



Mr Tyson Ek-Moller
Creative Planning Solutions
PO Box 1074
Broadway NSW 2007

SEAR 1457

Dear Mr Ek-Moller

**Residential subdivision and development in coastal wetlands area
43, 45 and 49 Warriewood Road, Warriewood (Lot 2 DP 972209, Lots 1 and 2 DP 349085)
Planning Secretary's Environmental Assessment Requirements (SEAR) 1457**

Thank you for your request for the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above development proposal. I have attached a copy of these requirements.

In support of your application, you indicated that your proposal is both designated and integrated development under Part 4 of the *Environmental Planning and Assessment Act 1979* and requires an approval under the *Roads Act 1993*, the *Rural Fires Act 1997* and the *Water Management Act 2000*. In preparing the SEARs, the Department of Planning, Industry and Environment (the Department) has consulted with Transport for NSW, Rural Fire Service and DPIE – Water group (National Resources Access Regulator). A copy of their requirements is attached.

Unfortunately the Rural Fire Service and DPIE – Water group did not respond in time. You must undertake direct consultation with them and address their requirements in the EIS.

The Department has also consulted with Fire and Rescue NSW, Sydney Water, Ausgrid, the Department of Primary Industries - Fisheries. A copy of their additional requirements for the EIS are attached.

If other integrated approvals are identified before the Development Application (DA) is lodged, you must undertake direct consultation with the relevant agencies, and address their requirements in the EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Agriculture, Water and the Environment on (02) 6274 1111.

Should you have any further enquiries, please contact Zoe Halpin, Planning and Assessment, at the Department on (02) 9995 6430 or via zoe.halpin@planning.nsw.gov.au

Yours sincerely

13 May 2020

Chris Ritchie
Director
Industry Assessments
as delegate of the Planning Secretary

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*.
Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Designated Development

SEAR Number	1457
Proposal	Residential subdivision and the construction of 2 residential flat buildings, basement parking and civil works in a mapped coastal wetlands area
Location	43, 45 and 49 Warriewood Road, Warriewood (Lot 2 DP 972209, Lots 1 and 2 DP 349085) in the Northern Beaches LGA
Applicant	Tyson Ek-Moller (Creative Planning Solutions)
Date of Issue	May 2020
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.
Key Issues	<p>The EIS must include an assessment of all potential impacts of the proposed development on the existing environment (including cumulative impacts if necessary) and develop appropriate measures to avoid, minimise, mitigate and/or manage these potential impacts. As part of the EIS assessment, the following matters must also be addressed:</p> <ul style="list-style-type: none"> • strategic and statutory context – including: <ul style="list-style-type: none"> – a detailed justification for the proposal and suitability of the site for the development – a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies – a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out. • hazards and risk – including: <ul style="list-style-type: none"> – an assessment of the risk of bushfire, including addressing the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers) – any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address this – an assessment of flood risk on the site. The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, and the development's impact (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event • soil and water – including: <ul style="list-style-type: none"> – a description of local soils, topography, drainage and landscapes – details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the <i>Water Act 1912</i> and/or the <i>Water Management Act 2000</i> – an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment – details of sediment and erosion controls to avoid impacts to water quality in

	<p>Narrabeen Creek</p> <ul style="list-style-type: none"> - a detailed site water balance - an assessment in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) on the site and, where relevant, appropriate mitigation measures - an assessment of potential impacts on the quality and quantity of surface and groundwater resources - details of the proposed stormwater and wastewater management systems (including sewage) - characterisation of the nature and extent of any contamination on the site and surrounding area - a description and appraisal of impact mitigation and monitoring measures. <ul style="list-style-type: none"> • traffic and transport – including: <ul style="list-style-type: none"> - details of road transport routes and access to the site - road traffic predictions for the development during construction and operation, including the impact on the nearby intersection of Warriewood and Pittwater roads - swept path diagrams depicting vehicles entering, exiting and manoeuvring throughout the site - details of the proposed site access and the parking provisions associated with the proposed development including compliance with the requirements of the relevant Australian Standards - an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development. • biodiversity – including: <ul style="list-style-type: none"> - accurate predictions of any vegetation clearing on site or for any road upgrades - a detailed assessment of the potential impacts on any threatened species, populations, marine vegetation, endangered ecological communities or their habitats, groundwater dependent ecosystems and any potential for offset requirements - the hydrology of the wetland in relation to the ecological and hydrological function of the wetland, including drainage through the wetland, particularly changes to the depth of standing water and any effects on survival of the wetland plants - an outline of how a vegetated riparian buffer will be maintained and improved where the subject property interfaces with Narrabeen Creek (refer to the NRAR Guidelines for Controlled Activities on Waterfront Land) • visual – including an impact assessment at private receptors and public vantage points. • heritage – including Aboriginal and non-Aboriginal cultural heritage.
<p>Environmental Planning Instruments and other policies</p>	<p>The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy No. 19 – Bushland in Urban Areas • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Pittwater Local Environmental Plan 2014 • relevant development control plans and section 7.11 plans.
<p>Guidelines</p>	<p>During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines which is available on the Department's website at https://www.planning.nsw.gov.au/Assess-and-Regulate/Development-</p>

	<p>Assessment/Industries. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development.</p>
Consultation	<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p> <ul style="list-style-type: none"> • Department of Planning, Industry and Environment, specifically the: <ul style="list-style-type: none"> ○ Biodiversity and Conservation Division ○ Water Group ○ Department of Primary Industries • Transport for NSW • Fire & Rescue NSW • NSW Rural Fire Service • Sydney Water • WaterNSW • Metropolitan Local Aboriginal Land Council • Northern Beaches Council • the surrounding landowners and occupiers that are likely to be impacted by the proposal. <p>Details of the consultation carried out and issues raised must be included in the EIS.</p>
Further consultation after 2 years	<p>If you do not lodge an application under Section 4.12(8) of the <i>Environmental Planning and Assessment Act 1979</i> within 2 years of the issue date of these SEARs, you must consult with the Planning Secretary in relation to any further requirements for lodgement.</p>