bay. Provision will also be required for the 2.1m for the shared path | <ul style="list-style-type: none">▪ The shared paths have been designed to match;▪ The proposed subdivision has made allowance for the proposed bus stop; |
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| <p>and 1.2m of verge. 10m of Road Reserve will therefore be required south of the centreline of Warriewood Road to accommodate the above.</p> <ul style="list-style-type: none">▪ The applicant will be required to design and meet the costs of installation of streetlighting to provide satisfactory illumination of the internal roads 1 and 2 and junctions with Lorikeet Grove together with the subdivision's Warriewood Road frontage. Plans for the location of all streetlighting fixtures will be required in conjunction with any DA approval to ensure that they comply with Council and Ausgrid requirements including underground service connections to properties on the opposite side of Warriewood Road.▪ The applicant will also need to make provision for any new parking restriction signage i.e No Parking restrictions along one side of Roads 1 & 2 plus any necessary changes to parking restrictions on Warriewood Road (Bus Zone adjustment) or Lorikeet Grove.▪ Each driveway for each lot will need to make allowance for a pedestrian sightline triangle as per AS/NZS 2890.1 at the property boundary. | <ul style="list-style-type: none">▪ Noted;▪ Noted; and▪ Each driveway is capable of complying. |
| <p><u>Waste</u></p> <p><u>Road Requirements</u></p> <ul style="list-style-type: none">▪ Waste collection is undertaken by three axle, 10.5 metre long, heavy rigid vehicles with the bin lifter on the left hand side only.▪ As there are dwellings on both sides of the proposed roadway, a two-way road circulation is required.▪ The 7.5 metre wide road pavement proposed is acceptable to Waste Services.▪ Swept path analysis must be provided showing waste collection vehicles can negotiate all corners and turns within the property and the access to/from the public road. | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ A 12.5m HRV vehicle profile has been adopted as a checking vehicle to demonstrate the larger vehicle can navigate the roadways. A 10.5m vehicle template will be provided during Subdivision Works Certificate phase;▪ Two-way circulation is noted, however two-way passing of waste vehicles is not realistic;▪ A 7.5m carriageways has been adopted. Turn paths are provided in Appendix 5; and▪ 12.5m HRV path has been included for the turning head to demonstrate that the turn can still be performed. |



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| <ul style="list-style-type: none">Waste collections will not be undertaken from the dead end section of private road that accesses lots 9, 10, 11 & 12. <p><u>Bin & Bulky Goods Presentation</u></p> <ul style="list-style-type: none">A 2.5 metre wide footpath/nature strip has been provided which will allow for the presentation of bins and bulky.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 cubic metres bulky goods.Lots 9, 10, 11 & 12 are inaccessible to waste collection vehicles from the private roadway. As these four lots have a frontage to Warriewood Road waste collection services will occur from this location. <p><u>Under Road Infrastructure</u></p> <ul style="list-style-type: none">Waste collection trucks weigh 23 tonnes. The truck has 3 axles. All under road infrastructure (e.g. oil tanks, pipes) must be capable of withstanding the load exerted by the waste collection vehicles. <p><u>Overhead Clearance</u></p> <ul style="list-style-type: none">Waste collection vehicles require a working clearance of 4.5 metres above the road pavement. <p><u>Dwellings – Onsite Bin Storage Requirements</u></p> <ul style="list-style-type: none">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.The following bins will be provided by Council to each dwelling:<ul style="list-style-type: none">1 x 80 litre garbage bin – 450mm wide, 510mm wide & 840mm high (lid shut) | <ul style="list-style-type: none">A 2.5m verge has been maintained;It is expected bins will be placed within the verge allocation, not the road pavement; andA 'T-intersection' has been created to ensure appropriate egress and access to enable service waste collection from the internal roadway to the rear loaded lots which have a frontage to Warriewood Road. <ul style="list-style-type: none">The pavements, pipes, and below ground structures will be designed to withstand loadings from waste vehicles. <ul style="list-style-type: none">Overhead clearance will be maintained. <ul style="list-style-type: none">Sufficient area for bin storage within each lot has been accommodated and will be demonstrated as part of the future subdivision. |
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| <ul style="list-style-type: none"> o 1 x 140 litre paper recycle bin – 535mm wide, 615mm deep & 915mm high (lid shut) o 1 x 140 litre container recycle bin – 535mm wide, 615mm deep & 915mm high (lid shut) o 1 x 240 litre vegetation bin – 600mm wide, 750mm deep & 1060mm high (lid shut) | |
| <p><u>Positive Covenant and Community Management Statement</u></p> <ul style="list-style-type: none"> o 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. o Council will provide clauses to be inserted into the Community Management Statement regarding access for waste collection vehicles. | <ul style="list-style-type: none"> ▪ Noted and accepted. |
| <p><u>Pheasant Place – Access for waste collection vehicles.</u></p> <ul style="list-style-type: none"> ▪ Council currently does not have right of access over Pheasant Place for the collection of waste. ▪ There is currently no positive covenant for access by waste services placed on the Pheasant Place community owned roadway. ▪ There is currently no Council approved Community Management Statement for waste services placed on the Pheasant Place Community Roadway. ▪ The use of Pheasant Place for waste collection services by Council is integral to this proposal as it allows trucks to circulate through the proposed subdivision in both directions. ▪ The applicant is to approach the Pheasant Place Community Association with a view to having Council's legal requirements fulfilled to allow access by the waste collection vehicles. | <ul style="list-style-type: none"> ▪ Negotiations with the owner's community association of Pheasant Place regarding access will be undertaken in due course. It is expected that the DA process will provide the opportunity for the community association to review and provide comments to the proposed access arrangement for Pheasant Place. It is noted that the proposal is essentially an infill development and unlocks improved access to Pheasant Place by way of connecting the missing link of Lorikeet Grove. It is considered that the proposed development benefits the Pheasant Place Community Association by providing direct access for refuse collection at Pheasant Place; |



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| <ul style="list-style-type: none">▪ Council can assist if needed and will provide the necessary documentation and instructions. | |
| <p><u>Flooding</u></p> <ul style="list-style-type: none">▪ Flood modelling is required and details demonstrating compliance need to be provided in the Water Management Report submitted with the DA. Modelling must extend a sufficient distance upstream and downstream to accommodate any likely hydraulic influences such as potential overland flow paths from upstream areas or downstream culverts. | <p>Flood modelling has previously been undertaken for the area. Reference is made to Craig and Rhodes report dated 19 March 2019. Refer <u>Appendix D</u> of the Civil Report provided in Appendix 6.</p> |
| <p><u>Landscape Officer</u></p> <ul style="list-style-type: none">▪ To satisfy the Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018 and the Warriewood Valley Roads Masterplan, August 2018, the following path network is required: <p><u>Warriewood Road</u></p> <ul style="list-style-type: none">▪ A 2.1m wide footpath is required along Warriewood Rd and shall be shown on subdivision plans, and shall be co-ordinated to align with the proposed 2.1m footpath for the adjoining properties.▪ Street tree planting is required in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018. Where appropriate, the footpath should be aligned to abut the kerb to increase deep soil area for street tree planting. <p><u>Lorikeet Grove</u></p> <ul style="list-style-type: none">▪ A 1.5m wide footpath is required to one side of Lorikeet Grove and shall be shown on subdivision plans, and shall be co-ordinated to align with the proposed 1.5m footpath for the adjoining properties, and generally these are located to the side of the creekline corridor. | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ Concept Landscape Plans are provided in Appendix 7 which demonstrate that the future subdivision would generally be capable of compliance. It is however noted that detailed landscaping will form part of future subdivision applications;▪ Compliant footpaths have generally been provided;▪ Concept Landscape Plans are provided in Appendix 7 which demonstrate that the future subdivision would generally be capable of compliance;▪ Compliant footpaths have generally been provided; |



