



# Statement of Environmental Effects

20-22 Macpherson Street,  
Warriewood

Prepared for  
**Green Kingswood Pty Ltd**  
19 July 2023





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# 1. Introduction

## 1.1. Overview

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd on behalf of Green Kingswood Pty Ltd (**the Applicant**) in support of a Development Application (**DA**) for an integrated housing development, comprising a 54-lot community title subdivision inclusive of a community title road (Lot 1) including laneways and the erection of 10 detached dwellings and 43 attached dwellings upon 53 Torrens Title residential allotments at 20-22 Macpherson Street, Warriewood (**the site**).

The SEE includes a description of the site and proposed development and an assessment of the proposal pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) and the Environmental Planning and Assessment Regulations 2021 (**the Regulations**). The proposed works have an estimated cost of \$35,900,000 and development consent is sought in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

## 1.2. Report Structure

This SEE is structured as follows:

- Section 2 - Site Context: identifies the site and describes the existing development and local and regional context.
- Section 3 - Proposed Development: provides a detailed description of the proposal including the demolition, construction and operational stages.
- Section 4 - Statutory Context: provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- Section 5 – Assessment of Key Issues: identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- Section 6 - Section 4.15 Assessment: provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- Section 7 – Conclusion: provides an overview of the development assessment outcomes and recommended determination of the DA.

## 1.3. Supporting Documentation

This report should be read in conjunction with the supporting documentation listed Table 1 below.

Table 1 Supporting Documentation

Document Title	Consultant
Survey	Craig and Rhodes
Architectural Plans	PBD Architects
Civil Plans	Craig and Rhodes
Subdivision Plan	Craig and Rhodes
Arboricultural Impact Assessment	Naturally Trees
Site Contamination Report	Douglas Partners
Landscape Plans	Sym Studio
Flora and Fauna Assessment	Ecological Consultants Australia Pty Ltd

Document Title	Consultant
Riparian Vegetation Management Plan	Kingfisher Urban Ecology and Wetlands
Transport Assessment	JMT Consulting
Water Cycle Management Report	Craig and Rhodes
Vegetation Management Plan	Ecological Consultants Pty Ltd
Quantity Surveyor Report	Newtown Fisher
Waste Management Plan	Craig and Rhodes
Flood Studies	Stantec Pty Ltd
BASIX/Nathers Certificates	Thermal Performance

## 1.4. Pre-Lodgement Meetings

A Pre-lodgement meeting (PLM2021/0344) was held on 1 February 2022 and a subsequent Design and Sustainability Advisory Panel Meeting (PLM2023/0032) was held on 23 March 2023. The key issues raised within these meetings are addressed throughout this Statement of Environment Effects in conjunction with the accompanying architectural plans and supporting documentation.

## 1.5. Relevant Development History

The following applications are relevant to the proposed development:

Table 2 Development Approval History

Application	Relevance
<p><b>Planning Proposal PP0004/13</b></p> <p>To rezone Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C and 901F of the Warriewood Valley Urban Land Release Area to a residential zone.</p> <p>To introduce/increase the maximum dwellings permitted in Sectors 301-303, 5, 801, 901A and adjoining Orchard Street road reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b of the Warriewood Valley Urban Land Release Area.</p>	<p>The site is located within Sector 301 of the Warriewood Valley Urban Land Release Area. The permissibility of the proposed development was facilitated by the finalisation of this Planning Proposal.</p>

# 2. Site Context

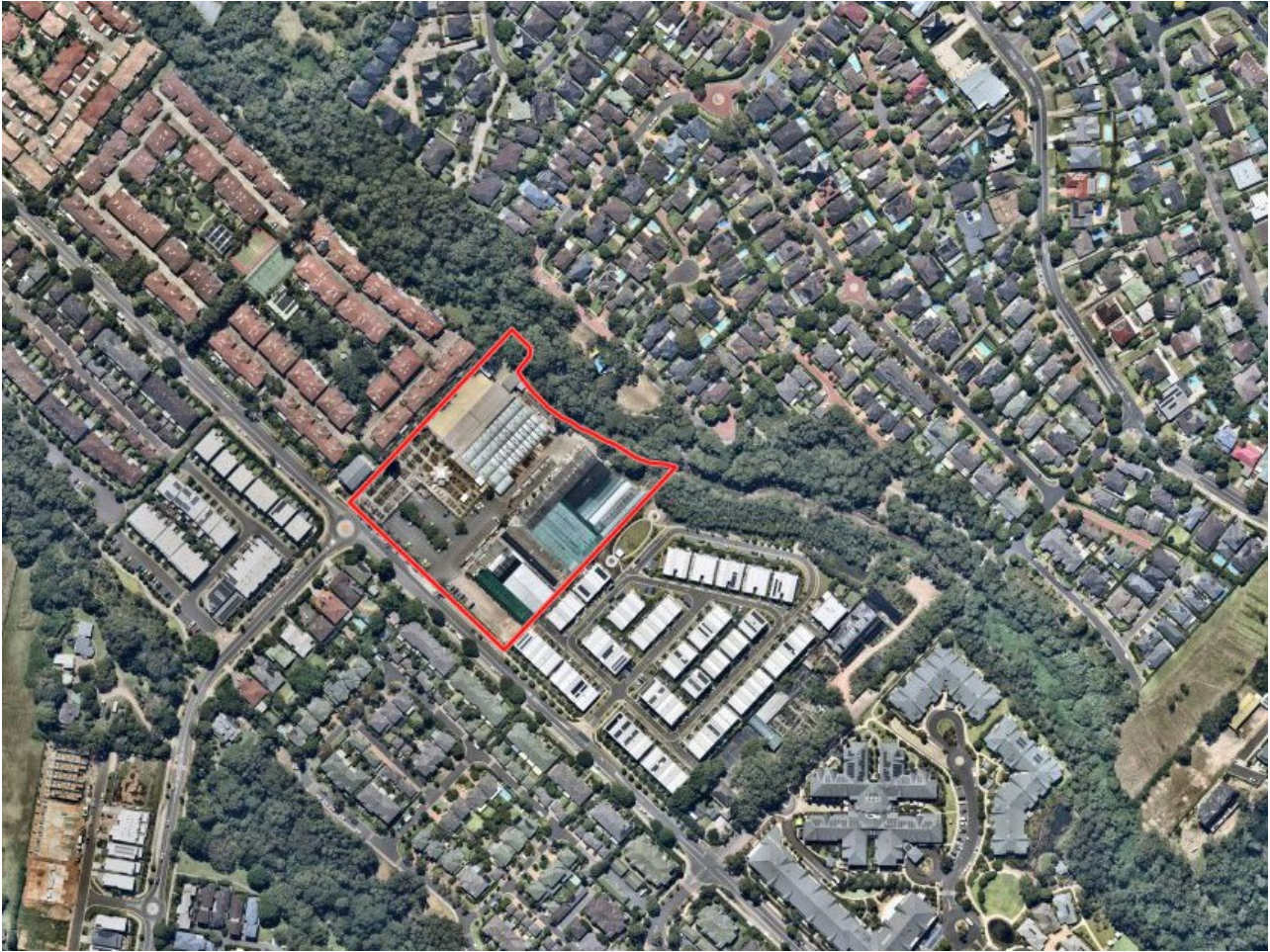
## 2.1. Site Description

The site is located within the Northern Beaches Local Government Area. The site is located at 20-22 Macpherson Street, Warriewood and is legally described as Lot 1 in Deposited Plan 5492091. The site is located 20km north from Manly. An aerial image of the site is provided at **Figure 1**. The key features of the site are summarised in **Table 3**.

Table 3 Site Description

Feature	Description
Street Address	20-22 Macpherson Street, Warriewood
Legal Description	Lot 1 in Deposited Plan 5492091
Site Area and Dimensions	Irregular shaped allotment with total area 20,560.02m <sup>2</sup> and a street frontage to Macpherson Street.
Easements and Restrictions	There are no easements or restrictions currently on the title.
Natural Environment	<p>The site has few scattered Swamp Oak (<i>Casuarina glauca</i>) on the north eastern side of the site along the creek line. Currently exotic species dominate the catchment including <i>Ludwigia peruviana</i>.</p> <p>The site is located in an area with low probability of Acid Sulphate Soils. The site is located approximately 260m north-west of an area with a high probability of Acid Sulphate Soils occurrence.</p>
Built Environment	<p>The site currently accommodates a commercial premises known as 'Flower Power' and commensurate at grade carparking which contains approximately 80 parking spaces.</p> <p>The site is currently afforded legal street access via Macpherson Street.</p>
Hydrology	Narrabeen Creek is contiguous with the entirety of the north-eastern boundary of the site.
Site Topography	The site has an overall difference in elevation of about 2.3m from the south-western corner of the site which is at about RL11.5m to the north-eastern corner, which is at about RL9.2 m.

Figure 1 Aerial Photograph (Cadastral Boundaries in 'Red')



Source: Urbis (2023).

## 2.2 Existing Development

The site currently accommodates a commercial premises known as 'Flower Power' and commensurate at grade carparking which contains approximately 80 parking spaces. The site comprises one storey buildings built to the rear and side boundaries which accommodate a greenhouse with an indoor nursery, shops, and a café. An outdoor nursery and display gardens are located in the front portion of the site.

A variety of ornamental and indigenous trees are scattered throughout the site and around the site boundaries.

Vehicular access to the site is from the front of the site via a driveway from Macpherson Street. Site photographs are provided at **Figure 2**.

Figure 2 Site Photographs



Picture 1 Existing site access point viewed from Macpherson Street facing north-east.

Source: JMT Consulting (2023).



Picture 2 Existing garden centre.

Source: Google Street View (2023).

## 2.3. Locality Context

The site is situated within the Northern Beaches Council Local Government Area (LGA). The site is located within the Warriewood Valley Release Area. Surrounding development to the site consists mostly of medium density residential development of varying typologies as shown at **Figure 3**. The adjoining site directly to the south-east is a 79-lot community title subdivision with 20 two-storey semi-detached dwellings and 59 two-storey attached dwellings. The adjoining site directly to the north-west is 26 Macpherson Street which is a medium density housing development. Dwelling typology of 26 Macpherson Street is shown below in Figure 3, comprising two storey brick dwellings of a similar height to the proposed development. The site is serviced by local shops within a five minutes' walk from the site. The site has excellent public transportation options with bus stops adjacent to the site with busses to Mona Vale and Narrabeen.

Figure 3 Surrounding Dwelling Typology



Picture 3 Attached Three Bedroom Townhouses located at 26 Macpherson Street, Warriewood (adjoining site to the north-west).



Picture 4 Attached Three Bedroom Townhouses located at 18 Macpherson Street, Warriewood (adjoining site to the south-east).



Picture 5 Attached Three Bedroom Townhouses located at 30 Macpherson Street, Warriewood (located ~150m north-west of the subject site).



Picture 6 4 Bedroom Detached Dwelling located at 2 Parkland Way, Warriewood (located directly north-east of the subject site on the other side of Narrabeen Creek).

