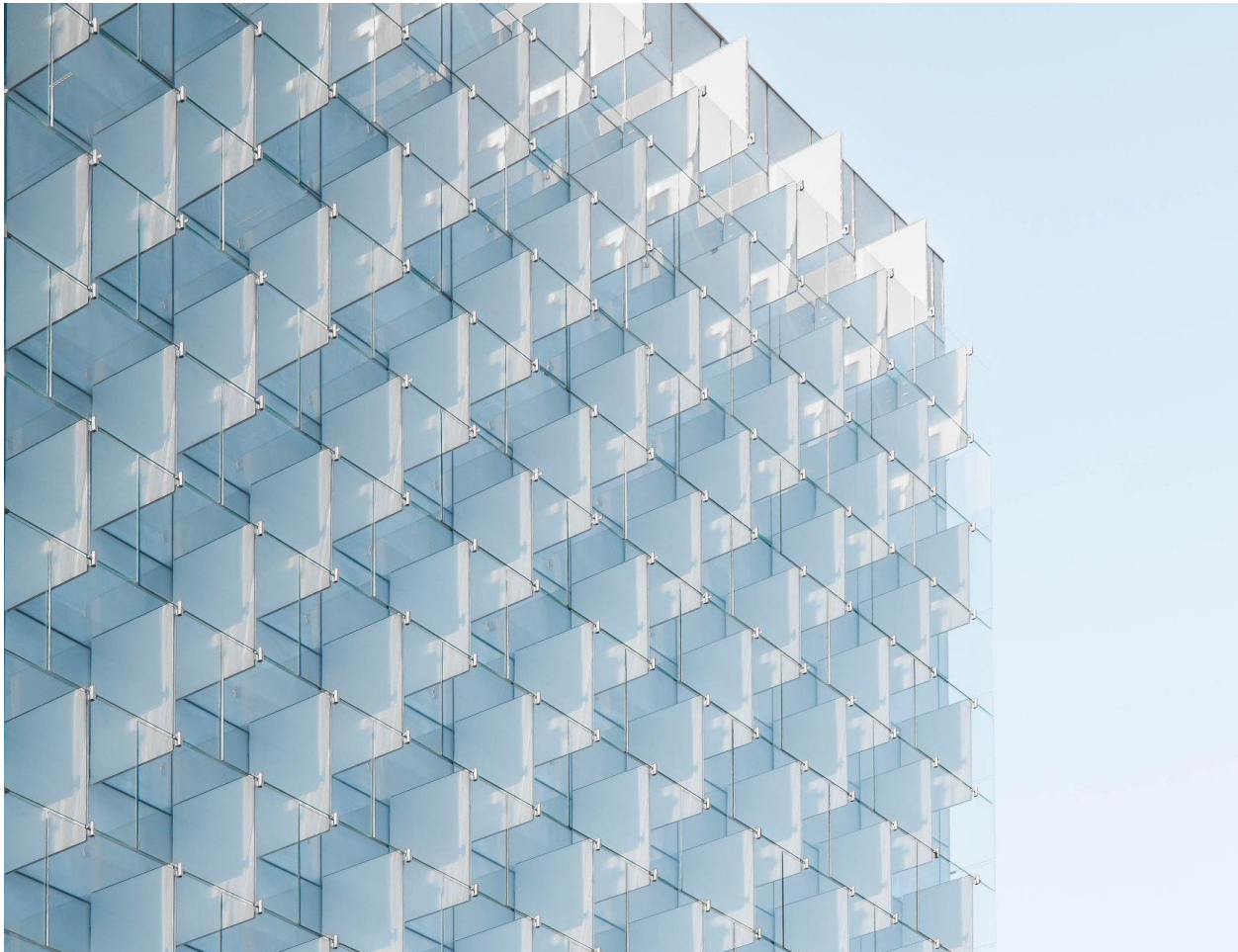


WILLOWTREE PLANNING



7 January 2025

Ref: WTJ24-477
Contact: Michaela Lyons



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED TORRENS TITLE SUBDIVISION AND CONSTRUCTION OF NINE DWELLINGS

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

Prepared by Willowtree Planning Pty Ltd
on behalf of Sekisui House Services (NSW) Pty Ltd

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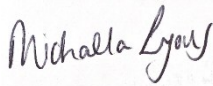




SYDNEY | BRISBANE

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

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

DOCUMENT CONTROL TABLE			
Document Reference:	WTJ24-477 Statement of Environmental Effects		
Contact	Michaela Lyons		
Version and Date	Prepared by	Checked by	Approved by
Version 01 - 21/11/2024	Michaela Lyons Town Planner	Bhavesh Taunk Senior Planner	Asher Richardson Senior Associate
Version 02 - 27/11/2024	Michaela Lyons Town Planner	Bhavesh Taunk Senior Planner	Asher Richardson Senior Associate
Version 03 - 28/11/2024 Draft for client review	Michaela Lyons Town Planner	Bhavesh Taunk Senior Planner	Asher Richardson Senior Associate
Version 04 - 19/12/2024	Michaela Lyons Town Planner	Bhavesh Taunk Senior Planner	Asher Richardson Senior Associate
			

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

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Appendix	Document	Prepared by
1	Survey Plan	BYD
2	Subdivision Plan	Sekisui House
3	Architectural Plan	Sekisui House
4	Civil Plans and Report	Enspire Solutions
5	Bushfire Report	Eco Logical Australia
6	Landscape Plans	Sekisui House
7	Owners Consent	Sekisui House
8	Waste Management Plan	Enspire Solutions
9	Traffic Report	Check This Property
10	Quantity Surveyor Report	Berco Consulting
11	Pittwater Development Control Plan 21 Assessment	Willowtree Planning
12	BASIX Certificates Lot 5 - Lot 13	Efficient Living Pty Ltd
13	NatHERS Certificates Lot 5 - Lot 13	Efficient Living Pty Ltd



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Sekisui House Services (NSW) Pty Ltd (Sekisui House) (the Applicant) and is submitted to Northern Beaches Council (Council) in support of a Development Application (DA) at 53A & 53B Warriewood Road, Warriewood, legally described as Lot 2 & 3 DP1115877 (Subject Site).