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| <ul style="list-style-type: none">Street tree planting is required to both sides of Lorikeet Grove in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018. <p><u>Creekline Corridor</u></p> <ul style="list-style-type: none">A 2.5m wide sharepath is required within the Outer creekline corridor, and shall be shown on subdivision plans, and shall be co-ordinated to align with sharepath locations for the adjoining properties.Within the creekline corridor, the proposal must demonstrate the location and connectivity of a 2.5m width sharepath above the 20% AEP flood level. <p><u>D16.1 Character as viewed from a public place</u></p> <ul style="list-style-type: none">The development facing Warriewood Road must ensure that vegetation is dominant over the built form. To achieve this, the front setback to Warriewood Rd must be sufficient in deep soil area to support large canopy trees, and it is advised that the front setback to Warriewood Road should contain mass planted gardens, and lawn areas to such small sized front setbacks are not encouraged.Landscape treatment is to be integrated with the building design to screen and soften the visual impact of the built form. The height and scale of the landscaping in the setback area to the public place must be proportionate to the height and scale of the building. <p><u>D16.5 Landscaped Area for Newly Created Individual Allotments and D16.6 Front Building Lines</u></p> <ul style="list-style-type: none">Proposed development is required to satisfy D16.5 Landscaped Area for Newly Created Individual Allotments, with attention to providing landscaped areas that are deep soil areas capable of supporting trees, to allow new | <ul style="list-style-type: none">Concept Landscape Plans are provided in Appendix 7 which demonstrate that the future subdivision would generally be capable of compliance; <ul style="list-style-type: none">A compliant sharepath has been provided;The sharepath is located above the flood level; <ul style="list-style-type: none">Concept Landscape Plans are provided in Appendix 7 which demonstrate that the future subdivision would generally be capable of compliance; <ul style="list-style-type: none">Concept Landscape Plans are provided in Appendix 7 which demonstrate that the future subdivision would generally be capable of compliance; <ul style="list-style-type: none">Concept Landscape Plans are provided in Appendix 7 which demonstrate that the future subdivision would generally be capable of compliance; |
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| <p>development to blend into the streetscape.</p> <ul style="list-style-type: none">▪ The bulk and scale of the built form is to be minimised by landscape treatment, enhanced by tree planting within the front setback, to screen the visual impact of the built form. <p><u>D16.12 Fences</u></p> <ul style="list-style-type: none">▪ In all cases, vegetation is preferable over fencing to delineate the property boundary.▪ 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. | <ul style="list-style-type: none">▪ To be addressed as part of the future built form applications where it is expected that compliance will be achieved;▪ As above; and▪ As above. |
| <p><u>Environmental Health</u></p> <p><u>Acid Sulfate Soils</u></p> <ul style="list-style-type: none">▪ The Site is located within Class 4 and 5 Zones on the Acid Sulphate Soil map. Given the nature of the proposal, it is considered that the proposed development will not disturb, expose or drain acid sulfate soils and cause environmental damage and will be supported by appropriate documentation in support of this. With no ASS Management Plan submitted no works below 2 meters of natural ground level to be consented to or works that would lower the natural water table. <p><u>Contamination</u></p> <ul style="list-style-type: none">▪ As the use of the site is changing from its existing use, previous use of chemicals or pesticides, contamination must be considered through a phase 1 contamination report. Should the phase 1 identify any concern regarding contamination then a phase 2 is to be undertaken which will guide a | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ The proposed earthworks will not exceed 2m below natural ground level.▪ The remediation of the Subject Site has been previously approved under DA2024/0586 and will be carried out prior to the physical works of the proposed development. |



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| <p>remediation action plan and validation of the site. Contamination reports must be completed in accordance with the EPA documents. Consultants reporting on contaminated land by a consultant who meets the requirements of the EPA Contaminated Land Consultant Certification Policy.</p> <p><u>Sewerage</u></p> <ul style="list-style-type: none">▪ The property does not appear to have a current connection to sewer.▪ Council requests a report that Sydney Water has given its approval for the development to be or able to be connected to sewer.▪ A Section 73 Approval under the Sydney Water Act 1994 must be obtained from Sydney Water. | <ul style="list-style-type: none">▪ An existing sewer main is available for connection, subject to Authority requirements. An application will be submitted to the authority post DA submission. Detailed design to be carried out during SWC phase and will be subject to authority requirements. S73 to be obtained during detailed design. |
| <p><u>Biodiversity Officer</u></p> <ul style="list-style-type: none">▪ Under DCP clause C6.2 - Integration with Creekline Corridor and the Public Domain, the following outcome, amongst other things, is to be achieved: extensive stands of <i>Casuarina glauca</i>, and groves of <i>Eucalyptus robusta</i> with other native feature trees, indigenous understorey and ground covers, which are to comprise a minimum of 75% of the total (50m) creekline corridor area.▪ Flora and Fauna, Bushfire and VMPs have been prepared as part of previous development applications for the 2 separate lots. For this consolidated site, the revision and updating of these reports to cover the entire site is acceptable, and recommended. Previous comments from Council did not raise any major issues with the reports, apart from a recommendation to retain remnant native vegetation where possible. Integration and collaboration early in the design process between the Ecologist, Arborist and civil designers is recommended to maximise tree and native vegetation retention across the site. | <p>The Applicant has addressed Council's comments in the following manner:</p> <ul style="list-style-type: none">▪ Concept Landscape Plans are provided in Appendix 7 which demonstrate that the future subdivision would generally be capable of compliance. It is however noted that detailed landscaping will form part of a future DA; and▪ All such reports have been updated and submitted as part of this DA. |



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| and particularly within the Creekline Corridor. | |
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1.3 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS

The proposed development is considered Integrated Development under Section 4.46 of the EP&A Act as it is a Controlled Activity under Section 91 of the *Water Management Act 2000* and requires a Controlled Activity Approval from the Natural Resource Access Regulator (NRAR).



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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Subject Site is identified as 53A & 53B Warriewood Road, Warriewood, containing the following land holdings:

| TABLE 2. SITE IDENTIFICATION | | |
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| Site Address | Legal Description(s) | Land Area (approx.) |
| 53A Warriewood Road | Lot 2 DP 1115877 | 9,251m ² |
| 53B Warriewood Road | Lot 3 DP 1115877 | 6,838m ² |
| Total | | 16,089m ² |

The Subject Site is generally rectangular in shape and has an area of approximately 16,089m². The Subject Site is located on the southern side of Warriewood Road, between Bubalo Street and Brands Lane, Warriewood. Currently, access to the road network is from the north-east of the Subject Site however it is noted that access will be available from the south-west of the Subject Site upon the completion of Lorikeet Grove.

It is noted that the inclusion of 53 Warriewood Road (Lot 3 DP942319), being an existing trunk drainage reserve, will be negotiated with Council as part of this DA and once arrangements have been agreed with the proponent, it would be practical for this parcel of land to form part of the overall development. This parcel of land runs adjacent to the eastern boundary of the Subject Site.

The Subject Site falls from the north-east to south-west, with a high point in the north-western corner of the Subject Site and a low point in the south-eastern corner of the Subject Site at the southern boundary with Narrabeen Creek.

At present, the Subject Site is occupied by a single storey and two-storey dwelling house and associated small sheds which have been approved to be demolished and remediated under DA2024/0586

The Subject Site is within the R3 Medium Density Residential zone pursuant to the zoning provisions of PLEP2014. The Subject Site is situated within the Warriewood Valley Release Area within the Northern Beaches Local Government Area (LGA).

A 5m wide easement for sewerage purposes transects the Subject Site near the northern boundary.

The location of the Subject Site and existing development are depicted in **Figures 1** and **2** below.



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Figure 1. Cadastral Map (Source: SIX Maps, 2024)



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Figure 2. Aerial Map (Source: Near Map, 2024)

2.2 SITE CONTEXT

The surrounding land uses in the vicinity of the Subject Site generally comprise low-density residential dwellings. Narrabeen Creek adjoins the Subject Site to the rear. The Subject Site is situated within proximity to commercial centres at Warriewood and Mona Vale, with bus stops located along Warriewood Road which provide access to the surrounding Northern Beaches suburbs.

2.3 DEVELOPMENT HISTORY

Table 3 outlined below provides a summary of the DAs, pertaining to the Subject Site and of relevance to the proposal, that have been determined or are under assessment.



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| TABLE 2. EXISTING CONSENTS | | |
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| DA Reference | Summary | Date |
| DA/2024/0586 | Demolition works and remediation of the site | 9 July 2024 |
| DA2021/1478 | Subdivision of one lot into 22 Community Title Lots including the construction of 21 dwellings, civil works and landscaping | Withdrawn |

It is noted that a formal request for additional information pertaining to DA2021/1478 was sent by Northern Beaches Council on 7 January 2022 to the Proponent. It is understood that the application related to the property at 53A Warriewood Road, Warriewood only was subsequently withdrawn by the Proponent (previous landowner).



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PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

This DA seeks development consent for the five (5) lot Community Title Subdivision of the Subject Site, including a private internal road i.e. Community Lot 1, the future public reserve, the extension of Lorikeet Grove, the widening of Pheasant Place, civil works and tree removal to facilitate the future residential development of the Subject Site. Three (3) residential super lots are proposed which will be further subdivided under separate applications at a later date. The proposed development is further described in **PART C** of this SEE.

3.2 DEVELOPMENT STATISTICS

The proposed development includes the following scope of works:

Subdivision

Phase 1

- Subdivision of the Subject Site into two (2) lots and road reserve to facilitate the transfer to Council of Lot 1 as a public reserve and Lorikeet Grove as public road. Proposed Lot 2 will be a community title lot as detailed below (**Figures 3 & 4**);

Phase 2

- Community Title subdivision of the Subject Site into five (5) allotments, including:
 - Lot 1 being the private internal road;
 - Lots 2 being a residential allotment;
 - Lots 3 to 5 being residential super lots which will be further subdivided to accommodate individual lots;

Construction

- Extension of Lorikeet Grove and a new private road through the Subject Site;
- Warriewood Road half-road frontage ; and
- Associated stormwater, earthworks and tree removal;

Dedication of Land

- Dedication of a future public reserve to Council measuring 3,980m², being the riparian corridor land abutting Narrabeen Creek.

The proposed development includes those works as identified in **Table 4** below.