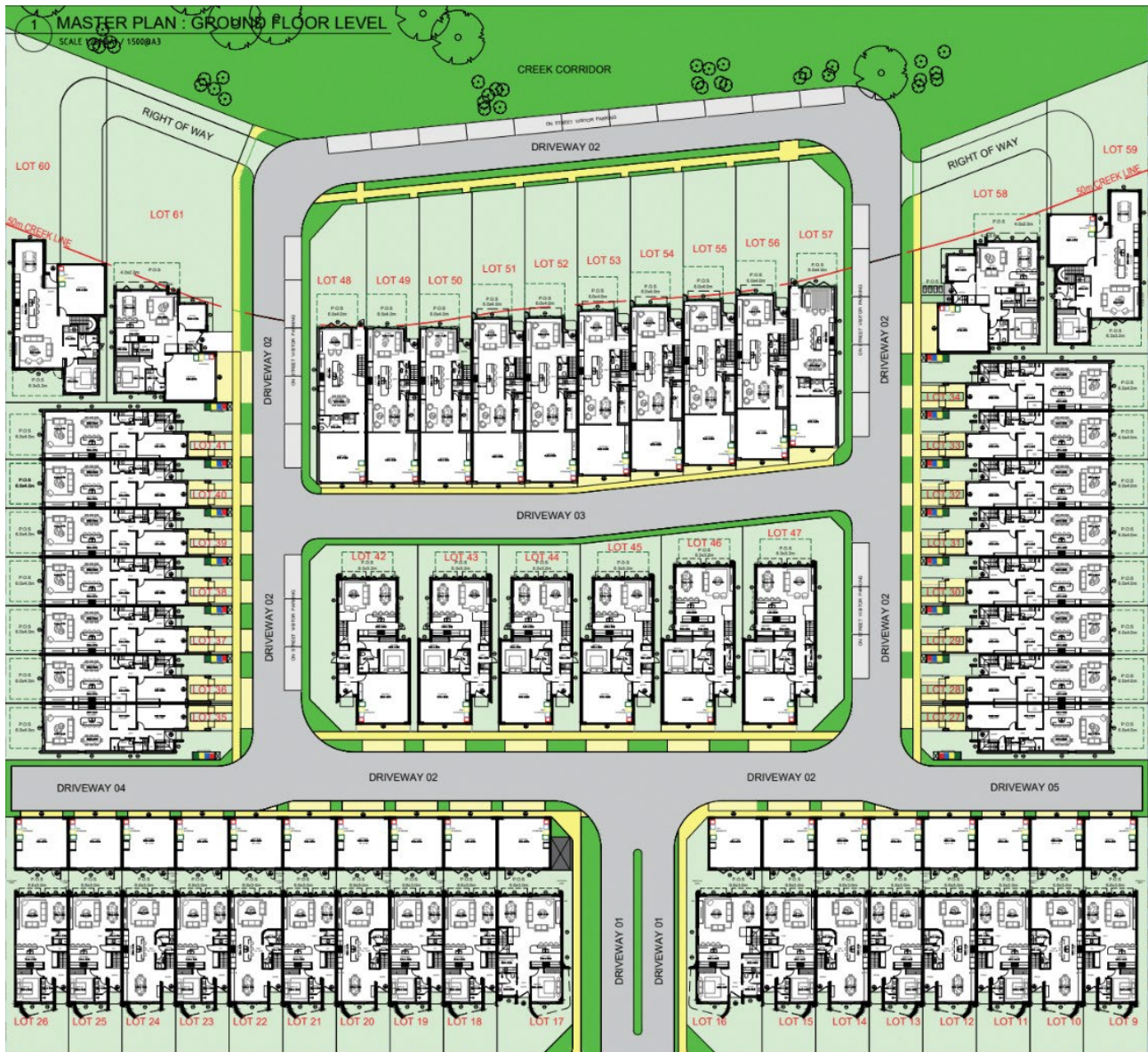
### 3. Development Description

The proposal comprises the following:

- Demolition of the existing built form.
- Associated civil and infrastructure works including.
  - Bulk earthworks
  - Facilitation of vehicular site access via driveways comprising majority one-way anti-clockwise circulation loop
  - Installation of stormwater network including pit and pipe infrastructure
  - Construction of on-site stormwater detention and water quality infrastructure
  - Installation of essential services (e.g. potable water, waste water, electricity, gas and NBN)
  - Landscaping of each proposed lot and verges, including street tree planting and public domain treatment
  - Narrabeen Creek rehabilitation works (solely contained within Residue Lot 23)
- Subdivision of land into 54 lots which is a community title scheme with community title road (lot 1) including laneways.
- Erection of 10 detached two storey dwellings and 43 attached two storey dwellings comprising 14 adaptable dwellings
- Establishment of landscaped areas and canopy planting.

The estimated cost of the development is \$35,900,000. A set of architectural drawings is attached. The proposed masterplan is provided at **Figure 4**.

Figure 4 Masterplan



Source: PBD Architects

### 3.1. Demolition

The proposal seeks approval to demolish a number of existing buildings and structures on the site. All demolition work will be undertaken in accordance with Clause 61 of the Regulation requiring the consent authority to consider AS 2601 - 2001: The Demolition of Structures. The proposed demolition plan is shown at **Figure 5**.

Figure 5 Demolition Plan

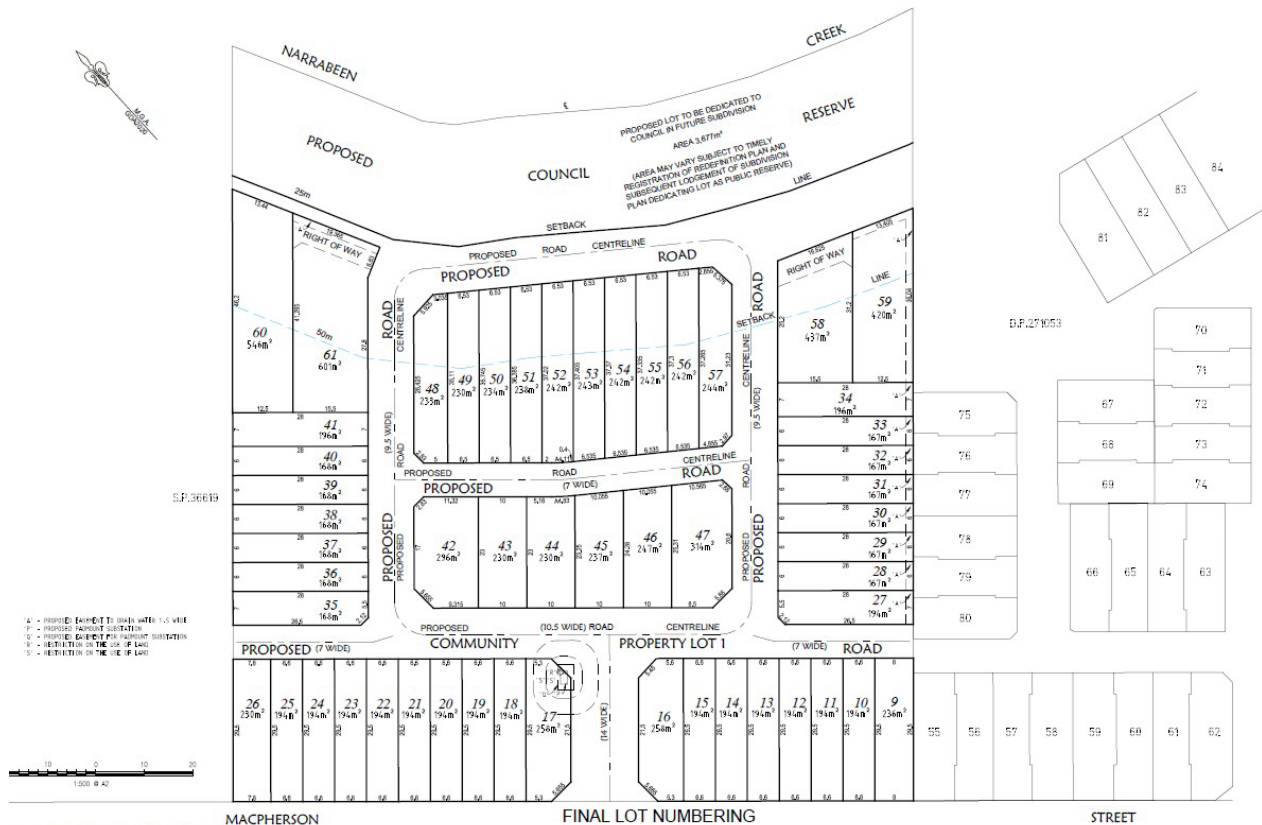


Source: *Craig and Rhodes*

## 3.2. Subdivision

The proposal comprises a 54-lot community title subdivision inclusive of a community title road (Lot 1) including laneways and the erection of 10 detached dwellings and 43 attached dwellings upon 53 Torrens Title residential allotments. The proposed subdivision arrangement is shown at **Figure 6**.

Figure 6 Subdivision Layout



Source: Craig and Rhodes

## 3.3. Tree Removal

Thirty-four low and very low retention value trees within the site are proposed to be removed. It is noted these trees are exempt from Northern Beaches Council's Tree Preservation Order and the retention of the significant boundary tree cover will ensure there is no impact on the wider setting. These include trees 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33 and 56. None of these trees are considered significant or worthy of special measures to ensure their preservation. A tree removal and retention plans accompanies this DA.

The proposed development will necessitate the removal of four high category trees (Trees 55, 59, 60 and 61). These trees are considered moderate to high significance and display good health and condition. In order to compensate for loss of amenity, consideration should be given to replacement planting within the site.

The proposed development will be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement which contains mitigation and precautionary measures to ensure an acceptable impact on trees proximate to the development site. In this regard, the proposed tree removal will have a low impact on existing trees on site and the broader local amenity and contextual character.

In order to compensate for loss of amenity, relocation planting new planting will be undertaken in accordance with the accompanying landscaping plans.

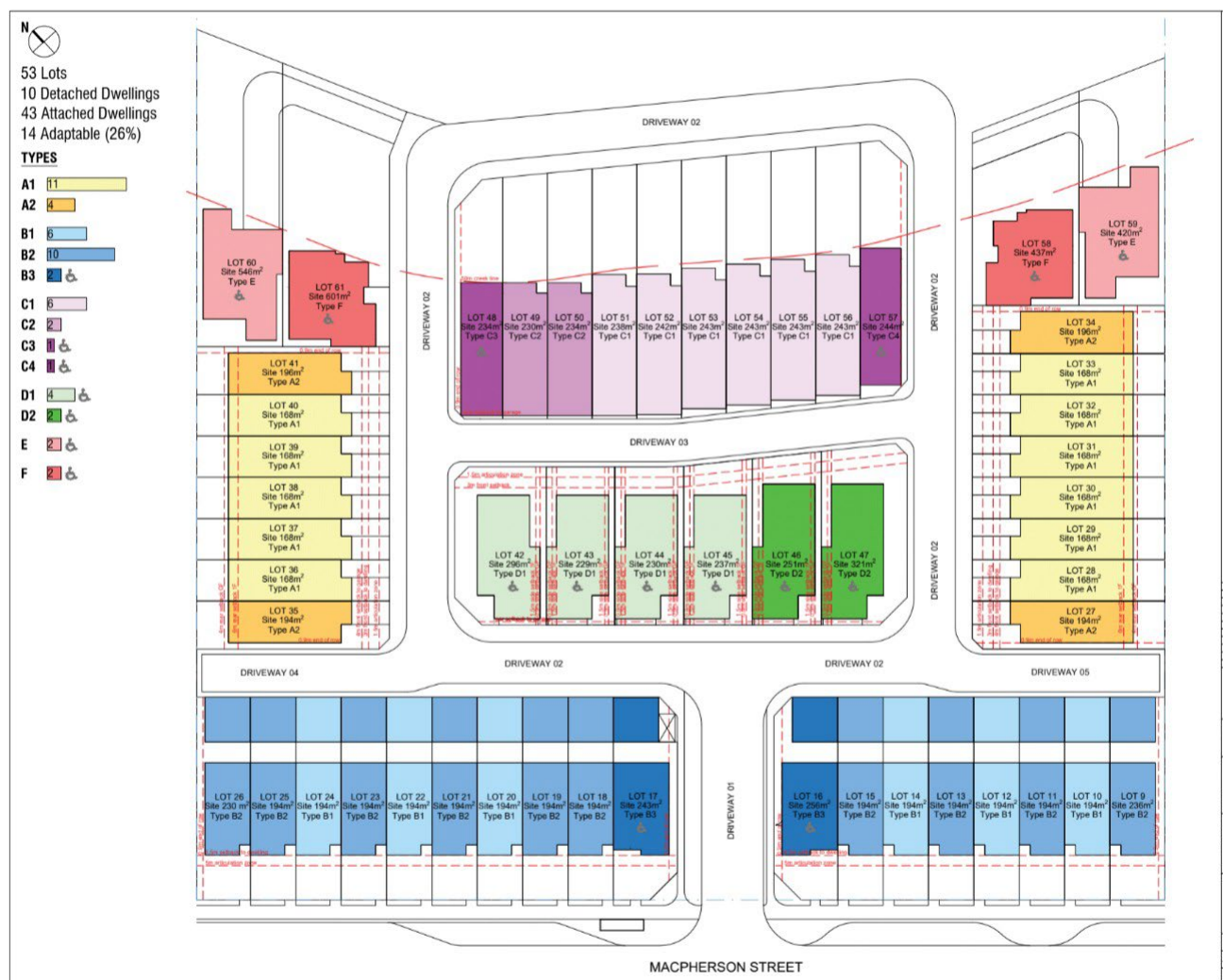
## 3.4. Site Preparation and Civil Works

Civil Plans have been prepared by Craig and Rhodes which provide details of the proposed stormwater and civil infrastructure including the construction of roads, drainage works and a temporary on site detention tank and a bio-retention basin. These tanks aim to temporarily store water during significant rainfall events so that stormwater runoff from the development does not have an impact on flooding downstream of the development. These tanks have also been selected to reduce the size of the bio-retention basin.