Development Application No. DA/2024/1079 has been submitted to the Council, pertaining to the Subject Site and adjoining properties, comprising Five (5) lot Community Title subdivision which includes one (1) public reserve, an extension of Lorikeet Grove, internal roads, and three (3) residential super lots. DA/2024/1079 is currently under assessment. Revisions to the original DA from the Council assessment process will accord with the subject DA to ensure alignment.

This DA specifically pertains to one of the residential super lots and proposes the creation of Nine (9) Torrens Title allotments to facilitate a residential subdivision and built form comprising two (2) semi-detached dwellings and seven (7) terraces broken into three (3) attached dwellings and four (4) attached dwellings and associated works (the proposed development).

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

- *Provide for the housing needs of the community within a medium density residential environment.*
- *Provide a variety of housing types within a medium density residential environment.*
- *Enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

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

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E LIKELY IMPACTS OF THE DEVELOPMENT**
- **PART F CONCLUSION**

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Subject Site is identified as a Superlot within 53A & 53B Warriewood Road, Warriewood, containing the following land holding:

TABLE 1. SITE IDENTIFICATION		
Site Address	Legal Description	Land Area (approx.)
53A Warriewood Road	Lot 2 DP 1115877	9,251m ²
53B Warriewood Road	Lot 3 DP 1115877	6,838m ²

The Subject Site (Superlot) forms part of a larger 5-part Superlot subdivision and contributes to the creation of a 9-lot subdivision designed for residential housing, referred to as the Broader Site. The proposed subdivision occupies a total site area of 2,083m² and features a rectangular configuration, which optimises the use of the land for housing development. The proposed lots provide a configuration which is suitable and compliant with the built form controls.

The Subject Site is strategically located, backing onto an existing row of housing on Ibis Place, ensuring continuity with the surrounding residential context. It is bordered by Lorikeet Grove to the south, Road Number 1 (of DA/2024/1079) to the east, and an easement defining the northeastern boundary. This layout facilitates convenient access and connectivity while maintaining clear boundaries that integrate seamlessly with the broader subdivision framework.

The proposed subdivision has been designed to align with the overarching development vision for the concept design as proposed under DA2024/1079. The proposed built form and subdivision of the single Superlot ensures a cohesive approach to urban planning and housing provision within this area. The Subject Site is within the R3 Medium Density Residential zone pursuant to the zoning provisions of PLEP2014. The Subject Site is situated within the Warriewood Valley Release Area within the Northern Beaches Local Government Area (LGA).

The Broader Site is generally rectangular in shape and has an area of approximately 16089m² and is located on the southern side of Warriewood Road, between Ibis Street and Pheasant Place, Warriewood. Currently, access to the road network is from the north-east of the Subject Site however it is noted that access will be available from the south-west of the Subject Site upon the completion of Lorikeet Grove.

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

At present, the Broader Site is occupied by a two-storey dwelling house and associated small sheds which have been approved to be demolished and remediated under DA/2024/0586.

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

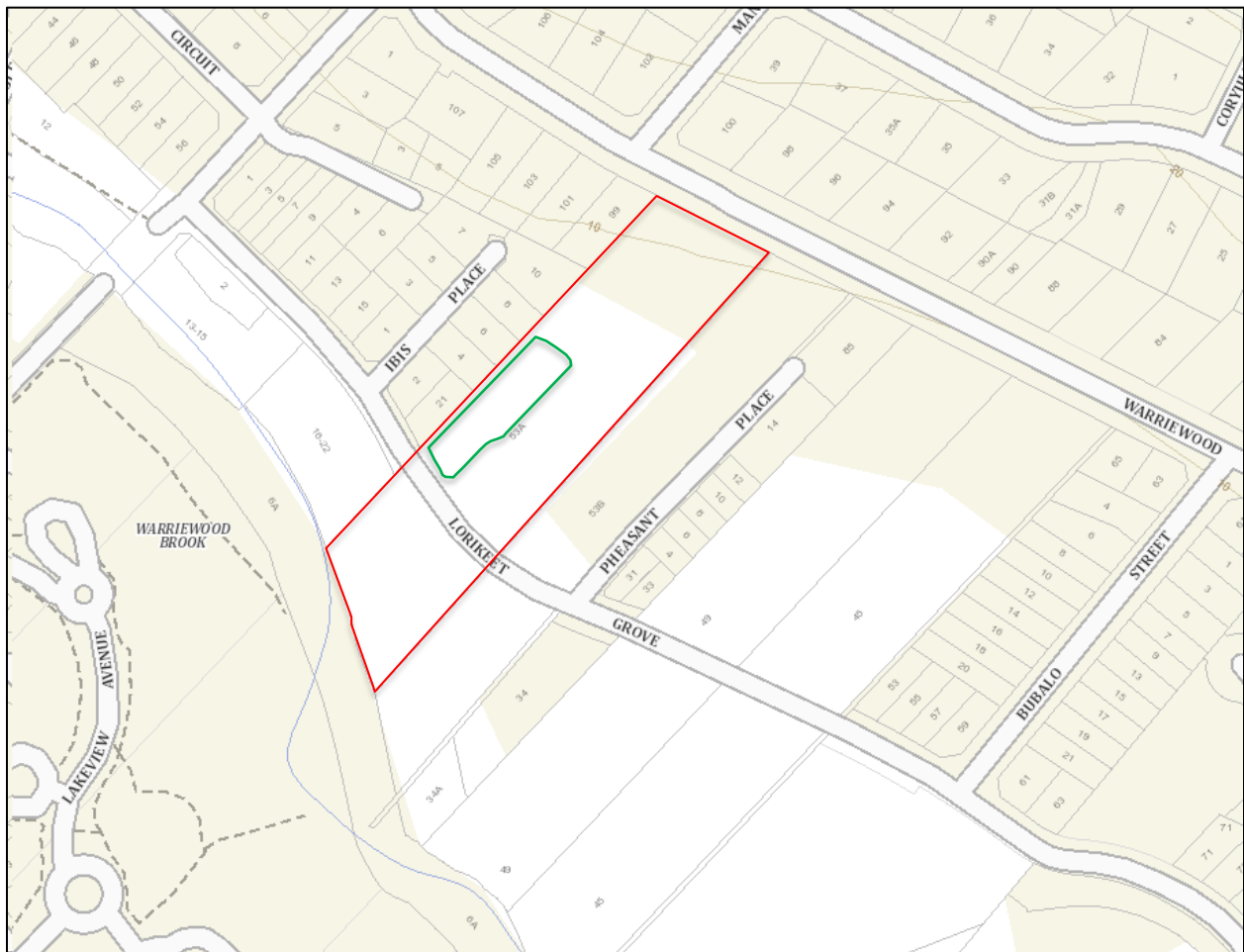


Figure 1. Cadastral Map (Subject Site in green, Broader Site in red) (Source: SIX Maps, 2024)