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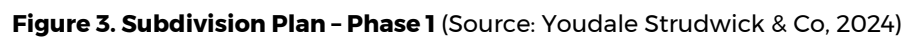
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| TABLE 3. DEVELOPMENT PARTICULARS | | |
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| Component | | Proposed |
| Site Area | | 16,089m ² |
| Number of Lots | | Five (5) Community Title lots and one (1) Drainage Reserve lot |
| Lot Size | Drainage Reserve | 3,980m ² |
| | Lot 1 | 2,383m ² |
| | Lot 2 | 421m ² |
| | Lot 3 | 2,338m ² |
| | Lot 4 | 2,082m ² |
| | Lot 5 | 4,190m ² |
| Gross Floor Area | | TBD as part of future consent for dwellings |
| Building Height | | TBD as part of future consent for dwellings |
| Landscaping | | TBD as part of future consent for subdivision for individual lots |
| Earthworks | | Given the slope of the Subject Site, varying degrees of earthworks are proposed. Earthworks to the residential super lots will be subject to a future DA |
| Land Dedication | | Lot 1 abutting Narrabeen Creek is to be dedicated to Council in accordance with the Warriewood Valley Contributions Plan |
| Tree Removal | | 41 trees are to be removed |
| Infrastructure and Servicing | | New utility infrastructure will be provided to service the proposed subdivision |
| Estimated Development Cost (EDC) | | \$2,704,376 (including GST) |

The Subdivision Plan is provided at **Figure** and **Figure 4** below.



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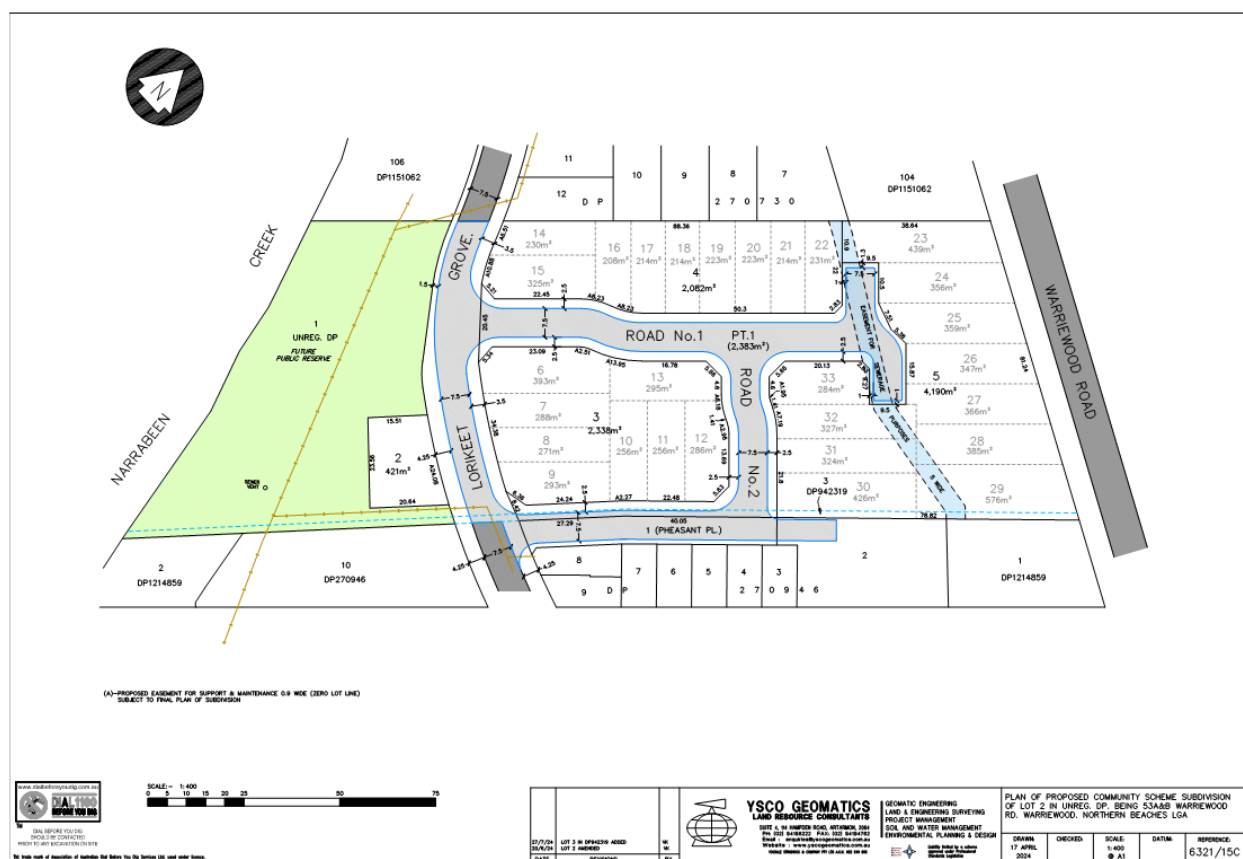


Figure 4. Subdivision Plan – Phase 2 (Source: Youdale Strudwick & Co, 2024)

3.3 INCLUSION OF COUNCIL LAND

Lot 3 in DP942319 has been incorporated into the development site as requested by Council in the PLM2022/0235 dated 9 February 2023.

By including Council's drainage reserve, the development will facilitate:

- The extension and dedication of Lorikeet Grove to Council (blue in **Figure 5**);
- The creation of proposed Lot 1 and dedication as Public Reserve to Council (pink in **Figure 5**); and
- The extension of private Road No.2 and private Road Pheasant Place (green in **Figure 5**).



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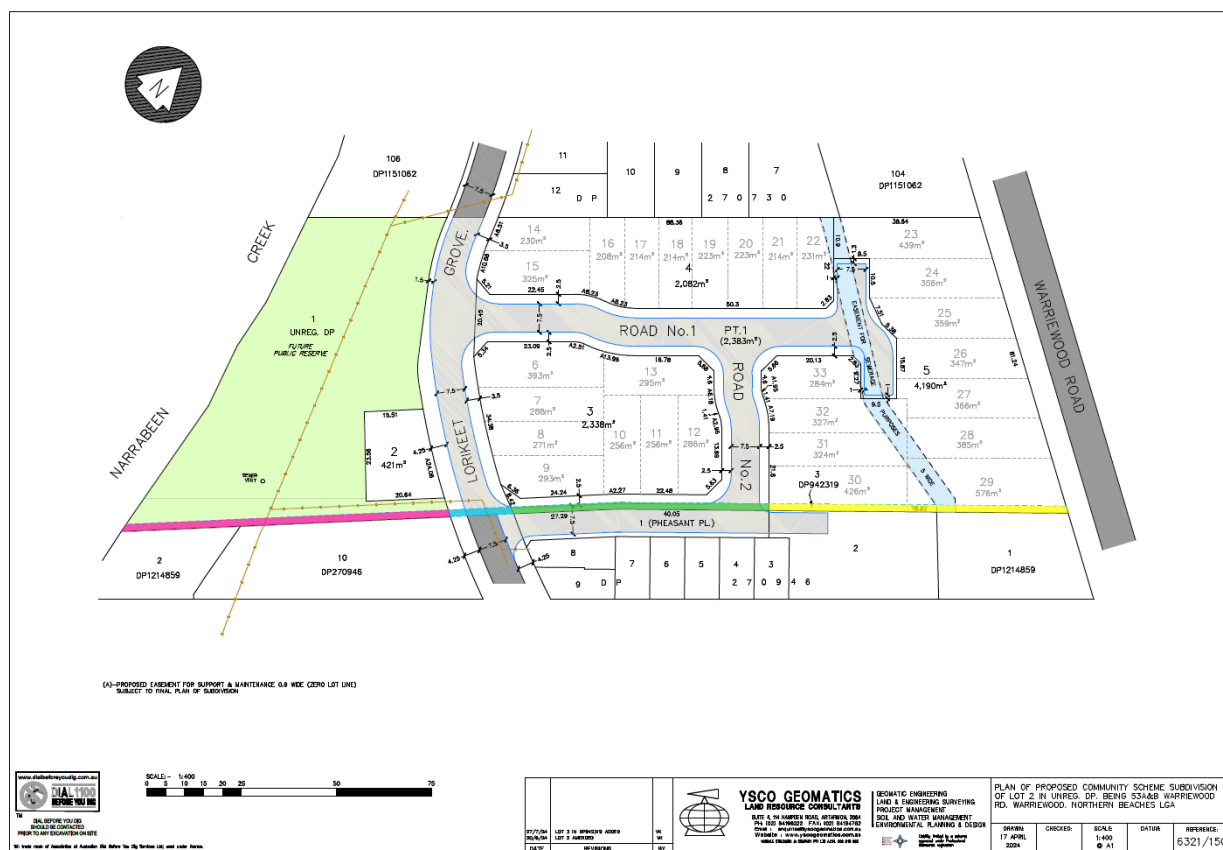


Figure 5. Negotiation Approach (Source: Sekisui House., 2024)

The proposal seeks to clarify the Proponent's intent having regard to Council's drainage land and believes that Council agreeing to include their land to form part of the subdivision will allow for the orderly development of the land and result in future public benefit/assets.

It is noted that Council's existing trunk drainage network is not wholly within Council's adjoining drainage land and found to be inadequate for the stormwater event for which it has been designed for. The subdivision works for the development proposes the realignment and upgrade of the trunk drainage infrastructure so that it will be contained within Lot 3 DP942319. The greatest encroachment of the existing infrastructure on private land occurs in the area adjacent to Council's land marked yellow in **Figure 5**.



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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Subject Site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *National Parks and Wildlife Act 1974*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

Local Planning Context

- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*
- *Warriewood Valley Contributions Plan Amendment 16*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

A search has been carried out under the Protected Matters Search Tool which confirms that the Subject Site is not identified as a MNES. The proposal does not involve significant impacts on MNES, therefore no further consideration of the EPBC Act is required.