## 3.5. Built Form

The proposed development comprises the erection of 10 detached two storey dwellings and 43 attached two storey dwellings. The proposal will include 13 dwelling typologies, ranging from three-bedroom dwellings with a single garage to four-bedroom dwellings with double garages. The proposed dwellings vary in size, layout, style, materiality and adaptability. **Figure 7** depicts the dwelling typology across the site and further details for the housing typologies are shown in the Architectural Plans prepared by PBD Architects.

Figure 7 Housing Typology Layout and Schedule



Dwelling Type Mix Schedule									
	Unit Type	Unit Type	No. of Dwellings	Total %	Adaptable	Int. Area	P.O.S.	Storage	Parking Spaces
	A1	3 Bed + Study	11	21		160 m <sup>2</sup>	24 m <sup>2</sup>	10m <sup>3</sup>	2
	A2	4 Bed + Study	4	7		160 m <sup>2</sup>	24 m <sup>2</sup>	10m <sup>3</sup>	2
	B1	3 Bed	6	11		154 m <sup>2</sup>	20 m <sup>2</sup>	10m <sup>3</sup>	2
	B2	3 Bed	10	19		154 m <sup>2</sup>	20 m <sup>2</sup>	14m <sup>3</sup>	2
	B3	4 Bed	2	4	Yes	188 m <sup>2</sup>	20 m <sup>2</sup>	10m <sup>3</sup>	2
	C1	4 Bed	6	11		181 m <sup>2</sup>	24 m <sup>2</sup>	14m <sup>3</sup>	2
	C2	4 Bed	2	4		168 m <sup>2</sup>	24 m <sup>2</sup>	14m <sup>3</sup>	2
	C3	3 Bed (pre adaptation) 4 Bed (post adaptation)	1	2	Yes	169 m <sup>2</sup>	24 m <sup>2</sup>	8m <sup>3</sup>	2
	C4	3 Bed (pre adaptation) 4 Bed (post adaptation)	1	2	Yes	170 m <sup>2</sup>	24 m <sup>2</sup>	8m <sup>3</sup>	2
	D1	4 Bed	4	7		193 m <sup>2</sup>	20 m <sup>2</sup>	11m <sup>3</sup>	2
	D2	4 Bed	2	4	Yes	210 m <sup>2</sup>	20 m <sup>2</sup>	11m <sup>3</sup>	2
	E	5 Bed	2	4	Yes	234 m <sup>2</sup>	20 m <sup>2</sup>	8m <sup>3</sup>	2
	F	5 Bed	2	4	Yes	210 m <sup>2</sup>	24 m <sup>2</sup>	10m <sup>3</sup>	2
	<b>Total</b>		<b>53</b>			<b>2,351 m<sup>2</sup></b>			

Source: PBD Architects

The proposed built form comprises contemporary style buildings with an emphasis on simple expression of forms, materials and a layering of elements which add texture and visual interest. The below photomontages at **Figure 8** and **Figure 9** highlight the design of two dwelling types and the desired streetscape.

Figure 8 Photomontage – Building Type C



Source: PBD Architects

Figure 9 Photomontage – Building Type B

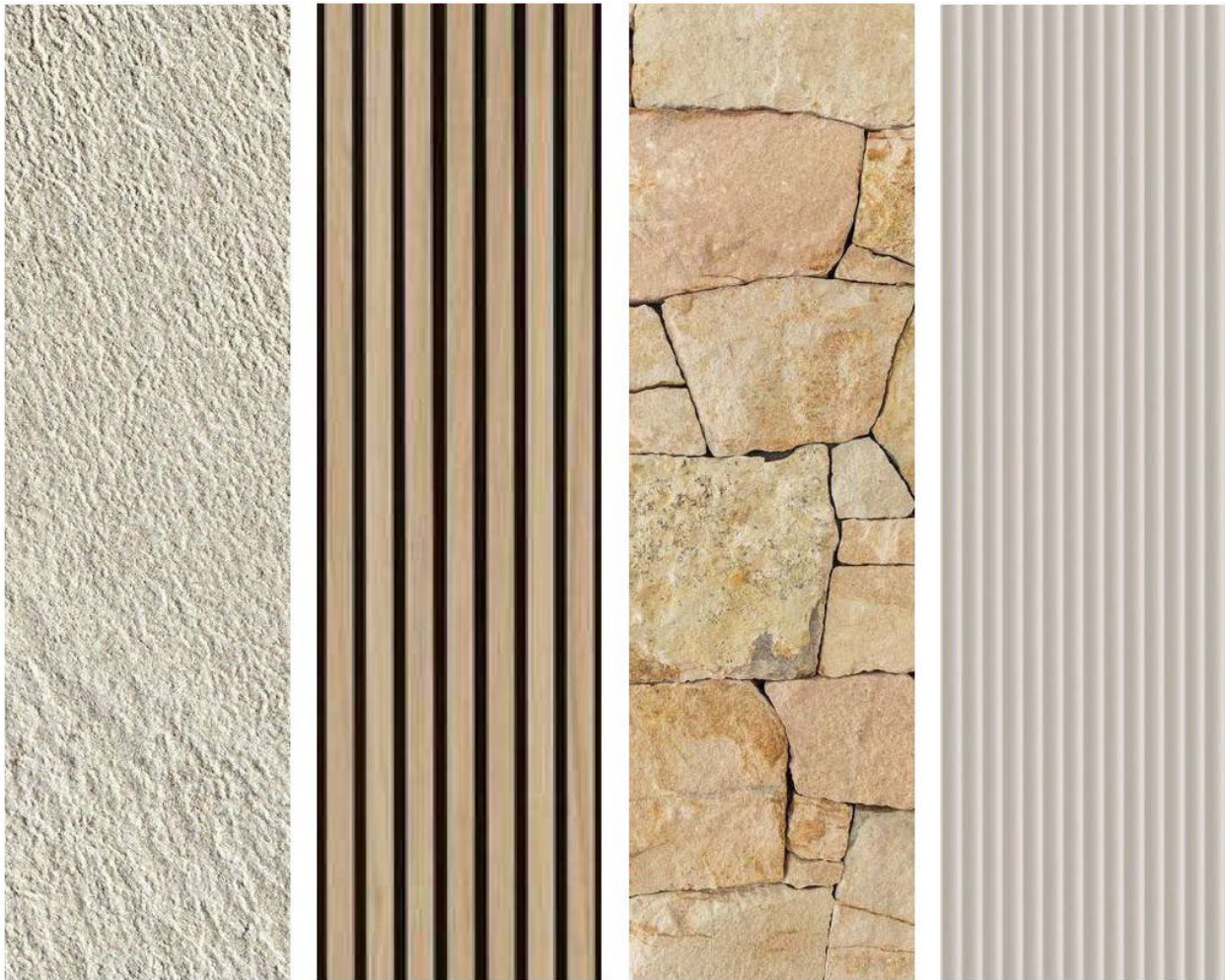


Source: PBD Architects

A variety of materials and colours are proposed which provide high quality facades such as glazing, sandstone cladding, metal balustrade and timber plus aluminium sheet metal cladding. The proposal provides a building form which addresses the boundaries of the site to create an urban edge which activates the interface with the public domain.

For additional photomontages refer to architectural set from PBD Architects.

Figure 10 Photomontage – Materials



Source: PBD Architects

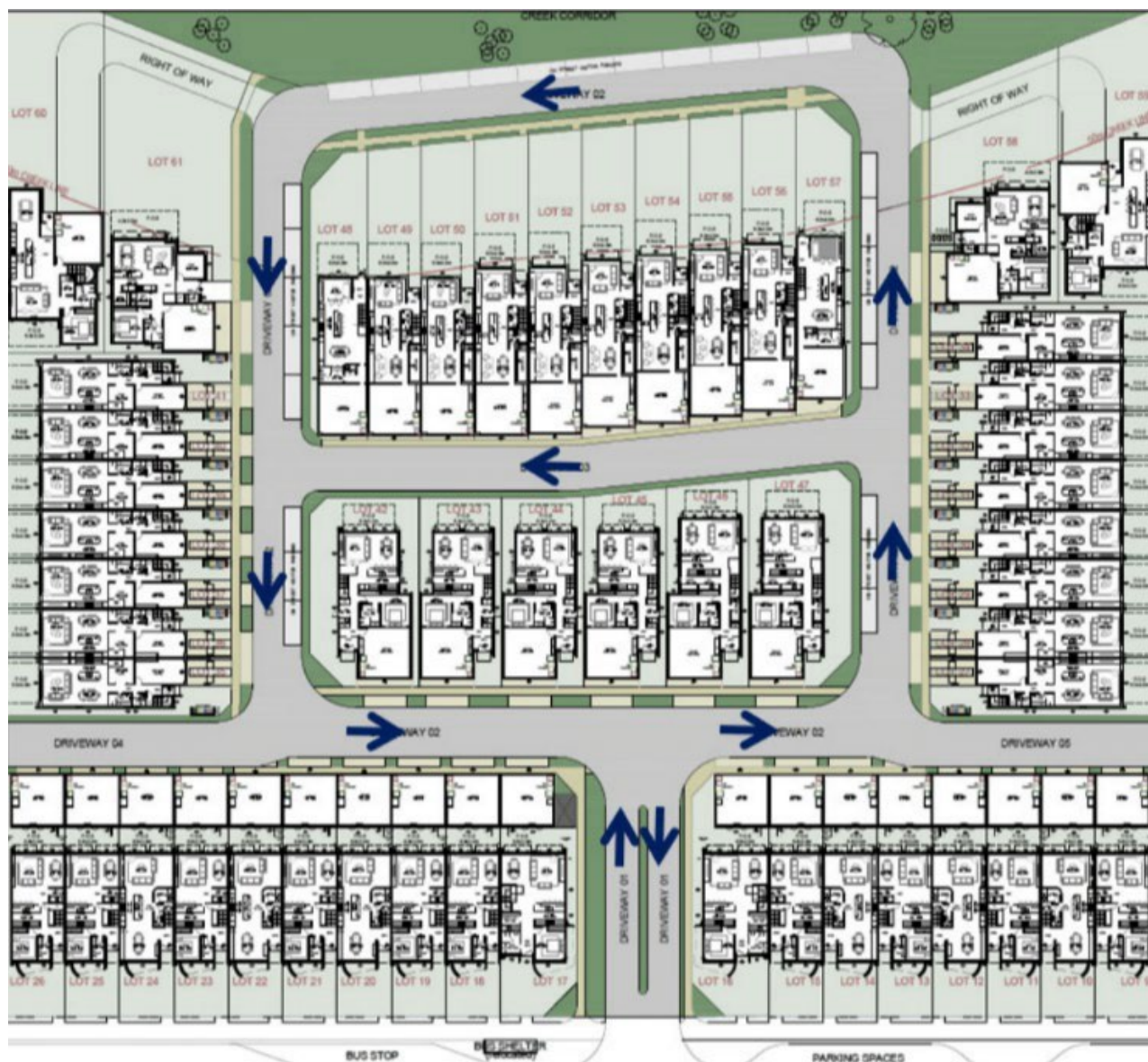
### 3.6. Parking and Access

A Traffic and Parking Assessment has been prepared by JMT Consulting. The proposed vehicular access arrangement is to be retained as per the existing layout, with upgrades to parking areas as required to meet compliance requirements.