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)



Figure 2. Aerial Map (Subject Site in green, Broader Site in red) (Source: Near Map, 2024)

2.2 SITE CONTEXT

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

The Broader Site at 53A & 53B Warriewood Road, Warriewood, is situated in a residential growth area within the Warriewood Valley floodplain, with R3 Medium Density Residential zoning. Its location near sensitive environmental areas, such as the Warriewood Wetlands, requires careful planning and sustainable drainage solutions to minimise flood risk and ecological impact. This site is poised for residential development that aligns with the broader goals of the Northern Beaches LEP and provides essential housing options while preserving the natural character of the Warriewood area.

2.3 DEVELOPMENT HISTORY

Table 2 outlined below provides a summary of the DAs, pertaining to the Subject Site and of relevance to the proposed development, that have been determined or are under assessment.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

TABLE 2. EXISTING CONSENTS		
DA Reference	Summary	Date
DA/2024/1079	Subdivision - Community Title subdivision into five (5) lots and civil works	Under Assessment
DA/2024/0586	Demolition - Demolition works and remediation of the site	Approved 09/07/2024
DA2021/1478	Subdivision of one lot into 22 Community Title Lots including the construction of 21 dwellings, civil works and landscaping	Withdrawn
N0389/16	Miscellaneous DA (Converted) - Construction of a 10-unit residential flat building with basement parking on new lot 213	Refused 15/11/2016
N0477/14	Miscellaneous DA (Converted) - Construction of 19 dwellings on proposed new Lot 213 of related DA N0350/1	Refused 23/09/2015
N0350/14	Subdivision of the property as follows Stage 1 - three-lot subdivision incorporating new lots 111 and 112 fronting Warriewood Road and new lot 113 being a Residual Lot. Stage 2 - subdivision of Residual lot 113 in Stage 1 into 13 lots and incorporating works on 53 Warriewood Road, Warriewood	Refused 27/08/2015

The revised subdivision plan as part of DA/2024/1079 has been provided at **Figure 3** below, the proposed development area subject to this application is outlined in green.

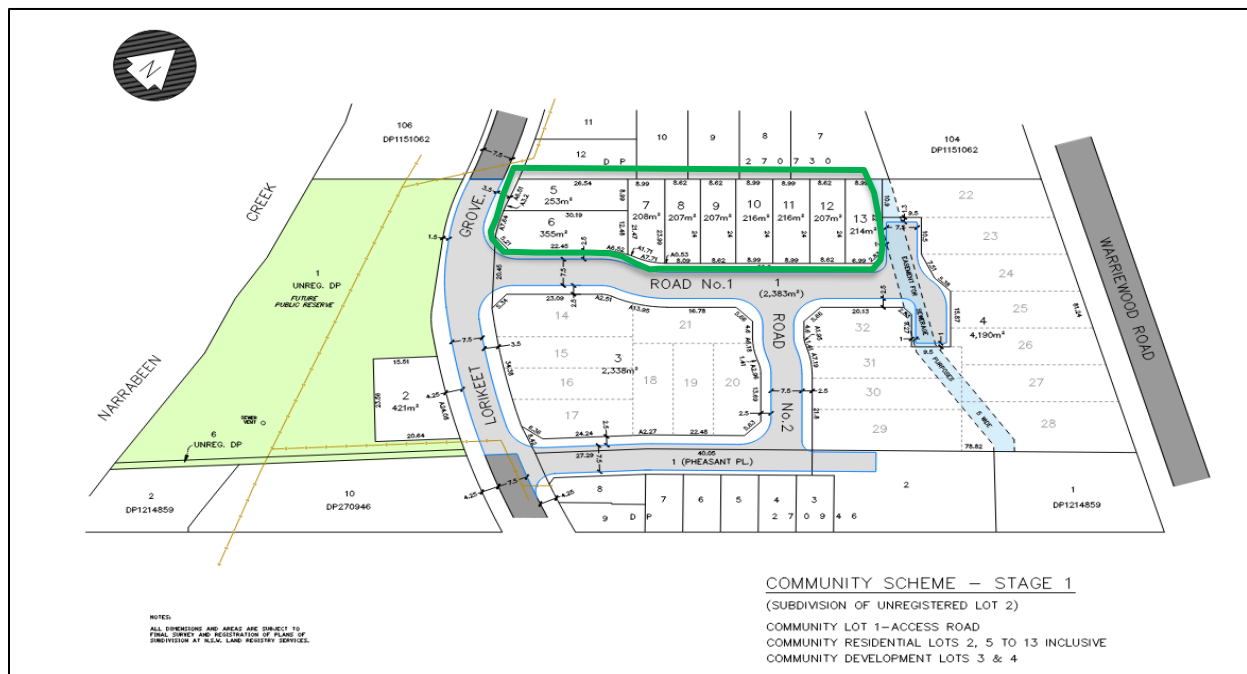


Figure 3: Revised Subdivision Plan (Subject Site in green) (Source: Youdale Strudwick & Co, 2024)



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

This DA seeks development consent for the Torrens Title Subdivision of a Superlot Plot into Nine (9) residential allotments to facilitate the residential subdivision and built form comprising two (2) semi-detached dwellings and seven (7) terraces broken into three (3) attached dwellings and four (4) attached dwellings and associated works.

The parent subdivision application (DA/2024/1079), is currently under consideration by the Council. This application is a critical step as it forms the foundational layout and division of the Torrens lots that are part of this proposed development.

Subject to the approval of DA/2024/1079, this DA will proceed based on the newly created community lots from that subdivision. This DA will rely on the final configuration and boundaries set forth in DA/2024/1079, meaning that any amendments to the parent subdivision by council may impact this application.

Specifically, the application provides for the following outcome:

- Torrens Title Subdivision of a Superlot Plot into Nine (9) Plots
- Construction of Nine (9) double storey dwelling houses comprising;
 - Two (2) semi-detached dwellings;
 - Seven terraces broken into three (3) attached dwellings and four (4) attached dwellings;
 - Landscaping and associated works

3.2 DEVELOPMENT STATISTICS

The proposed development includes the following scope of works:

- Torrens Title Subdivision of the Subject Site into Nine (9) allotments for residential subdivision and built form comprising two (2) semi-detached dwellings and seven (7) terraces broken into three (3) attached dwellings and four (4) attached dwellings.