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4.3 STATE PLANNING CONTEXT

4.3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 5** below.

| TABLE 4. SECTION 4.15(1)(A) CONSIDERATIONS | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section | Response |
| Section 4.15(1)(a)(i) any environmental planning instrument, and | The PLEP2014 is the principal Environmental Planning Instrument (EPI) applying to the Subject Site, which is assessed in Section 4.5 of this SEE. |
| Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and | No draft environmental planning instruments are applicable to the Subject Site. |
| Section 4.15(1)(a)(iii) any development control plan, and | The <i>Pittwater 21 Development Control Plan</i> (P21DCP) applies to the Subject Site and is addressed in Section 4.5.1.3 and Appendix 12 of this SEE. |
| Section 4.15(1)(a)(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 | As discussed above, negotiations will be entered into with Council to discuss the acquisition of a part of 53 Warriewood Road to facilitate the orderly development of the Subject Site and create a public benefit. |
| Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), | The EP&A Regulation is addressed in Section 4.3.2 of this SEE. |
| Section 4.15(1)(b)-(c) | These matters are addressed in PART E of this SEE. |

Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposed development is Northern Beaches Council.

4.3.1.2 Section 4.46 of EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines ‘integrated development’ as matters that require consent from the consent authority and one (1) or more authorities under related legislation. In these circumstances, prior to



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granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The proposed development is considered integrated development and therefore is to be referred to the Department of Planning, Housing and Infrastructure – Water for Controlled Activity Approval under Clause 91 of the *Water Management Act 2000*.

4.3.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:

| TABLE 5. HOW THE DA IS MADE | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Considerations | Response |
| Division 1 – Making development applications | |
| <i>Section 23 – Persons who may make development applications</i> | |
| (1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land. | This DA is made by Willowtree Planning. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made. |
| <i>Section 24 – Content of development applications</i> | |
| (1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal. | The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner’s consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal. |
| <i>Section 25 – Information about concurrence or approvals</i> | |
| A development application must contain the following information— (a) a list of the authorities — (i) from which concurrence must be obtained before the development may lawfully be carried out, and (ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, (b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be | Refer to Section 4.3.1.2 of this SEE. |



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| | |
|---------------------------------------------------------------------|--|
| <i>obtained before the development may lawfully be carried out.</i> | |
|---------------------------------------------------------------------|--|

4.3.3 NATIONAL PARKS AND WILDLIFE ACT 1974

The *National Parks and Wildlife Act 1974* (NPW Act) seeks to conserve natural and cultural heritage, including places, objects and features of significance to Aboriginal people. The Subject Site is not part of a National Park.

An Aboriginal Due Diligence Assessment (ADDA) has been prepared by Biosis and is provided at **Appendix 1**. A search of the Aboriginal Heritage Information Management System (AHIMS) database identified 113 Aboriginal archaeological sites within a 4.5 by 4.5km search area, centred on the Subject Site. None of these sites were located within the Subject Site. Art (pigment or engraved) and rock engravings sites are the most common in the surrounding area. Background research identified that extensive disturbance has occurred throughout the Subject Site.

An archaeological investigation of the study area was undertaken, and no Aboriginal Sites or objects were identified. The field investigation identified that the Subject Site as a whole has been subject to disturbance and has low potential to contain intact archaeological deposits. As such, it is assessed that there is low potential for Aboriginal archaeological sites to occur within the Subject Site.

As such, the following is recommended:

- No further archaeological assessment is required;
- Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders; and
- If any suspected human remains are discovered during any activity you must:
 - Immediately cease all work at that location and not further move or disturb the remains;
 - Notify the NSW Police and Heritage NSW' Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location; and
 - Not recommence work at that location unless authorised in writing by Heritage NSW.

4.3.4 WATER MANAGEMENT ACT 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

The Subject Site is located within 40m of a watercourse and as such requires a Controlled Activity Approval from the NRAR pursuant to Clause 91 of the WM Act.

4.3.5 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now



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and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

A Flora and Fauna Assessment has been prepared in support of the proposed development by Kingsfisher Ecology and is provided at **Appendix 9**. The assessment concludes that the proposed development is acceptable subject to recommendations relating to the following:

- Tree protection;
- Delineation of work areas;
- Seed collection and transplanting;
- Care of bushland areas long-term;
- Erosion and runoff;
- Waste management;
- Weed removal techniques;
- Nest boxes; and
- Pathogen prevention.

A Vegetation Management Plan (VMP) has been prepared and is provided in **Appendix 17**.

4.3.6 RURAL FIRES ACT 1997

The Subject Site is identified as containing bush fire prone land which is Vegetation Buffer to a minor portion of the Subject Site.

The proposed development seeks to subdivide bush fire prone land that could be lawfully used for residential purposes and therefore, pursuant to the *Rural Fires Act 1997*, the proposed development will require a bush fire safety authority to be issued.

A Bushfire Protection Assessment has been provided in **Appendix 4** which has undertaken an assessment of the proposed development having regard to *Planning for Bush Fire Protection 2019* (PBP). The assessment has determined that the proposed development is subject to a Bushfire Attack Level (BAL) of BAL-29. As demonstrated in the assessment, the proposed development can achieve all necessary requirements of PBP subject to minor performance solutions which will be incorporated into the future development.



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4.3.7 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:

- Land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*;
- Management of hazardous and offensive development; and
- Remediation of contaminated land and to minimise the risk of harm.

In relation to the Subject Site, the following matters are highlighted.

Chapter 2 – Coastal management

The Subject Site is identified on the Coastal Wetlands and Littoral Rainforests Area Map as “proximity area for coastal wetlands”.

Clause 2.8 of the Resilience SEPP relates to land in proximity areas for coastal wetlands. Clause 2.8(1) prescribes the following in relation to proximity areas:

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on*
 - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Further, Clause 2.12 of the Resilience SEPP prescribes that *development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

As detailed in the Civil Report provided in **Appendix 6**, the proposed development would not result in any adverse impacts to having regard to stormwater runoff or flooding and therefore considered the proposed development would not increase the risk of coastal hazards on the Subject Site or surrounding properties.

Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*



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(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The remediation of the Subject Site was approved under DA/2024/0586. For clarity, the approved Detailed Site Investigation and Remediation Action Plan (RAP) prepared by Geotechnique has been provided in **Appendix 8**.

4.3.8 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) contains planning provisions relating to:

- Infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.

Chapter 2 – Infrastructure

The proposed development involves works carried out within 5m of an exposed overhead electricity power line and pursuant to Clause 2.48, the consent authority must give written notice to the electricity supply authority for the area and take into consideration any response provided to that notice.

4.3.9 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity SEPP) contains planning provisions relating to:

- Planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application; and
- The land use planning and assessment framework for koala habitat.

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the Biodiversity SEPP relates to vegetation removal and applies to the Northern Beaches LGA. The proposal involves the removal of 23 trees on the Subject Site that are declared under PDGP21 as requiring development consent for removal. 18 trees will be removed which do not require the consent of Council. An Arboricultural Impact Assessment has been prepared by the Tree Guardian and is provided at **Appendix 2**. The matter of tree removal is discussed in more detail in **Section 5.10** of this report under the provisions of PDGP21.

4.3.10 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for both residential and non-residential development and contributes to NSW's target of achieving net zero by 2050.



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Chapter 3 – Standard for non-residential development

Chapter 3 applies to non-residential development. Compliance will need to be demonstrated as part of any future proposal that involves the construction of residential accommodation.

4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Subject Site.

4.5 LOCAL PLANNING CONTEXT

4.5.1 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

The PLEP2014 is the primary Environmental Planning Instrument that applies to the Subject Site. The relevant provisions of PLEP2014 as they relate to the Subject Site are considered in the following subsections.

4.5.1.1 Zoning and Permissibility

The Subject Site is zoned R3 Medium Density Residential pursuant to PLEP2014 as shown in **Figure 6**.