A one-way anti-clockwise circulation loop shown at **Figure 11** is proposed to provide for a simpler, more efficient internal street network that minimises vehicle conflict points. The proposed carriageway widths on the access streets of 6m will be sufficient for general traffic to pass waste collection vehicles.

Car parking will be provided in accordance with the recommendations of the Pittwater DCP, there is no specified quantum of visitor parking contained within the DCP that applies to the proposed development. In this regard, the proposed development will achieve desired parking outcomes beyond DCP requirements. The location and quantum of visitor parking afforded to the proposed development is shown on the accompanying Architectural Plans. 2 Parking spaces will be provided for each dwelling (a total of 106 parking spaces for the proposed development). Even though there is no required provision for on street visitor parking there is an additional 27 on street internal dedicated visitor parking spaces (additional parking along Macpherson Street is also available).

Figure 11 Proposed Vehicle Circulation



Source: JMT Consulting

### 3.7. Landscaping

A Landscape Design Report and detailed Landscape Plans as shown at **Figure 12** and **Figure 13**, have been prepared by Sym Studio. The landscape design strategy has been inspired by the Narrabeen Creek environment, with a focus on hardy and robust native species. Plants have also been chosen to add ecological value to the Swamp Sclerophyll Forest EEC and provide habitat (such as foraging habitat and potentially roosting habitat) for listed threatened species including Microbats.

The proposed landscape plans include four main components, including Inner Creekline, outer Creekline, streetscape and private gardens.

- The proposed streetscape includes open lawn strips, planting in the public verge and fences integrated with letterboxes.
- The private gardens typically include open lawn strips, hedges, ornamental trees, shrubs and ground covers.
- The Riparian Corridor includes Endemic planting proposed to reinstate the condition of the site prior to the occurrence of clearing and ground disturbance. Once plantings become established, the site will add

ecological value to the Swamp Sclerophyll Forest EEC and provide habitat (such as foraging habitat and potentially roosting habitat) for listed threatened species including Microbats.

Species recommendations in the vegetation management plan prepared by Kingfisher Urban Ecology and Wetlands include Trees Swamp Oak, Swamp Mahogany, Cabbage Palm, Shrubs Lilly-pilly, Swamp Wattle, Scarlet Bottlebrush and Ground Covers such as Water Fern, Broad-leaved Basket Grass Native Violet. A detention basin and safety fencing 1.5m in height is also proposed.

Figure 12 Proposed Landscape Plan (1 of 2)



Source: Sym Studio

Figure 13 Proposed Landscape Plan (2 of 2)



Source: Sym Studio

## 3.8. Waste Management

A waste management plan has been prepared by Craig and Rhodes which provides details of demolition, construction and ongoing waste management.

The collection of waste generated on all residential properties will be collected by Council on the weekly/fortnightly collection date and bin collection schedule. The bins will be stored within the front setback of each property as indicated on the accompanying architectural plans. A bin storage and collection plan accompanies this DA. The selected location for bin storage within dwellings is away from street view.

## 3.9. Sustainability

The proposed development comprises the following measures which are positively consistent with Ecologically Sustainable Development (ESD).

- 16% of the site will be shaded by tree canopy. This will contribute to a reduction in urban heat island effect within the site, public domain and broader contextual surrounding. Landscaping to Creekline Corridors will represent 20% of the overall site. Landscaping to kerbs and verges will represent 3% of the overall site.
- 34% of the riparian corridor will comprise revegetation and habitat creation.
- The water holding capacity on site will be increased to reduce potential downstream flooding impacts.
- Upgrades to dwelling window glazing to positively contribute to energy efficiency.
- The provision of an external clothes drying area for each dwelling.
- The provision of electric vehicle (EV) charging for each dwelling.
- Exploring electric heat pump hot water and solar boosted hot water opportunities.

- The use of induction cooktops to emit comparatively lesser carbon emissions than alternatives utilising gas.
- Potential inclusion of a substantial amount of rooftop PV (3kW/dwelling).
- The connection of rainwater tanks to landscaping irrigation and toilet flushing.
- The inclusion of drip irrigation systems for plants in the public domain.
- Generous garage sizes for dwellings which allow the provision of at least one bicycle parking space.
- The recycling and reuse of construction waste where possible, in accordance with the accompanying Waste Management Plan.
- The retention of palms fronting Macpherson Street where possible and practicable.
- The use of turf cell to accompany the extended driveways of Lot 58 and Lot 61.
- The use of energy efficient appliances, plumbing fixtures and fittings and LED lighting.

## 4. Statutory Context

The following assessment has been structured in accordance with Section 4.15(1)(a) of the Environmental Planning & Assessment Act 1979 (EP&A Act).

The following statutory planning policies have been considered in the assessment of the proposal:

- Biodiversity Conservation Act, 2016 (BC Act);
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Pittwater Local Environmental Plan 2014 (the LEP)
- Pittwater 21 Development Control Plan 2012 (the DCP).

Compliance with the relevant controls contained within the above statutory planning policies is discussed below.

### 4.1. Biodiversity Conservation Act, 2016 (BC Act)

The BC Act includes the test of significance for impacts on threatened species and communities. The test of significance has been conducted and the proposal was found to not have a significant impact on the currently ecology of the site. The proposed development is compliant with the BC Act.

### 4.2. State Environmental Planning Policy Resilience and Hazards (2021)

*State Environmental Planning Policy (Resilience and Hazards) 2021* applies to the state. Chapter 4 of the SEPP requires the consent authority to consider whether land is contaminated and if land can be remediated and made suitable for the proposed development prior to granting development consent to the DA.

Clause 4.6(1) of the SEPP provides that the consent authority must consider the finding of a preliminary investigation carried out in accordance with contaminated land planning guidelines, prior to determining a development application to carry out development on that land.

A Preliminary Site Investigation (PSI) has been undertaken by Douglas Partners. The PSI concludes that based on the results of the assessment, the site can be rendered suitable for the proposed development subject to remediation of contamination issues at the site.

It is recommended that:

- A detailed site investigation be undertaken.
- A remediation action plan (RAP) is required to address the identified asbestos contamination and the former USTs as well any other contamination identified during further investigation or site works.
- A hazardous building materials (HBM) assessment will be required for existing site buildings / structures prior to demolition.
- An acid sulfate soil management plan (ASSMP) is required to provide the methods by which acid sulfate soil (ASS) at the site are to be managed during the works.
- All soil disposed off-site will require classification in accordance with the POEO Act prior to disposal.

### 4.3. Pittwater Local Environmental Plan 2014

*Pittwater Local Environmental Plan 2014* (the LEP) is the primary environmental planning instrument applying to the site and the proposed development.

The site is zoned R3 Medium Density Residential in accordance with the LEP. The proposed development is consistent with the zone objectives as outlined in Table 3 below:

Table 4 LEP R3 Zone Objectives

Objective	Comment
<i>To provide for the housing needs of the community within a medium density residential environment.</i>	The proposed development will increase the housing supply in the locality by providing 53 residential dwellings, facilitated by a permissible change in land use in accordance with the zoning for the site.
<i>To provide a variety of housing types within a medium density residential environment.</i>	<p>The proposed development provides 13 different terrace typologies within a medium density residential environment. The proposed development comprises 14 adaptable terraces.</p> <p>The proposed development will provide 33 x dwelling houses with 3 bedrooms and 20 x dwelling houses with 4 bedrooms.</p> <p>Type A dwelling houses comprise single garages to provide an affordable option.</p>
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The proposed development will increase the local resident population and support other land uses that provide facilities or services to meet the day to day needs of residents such as the local Warriewood shops.
<i>To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.</i>	The site is surrounded by medium density development and is thereby compatible with the proximate and broader land uses. The proposed development will transform the existing site from a commercial land use to medium density residential land uses which is consistent with Council's vision for the site given the R3 Zone applied and the Warriewood Valley Release Area.

The proposed community title subdivision will facilitate dwelling houses which are a land use permissible with consent in the R3 Zone.

The following table assesses the compliance of the proposed development with other relevant clauses in the LEP.

Table 5 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 2.1 – Land Use Zones	R3 Medium Density Residential	The proposed integrated housing development comprising attached and detached dwelling houses is	Yes

Clause	Provision	Proposed	Complies
		permissible with consent in the R3 Zone.	
Clause 2.6 Subdivision – Consent Requirements	Development consent is required for the subdivision of land.	The subject application seeks consent for a 54-lot community title subdivision with community title road (Lot 1 including driveways).	Yes
Clause 2.7 - Demolition	The demolition of a building or work may be carried out only with development consent.	The proposal seeks consent for the demolition of buildings and works on site.	Yes
Clause 4.3 – Height of Building	<p>The site has a maximum building height of 10.5m.</p> <p>Development must not exceed 8.5m within the area that is 12.5m measured from the boundary of any lot fronting Macpherson Street.</p>	<p>The height of the proposed built form will not exceed 8.5m as measured 12.5m from the boundary of any lot fronting Macpherson Street.</p> <p>The maximum building height for the remainder of the site is 10.5m.</p>	Yes
Clause 5.10 – Heritage Conservation	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The proposal is opposite two heritage items including a memorial in a bus shelter and a federation cottage at 163 Macpherson Street Warriewood. The proposal will not adversely impact on their heritage significance due to the setback from the items.	Yes
Clause 5.21 Flood Planning	Minimise the flood risk to life and property associated with the use of land and allow development on land that is compatible with the land's flood hazard.	A Flood Assessment accompanies the proposal. The assessment found that the proposal will comply with Council's flood planning requirements	Yes

Clause	Provision	Proposed	Complies
Clause 5.23 Public Bushland	Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.	The Flora and Fauna Report by Kingfisher Urban Ecology and Wetlands state that impacts on native vegetation and the environment are expected to be negligible.	Yes
Clause 6.1 - Warriewood Valley Release Area	<p>The site is located within Sector 301 which stipulates not more than 53 dwellings or less than 42 dwellings.</p> <p>(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following—</p> <p>(a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors,</p> <p>(b) the water quality and flows within creek line corridors,</p> <p>(c) the stability of the bed, shore, and banks of any watercourse within creek line corridors.</p>	<p>The proposed development comprises 53 dwellings.</p> <p>The proposed development will be carried out in accordance with the accompanying Vegetation Management Plan which facilitates a continuing framework to successfully protect, maintain and enhance the riparian vegetation corridor and on site for the long-term.</p> <p>Therefore, the proposed development will not have any significant adverse impact on opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors.</p> <p>The accompanying Water Cycle Management Plan provides sufficient recommendations to ensure that there will be no adverse impact on the water quality and</p>	Yes – See further below at Section 4.3.1.

Clause	Provision	Proposed	Complies
		<p>flows within creek line corridors.</p> <p>In addition to the Water Cycle Management Report provides recommendations which will ensure the stability of any proximate watercourse within the Creekline Corridor.</p>	
Clause 7.1 – Acid Sulfate Soils	<p>This clause seeks to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>The site is primarily mapped with Class 4 Acid Sulfate Soils and marginally part Class 5 Acid Sulfate Soils.</p>	The development does not involve works more than 2m below the natural ground surface or that are likely to lower the watertable by more than 2m. As such, an Acid Sulfate Soils Management Plan is not required.	Yes
Clause 7.2 – Earthworks	Development consent is required for earthworks.	The earthworks proposed will not have a detrimental impact on environmental functions and processes, neighbouring uses, environmental features of the surrounding land.	Yes
Clause 7.4 Floodplain Risk Management	This clause applies to land between the flood planning level and the level of the probable maximum flood but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard, or other freeboard determined by an adopted	A Flood Report Accompanies this Development Application.	Yes

Clause	Provision	Proposed	Complies
	floodplain risk management plan.		
Clause 7.6 Biodiversity	Part of the site is mapped Biodiversity under the LEP. The consent authority must consider whether the development is likely to have any adverse impact on the flora and fauna of the land.	The Flora and Fauna Report by Kingfisher Urban Ecology and Wetlands state that impacts on native vegetation and the environment are expected to be negligible. Mitigation measures are expected to maintain and improve upon the condition of the site.	Yes
Clause 7.10 – Essential Services	Development consent must not be granted unless essential services are available or adequate arrangements have been made to make them available.	The proposed development will be connected to essential services.	Yes

### 4.3.1. Warriewood Valley Release Area

Council's Pre-lodgement Meeting Notes (**PLM2021/0344**) and Design + Sustainability Advisory Panel Meeting Report (**PLM2023/0032**) state that the proposed development does not comply with Clause 6.1 'Warriewood Valley Release Area' of the *Pittwater Local Environmental Plan 2014*. Table 6 below provides a direct response to Council's comments regarding compliance with Clause 6.1 of the *PLEP*.