The proposed development includes those works as identified in **Table 3** below.

TABLE 3. DEVELOPMENT PARTICULARS		
Component		Proposed
Site Area		16089m ²
Number of Lots		Nine (9) Torrens Title lots
Proposed Lot Size	Lot 5	253m ²
	Lot 6	355m ²
	Lot 7	208m ²
	Lot 8	207m ²
	Lot 9	207m ²



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

	Lot 10	216m ²
	Lot 11	216m ²
	Lot 12	207m ²
	Lot 13	214m ²
Minimum Lot Size	207m ²	
Maximum Lot Size	355m ²	
Average Lot Size	203m ²	
Gross Floor Area	1245.98m ²	
Building Height	Range 7.482m - 8.525m	
Landscaping	Landscaping Plan provided in Appendix 6	
Earthworks	Proposed earthworks are discussed in Appendix 4 provided by Enspire Solutions	
Tree Removal	No prescribed trees to removed	
Infrastructure and Servicing	Subject to the approval of the undecided DA 2024/1079. All essential services, utilities and public infrastructure will be available to the Site and are capable of servicing the proposed development	
Estimated Development Cost (EDC)	\$6,079,579 (including GST)	

Architectural Plans have been prepared by Seiksui House and are provided in **Appendix 3** and **Figure 4** below illustrate the proposed development.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

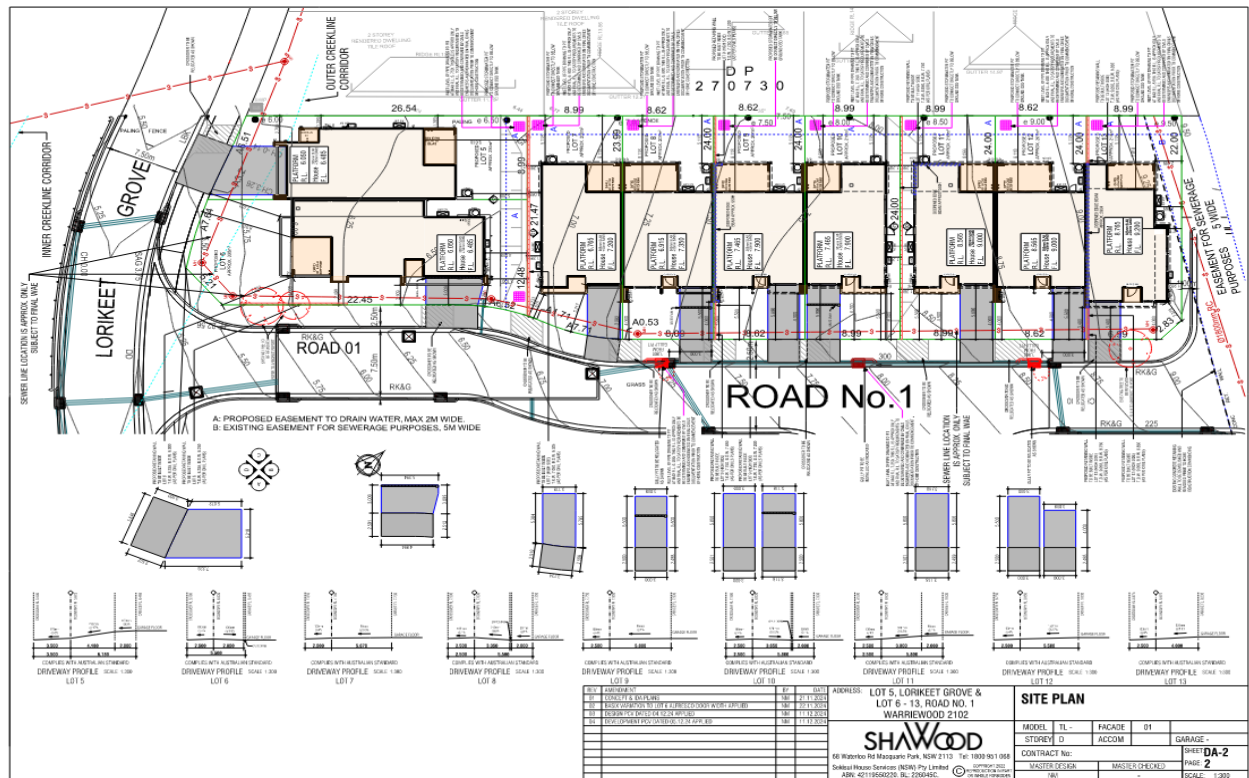


Figure 4: Site Plan (Source: Sekisui House, 2024)

PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

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

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

Commonwealth Planning Context

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999

State Planning Context

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

Local Planning Context

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

Strategic Context

- *Greater Sydney Region Plan: A Metropolitan of Three Cities*
- *North District Plan*
- *Northern Beaches Local Strategic Planning Strategy 2020*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

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

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

4.3 STATE PLANNING CONTEXT

4.3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

4.3.1.1 Section 4.5 of the EP&A Act – Consent authority

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

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

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 4** below.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

TABLE 4. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The <i>Pittwater Local Environmental Plan 2014</i> (PLEP2014) is the principal Environmental Planning Instrument (EPI) applying to the Subject Site, which is assessed in Section 4.5 of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	No draft environmental planning instruments are applicable to the Subject Site.
Section 4.15(1)(a)(iii) any development control plan, and	The <i>Pittwater 21 Development Control Plan</i> (P21DCP) applies to the Subject Site and is addressed in Section 4.5.1.3 and Appendix 11 of this SEE.
Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	This matter has been dealt under DA/2024/1079. This DA is limited to the subdivision of the Superlot Plot and therefore no further consideration is required.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in Section 4.3.2 of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in PART E of this SEE.

4.3.1.3 Section 4.46 of EP&A Act - Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one (1) or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The proposed development constitutes integrated development as per of Section 100B of the Rural Fires Act 1997 as confirmed within the Bushfire Report in **Appendix 5**, therefore further consideration is warranted.