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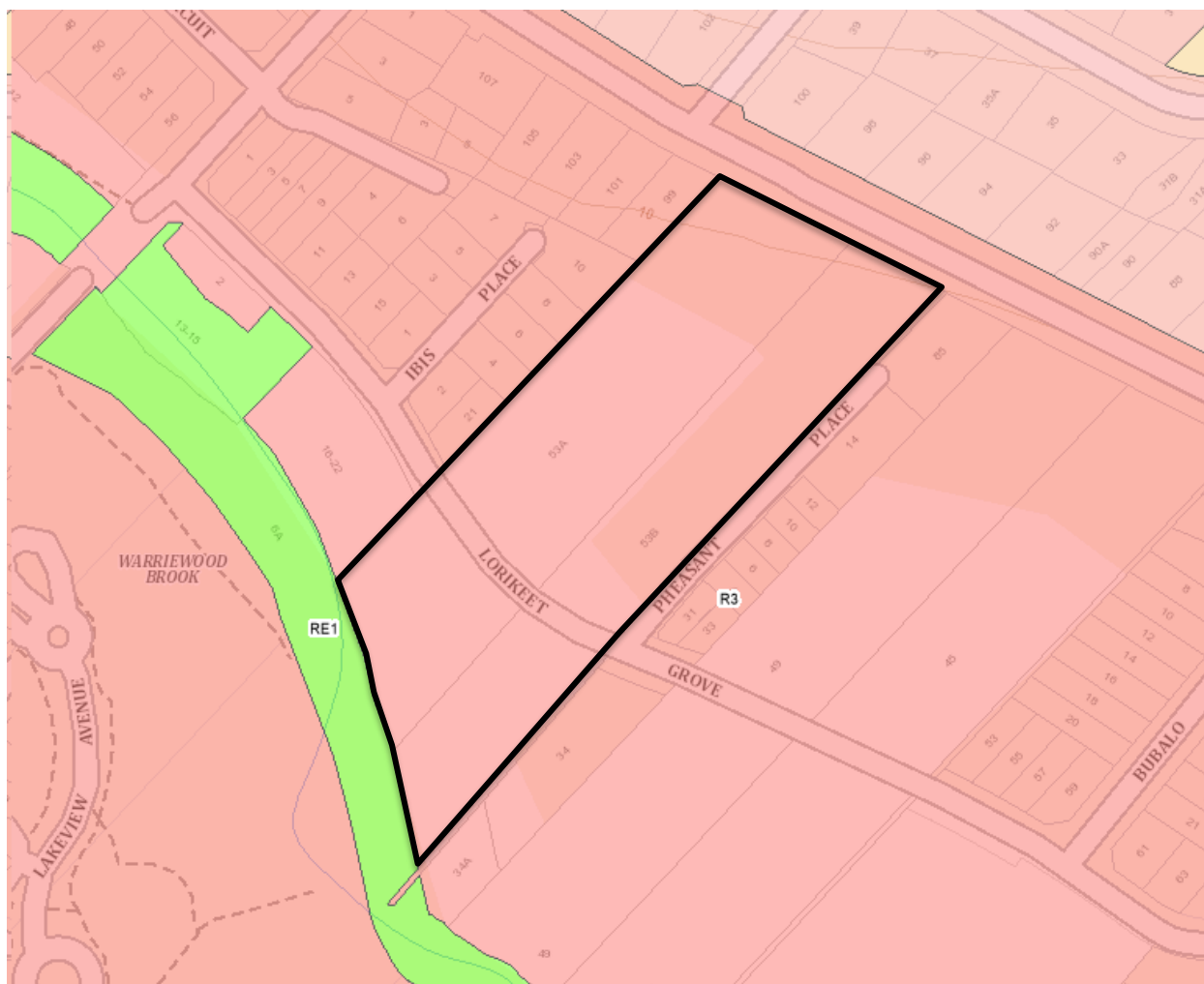


Figure 6. PLEP2014 Zoning Map (Source: ePlanning Spatial Viewer, 2024)

The Land Use Table for the R3 zone is reproduced below.

1 Objectives

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent



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Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any other development not specified in item 2 or 3

The proposed development seeks consent for subdivision and civil works only and does not seek consent for the use of the Subject Site. The proposed development will facilitate future residential development to provide for the housing needs of the community which is consistent with the objectives of the R3 zone.

4.5.1.2 Development Standards

Table 7 outlines the developments consistency and compliance with the relevant development standards and controls under PLEP 2014.

| TABLE 7 DEVELOPMENT STANDARDS | |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause | Comment |
| Clause 2.6 Subdivision | It is noted that the Subject Site may be subdivided with development consent. |
| Clause 4.1 Minimum Subdivision Lot Size | The Subject Site is not subject to a minimum subdivision lot size under Clause 4.1. |
| Clause 4.1AA Minimum Subdivision Lot Size for Community Title schemes | The Subject Site is not subject to a minimum subdivision lot size under Clause 4.1AA. |
| Clause 4.3 Height of Buildings | The maximum prescribed building height within the PLEP2014 is 10.5m. It is noted that the built form of the future residential development does not form part of the proposed development. |
| Clause 4.4 Floor Space Ratio (FSR) | The Subject Site is not subject to a maximum Floor Space Ratio (FSR). |
| Clause 5.10 Heritage | <p>The Subject Site is not identified as a Heritage Item or within a Heritage Conservation Area.</p> <p>An Aboriginal Due Diligence Assessment has been prepared in support of the proposed development and is provided at Appendix 1.</p> |



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|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause 6.1 Warriewood Valley Release Area | <p>Pursuant to Clause 6.1 of PLEP2014, development consent must not be granted unless the consent authority is satisfied that the total number of dwellings on the Subject Site is to be no less than 30 dwellings. The proposed will facilitate the future development of a compliant number of dwellings, with a total of 30 potential dwellings including a secondary dwelling on northernmost lot fronting (indicative Lot 23) Warriewood Road. It is noted that any future DA which seeks to subdivide the Subject Site further would be required to achieve compliance.</p> <p>Additionally, the consent authority must be satisfied that the proposed development will not have any significant adverse impact on any of the following—</p> <ul style="list-style-type: none">(a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors,(b) the water quality and flows within creek line corridors,(c) the stability of the bed, shore, and banks of any watercourse within creek line corridors. <p>The proposal includes:</p> <ul style="list-style-type: none">▪ A 25m offset from the Creek to be dedicated for rehabilitation and public recreation; and▪ A further 25m offset (in addition to the above) to contain a stormwater quality and detention basin. <p>The above offsets and proposed works will positively impact the aquatic and riparian vegetation, water quality and creek stability, as set out in the Civil Report (Appendix 6) and Flora & Fauna Assessment (Appendix 9).</p> |
| Clause 7.1 Acid Sulfate Soils | <p>The Subject Site is identified as containing Class 4 and 5 acid sulfate soils under PLEP2014. Given the nature of the proposed development in which the earthworks would not exceed 2m in depth, it is considered that the proposed will not disturb, expose or drain acid sulfate soils and cause environmental damage. This is supported by the Geotechnical Investigation provided in Appendix 10.</p> |
| Clause 7.2 Earthworks | <p>The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>A Geotechnical Investigation was prepared in support of the proposed development and is provided at Appendix 10.</p> |
| Clause 7.4 Floodplain Risk Management | <p>Clause 7.4 prescribes controls relating to floodplain management.</p> |



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| | <p>A Civil Report was prepared in support of the proposed development and is provided at Appendix 5.</p> <p>The report confirms that the proposal will not create any additional flood prone residential lots, with minimal off-site flood impacts and increased flow conveyance along Narrabeen Creek. All flows discharging from the Subject Site are no greater than the pre-development flow rates.</p> |
| Clause 7.6 Biodiversity | <p>The Subject Site is identified as “Biodiversity” on the PLEP2014 Biodiversity Map.</p> <p>A Flora and Fauna Assessment has been prepared in support of the proposed development by Kingsfisher Ecology and is provided at Appendix 9. The assessment concludes that the proposed development is acceptable subject to recommendations relating to the following:</p> <ul style="list-style-type: none">▪ Tree protection;▪ Delineation of work areas;▪ Seed collection and transplanting;▪ Care of bushland areas long-term;▪ Erosion and runoff;▪ Waste management;▪ Weed removal techniques;▪ Nest boxes; and▪ Pathogen prevention. <p>A Vegetation Management Plan (VMP) has been prepared and is provided in Appendix 17.</p> |
| Clause 7.10 Essential Services | <p>New utility infrastructure will be provided to service the proposed subdivision. These services will be placed in typical shared trench arrangements in accordance with the <i>NSW Streets Opening Conference Guide to Codes and Practices for Streets Opening (2009)</i> or equivalent alternative approved by the relevant authority.</p> <p>The services to be provided within the development include:</p> <ul style="list-style-type: none">▪ Potable Water;▪ Sewer;▪ Telecommunications;▪ High and low voltage electrical services, including street lighting; and▪ Natural Gas. |



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| | |
|--|---------------------------------------------------------------------------|
| | The design of all utilities will be submitted to each relevant authority. |
|--|---------------------------------------------------------------------------|

4.5.1.3 PITTWATER 21 DEVELOPMENT CONTROL PLAN

The PDCP provides detailed planning and design guidelines to support the planning controls of the PLEP2014.

An assessment of the proposal against the relevant sections of the PDCP21 is provided at **Appendix 12**.

4.5.1.4 WARRIEWOOD VALLEY CONTRIBUTIONS PLAN AMENDMENT 16

Warriewood Valley Contributions Plan Amendment 16 Revision 4 relates to the Subject Site. Any contribution payable would be imposed as a condition of consent.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The Subject Site is located in the R3 Medium Density Residential zone and the proposed development includes Community Title subdivision and associated civil works to enable future residential dwellings on the Subject Site. The proposed development is appropriate to the context and setting of the Subject Site and is consistent with the desired future character of the Warriewood Valley Release Area.

5.2 BUILT FORM

The proposed development relates to subdivision of the Subject Site only and does not involve any proposed dwellings. An Indicative Building Envelope Plan is provided at **Appendix 3** for the purpose of demonstrating potential dwelling siting. It is generally considered that each lot will be capable of achieving compliance with the relevant built form controls as discussed in the PDCP21 assessment table provided at **Appendix 12**.

5.3 ACCESS AND PARKING

The proposed development works will involve construction of multiple new roadways. The road network will include the extension of Lorikeet Grove to the north and south and formation of two (2) new internal private roadways for the subdivision. A new permanent turning head arrangement is required to facilitate access to the future residential lots as shown on the Civil Plans provided in **Appendix 5** and resolves the transport and waste matters raised in PLM2022/0235.