Table 6 Response to Council's Comments Regarding Clause 6.1 *PLEP* Compliance

Comments	Response
<p>At present the lot sizes are considered too small to be supported by Council Officers, and as the current subdivision plan is at the higher end of the maximum number of lots (s6.1 see below), there is room to scale down the number of lots and increase lots sizes.</p> <p>For the purpose of a higher dwelling yield and compliance with s6.1 of the <i>PLEP</i>, it is suggested that other dwelling formats, such as residential flat buildings or other multiple occupancy dwellings are explored in order to gain texture and diversity from this development, as well as permitting a more diverse range of lot sizes and shapes.</p>	<p>Page 6 of 12 of Council's PLM notes state that the proposed development (at the time of the PLM) was compliant with Clause 6.1 except that 'lot sizes considerably smaller however'.</p> <p>The proposed development comprises the maximum permissible dwelling yield of 53 dwellings in direct accordance with Clause 6.1(3) of the <i>PLEP</i> which states "Not more than 53 dwellings or less than 42 dwellings".</p> <p>The applicant has considered all feasible alternatives as suggested by Council and the</p>

Comments	Response
	<p>proposed development is the most suitable for the site.</p> <p>Texture and diversity are achieved in the proposed development as follows:</p> <ul style="list-style-type: none"> <li>- 53 dwellings are provided comprising a mixture of detached and attached dwellings with 13 different typologies and 14 adaptable units.</li> <li>- Each type of dwelling is afforded differing landscaping treatments and presents differently to the public domain.</li> <li>- The proposed built form comprises 'breaks' through architectural features such as skillion roofs and placement of windows.</li> </ul> <p>A diverse range of lot sizes and shapes are provided varying between 194m<sup>2</sup> and 601m<sup>2</sup>.</p>
<p>The panel considers the amount of development excessive.</p>	<p>The quantum of dwellings provided is expressly permitted under Clause 6.1(3) of the <i>PLEP</i> as the site is in Sector 301. This comment by the Panel is in direct contrast to Council's PLM which states that alternative dwelling formats such as residential flat buildings or multiple occupancy dwellings are explored. The proposed development is the least likely selection of dwelling typology to represent an overdevelopment of the site due to the existing and emerging surrounding character. Neighbourhood character, as shown in Figure 3 of this SEE and as recently approved by the NSWLEC<sup>1</sup> is predominantly single dwellings within multi-lot community title subdivisions.</p>
<p>The permissible height has not been exploited fully.</p>	<p>The maximum permissible height is 10.5m. The proposed dwellings comprise differing heights without exceeding the maximum height limit. The height of the proposed dwellings is to be expected of dwellings of this type and is similar to nearby and adjoining development.</p> <p>The proposed development meets the objectives of Clause 4.3 'Height of Buildings' of the <i>PLEP</i> and therefore by virtue the numerical building height is suitable for the site subject a full assessment of other relevant statutory and non-statutory planning controls.</p>

<sup>1</sup> *Sunland Developments (No 28) Pty Ltd v Northern Beaches Council (formerly Pittwater Council)* [2016] NSWLEC 1460 at [48].

Comments	Response
	<p>In this regard, the proposed development minimises adverse amenity impacts on nearby development in terms of overshadowing, privacy and view sharing.</p> <p>There is no statutory requirement for the proposed development to be constructed to the maximum height limit.</p>
<p>No alternative dwelling formats have been investigated and all dwellings are two storey 3-4 bedrooms. This means there is a high proportion of site coverage and an inadequate amount of vegetation. It should be possible to achieve 40% canopy.</p>	<p>The applicant has undertaken an analysis of feasible alternatives.</p> <p>The proposed development provides 13 differing dwelling typologies. Number of bedrooms ranges from 3 bed + study to 5 bed.</p> <p>There is no statutory requirement under Clause 6.1 of the PLEP to provide 40% canopy cover. However, 16% of the site will be shaded by tree canopy. This will contribute to urban heat island effect within the site, public domain and broader contextual surrounding. Landscaping to Creekline Corridors will represent 20% of the overall site. Landscaping to kerbs and verges will represent 3% of the overall site.</p> <p>The proposed site landscaping meets the relevant objectives of the DCP and will be a significant improvement over the existing site condition.</p>
<p>Presumably there is a range to allow for different typologies, and the upper limit assumes the inclusion of residential flat buildings to achieve a generous common area and allowance for vegetation. No floor areas, or schedule bedrooms have been provided. This is relevant because presumably the controls were not anticipating 53 large 4-bedroom dwellings.</p>	<p>There is no statutory requirement which prescribes that residential flat buildings or another typology of dwellings be established on the site.</p>

Further comments regarding the proposed developments full compliance with the prescriptive controls contained within Clause 6.1 of the LEP are as follows:

**(a) Opportunities for rehabilitation**

The proposed development will be carried out in accordance with the accompanying Vegetation Management Plan which facilitates a continuing framework to successfully protect, maintain and enhance the riparian vegetation corridor and overall site for the long-term. Examples of how the proposed development will facilitate rehabilitation include primary and ongoing maintenance weeding throughout the

site, planting programs and further rehabilitation works within the riparian corridor to enhance the natural environment.

**(b) Water Quality**

The proposed development will comprise on-lot rainwater tanks (2.5kL per lot) and associated internal & external re-use, on-site detention tank and bio-retention basin (~248m<sup>2</sup> surface area) to ensure the water quality and follows within Narrabeen Creekline Corridor.

The stormwater design and details provided for the proposed development is compliant with Northern Beaches Council's requirements and specifications as supported in the accompanying Water Cycle Management Report.

**(c) Stability**

The proposed works within the outer Creekline corridor are minimal and limited to reshaping of the creek bank as outlined in Section 4.4.4 of the Warriewood Valley Urban Land Release Water Management Specification.

There are no statutory requirements under clause 6.1 in relation to lot size, height or dwelling typology. Notwithstanding, small lot sizes are envisioned within the DCP at C6.2 "Due to the smaller lot sizes anticipated in Warriewood Valley". The proposed development complies with the applicable height control and provides 13 differing dwelling typologies and configurations on the site.

The applicant has explored all feasible alternatives and the proposed development comprises the most suitable option for the site.

The required Creekline Corridor buffer in combination with the prescribed on site dwelling targets of 42-53, total site area and site constraints necessitate that smaller lot sizes form the subdivision configuration.

The proposed dwelling typology is commensurate with market demand for the locality which ensures that the proposed development will produce desired housing stock. The inclusion of single garage dwellings provides diversity and a more affordable alternative to double garage dwellings.

The amount of vegetation and landscaping exceeds the DCP requirements.


The proposed development meets the objectives of the applicable statutory development standards and DCP guidelines as detailed in Sections 4 and 5 of this SEE. Based on the above, it is considered that the proposal complies with the relevant provisions within the LEP.

## 4.4. Pittwater 21 Development Control Plan

*Pittwater 21 Development Control Plan* (the DCP) provides guidance on development relevant to the site and the proposal. An assessment against the relevant controls is provided in the table below.

Table 7 DCP Compliance Table

Section	Provision	Comments	Satisfied (Y/N)
<b>Section B – General Controls</b>			
B1.2 Heritage	Land within the vicinity of a heritage item, heritage conservation area or archaeological site that is listed in Schedule 5 and shown on the Heritage Maps in the Pittwater Local Environmental Plan 2014 excluding items in the Warriewood Valley Locality.	A memorial in Bus stop and Federation Cottage – Local Significance is located southwest of the site (opposite of Macpherson Street).  The proposed development does not involve work that would be considered likely to impact the heritage significance of this item. Therefore, the preparation of a Statement of Heritage Impact is not required to accompany the development application.	Yes
B1.4 Aboriginal Heritage Significance	If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal object then additional independent information on the potential heritage significance may be requested.	A search of the AHIMS web service was conducted on 13/04/2023. No Aboriginal sites were recorded in or near the site. No Aboriginal places have been declared in or near the site.	Yes
B3 Hazard Controls B3.6 Contaminated Lands	Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.	A Preliminary Site Investigation (PSI) has been undertaken by Douglas Partners. The PSI concludes that based on the results of the assessment, the site can be rendered suitable for the proposed development subject to remediation of contamination issues at the site.	Yes
B3 Hazard Controls	Development must comply with the prescriptive controls set out in the Matrix	Low, medium and high risk precincts are identified on the site. Flood Management	No. See Section 5.1 Below.

Section	Provision	Comments	Satisfied (Y/N)
B3.11 Flood Prone Land	<p>below. Where a property is affected by more than one Flood Risk Precinct, or has varying Flood Life Hazard Category across it, the assessment must consider the controls relevant at each location on the property.</p> <p>Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.</p>	<p>Report to be prepared and assessed by Council.</p> <p>A Flood Impact and Risk Assessment prepared by Stantec dated 16 June 2023 accompanies this DA.</p> 	
B3 Hazard Controls B3.12 Climate Change	Development in the Warriewood Valley Land Release Area and identified as Flood Prone Land must incorporate a climate change assessment in the Water Management Report.	Refer to Water Management Report.	Yes
B4 Controls Relating to the Natural Environment	An analysis of the proposed development clearly stating the extent of the actual and possible impact of the proposal on the environment demonstrating that it has been designed to minimise any impact on flora and fauna.	<p>A Flora and Fauna Assessment accompanies this Development Application which confirms:</p> <ul style="list-style-type: none"> <li>No threatened flora and fauna species were recorded on the site during the survey or previously recorded via BioNet.</li> <li>The proposed development does not trigger entry into the biodiversity offset scheme (BOS).</li> <li>The proposed development will comprise the removal of the existing nurse structures that are contained within both the inner and outer Creekline corridors. This will improve the current natural environment.</li> </ul>	Yes

Section	Provision	Comments	Satisfied (Y/N)
		<ul style="list-style-type: none"> <li>No significant habitat features, values or landscape corridors will be impacted by the proposed development.</li> </ul>	
B8 Site Works Management	<p>Site disturbance is minimised.</p> <p>Excavation, landfill and construction not to have an adverse impact.</p> <p>Excavation and landfill operations not to cause damage on the development or adjoining property.</p> <p>Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the <i>Roads Act 1993</i>.</p> <p>Minimal disturbance to the residential community.</p>	<ul style="list-style-type: none"> <li>The proposed development is a fill site comprising minor excavation.</li> <li>Construction waste will be transported to an approved and suitable waste facility.</li> <li>Site fencing and hoardings as relevant will be maintained for the duration of works.</li> <li>The proposed development will be carried out in accordance with conditions of development consent.</li> <li>The appropriate technical reports accompany this Development Application.</li> </ul>	Yes

Section	Provision	Comments	Satisfied (Y/N)
<b>Section C Development Type Controls</b>			
<b>C6 Design Criteria for Warriewood Valley Release Area</b>			
C6.1 Integrated Water Cycle Management	<p><b>Water Management Report and Accompanying Plans</b></p> <p>The Water Management Report must demonstrate how the water cycle will be managed and integrated with the development.</p> <p><b>Flooding</b></p> <p>Likely flood impacts from the development must also be assessed and where required, mitigated.</p> <p><b>Creek line Corridor</b></p> <p>The creek line corridor is to generally comprise a total width of 100 metres, comprising of a 50 metre wide Inner Creek line Corridor (being 25 metres either side of the centreline of the creek) and an Outer Creek line Corridor 25 metres wide each side of the Inner Creek line Corridor.</p> <p><b>Stormwater Drainage Management</b></p> <p>The design of the stormwater management system (quantity and quality) is to be included in the integrated water cycle</p>	<ul style="list-style-type: none"> <li>▪ A Water Management Report accompanies this Development Application.</li> <li>▪ A Flood Report accompanies this Development Application.</li> <li>▪ Civil Plans and the Water Cycle Management report provide the design of the stormwater management system for the proposed development.</li> </ul>	No  See section 5.1 of this SEE.