4.3.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

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

4.3.3 NATIONAL PARKS AND WILDLIFE ACT 1974

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

An Aboriginal Due Diligence Assessment (ADDA) has been prepared by Biosis as part of DA/2024/1079. A search of the Aboriginal Heritage Information Management System (AHIMS) database identified 113 Aboriginal archaeological sites within a 4.5 by 4.5km search area, centred on the Subject Site. None of these



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Torrens Title Subdivision and Construction of Nine Dwellings
53A & 53B Warriewood Road, Warriewood (Lot 2 & 3 DP 1115877)

sites were located within the Subject Site. Art (pigment or engraved) and rock engravings sites are the most common in the surrounding area. Background research identified that extensive disturbance has occurred throughout the Subject Site.

An archaeological investigation of the study area was undertaken under DA/2024/1079, and no Aboriginal Sites or objects were identified. The field investigation identified that the Subject Site as a whole has been subject to disturbance and has low potential to contain intact archaeological deposits. As such, it is assessed that there is low potential for Aboriginal archaeological sites to occur within the Subject Site.

4.3.4 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

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

A Flora and Fauna Assessment was prepared in support of DA/2024/1079 by Kingsfisher Ecology and concluded that the proposed development is acceptable subject some recommendations relating to the following: Tree protection; Delineation of work areas; Seed collection and transplanting; Care of bushland areas long-term; Erosion and runoff; Waste management; Weed removal techniques; Nest boxes; and Pathogen prevention.

Accompanying Vegetation Management Plan (VMP) was also provided as part of the submitted DA/2024/1079, providing further guidance for vegetation preservation and management.

Since this DA involves the subdivision of the Superlot Plot into Nine (9) Torrens title allotments, these reports are considered relevant and are included within the parent DA/2024/1079.

4.3.5 RURAL FIRES ACT 1997

As per the Bushfire Report included in **Appendix 5**, the Subject Site is identified as containing bush fire prone land under the provisions of the NSW Rural Fires Act 1997. As a result, the proposed development is subject to the requirements of Section 100B of the Act being a special fire protection purpose, which mandates that developments on bush fire prone land must comply with specific standards and obtain approval from the NSW Rural Fire Service (RFS).

The proposal is therefore integrated development and requires concurrence from the NSW RFS.

4.3.6 WATER MANAGEMENT ACT 2000

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



STATEMENT OF ENVIRONMENTAL EFFECTS

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Section 91 relates to Activity Approvals and outlines that a Controlled Activity Approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land. The subject site is located outside the 40m threshold (from Narrabeen Creek) of triggering the requirement for a controlled activity approval under the WM Act.

4.3.7 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

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

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

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

Chapter 2 – Coastal management

The Subject Site is identified on the Coastal Wetlands and Littoral Rainforests Area Map as “proximity area for coastal wetlands” as illustrated in **Figure 5** below.

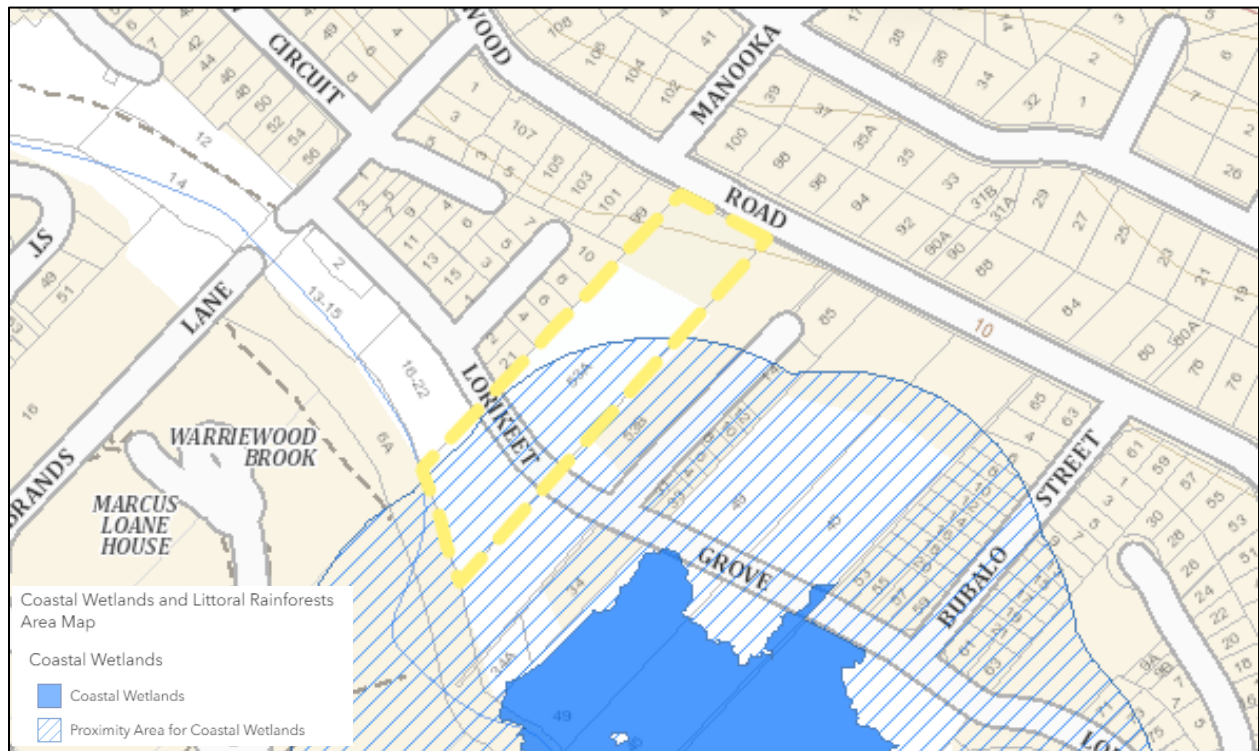


Figure 5: State Environmental Planning Policy (Coastal Management) 2018 Coastal Wetlands and Littoral Rainforests Area Map (Source: NSW Legislation, 2024)



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

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

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

DA/2024/1079 has confirmed that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.



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Chapter 4 – Remediation of land

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

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

The remediation of the Subject Site has been dealt under DA/2024/1079 that is currently under assessment.

4.3.8 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

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

Chapter 2 – Standard for residential development-BASIX

Under the provisions of Chapter 2, the standards for development BASIX are applicable to the proposed development.

