

## Strategic Planning Referral Response

<b>Application Number:</b>	DA2021/2600
<b>Date:</b>	20/04/2022
<b>To:</b>	Lashta Haidari
<b>Land to be developed (Address):</b>	Lot 1 DP 349085 , 49 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 972209 , 43 Warriewood Road WARRIEWOOD NSW 2102 Lot 2 DP 349085 , 45 Warriewood Road WARRIEWOOD NSW 2102

### Officer comments

The subject properties are 49 Warriewood Road (Lot 1 DP 349085); 45 Warriewood Road (Lot 2 DP 349085), and; 43 Warriewood Road (Lot 2 DP 972209), Warriewood.

These properties are identified as Buffer Area 1f, Buffer Area 1g and Buffer Area 1h respectively on the Pittwater LEP 2014 Urban Release Area Map.

49 and 45 Warriewood Road each contain an existing dwelling, outbuildings and greenhouses.

43 Warriewood Road is an open drainage channel approximately 2m wide and is currently in Council ownership.

The Warriewood Valley Development Contributions Plan (Amendment 16 Revision 3) 2018 applies to the land. The Contributions Plan provides the mechanism by which contributions can be levied on developments to fund the provision of public services and facilities that will be required to meet the needs of the future residents and workers of the Warriewood Valley Release Area.

The submitted Statement of Environmental Effects (SEE) states that DA2021/2600 proposes:  
*"Development of the land, including a twelve (12) lot residential subdivision, civil, landscaping and creek line works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments and basement parking"*

However, a review of the SEE and supporting information reveals that the application comprises:

- A residential subdivision to create thirteen (13) allotments, comprising
  - Eleven (11) residential allotments (identified as Lots 1-11)
  - One (1) super lot (identified as Lot 12),
  - One (1) residual allotment containing the creek line corridor (identified as Lot 13)
- The construction of two (2) residential flat buildings on proposed Lot 12, containing a total of thirty-four (34) apartments with basement parking and associated services.
- Civil works, including water management facilities, utilities and an extension of Lorikeet Grove, and;
- Landscaping including tree removal and weed removal.

It is noted that the residential development of Lots 1-11 will be the subject of a future DA(s).

In regard to titling arrangements, the SEE states:

*“The super lot (Lot 12) is to be Strata Subdivided while the standalone allotments (Lots 1-11) are to be Torrens Title.”*

It is unclear whether the strata subdivision of the residential flat buildings are proposed as part of this application.

## **Matters for consideration**

### Dwelling yield

Clause 6.1 of the Pittwater LEP sets a dwelling yield for properties within the Warriewood Valley Release Area. The combined yields of the subject properties is a maximum of 45 dwellings and a minimum of 31 dwellings.

DA2021/2600 proposes a total of 45 dwellings/residential lots, comprising 34 units and 11 residential allotments.

### Subdivision

No plan of subdivision has been provided with the application. The engineering plans, prepared by C&M Consulting Engineers includes a Lot Layout Plan.

The submitted Lot Layout Plan identifies Lot 13, 9,325m<sup>2</sup> in size. The SEE states that this allotment contains the creek line corridor.

The Contributions Plan and Control C6.1 of the DCP identify that the inner 25m creek corridor must be brought into public ownership.

A plan of subdivision must be provided that identifies the inner 25m creek corridor as a separate lot, to be dedicated to Council. The 25m is to be measured from the rear property boundary.

### Creek corridor dedication and rehabilitation

As identified above, the Contributions Plan requires the dedication of the inner 25m creek corridor to Council for a reduction in the applicable monetary contribution. The Contributions Plan estimates that the creek corridor on the subject properties is 1,471m<sup>2</sup> in size. The exact area of land to be dedicated is subject to a final plan of subdivision. No plan of subdivision has been provided identifying the inner creek corridor.

A draft plan of subdivision must be submitted by the Applicant to facilitate a full assessment of the proposed development.

The applicant proposes to undertake landscaping works within proposed Lot 13, including on the land that will presumably be within the inner 25m creek corridor. These landscaping works include bushland restoration and weed removal. These works are required prior to the dedication of the inner creek corridor to Council.

Council's Landscape Architect should review the Landscape Plans to ensure proposed landscaping is appropriate.

It is noted that the inner and outer creekline corridors have been incorrectly notated in the Applicant's Landscape Plans. The inner creekline corridor is the 25m measured from the rear property boundary.

The application does not appear to include any plans that show pipe outlets in the inner creek corridor. Council's Creek Team should confirm that any proposed pipe outlets within the creek are appropriately located and positioned to ensure no erosion or scouring.

### Flooding

The Flood report, prepared by BMT and dated 18 May 2021, shows that the property is significantly impacted by the 1%AEP plus climate change event. Flood levels will impact a number of proposed residential lots to the north of Lorikeet Grove.

Earthworks are proposed on the site including the land that will contain the extension of Lorikeet Grove. The Flood Report states that post-development:

*"All lots are above the flood planning level including an allowance for climate change (1% AEP + climate change + 0.5 metre freeboard) ...*

*The fill requirements are defined by the alignment of Lorikeet Grove which result in a net loss of flood storage of approx. 6,600m<sup>3</sup> to fill the lots between Lorikeet Grove and flood free land to the flood planning level. Compensatory works are not proposed in the floodplain due to ecological constraints.*

*There are no significant impacts on surrounding properties for any event up to the PMF event under the existing or future climate scenarios."*

The DA does not propose to undertake reconstruction works in the inner creek corridor to contain the 1%AEP event. This appears to be consistent with advice from Council's Creek Team in the pre-lodgement notes.

Council's Flooding Team should confirm that the modelling outcomes are accurate and acceptable.

### Water management facilities

All water management facilities must be privately owned in perpetuity. The ownership and maintenance of these systems should be equitably split between the proposed residential developments that they service. It is unclear how the 11 Torrens Title allotments will contribute to the maintenance of these facilities.

### Traffic

Item 5.5 in the traffic schedule of the Contributions Plan is shown in the vicinity of the development site's frontage to Warriewood Road. Item 5.5 is a bus bay and shelter. The DA proposes the half-road reconstruction of Warriewood Road however this does not include provision of a bus bay. Council's Traffic Engineer should confirm the preferred location and design of this bus bay.

### Shared path

The Contributions Plan identifies a future shared path connection through the subject sites, from the eastern boundary of 43 Warriewood Road to the western boundary of 49 Warriewood Road. This shared path is part of 'Item 2 - Shared path along Narrabeen Creek – Buffer 1a to 1l'. Approximately 85 linear metres of cycleway is located within the subject sites.

The submitted Landscape Plans, prepared by Creative Landscape Solutions, identify a 2.5m wide shared path partly within the Lorikeet Grove road reserve and partly within Lot 13. Council's Landscape Architect should review the alignment of the proposed shared path to confirm that it is acceptable and that it connects to the already constructed sections of cycleway on the previously developed adjacent properties. The Landscape Architect should also confirm that the cycleway is sited above the 20%AEP flood event.

Council's Biodiversity Team should confirm that the proposed cycleway does not adversely impact existing vegetation including endangered ecological communities.

Council will require an easement for access and maintenance over the land that contains the section of shared path within Lot 13. This should be identified on the plan of subdivision.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Strategic Planning Conditions:**

Nil.