Section	Provision	Comments	Satisfied (Y/N)
	<p>management scheme for the development.</p> <p><b>Water Quality Management, Assessment and Monitoring</b></p> <p>All development stages are to meet or exceed the water quality acceptance criteria within the Warriewood Valley Urban Land Release Water Management Specification (2001) for site discharges. Validation of the acceptance criteria is required by water and sediment quality monitoring and reporting.</p> <p><b>Groundwater</b></p> <p>Identify the depth of the groundwater table. If groundwater is to be managed because of excavation/basements /stormwater or flood mitigation measures on the proposed development, the groundwater management measures are to be detailed in the report.</p>		
C6.2 Natural Environment and Landscaping Principles	<p><b>Integration with Creek line Corridor and the Public Domain</b></p> <p>The site adjoins Narrabeen Creek. The proposed development must be accompanied with a landscaping plan which complies with 'Integration with Creek line Corridor and the Public</p>		No – See detailed justification in Section

Section	Provision	Comments	Satisfied (Y/N)
	<p>Any part of residential lots, dwellings, garages, fences and other vertical built structures (wholly or in part) must not encroach into the 25 metre wide Outer Creekline Corridor.</p> <p><b>Landscaping of existing and proposed Public Road Reserves</b></p> <p>Planting within the existing or proposed public road reserve is to be in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain)</p> <p><b>Landscaped Area</b></p> <p>A landscape plan documenting the proposed landscape treatment and planting species as selected from the Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (Public Domain)</p>		5.3 of this SEE.
C6.3 ESD, Safety and Social Inclusion	An assessment of the proposed development in terms of how it addresses the principles of Ecologically Sustainable Development, the Social Environment, Universal Design and Adaptive Reuse has been prepared.		Yes
C6.4 The Road System and Pedestrian and Cyclist Network	<p><b>The Road System</b></p> <p>The road plans must comply with the relevant specifications and cross sections in Council's Warriewood Valley Roads Masterplan.</p> <p><b>Laneways</b></p> <p>For residential lots with double frontages, laneways should be used to provide rear loaded access. Laneways are not suitable for single frontage lots.</p> <p>Garbage collection areas are to be incorporated into the design of laneways to ensure access along the laneway is not hindered during</p>	<ul style="list-style-type: none"> <li>▪ The proposed cycle network is located on the other side of the Creekline corridor.</li> <li>▪ Garbage collection comprises both accessibility for collection and is appropriately screened from the streetscape within residential allotments.</li> </ul>	<p>No – See detailed justification in Section 5.4 of this SEE</p> <p>See Section 5.11 of this SEE.</p>

Section	Provision	Comments	Satisfied (Y/N)
	garbage collection periods.		
C6.5 Utilities, Services	New development including the creation of new allotments is to be fully serviced by electricity, reticulated water and sewer, gas and communications.	The proposed development is capable of being fully serviced by electricity, reticulated water and sewer, gas and communications.	Yes
C6.7 Landscape Area	Where the sector, buffer area or development site has no frontage to a creek, a minimum 25% of the site area is to be landscaped area.		Yes
C6.8 Subdivision Principles	<p>Lots less than 225m<sup>2</sup> in size or less than 9m wide are to be rear loaded, except where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>rear access is not practical due to the size or shape of the development site; or</li> <li>there will be no adverse impact on streetscape amenity and on-street parking.</li> </ul>	Where dwellings front two roads, dwellings are to present to the higher street classification and are to reflect the streetscape character of the higher street classification. Appropriate presentation to the higher street classification is to include a front door, front entry articulation such as a porch, letterbox and direct pedestrian access to the higher street classification from the dwelling. A front building setback is also applicable.	No See Section 5.2 of this SEE.
C6.9 Residential Land Subdivision	The land subdivision approval process is to be consistent with the requirements of the table. Approval Pathway 2B.		Yes
<b>Section D – Locality Specific Development Controls</b>			
<b>D16 Warriewood Valley Locality</b>			
D16.1 Character as viewed from a public place	<p>Achieve the desired future character of the Locality.</p> <p>To ensure new development responds to, reinforce and sensitively relates to the spatial characteristics of the existing built and natural environment.</p> <p>High quality buildings are designed and built for the natural context and any natural hazards.</p>		Yes

Section	Provision	Comments	Satisfied (Y/N)
	<p>The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.</p> <p>To enhance the existing streetscapes and promote a scale and density that is at a human scale and in line with the height of the natural environment.</p> <p>To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land and access to public places and spaces is clear and defined.</p> <p>To ensure the provision of a “sense of address” and an attractive, generously landscaped streetscape amenity where buildings are fronting onto a street.</p> <p>To achieve reduction in visual clutter.</p> <p>To locate and design noise generating equipment to mitigate likely acoustic impacts</p>		
D16.5 Landscaped Area for Newly Created Individual Allotments	25-35% landscaped area for new lots with dimensions between 3m and 4m. One street tree within front setback.		Yes
D16.6 Front building line	<p>1.5 minimum front setback to articulation zone from front boundary.</p> <p>4m minimum front setback to garage/carport from front boundary</p> <p>3m minimum front setback to dwelling from front boundary</p>	<p><b><u>Type A</u></b></p> <p>1.5m to articulation</p> <p>4m to garage/carport</p> <p>3m to dwelling</p> <p><b><u>Type B</u></b></p> <p>5m to articulation</p> <p>6.5m to garage/carport</p> <p>6.5m to dwelling</p> <p><b><u>Type D</u></b></p> <p>1.5m to articulation zone</p> <p>4m to garage/carport</p> <p>3m to dwelling</p>	Yes

Section	Provision	Comments	Satisfied (Y/N)
D16.7 Side and rear building lines	The minimum side and rear building lines are subject to the incorporation of landscaping required under this DCP and adequate separation distances between buildings.		Yes
D16.9 Solar Access	Shadow diagrams have been prepared by PBD Architects and provide more than 2 hours solar access to dwellings and private open space for more than hours between 9am -3pm on June 21.		Yes
D16.10 Private and Communal Open Space Areas	Integrated Housing (Approval Pathways 2a and 2b) under control C6.11 not specified elsewhere in the table.	Minimum Area of POS – 16sqm  Minimum dimension of POS – 3m	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	<p>Lightweight construction and pier and beam footings should be used in areas identified on the Biodiversity Map in the <i>Pittwater Local Environmental Plan 2014</i> to minimise the site disturbance.</p> <p>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials. In Creekline corridors, sandstone boulder walls are to be used instead of standard retaining walls to provide a more natural environment that allows fauna to traverse the boulder wall.</p> <p>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate</p>	<ul style="list-style-type: none"> <li>Most of the site is not identified as containing biodiversity on the PLEP2014 Map.</li> <li>Sandstone materiality is proposed.</li> <li>As supported by the accompanying documentation, the proposed development will not have an adverse impact on fauna traversing the site.</li> </ul>	Yes

Section	Provision	Comments	Satisfied (Y/N)
	landscaping shall be provided to screen Undercroft areas.		
D16.12 Fences	<p>To achieve the desired future character of the Locality.</p> <p>To contribute positively to the public domain and define the boundaries and edges between public and private land and between areas of different function.</p> <p>A safe and clear view of public areas such as the street, creekline corridor, buffer strip or reserve for pedestrians, cyclists and motorists is achieved.</p> <p>Casual surveillance of public areas from buildings is achieved.</p> <p>Fences and walls, where provided, are attractive, compliment the development and adjoining development, and provide visual interest for the streetscape.</p>	Yes	
D16.13 Building colours and materials	<p>Achieve the desired future character of the Locality.</p> <p>The visual prominence of the development is minimised.</p> <p>To ensure building colours and materials complement and enhance the visual character of the buildings location within the natural landscapes of Pittwater.</p> <p>Colours and materials of the development harmonise with the natural environment/escarpment.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p>	Yes	
D16.14 Pets and companion animals	<p>The need for pets and companion animals must take into account their relationship with native animals, including endangered species, and their habitat.</p>	Yes	

As identified in the above table, the proposed development accords with the guidelines contained within the Pittwater Development Control Plan. Further detail on the key issues is provided below in **Section 5**.

## 5. Assessment of Key Issues

### 5.1. Stormwater and Flooding

Civil Plans have been prepared by Craig and Rhodes which provide details of the proposed stormwater and civil infrastructure including the construction of roads, drainage works and a temporary on site detention tank and a bio-retention basin which will ensure no adverse impacts from stormwater overland flow, collection and disposal to nearby residential allotments or natural environments proximate to the site during the construction, operation and use of the development site. 100% of the runoff from impervious roofed areas will be collected via rainwater tanks provided to each individual allotment and conveyed to suitable disposal points in accordance with Council requirements and the relevant Australian Standards.

The proposal has been designed with an integrated approach to water management and conservation, addressing water quality and quantity, watercourse and creekline corridors, stormwater and groundwater, and aims to minimise the risk posed by flooding and adapts to climate change impacts.

The proposed development will be connected to Council's reticulated sewerage system which will negate the necessity to consider any potential impacts of onsite sewage and effluent systems.

- The proposed water cycle management measures when provided in conjunction with the recommendations and mitigation measures contained within the accompanying Flora and Fauna Impact Assessment, Vegetation Management Plan and Arboricultural Impact Assessment will contribute to the retention and revitalisation of a multi-functional living Narrabeen Creekline Corridor.
- Linkages and steppingstones for wildlife movement will be facilitated through a combination of sufficient Creekline buffer width and the planting of native species as described in Section 3.7. The planting of native species will ensure the conservation and restoration of Trees Swamp Oak, Swamp Mahogany, Cabbage Palm, Shrubs Lilly-pilly, Swamp Wattle, Scarlet Bottlebrush and Ground Covers such as Water Fern, Broad-Leaved Basket Grass Native Violet.
- It is expected that there will be a reduction in the volume of runoff in the long-term compared to the current situation on site.
- Flood impacts of the proposed residential development exceed the adverse impact criteria identified in Section A1.9 of the Pittwater 21 DCP in some of the assessed flood events. The accompanying flood report concludes that the impacts of any exceedances are minor and acceptable and that the proposed development satisfies the intent of the flooding requirements of the Pittwater DCP 2014, Pittwater 21 DCP and the Warriewood Valley Urban Land Release Water Management Specification.

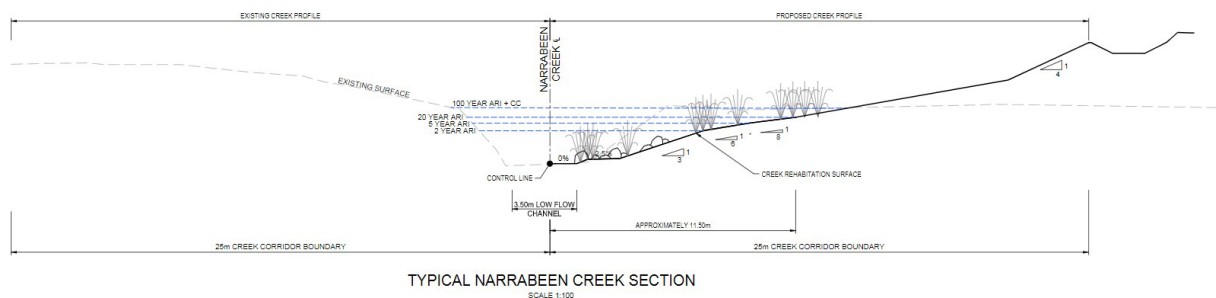
#### 5.1.1. Creekline Corridor

The DCP provides that "...the Creekline corridor is to generally comprise a total width of 100 metres, comprising of a 50 metre wide Inner Creekline Corridor (being 25 metres either side of the centreline of the creek) and an Outer Creekline Corridor 25 metres wide each side of the Inner Creekline Corridor" and; "any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide Outer Creekline Corridor".