Pheasant Place will remain to be an existing access road to service existing residential lots to the south. It is proposed to connect into and locally widen the existing roadway to provide access to Road 02 and Lorikeet Grove as reflected on the relevant drawings. Works are also proposed within Warriewood Road reserve and include half-road construction, formation of a new 3m wide bus bay, and a 2.1m wide car parking bay.

The proposed road layout is shown in **Figure 7** and further detailed in **Table 8** below.



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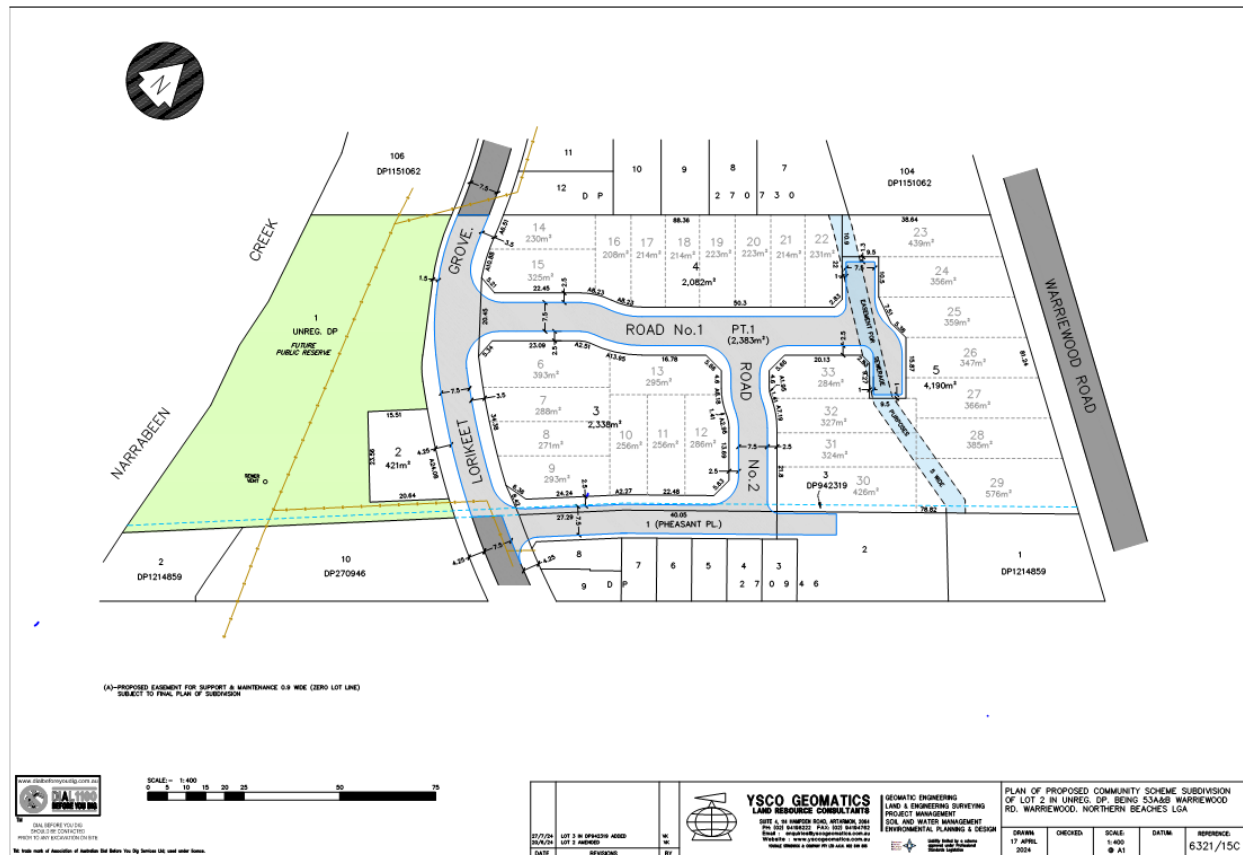


Figure 7. Road Layout (Source: Youdale Strudwick & Co, 2024)

| TABLE 8. ROAD TYPES | | | |
|---------------------|---------------------|----------------------------------------------|------------------------------------------------------------------------------------|
| Road | Category | Typical Road Carriageway | Comments |
| Warriewood Road | Minor Collector | Existing road carriageway width varies ~9.4m | Half road construction Bus bay 3m wide Parking bays 2.1m – on-street parking |
| Lorikeet Grove | Local Access Road | 7.5m 3.75m travel lanes | 12.5m wide road reserve north of the Subject Site |
| Lorikeet Grove | Local Access Road | 7.5m 3.75m travel lanes | 16m wide road reserve south of the Subject Site |
| Pheasant Place | Private Access Road | 7.5m 3.75m travel lanes | 11.2m wide road reserve without on-street parking |



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| | | | |
|-------------|---------------------|----------------------------|-------------------------|
| Road 01, 02 | Private Access Road | 7.5m 3.75m travel lanes | 12.5m wide road reserve |
|-------------|---------------------|----------------------------|-------------------------|

The proposed roadways are designed in accordance with normal engineering practice, Council's Engineering Design Code and relevant DCP specifications.

Lorikeet Grove is intended to have a posted speed limit of 50km/h. The internal private roads are intended to be of a lower speed environment typical of 30km/h operating speeds.

- Lorikeet Grove (Local Access Road) – 50km/h; and
- Roads 01, 02 and Pheasant Place (Access Road) – 30km/h.

Details of the proposed road geometry and pavements are provided in the Civil Report in **Appendix 6**.

5.3.1 Traffic Generation

Based on the *TfNSW Guide to Traffic Generating Developments* and the maximum 42 dwellings permissible on the Subject Site under Clause 6.1 of PLEP2014, the future residential development would result in a maximum 449.4 trips per day (39.9/hour in the AM Peak and 41.58/hour in the PM peak).

No additional road upgrades are proposed beyond those already envisaged and against existing traffic volumes in the vicinity of the Subject Site, the additional traffic generated by the proposed development is not expected to compromise the safety or function of the surrounding road network.

5.3.2 Parking

On-street parking is to be provided as outlined in **Table 8**. Signage, line marking, and road pavement surface treatments will be provided for appropriate warning to vehicles, traffic calming at local road intersections and improve driver awareness in critical locations. Appropriate signage and line marking provisions will be incorporated during detailed design phase of the development.

An assessment of the sightlines, potential driveway locations and visitor parking has been provided in the Transport Impact Assessment in **Appendix 16**, which demonstrates that the proposed development can achieve compliance with the relevant Australian Standards and PDCP2021. Detailed assessment would be undertaken as part of any future application for the residential dwellings.

5.4 STORMWATER & EROSION & SEDIMENT CONTROL

Appropriate stormwater infrastructure forms part of the proposed development to appropriately manage stormwater drainage. A conventional stormwater pit and pipe drainage network is proposed which has been designed in accordance with the Council's *Water Management for Development Policy* and is detailed in the Civil Report provided in **Appendix 6**.



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The lawful point of discharge for the Subject Site remains to be Narrabeen Creek and is consistent with the existing conditions. To ensure post-development runoff is retained to pre-development flow regimes, two (2) separate OSD tanks are proposed to restrict outflows. The overall treatment systems will involve the use of proprietary cartridge filters within the tanks, pit basket inserts with road pits, and rainwater tanks for future residential lots. MUSIC and DRAINS modelling has been undertaken to confirm compliance.

As part of the works, the erosion and sedimentation control will be constructed in accordance with Council requirements and the NSW Department of Housing Manual, *Managing Urban Stormwater Soil & Construction 2004 (Blue Book)* prior to any earthworks commencing on-site.

The sediment basin is proposed to be constructed prior to earthworks commencing and maintained throughout construction of the subdivision. The sediment basin will be designed to capture site runoff during construction.

5.5 FLOODING

The flood study prepared by Craig and Rhodes, dated 19 March 2019 outlines the peak flood levels for all relevant events. Refer Table 11 – Peak Water Surface Levels for details. The report is included as [Appendix D](#) of the Civil Report provided in **Appendix 6**. All proposed lots are located above the FPL.

5.6 BUSHFIRE

The Subject Site is identified as containing minor area of bush fire prone land and is not located on the land which will be used for residential purposes in the future.

The proposed development seeks to subdivide bush fire prone land that could be lawfully used for residential purposes and therefore, pursuant to the *Rural Fires Act 1997*, the proposed development will require a bush fire safety authority to be issued.

A Bushfire Protection Assessment has been provided in **Appendix 4** which has undertaken an assessment of the proposed development having regard to PBP. The assessment has determined that the proposed development is subject to a BAL of BAL-29. As demonstrated in the assessment, the proposed development can achieve all necessary requirements of PBP subject to minor performance solutions which will be incorporated into the future development.

5.7 CONTAMINATION

The remediation of the Subject Site was approved under DA/2024/0586. For clarity, the approved Detailed Site Investigation and RAP prepared by Geotechnique has been provided in **Appendix 8**.

5.8 WASTE

All waste will be managed in accordance with the Waste Management Plan provided at **Appendix 18**. All storage, collection and movement of waste has been designed to comply with the relevant controls contained within PDCCP21.

A swept path assessment of the proposed design which is provided in [Appendix A](#) of the Transport Impact Assessment provided in **Appendix 16**. The assessment shows that a Heavy Rigid Vehicle (HRV) can



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manoeuvre within the Road No. 1 'hammerhead' and perform turns clear of parked cars and adjacent properties.