Pursuant to the provisions of the Regulations, the proposed development is defined as BASIX affected development. A BASIX Certificate for each proposed dwelling accompanies the application indicating full compliance with the BASIX requirements by achieving or surpassing the minimum water, energy and thermal comfort scores. These commitments have been indicated as part of **Appendix 12**.

4.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Subject Site.

4.5 LOCAL PLANNING CONTEXT

4.5.1 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

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

4.5.1.1 Zoning and Permissibility

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



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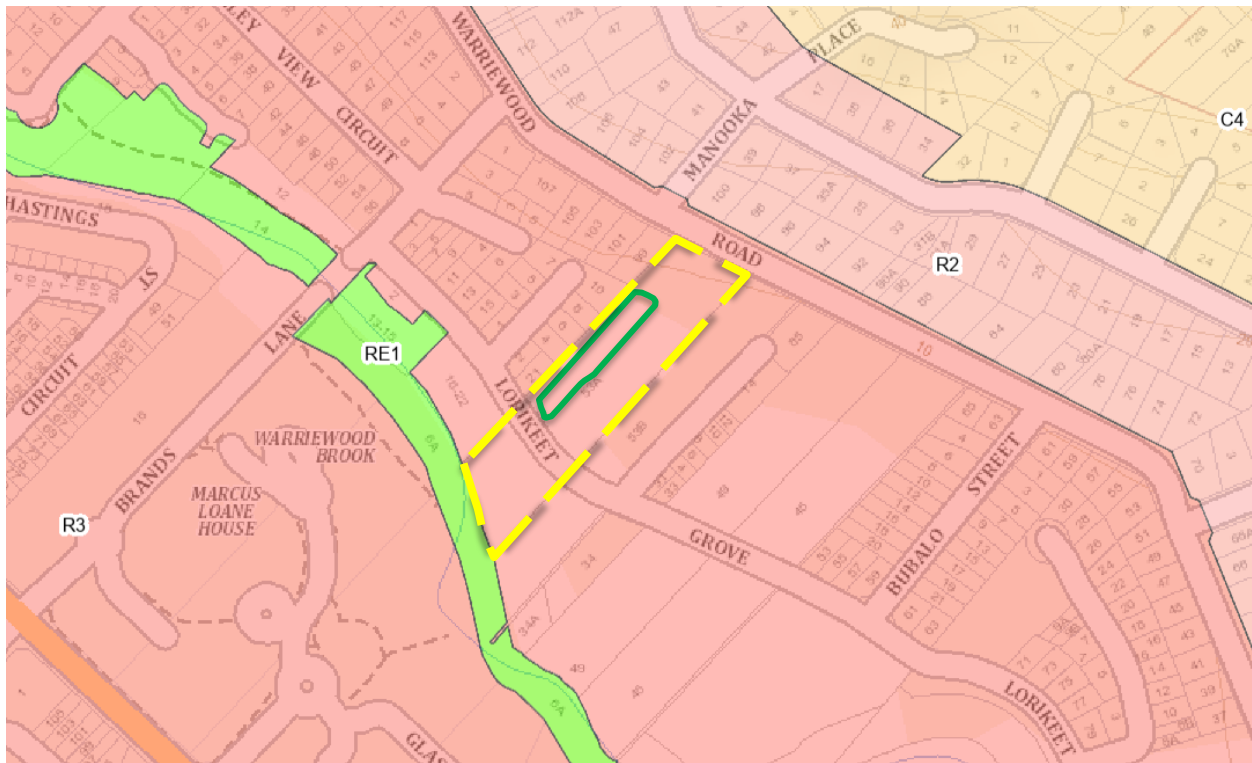


Figure 6. PLEP2014 Zoning Map (Subject Site in green) (Source: ePlanning Spatial Viewer, 2024)

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

1 Objectives

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

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



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4 Prohibited

Any other development not specified in item 2 or 3

Accordingly, the proposed use of the site as attached dwellings and semi-detached dwellings is permissible consent within the R3 Medium Density Residential zone pursuant to the PLEP2014. The proposed development is in accordance with the objectives of the R3 Medium Density Residential zone as it will provide for the housing needs of the Warriewood community. The proposed development is of intensity and scale suitable to the surrounding land uses.

4.5.1.2 Development Standards

Table 6 outlines the developments consistency and compliance with the relevant development standards and controls under PLEP 2014.

TABLE 6. DEVELOPMENT STANDARDS	
Clause	Comment
Clause 2.3 Zone - objectives and land use table	The proposal achieves the objectives of providing housing within a medium density environment and will contribute to the diversification of housing product in the area, increasing supply and addressing the growing demands and dwelling targets for medium density housing in the Warriewood Valley Urban Release Area.
Clause 2.6 Subdivision	It is noted that the Subject Site may be subdivided with development consent.
Clause 4.1 Minimum Subdivision Lot Size	The Subject Site is not subject to a minimum subdivision lot size under Clause 4.1.
Clause 4.1AA Minimum Subdivision Lot Size for Community Title schemes	The Subject Site is not subject to a minimum subdivision lot size under Clause 4.1AA.
Clause 4.3 Height of Buildings	The Subject Site is subject to a maximum building height of 10.5m. No proposed dwelling exceeds 10.5m in height.
Clause 4.4 Floor Space Ratio (FSR)	The Subject Site is not subject to a maximum FSR development standard.
Clause 4.5A Density Controls for Certain Residential Accommodation	Attached dwellings (Maximum of 1 dwelling per 200 square metres of site area) (7 dwellings = 1,400m ²) Semi-detached dwellings (Maximum of 1 dwelling per 200 square metres of site area) (2 dwellings = 400m ²) Total proposed development is 1,600m ² within the 16,089m ² site.