The site abuts Narrabeen Creek to the northeast and is required to provide a 25m inner Creekline corridor and a 25m outer Creekline corridor to this boundary. The proposed development provides a sufficient total buffer width in accordance with the DCP.

The proposed works within the outer creek line corridor are minimal and limited to reshaping of the creek bank as outlined in Section 4.4.4 of the Warriewood Valley Urban Land Release Water Management Specification (Refer to the Narrabeen Creek Rehabilitation Works drawings prepared by Craig and Rhodes, REF: 359-21C-DA-0152 Revision D (and shown at **Figure 14**).

Figure 14 Creek Rehabilitation Works



Source: Craig and Rhodes

A Creekline Corridor of sufficient width has been provided, however, lots 18 – 29, 36 & 37 comprise part of the residential allotments contained within the 25-metre wide Outer Creekline Corridor as shown at **Figure 15**.

During PLM2021/0344, Council advised that –

*“A merit consideration to this requirement may be considered subject to it being demonstrated that it has occurred on other sides, and subject to any structures being both removable if required in the future, and sufficiently open to permit the movements of wildlife”*

#### ***Sunland Developments (No 28) Pty Ltd v Northern Beaches Council (formerly Pittwater Council) [2016] NSWLEC 1460***

On 28 September 2016 O'Neill C on behalf of the NSWLEC ordered that DA177/15 be approved with conditions. The proposed development sought approval for “Community title subdivision to create 79 residential allotments, associated civil engineering works, road construction, drainage works and the construction of 20 two-storey semi-detached dwellings and 59 two-storey attached dwellings on the resultant lots, at 18 Macpherson Street, Warriewood (adjoining site to the south-east).

A key contention of Council forming the basis for the refusal of the application was that the proposed Creekline Corridor design, treatment and interface between the Creekline and residential allotments was unacceptable because buildings, decks and fence structures encroached into the outer private buffer riparian area. The judgement revealed that key reasons for the buffer areas originally intended demarcation included improving water quality and allowing the passing of fauna.

The proposed development is accompanied by a Water Cycle Management Report, Flora and Fauna Impact Assessment and Vegetation Management Plan which will ensure that the proposed development will not have an adverse impact on the water quality of the Creekline or the passage of threatened fauna on site.

#### ***Occurrence on other sites***

Similar encroachments have occurred on other sites in Warriewood Valley as contained in *Sunland Developments (No 28) Pty Ltd v Northern Beaches Council*<sup>2</sup>. The location of DA177/15 (18 Macpherson Street) in relation to the subject site is shown at **Figure 14**. Further similarities between the adjacent court approved development and the proposed development are:

- Dwelling typology: Both developments solely comprise a mixture of single and two storey attached and detached dwellings.
- Carparking: Both developments comprise visitor car parking spaces distributed around the site on one-way circulation internal roadways.
- Variation of dwelling typology: It is important to note Council's contentions that the provided dwelling typologies are insufficient extended across both applications. However, DA117/15 was approved with 5 dwelling typologies. The proposed development comprises 13 dwelling typologies.

<sup>2</sup> *Sunland Developments (No 28) Pty Ltd v Northern Beaches Council (formerly Pittwater Council) [2016] NSWLEC 1460 at [48].*

Figure 14 Adjoining site – DA177/15



Source: Nearmap

***Structures removable if required in the future***

The proposed built form within the Outer Creekline Corridor solely comprises fences, roadways, landscaping and the like which are readily removeable if required in the future. No habitable or ancillary structures will be situated within the Outer Creekline Corridor as indicated on the Masterplan at **Figure 16**.

***Sufficiently open to permit the movements of wildlife***

The proposed development will be carried out in accordance with the accompanying Riparian and Vegetation Management Plan prepared by Kingfisher Urban Ecology and Wetlands dated November 2022. The report concludes that “no significant habitat features, values or corridors will be impacted by the proposed development”. The report is a working document which will successfully protect, maintain and enhance the riparian vegetation onsite both for immediate restoration and rehabilitation purposes and for the maintenance of the riparian corridor in the long-term.

Figure 15 Master Plan – Ground Floor



Source: PBD Architects (2023).

## 5.2. Subdivision

Clause 6.8 and D16 of the DCP provides guidance on the key principles to which subdivision applications in Warriewood Valley Locality must be generally consistent with. In this regard:

- The proposed development is suitable within the site constraints as the site is not bushfire prone and the proposed built form will be responsive to the site. Vegetation on the site has previously been disturbed through previous approvals and the existing commercial development.
- The proposed development achieves good pedestrian, cycle and vehicle links to the road network, public transport nodes, pedestrian/cyclist network and public open spaces as detailed in the accompanying Transport Report.
- A single access point to Macpherson Street is provided. This minimises the cumulative impact of driveway entrances fronting Macpherson Street.
- The proposed lot sizes will facilitate 13 differing dwelling typologies, landscaped areas, private open space, 2,500L rainwater tanks, vehicular access and sufficient parking arrangements.
- Shadow Diagrams showing that lots are oriented to optimise solar access for dwellings and areas of private open space.
- Larger lots such as Lots 58, 59, 60, 61
- Front, side and rear building lines are fully compliant with the numerical guidelines contained within the DCP.

- The proposed typology will enhance the existing streetscape providing a modern housing product with varying designs.

In terms of rear loaded lots -

*“Clause C6.8 Residential Development Subdivision Principles requires that Lots less than 225m<sup>2</sup> in size or less than 9m wide are to be rear loaded, except where it can be demonstrated that:*

- a. Rear access is not practical due to the size or shape of the development site; or*
- b. There will be no adverse impact on streetscape amenity and on-street parking”*

C6.8 of the DCP states –

*“Not more than 20% of any block length is to be front loaded lots less than 9 metres wide to avoid the streetscape being visually dominated by garages and to reasonably optimise on street parking opportunities.*

The proposed development comprises 24% front loaded lots less than 9m wide which is in excess of Council's threshold of 20%. This minor deviation from the DCP control should be supported, as there will be no adverse impacts on streetscape amenity and on-street parking. On street parking is provided commensurate with anticipated dwelling demand and will be unobstructive on passing traffic. In this regard, single side loading allows cars to park on the opposite side. This is supported by the accompanying Transport Assessment. Additionally, as necessitated by amenity requirements, the front loading of garages is appropriately screened by sufficient landscaping and provides visual interest from the public domain when provided in concert with the fenestration, materiality and high quality architectural features of the differing dwelling typologies.

## 5.3. Landscaping

A Landscape Design Report and detailed Landscape Plans have been prepared by Sym Studio.

A landscape planting plan, landscape palette and materials schedule have also been prepared in conjunction with the Vegetation Management Plan prepared by Ecological Consultants.

The objective of the landscape design is to enhance the character of the site and provide increased amenity to the future residents and commensurate sense of place and tranquillity. This will be achieved by the insertion of distinct landscaped areas within each dwelling and an increased tree canopy across the site.

The proposed landscaping arrangements prioritise the conservation and revitalisation of natural vegetation and biodiversity. Approximately 45.92% of the site will be provided as landscaping area which complies and significantly exceeds the DCP controls. In combination with dwelling materiality and typology that completes the sites natural setting, this will appropriately soften and screen the proposed built form.

The indicative location of driveways in combination with the accompanying landscaping plans will maximise the retention of trees and native vegetation in the road reserve.

As detailed in the accompanying Water Cycle Management Report and Civil Plans, the proposed stormwater runoff will be appropriately managed and reduced to prevent soil erosion and siltation of natural drainage channels.

The proposed development comprises street tree planting and deep soil areas shown at **Figure 16** which will provide an attractive and landscaped streetscape to enhance current landscaping measures on site and complement the broader streetscape context.

Figure 16 Extract of proposed landscaping treatments.



Source: Sym Studio

The existing site is predominantly hardstand which will be significantly enhanced by the proposed quantum of landscaped area. Where appropriate, permeable paving has been specified to outdoor areas to increase absorption. Street trees and the planting surrounding the roads will soften the appearance of the development.

A Water Cycle Management Report accompanies this Development Application which accounts for the quantum of built upon area and concludes that the stormwater design is acceptable and in accordance with Council requirements.

## 5.4. Transport Traffic and Parking

A Traffic and Parking Assessment has been prepared by JMT Consulting. The report considers the potential impacts of the proposal on the access arrangements, local road hierarchy, parking and active transport environment and an assessment of the proposed development in relation to the *Warriewood Valley Roads Masterplan (WVRMP)*.

### Vehicular Access

The proposal seeks to retain the existing single vehicles access point from Macpherson Street to the site, which will help provide a slower speed environment into and out of the site.

### Road Design and Circulation

The proposal includes the following road design.

- A sector entry street (9m wide carriageway) at the site entrance adjacent to MacPherson Street
- A 6m wide carriageway (access street) around the perimeter of the site which will accommodate one travel lane and one on-street car parking lane. On bin collection days this parking lane will be utilised by waste collection vehicles, with 'No Parking' controls to be implemented to ensure that there is sufficient space for general traffic to pass waste vehicles.
- A 5.5m wide laneway through the centre of the site, in accordance with the design requirements noted in the Warriewood Valley Roads Master plan document. The instances of general traffic needing to pass waste collection vehicles on the laneway will be very infrequent, however the 5.5m carriageway width to be provided can facilitate this movement if required.
- The street layout comprises street tree planting and a 1.5m wide footpath will be provided on at least one side of the perimeter access street – facilitating good pedestrian connectivity through the site.

The proposal provides a one-way anti-clockwise circulation loop, to provide a simpler more efficient internal street network that minimises vehicle conflict by removing two-way traffic movements. The one-way loop system ensures suitable waste collection arrangements and on-street visitor car parking is provided.

JMT Consulting confirm the internal road design makes suitable provision for vehicle manoeuvring, including that of a Council waste vehicle equivalent to an 8.8m long Medium Rigid Vehicle (MRV). The one-way circulation will allow for the safe and efficient circulation of vehicles and minimise conflicts with vehicles travelling in the opposing direction.

C6.4 of the DCP requires that –

*“Where a road is to be constructed along the boundary of two properties, the partial/half width construction is permitted subject to the following criteria being satisfied:*

- *A minimum carriageway width of 6m is provided to cater for two-way traffic”*

At PLM2021/0344, Council advised that -

*“The proposed one-way anticlockwise circulation through the site is not opposed and may permit the retention of street parking on one side of the through site access roads”*

The proposed road reserve is 10.5m which allows for a single road with a pavement width of 6m as required by the DCP. Pathways 1.5m in width are provided on the internal side of the road where no driveways existing, and pedestrian and vehicle conflict points are limited.

- The adjoining site to the south-east (18 Macpherson Street, Warriewood) exhibits similar site characteristics to the subject site. O'Neill C in *Sunland Developments (No 28) Pty Ltd v Northern Beaches Council (formerly Pittwater Council)* [2016] NSWLEC 1460 at [85] provided that:
  - *“It is unlikely that any layout of this site could comply with the density prescribed for Sector 302 using semi-detached and attached dwellings and include two-way roads”*

Therefore, the proposed carriageway width is consistent with the DCP guidelines, providing safe and convenient access.

### **Traffic Generation**

The proposal is expected to generate in the order of 50 traffic movements in the AM Peak and the PM Peak, compared to the existing traffic generation of the site for Flower Power of 80 vehicle movements in the AM peak hours and 120 vehicle movements in the PM peak hour.

The analysis demonstrates that the proposed net traffic generation is significantly less than existing traffic generation associated with the Flower Power use. JMT Consulting concludes that the proposal would result in an improved road network outcome compared to current conditions.

### **Car Parking**

Two car parking spaces will be provided for each detached dwelling which complies with the DCP. Car parking for visitors to the site can be provided on the internal street network, with a 6.0m carriageway width to be provided on the main circulation roadway.

### **Active Transport:**

The site benefits from a range of alternate transport options such as public transport bus options adjacent to the site on Macpherson Street as well as walking and cycling paths.

JMT Consulting confirms the proposal's impact on the transport network will be acceptable.