Refuse collection is proposed on-street by Council collection vehicles. The swept path assessment also demonstrates that refuse collection vehicles can enter and exit Road No. 1 from Lorikeet Grove satisfactorily and exit via Pheasant Place. As HRVs can access the proposed development via Road No. 1, access for emergency vehicles is also facilitated. Based on the above, the proposed refuse vehicle access arrangements are considered satisfactory. Further, sufficient height clearance is provided throughout.

5.9 HERITAGE

The Subject Site does not contain an item of environmental heritage identified in PLEP2014 nor is the Site within a Heritage Conservation Area.

An ADDA has been prepared by Biosis and is provided at **Appendix 1**. A search of the AHIMS database identified 113 Aboriginal archaeological sites within a 4.5 by 4.5km search area, centred on the Subject Site. None of these sites were located within the Subject Site. Art (pigment or engraved) and rock engravings sites are the most common in the surrounding area. Background research identified that extensive disturbance has occurred throughout the Subject Site.

An archaeological investigation of the study area was undertaken, and no Aboriginal Sites or objects were identified. The field investigation identified that the Subject Site as a whole has been subject to disturbance and has low potential to contain intact archaeological deposits. As such, it is assessed that there is low potential for Aboriginal archaeological sites to occur within the Subject Site.

As such, the following is recommended:

- No further archaeological assessment is required;
- Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders; and
- If any suspected human remains are discovered during any activity you must:
 - Immediately cease all work at that location and not further move or disturb the remains;
 - Notify the NSW Police and Heritage NSW' Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location; and
 - Not recommence work at that location unless authorised in writing by Heritage NSW.

5.10 FLORA AND FAUNA

A Flora and Fauna Assessment has been prepared in support of the proposed development by Kingsfisher Ecology and is provided at **Appendix 9**. The assessment concludes that the proposed development is acceptable subject to recommendations relating to the following:

- Tree protection;
- Delineation of work areas;



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- Seed collection and transplanting;
- Care of bushland areas long-term;
- Erosion and runoff;
- Waste management;
- Weed removal techniques;
- Nest boxes; and
- Pathogen prevention.

A Vegetation Management Plan (VMP) has been prepared and is provided in **Appendix 17**.

The proposal involves the removal of 23 trees on the Subject Site that are declared under PDPC21 as requiring development consent for removal. 18 trees will be removed which do not require the consent of Council. An Arboricultural Impact Assessment has been prepared by the Tree Guardian and is provided at **Appendix 2**. The impacts of the proposed development on the trees considered in the assessment are detailed in **Table 9** below. The location of the trees is shown in **Figure 8**.

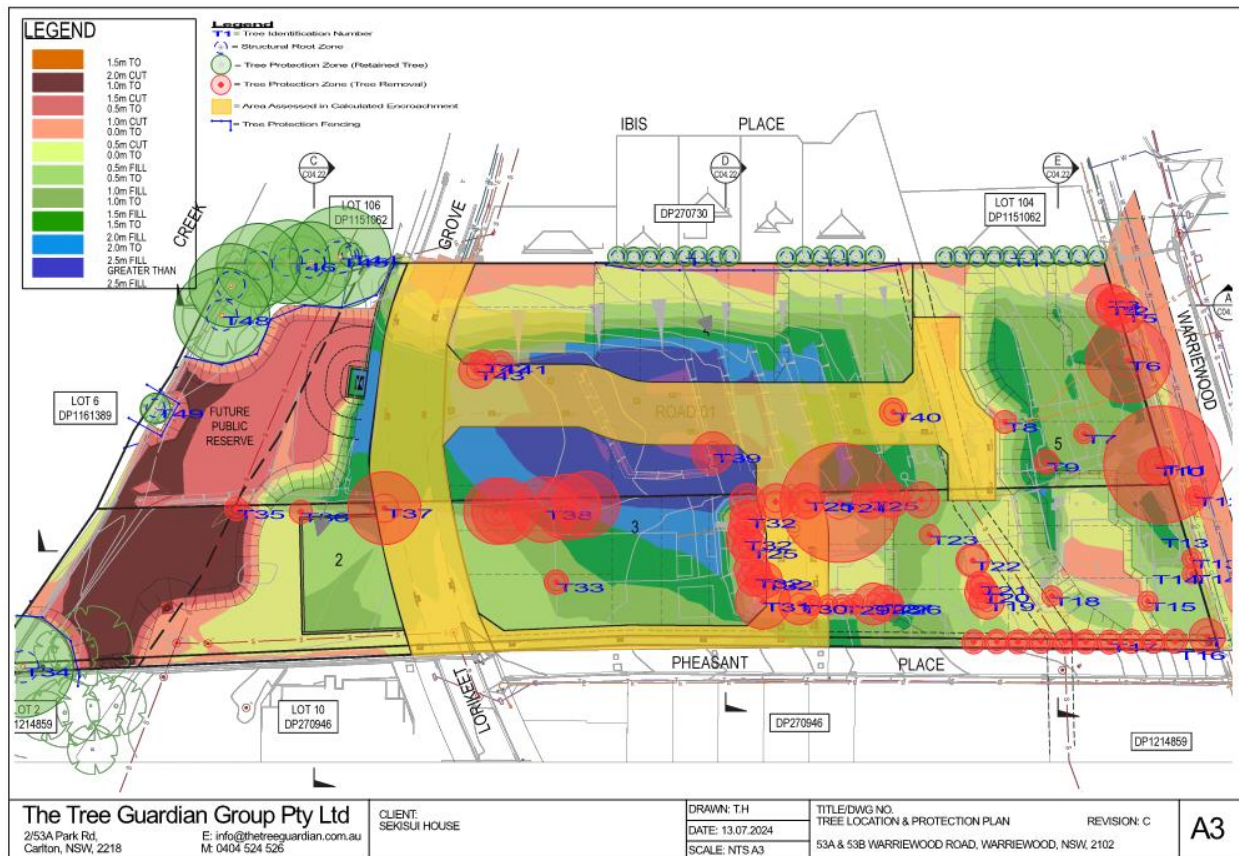


Figure 8. Tree Location Plan (Source: The Tree Guardian, 2024)



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| TABLE 9. TREE IMPACT ASSESSMENT | | | | |
|---------------------------------|---------|---------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tree No. | TPZ (m) | SRZ (m) | Incursion | Proposed |
| 1 | 2.0 | 1.5 | Major encroachment | To be retained and protected. Measures to ensure the retention of the tree will be implemented prior to and during the course of future subdivision and building works. |
| 2 | 3.96 | 2.08 | Within footprint | To be removed |
| 5 | 3.96 | 2.08 | Within footprint | To be removed |
| 6 | 8.28 | 3.08 | Within footprint | To be removed |
| 7 | 2.0 | 1.5 | Within footprint | To be removed |
| 11 | 11.76 | 3.48 | Within footprint | To be removed |
| 12 | 2.0 | 1.85 | Within footprint | To be removed |
| 16 | 3.6 | 2.0 | Within footprint | To be removed |
| 18 | 2.0 | 1.5 | Within footprint | To be removed |
| 19 | 2.48 | 2.08 | Within footprint | To be removed |
| 20 | 3.48 | 1.94 | Within footprint | To be removed |
| 21 | 2.76 | 1.97 | Within footprint | To be removed |
| 25 | 3.6 | 2.13 | Within footprint | To be removed |
| 27 | 3.6 | 2.0 | Within footprint | To be removed |
| 28 | 4.2 | 2.13 | Within footprint | To be removed |
| 32 | 3.6 | 2.0 | Within footprint | To be removed |
| 33 | 2.4 | 1.75 | Within footprint | To be removed |
| 34 | 10.2 | 3.17 | No impact | To be retained and protected |
| 35 | 2.4 | 1.75 | Within footprint | To be removed |
| 37 | 7.32 | 2.85 | Within footprint | To be removed |



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| | | | | |
|----|------|------|------------------|------------------------------|
| 38 | 6.6 | 2.76 | Within footprint | To be removed |
| 40 | 2.76 | 1.91 | Within footprint | To be removed |
| 41 | 2.64 | 1.75 | Within footprint | To be removed |
| 42 | 2.64 | 1.75 | Within footprint | To be removed |
| 43 | 3.6 | 2.0 | Within footprint | To be removed |
| 44 | 2.4 | 1.68 | No impact | To be retained and protected |
| 45 | 10.2 | 3.17 | No impact | To be retained and protected |
| 46 | n/a | n/a | No impact | To be retained and protected |
| 47 | 2.4 | 1.68 | No impact | To be retained and protected |
| 48 | 9.6 | 3.09 | No impact | To be retained and protected |
| 49 | 3.0 | 1.85 | No impact | To be retained and protected |

Tree's 3, 4, 8, 9, 10, 13, 14, 15, 17, 22, 23, 24, 26, 29, 30, 31, 36 & 39 are all listed as exempt and are proposed to be removed.

5.11 EARTHWORKS AND RETAINING WALLS

The proposed earthworks operations for the Subject Site will consist of cut to fill operations to facilitate construction of the public and private roads, residential allotments, retaining walls and public reserve. The proposed cut will not exceed 2m in depth and is detailed in the Civil Plans provided in **Appendix 5** and depicted in **Figure 9** below.