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	<p>The Subject Site is within the thresholds of Clause 4.5A.</p>
Clause 5.10 Heritage	<p>The Subject Site is not identified as a Heritage Item or within a Heritage Conservation Area.</p> <p>An Aboriginal Due Diligence Assessment has been dealt under DA/2024/1079.</p>
Clause 6.1 Warriewood Valley Release Area	<p>Pursuant to Clause 6.1 of PLEP2014, development consent must not be granted unless the consent authority is satisfied that the total number of dwellings on the Subject Site is to be no less than 30 dwellings (as per the larger Community Tile of which this subdivision is based off). The proposed Superlot will facilitate the development of a compliant number of dwellings, with a total of Nine (9) dwellings on this section of the Site.</p> <p>Additionally, the consent authority must be satisfied that the proposed development will not have any significant adverse impact on any of the following—</p> <ul style="list-style-type: none">(a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors,(b) the water quality and flows within creek line corridors,(c) the stability of the bed, shore, and banks of any watercourse within creek line corridors. <p>The DA/2024/1079 proposal includes:</p> <ul style="list-style-type: none">▪ A 25m offset from the Creek to be dedicated for rehabilitation and public recreation; and▪ A further 25m offset (in addition to the above) to contain a stormwater quality and detention basin. <p>The above offsets and proposed works will positively impact the aquatic and riparian vegetation, water quality and creek stability, as set out in the Civil Report under DA/2024/1079 and the Flora & Fauna Assessment.</p>
Clause 7.1 Acid Sulphate Soils	<p>This matter has been dealt under DA/2024/1079, a Geotechnical Investigation was prepared and Council can therefore be satisfied that an Acid Sulphate Soils Management Plan is not required in accordance with this Clause.</p>
Clause 7.2 Earthworks	<p>This matter has been dealt under DA/2024/1079. The earthworks are to facilitate the subdivision and construction of dwellings, in accordance with the zoning and strategic vision of the locale and are further discussed in Appendix 4 provided by Enspire Solutions</p>



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Clause 7.4 Floodplain Risk Management	Clause 7.4 prescribes controls relating to floodplain management. A Civil Report was prepared in support of the proposed development and is provided in Appendix 4 . The report confirms that the proposed development will not create any additional flood prone residential lots, with minimal off-site flood impacts and increased flow conveyance along Narrabeen Creek. All flows discharging from the Subject Site are no greater than the pre-development flow rates.
Clause 7.6 Biodiversity	The Subject Site is identified as “Biodiversity” on the PLEP2014 Biodiversity Map. A Flora and Fauna Assessment has been prepared in support of the development by Kingsfisher Ecology under DA/2024/1079 . A Vegetation Management Plan (VMP) was also prepared.
Clause 7.10 Essential Services	A vehicle access road and sewerage, electricity, and water supply has been provided during the recent subdivision applicable to the site as part of DA/2024/1079. Waste Management is detailed within Appendix 8 .

4.5.1.3 PITTWATER 21 DEVELOPMENT CONTROL PLAN

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

An assessment of the proposed development against the relevant sections of the PDCP21 is provided at **Appendix 11**.

4.5.1.4 WARRIEWOOD VALLEY CONTRIBUTIONS PLAN AMENDMENT 16

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

4.6 STRATEGIC PLANNING CONEXT

4.6.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, A Metropolis of Three Cities (the Plan) sets a 40-year vision (to 2056) for growing Greater Sydney with a focus on the regional significance of central and western Sydney in order to contribute to a more productive, liveable and sustainable city. The Plan has been prepared concurrently with *Future Transport 2056* and *State Infrastructure Strategy 2018-2038* to align land use, transport and infrastructure outcomes for Greater Sydney.

The Plan envisages Sydney as a metropolis of three (3) cities, including:

- The Western Sydney Parkland City;



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- The Central River City; and
- The Eastern Harbour City.

The subject site is located within the North District, which forms part of the Eastern Harbour City.

The Plan is arranged as a series of strategic objectives designed to execute the overarching 40-year vision. Those of relevance include:

- *Objective 10 relating to housing provision and sets down the 20-year strategic housing target for the Plan period to 2036, which for the Eastern City District is 92,000. Attributes noted as making local areas suitable for housing supply include proximity to transport interchanges and strategic and local centres that can support walkable neighbourhoods with access to jobs, schools and open space.*
- *Objective 11, which aims to ensure the delivery of more diverse and affordable housing to enable the creation of balanced and sustainable communities.*

This Regional Plan sets the planning framework for the five (5) districts which make up the region, as well as the local government areas (i.e. Northern Beaches) that make up each district.

4.6.2 North District Plan

Greater Sydney's three cities discussed above reaches across five (5) districts. *The Greater Sydney Region Plan* identifies the subject site as being located in the North District. The North District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals, as well as community strategic plans and policies.

As with the Regional Plan, the *North District Plan* is arranged as a series of planning priorities which spatially define and detail the corresponding objectives of the regional plan above it:

- *Planning Priority N5 (linked to regional objectives 10 and 11) relates to providing housing supply, choice and affordability, with access to jobs, services and public transport.*

The subject site is identified as located within the metropolitan rural area with forecast dwelling completions, refer to **Figure 7**. The subject sites proximity to the local centre of Warriewood and the strategic centre of Mona Vale increases accessibility to jobs, services and public transport.



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Figure 7. North District Future Housing Supply Mapped with the North District Plan Page 41 (Source: Greater Sydney Commission, 2022)

4.6.3 Northern Beaches Local Strategy Planning Statement 2022

The Northern Beaches Local Strategy Planning Statement 2020 (LSPS) applies to the subject site. This LSPS provides a guide to land use planning for the Northern Beaches over the next 20 years. The Regional Plan and District Plan have provided guidance to the development of the LSPC. These plans objectives and planning policy have established the priorities of the LSPS. Relative to the proposed development is:

(b) Priority 15 which refers to housing supply, choice and affordability in the right locations.

The projected population growth for the Northern Beaches is expected to generate demand for an additional 11,747 dwellings by 2036. Warriewood is identified as one of the suburbs expected to accommodate a large portion of these houses.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

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

5.1 CONTEXT AND SETTING

The Subject Site is located in the R3 Medium Density Residential zone and the proposed development includes Torrens Title subdivision and residential dwellings on the Subject Site. The proposed development is appropriate to the context and setting of the Subject Site and is consistent with the desired future character of the Warriewood Valley Release Area. Together, with the proposed landscaping scheme, the new dwellings will be compatible in form, character and density with the surrounding developments and provide a high level of amenity to future occupants and the wider community.

5.2 BUILT FORM

The built form has been designed in a manner which responds to the Subject Site's context and existing environment as outlined within the Architectural Plans provided in **Appendix 3**. The proposal is in compliance with the PLEP2014 controls relating to maximum building height, and the P21DCP controls relating to setbacks and landscaping.

5.3 ACCESS

This DA will not materially deviate from the permissions in the parent subdivision **DA/2024/1079**. The proposed subdivision layout, access roads, and parking provisions will remain consistent with those outlined in the parent subdivision.