## **5.5. Built Form**

PBD Architects has designed the proposal to ensure the facades of dwellings address McPherson Street and the internal roads. The proposed dwellings have a street presence and incorporate design elements such as skillion and flat roof forms, a variety of materials such as timber, Colourbond, sandstone cladding, numerous window arrangements and glazing, modulation, spatial separation, and landscaping to soften the built form. The proposed dwellings are compatible with the design themes existing in the immediate vicinity.

An example of the façade treatments, articulation and commensurate landscaping when viewing the proposed built form from the public domain is provided at **Figure 17**. The varied materials, typology and articulation and street landscaping provides breaks to ensure the proposed development creates visual interest both internally and from the public domain. An example of a break in typology is shown at **Figure 18** which shows a variation in rooftop forms of skillion and level. The proposal does not incorporate any blank facades that front public places.

Figure 17 Dwelling Type C – Viewed from Public Domain.



Source: PBD Architects

Figure 18 Elevation on Driveway 02



Source: PBD Architects

The proposed development sensitively relates, continues and enhances the predominant medium density residential character of the locality. This is evidenced through the existing surrounding development with similar characteristics to the proposal, as displayed at **Figure 3**. The enhancements to streetscape character will partially stem from the high quality and modernised yet complimentary nature of the proposed materiality as displayed in the accompanying architectural plans.

The proposed landscaping treatments will enhance the streetscape proximate to the dwellings, softening and screening urban edges of built form and revitalising the site through the revegetation of native species planting. The landscaping treatments have been designed to be a dominant feature in the streetscape whilst ensuring that a clear visual connection between the public place and the front setback and front facades of buildings is achieved. An example of the streetscape landscaping treatments is provided at **Figure 19**.

Figure 19 Proposed Landscaping Treatments



Source: PBD Architects

The proposal incorporates some front loading of garages. This orientation is considered acceptable to provide the dwellings with north facing windows to living areas and private open spaces.

The front loading of garages contained within the proposed subdivision arrangement will not result in any adverse impact on streetscape amenity and on-street parking as detailed in the accompanying Architectural Plans and Transport Report.

## **5.6. Solar Access**

The proposed solar access and shadow diagrams prepared by PBD Architects demonstrate that solar access and natural light will be accessible to the proposed dwellings and private open space for a minimum of 2 hours to 70% of the dwellings between 9am-3pm on June 21. Given the orientation of the site and low scale development will not adversely impact the adjoining properties in terms of restriction of solar access and natural light.

## **5.7. Fencing**

Proposed fencing will be transparent and ensure the following:

- allow native animals to move between and to areas of environmental sensitivity and areas of habitat value;
- enable casual surveillance from buildings for safety and surveillance;
- assist in highlighting entrances and in creating a sense of community identity;
- be compatible with facilities in the street frontage area, such as mailboxes and garbage collection areas; and
- complement landscaping in the streetscape;
- side and rear boundary fencing will not exceed 1.8 metres in height.

## **5.8. Materials**

The proposed materiality including glazing, sandstone cladding, metal balustrade and timber plus aluminium sheet metal cladding which appropriately enhances the existing streetscape typology of medium residential development and transforms the commercial use of the site to the desired medium density residential use in accordance with the strategic context and LEP objectives applying to the site.

The proposed materiality complements the proposed landscaping treatments for the site which reduces and minimises visual prominence of built form through harmonisation with the natural landscape. The proposed materiality contributes to attractive building facades commensurate with market demand for this product.

## **5.9. Tree Removal and Replacement**

An Arboricultural Impact Assessment has been prepared by Naturally Trees. The report comments on the current health and condition of the trees and reviews the potential impacts of the development on the trees both within and outside the site boundary. It also provides recommendations to support the protection of trees to be retained.

The report concludes that:

- Four high category trees and thirty-four low category trees will be lost because of this proposal. However, the low category trees are exempt from Northern Beaches Council's Tree Preservation Order and the retention of the significant boundary tree cover will ensure there is no impact on the wider setting.
- The proposed development will necessitate the removal of four high category trees (Trees 55, 59, 60 and 61). These trees are considered moderate to high significance and display good health and condition. In order to compensate for loss of amenity, consideration should be given to replacement planting within the site.
- The proposed development will necessitate the removal of thirty-four trees of low and very low retention value. These include trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 56. None of these trees are considered significant or worthy of

special measures to ensure their preservation. It should be noted that these trees are exempt from Northern Beaches Council's Tree Preservation Order.

- Forty category A trees could potentially be adversely affected through disturbance to their TPZs. In this regard, the proposed demolition and civil works will be carried out in accordance with the recommendations of the AIA to avoid adverse impacts on tree health. TPZ's of 32 important trees with high potential to contribute amenity are located largely outside the proposed works.
- Low category trees 51, 52 and 53 are capable of successfully being retained.

The resultant landscaping elements and tree canopy cover are a significant enhancement over the current site condition. Planting in the public verge, private gardens and general streetscape will provide tree canopy cover in areas currently absent of any tree canopy cover. The proposed landscaping treatment to the Creekline corridor is both respectful and promotes rejuvenation and revitalisation through restorative planting of approximately 70% in the management area (2,079m<sup>2</sup>). Overall, the significant increase in tree canopy cover on the site will:

- Positively contribute to negating urban heat island effect within and beyond the development;
- Provide shade, cooling, retreat and comfort to enhance the health and wellbeing of future residents;
- Partially screen built form when viewed from the surrounding streetscape;
- Enhance privacy between private dwellings; and
- Provide a complementary, DCP compliant mixture of native and non-native species on the site.

The proposal will result in increased canopy coverage due to the planting specified in the landscape scheme. The final criteria (expected after 30 months) is at least 10 species of native plants included and 20-40% tree cover and 20-30% shrub cover. Furthermore, if the recommended precautions are implemented the development will have no adverse impact on the retained trees.

## 5.10. Private Open Space

The proposed dwellings have been designed so that private open space meets the minimum areas of 16sqm and is directly accessible from internal living areas enabling it to function as an extension of internal living areas and is to have good solar orientation.

The proposed private open space areas include provision of clothes drying facilities opportunities for BBQs external power points. The primary orientation of balconies is to be to the street or rear boundary. Balconies are not to be fully recessed into the building form. Balconies should not form the dominant architectural expression of the building.

## 5.11. Flora and Fauna

Ecological Consultants Australia prepared a Flora and Fauna Assessment. The assessment included an on-ground site inspections where flora and fauna observations were recorded. Also, a Bio Net search was performed to identify if there were previous records of threatened species occurring within the local area within a 10km radius.

The report concluded the following:

- That no threatened flora or fauna species were recorded on the site during the survey or previously recorded via BioNet.
- No significant habitat features, values or landscape corridors will be impacted by the proposed development. The proposal does not trigger entry into the BOS Biodiversity Offsets Scheme
- The proposed development is restricted to the existing building footprint.
- Tree protection will be consistent with the Arborist report.
- The site contains vegetation mapped within PCT 1795 – Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions, however the community is not in benchmark condition, native species planting and weed control are expected to improve the condition of the community.

- Test of significance (5-part tests) have been conducted for the Swift Parrot (*Lathamus discolor*) and Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions community. While the 5-part test resulted in a 'not significant' impact for the community, recommendations have been made to assist the long-term sustainability of this community. While the 5-part test resulted in a 'not significant' impact for the species assessed, recommendations to include habitat augmentation are restricted onsite, however can be implemented in future stages of this sites development particularly around the creek line.

A number of mitigation measures were recommended including:

- **Before works:**
  - Tree Protection as per Arborist report.
  - Removal of weeds to prevent spread of seed.
  - Effective site management to minimise sediment runoff.
  - Nest box installation in trees to be retained.
- **During works:**
  - Tree Protection as per Arborist report.
  - Effective site management to minimise sediment runoff.
  - Bush hygiene protocols are to be followed to prevent the spread of pathogens including *Phytophthora*.
- **After completion of works:**
  - Tree and vegetation maintenance and on-going native vegetation and habitat renewal (planting).
  - Native species landscaping.

## 5.12. Ecologically Sustainable Development

The proposal aims to ensure an ecologically sustainable environment is developed and maintained and is designed on a 'whole of development/site' approach.

The proposal has been guided by best practice standards in Ecologically Sustainable Design, to result in a liveable community fostering a strong sense of community and facilitates social interaction among residents.

The following ESD initiatives are proposed:

- Photovoltaic cells - A typical photovoltaic system employs solar panels, each comprising a number of solar cells, which generate electrical power.
- Energy efficient lighting overall - Energy efficient lighting delivers quality lighting solutions that requires extremely low, or no maintenance and delivers excellent efficiency.

## 5.13. Waste Minimisation and Management

Construction waste generated throughout the development will comprise concrete, steel framing, roof sheeting, plasterboard linings, electrical cabling, plastic and cardboard packaging, glass and paint. All materials will be reused or recycled offsite and/or on-site. Detailed Construction Waste Management Plans will be prepared prior to receipt of a Construction Certificate.

A Waste Management Plan (WMP) has been prepared by Craig and Rhodes. The WMP identifies all potential waste likely to be generated at the site during the demolition, construction and operational phases, including a description of how waste will be handled, processed and disposed of, or re-used or recycled.

# 6. Section 4.15 Assessment

The proposed development has been assessed in accordance with the relevant matters for consideration listed in section 4.15 of the EP&A Act.

## 6.1. Environmental Planning Instruments

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 4**.

The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments.

## 6.2. Draft Environmental Planning Instruments

No draft environmental planning instruments are relevant to this proposal.

## 6.3. Development Control Plan

*Pittwater 21 Development Control Plan* (DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in **Sections 4 and 5**.

The assessment concludes the proposal complies with the majority of the relevant provisions within the DCP. Where there are non-compliances, these are considered acceptable on merit and justifiable due to the nature of the residential use development.

## 6.4. Planning Agreement

No planning agreements are relevant to this proposal.

## 6.5. Regulations

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

## 6.6. Likely Impacts of the Proposal

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment:** The surrounding road network is capable of accommodating the proposed development with negligible impact on the surrounding street network.
- The proposal does not result in the removal of significant trees, nor have any adverse impacts on waterways and natural landscapes.
- Appropriate measures will be implemented during the construction phase of the project to ensure there are no adverse amenity impacts to surrounding properties in terms of dust, soil erosion, air, vibration and noise.
- The proposal incorporates appropriate ESD measures to encourage sustainable use of materials and resources.
- The proposed development will improve the natural environment on site. A riparian zone within the inner Creekline corridor will be created and dedicated to Council in the public interest. The proposed development does not comprise any structures within the outer Creekline.
- **Built Environment:** The proposed development will have a positive impact on the built environment. The proposed development will transform the site from a commercial land use to a desired medium density residential land use which is compatible with the surrounding locality.
- **Social:** The proposed development will have positive social impacts. The proposed development will increase the supply of residential accommodation in the Warriewood Valley Release Area. Differing typologies comprising of adaptable units will contribute to commensurate demand in the locality for this housing product.
- **Economic:** The proposed development will have positive economic impacts. In the short term to medium term, the proposed development will facilitate jobs within the construction industry. Longer term, the proposed development will positively contribute to the local economy through provision of an increased population. The transformative nature of the overall scheme is also anticipated to attract further investment in the locality.

## 6.7. Suitability of the Site

The site is considered highly suitable for the proposed development for the following reasons:

- The proposed development is permissible with development consent in the R3 Zone.
- The proposed development is fully compliant with the statutory controls applying to the site.
- The proposed development complements the proximate streetscape and the envisioned land use for the site.
- The site is afforded ample access through the proximate road network and alternative transportation modes through sufficient public transport within a comfortable walking distance.

## 6.8. Submissions

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

## 6.9. Public Interest

The proposed development is considered in the public interest for the following reasons:

- The proposal is consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.

The proposal will provide diverse and additional housing stock and built form which is consistent with the zoning objectives for the site and surrounding locality.

## 7. Conclusion

The proposed development has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- *The proposal satisfies the applicable planning controls and policies.*
- *The proposal will not result in any adverse environmental impacts.*
- *The proposal will result in positive social and economic impacts.*
- *The proposal is highly suitable for the site.*
- *The proposal is in the public interest.*

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

## 8. Disclaimer

This report is dated 19 July 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Bazem Pty Ltd (**Instructing Party**) for the purpose of SEE (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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