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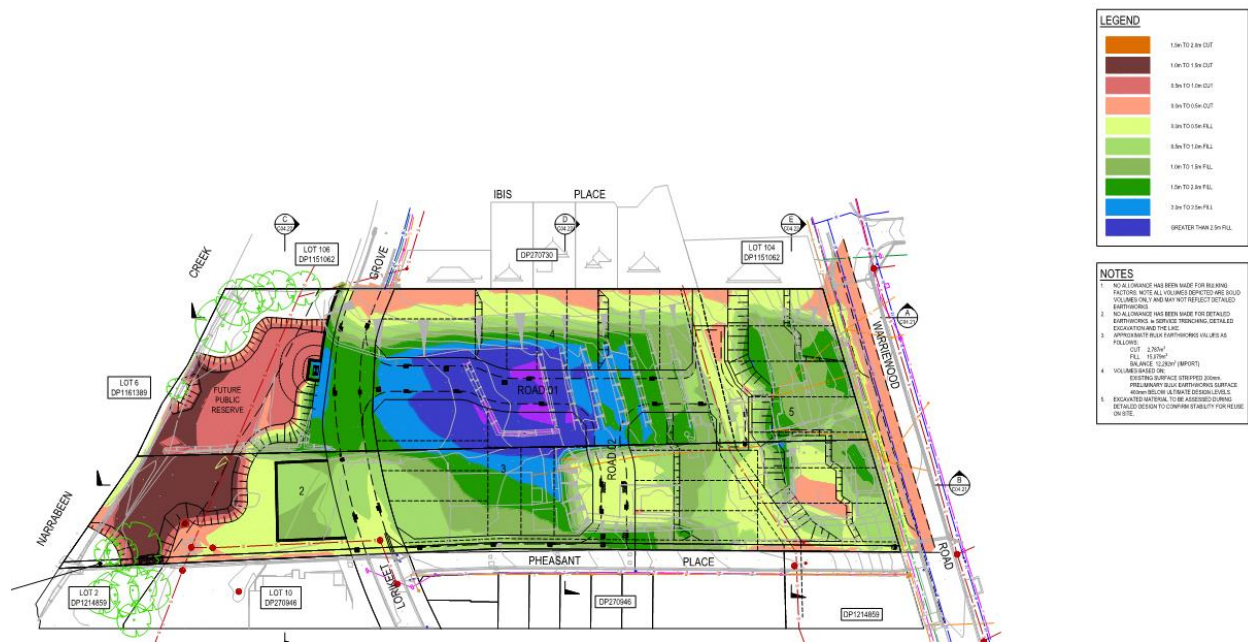


Figure 9. Earthworks Plan (Source: Enspire, 2024)

Retaining wall structures associated with the development are proposed. Wall details and specifications will be provided during the detailed design phase of the development. Indicative sections are reflected on the Civil Plans provided in **Appendix 5**. A retaining wall plan is shown in **Figure 10** below for reference.

The existing retaining wall located on the southern boundary of Lot 3 in DP942319 currently supports Pheasant Place accessway. The wall also supports an existing OSD tank located within Pheasant Place. The retaining wall is to remain in its current alignment, with sections of the wall filled against and buried to allow the new road connections.



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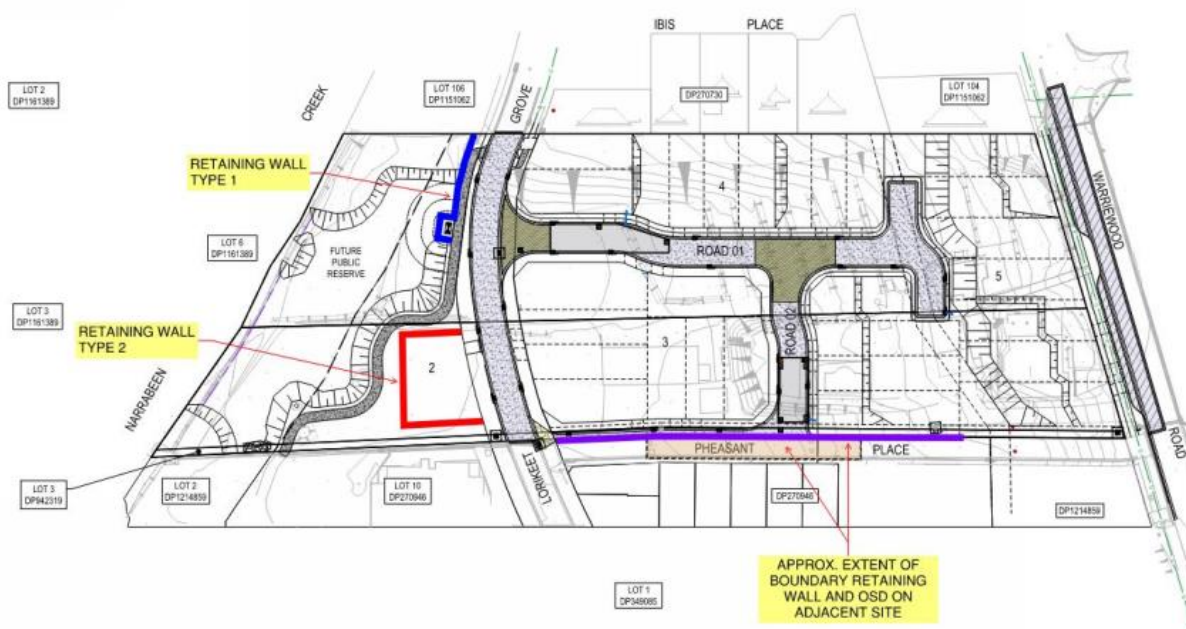


Figure 10. Retaining Wall Plan (Source: Enspire, 2024)

5.12 BUILDING CODE OF AUSTRALIA

The future dwellings will be designed to achieve compliance with Building Code of Australia (BCA), subject to further consideration during design development.

5.13 CONSTRUCTION

All works on the Subject Site will be carried out in accordance with conditional requirements of any consent issued. Appropriate measures will be undertaken to mitigate potential impacts from the development including dust, noise, odours, traffic impact and erosion.

5.14 SOCIAL AND ECONOMIC IMPACTS

No foreseeable adverse social and economic impacts are to result from the proposed development. Rather the proposed development seeks to provide suitable land for additional housing on land that has been designated for housing, is generally underdeveloped and that is located amongst other approved housing. The proposed development will contribute immensely to meeting the housing targets within the Warriewood Valley Release Area and the wider Northern Beaches LGA.

5.15 SERVICES

New utility infrastructure will be provided to service the proposed subdivision. These services will be placed in typical shared trench arrangements in accordance with the *NSW Streets Opening Conference Guide to Codes and Practices for Streets Opening (2009)* or equivalent alternative approved by the relevant authority.



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The services to be provided within the development include the below which are detailed further in **Appendix 6**:

- Potable Water;
- Sewer;
- Telecommunications;
- High and low voltage electrical services, including street lighting; and
- Natural Gas.

The design of all utilities will be submitted to each relevant authority and installed in accordance with the appropriate construction approvals.

5.16 SUITABILITY OF SITE FOR DEVELOPMENT

The Subject Site is located within the Warriewood Valley Release Area which is designated for additional housing land and is zoned for residential uses under PLEP2014. The proposed development will facilitate the future use of the Subject Site for additional housing which is consistent with the zoning of the Subject Site and the surrounding context. The proximity of the Subject Site within an established residential area and in proximity to arterial roads and public transport serves as being ideal for the future residential use.

Accordingly, the Subject Site is considered to be suitable for the development and is consistent with the aims and objectives of the R3 zone in that it seeks to provide additional housing that responds to the characteristics of the land and is compatible with surrounding land uses.

5.17 SUBMISSIONS

The Applicant is willing to address any submissions, should they be received by Council.

5.18 THE PUBLIC INTEREST

The proposed development will have no adverse impact on the public interest. The development of the Subject Site will be carried out for the purpose of providing additional housing that shall result in a positive impact for the Warriewood Valley Release Area and broader Northern Beaches LGA. Further, the proposed development will provide additional public benefit by improving traffic conditions through the extension of Lorikeet Grove, the improved safety of the local community as a result of upgrading Council's trunk drainage infrastructure and the creation of future public reserve land.



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PART F CONCLUSION

The purpose of this SEE has been to present the Subdivision of the Subject Site to facilitate the future delivery of 30 dwellings (subject to separate applications) across five (5) Community Title lots and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act. The initial stage of the subdivision will create a future public reserve, the extension of Lorikeet Grove, and future community land which will include internal roads. The proposed development includes civil works and tree removal to facilitate the future residential development at 53A & 53B Warriewood Road, Warriewood.

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the Subject Site;
- The context of the Subject Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement advice received from Northern Beaches Council.

The proposal is considered to warrant a favourable determination for the following reasons:

- The proposed development generally complies with all relevant provisions of all relevant State Environmental Planning Policies, PLEP2014 and PDGP21;
- The proposed development is permissible in the R3 Medium Density Residential zone and is consistent with the objectives for the zone;
- The proposed development will not result in any amenity impacts on the surrounding residential accommodation;
- The proposed development will contribute immensely to meeting the housing targets within the Warriewood Valley Release Area and the wider Northern Beaches LGA; and
- The proposed development presents a satisfactory outcome for the land and is in the public interest.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