5.3.1 TRAFFIC GENERATION

As per **Appendix 9**, based on the *TfNSW Guide to Traffic Generating Developments* and the maximum 42 dwellings permissible on the on the Subject Site under Clause 6.1 of PLEP2014, the future residential development would result in a maximum 243.6 trips per day (23.1/hour in the AM Peak and 20.4/hour in the PM peak) and therefore will be of accepted traffic generation levels.

No additional road upgrades are proposed beyond those already envisaged and proposed within the **DA/2024/1079**.

5.3.2 PARKING

As per the Traffic Report attached as **Appendix 9**, CTP Consulting has reviewed the potential future visitor car parking locations and has identified a total of 10 on-street parking spaces. This is satisfactory to cater for up to 30 residential dwellings. The quantum of on-street visitor parking is expected to be satisfactory to cater for the proposed dwellings. Signage, line marking, and road pavement surface treatments will be provided for appropriate warning to vehicles, traffic calming at local road intersections and improve driver awareness in critical locations.



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5.4 STORMWATER & EROSION & SEDIMENT CONTROL

Appropriate stormwater infrastructure forms part of the proposed development to appropriately manage stormwater drainage as detailed in the parent subdivision **DA/2024/1079**. The Civil Report attached as **Appendix 4** has similarly considered the stormwater implications for the proposed Nine (9) dwellings.

5.5 FLOODING

The flood study of the Subject Site has been dealt under **DA/2024/1079** by the Council. All proposed lots are located above the FPL.

5.6 BUSHFIRE

A Bushfire Report has been prepared by Eco Logical and is provided in **Appendix 5**.

5.7 CONTAMINATION

The remediation of the Subject Site has been dealt under **DA/2024/1079**.

5.8 WASTE

All waste will be managed in accordance with the Waste Management Plan in **Appendix 8**. All storage, collection and movement of waste will be designed to comply with the relevant controls contained within PDCP21.

A swept path assessment of the proposed design which is provided in the Transport Impact Assessment included in **DA/2024/1079**. The assessment shows that a Heavy Rigid Vehicle (HRV) can manoeuvre within the Road No. 1 'hammerhead' and perform turns clear of parked cars and adjacent properties.

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

5.9 HERITAGE

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

An ADDA has been prepared by Biosis as part of **DA/2024/1079** and this DA will not contravene the plans as previously submitted.

5.10 FLORA AND FAUNA

A Flora and Fauna Assessment by Kingfisher Ecology has been assessed under **DA/2024/1079**.



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5.11 BUILDING CODE OF AUSTRALIA

The dwellings have been designed to achieve compliance with Building Code of Australia (BCA).

5.12 CONSTRUCTION

The proposed development will be undertaken in accordance with a Construction Management Plan to be prepared prior to the commencement of the works. The Construction Management Plan will provide details in relation to the following:

- Construction hours;
- Sediment control;
- Site access and safety;
- Noise and dust emission control;
- Traffic management; and
- Protection of neighbouring and public property.

Subject to the preparation and implementation of the CMP, the impacts arising from the construction of the proposed development can be mitigated and managed.

5.13 SOCIAL AND ECONOMIC IMPACTS

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

5.14 SAFETY AND SECURITY

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered in the design of the proposed development.

The CPTED guidelines were prepared by the NSW Police in conjunction with the Department of Planning. CPTED provides a clear approach to crime prevention and focuses on the 'planning, design and structure of cities and neighbourhoods'. The main aim of the policy is to:

- Limit opportunities for crime;
- Manage space to create a safe environment through common ownership and the encouraging the general public to become active guardians; and,
- Increase the perceived risk involved in committing crime.

The guidelines provide four (4) key principles to limit crime, including:

- Natural Surveillance;
- Access Control;
- Territorial Reinforcement; and,
- Space Management.



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Principle 1 - Natural Surveillance:

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

- The proposed development would utilise low lying landscaping and bladed metal fencing in appropriate locations to ensure there would be no obstruction of surveillance opportunities; and,
- External lighting would enable the maintenance of sight-lines and surveillance after dark.

Principle 2 - Access Control

Access Control can be defined as physical and symbolic barriers that are used to 'attract, channel or restrict the movement of people'.

- The proposed dwelling house would be appropriately fitted with locks; and
- Entry to the private space at the side and rear of the lot would be impeded through the planting of vegetation.

Principle 3 - Territorial Reinforcement

Territorial Reinforcement can be described as creating a sense of ownership to a public space or vicinity, encouraging the usage of that space. By increasing the usage capability, this also deters crimes and, further increases the chances of a crime being witnessed and reported in a timely manner.

- Well maintained landscape design would indicate the development is well-used and cared for to reduce criminal activity.

Principle 4 - Space Management

Space Management is intuitive of Principle 3 – Territorial Reinforcement – and refers to ensuring a space is utilised and cared for appropriately.

- Pathways and vegetation would be well maintained;
- Continued repairs and maintenance would discourage vandalism; and,
- High quality materials, varied façade treatments and landscaping along boundaries would assist in discouraging vandalism and graffiti.

The proposed development would successfully integrate the four (4) principles outlined to limit crime outlined in the CPTED guidelines.

5.15 SERVICES

A vehicle access road and sewerage, electricity, and water supply has been provided during the recent subdivision applicable to the site as part of DA/2024/1079. Waste Management is detailed within **Appendix 8**.



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5.16 SUITABILITY OF SITE FOR DEVELOPMENT

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

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

5.17 SUBMISSIONS

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

5.18 THE PUBLIC INTEREST

The proposed development will have no adverse impact on the public interest. The development of the Subject Site will be carried out for the purpose of providing additional housing that shall result in a positive impact for the Warriewood Valley Release Area and broader Northern Beaches LGA.

In conclusion, the proposed development is permissible within the R3 Medium Density zone and compatible zone objectives and therefore, will not have any adverse impact on the public interest.



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PART F CONCLUSION

The purpose of this SEE has been to present the Subdivision of the Subject Site to facilitate the delivery of Nine (9) dwellings across Nine (9) lots and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act. The proposed development is to facilitate the residential development at 53A & 53B Warriewood Road, Warriewood and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act.

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

- The development history of the Subject Site;
- The context of the Subject Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act; and
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments;

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

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

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

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

