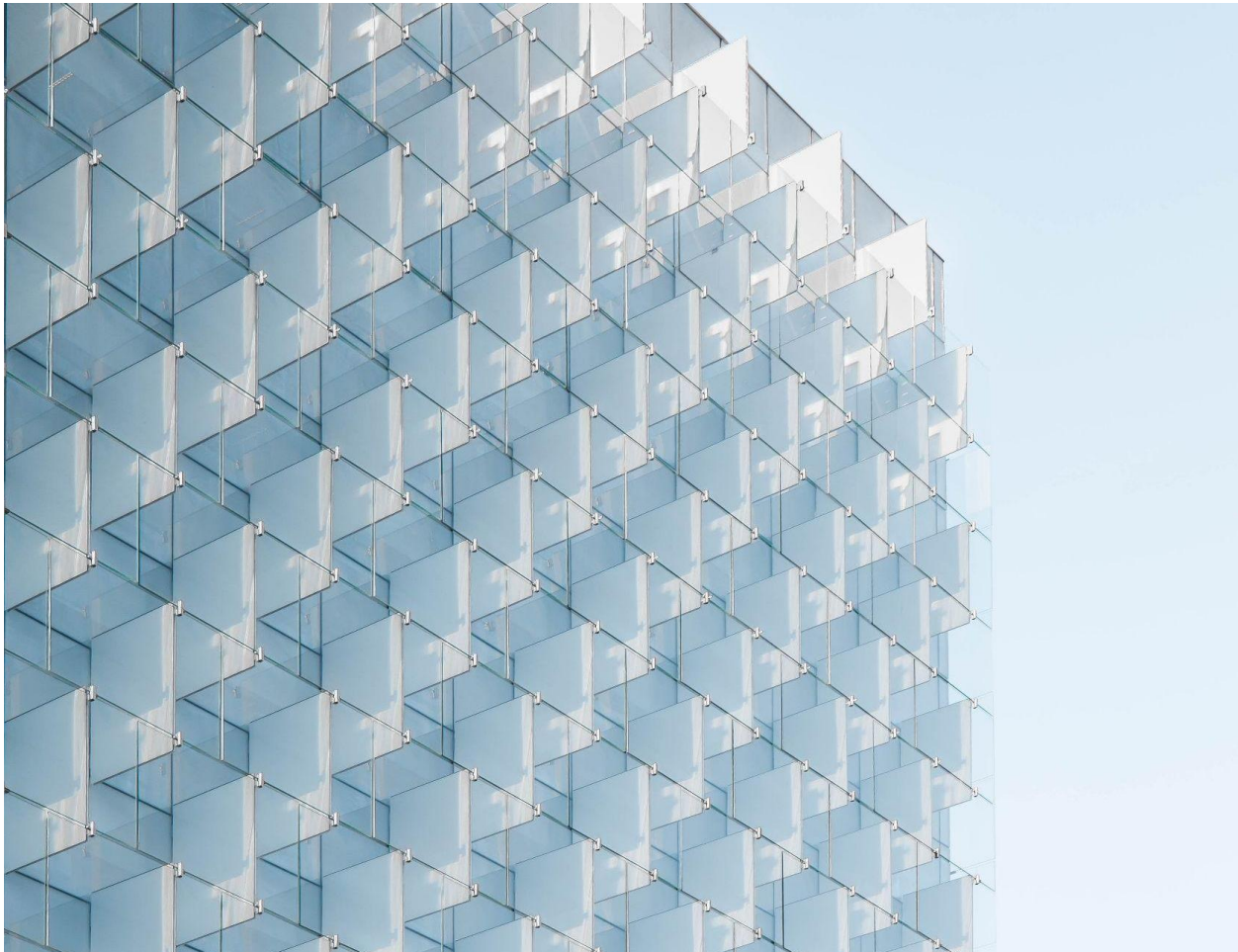


WILLOWTREE PLANNING



21 March 2024

Ref: WTJ24-056
Contact: Cameron Gray



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED SITE PREPARATION WORKS

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

—

Prepared by Willowtree Planning Pty Ltd
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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

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:	WTJ24-056_SEE		
Contact	Cameron Gray		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 - 20/02/2024	Cameron Gray Associate	Chris Wilson Managing Director	Chris Wilson Managing Director
Version No. 2 - 13/03/2024	Cameron Gray Associate	Chris Wilson Managing Director	
Version No. 3 - 19/03/2024	Cameron Gray Associate	Chris Wilson Managing Director	
			

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

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STATEMENT OF ENVIRONMENTAL EFFECTS

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APPENDICES LIST

Appendix	Document	Prepared by
1	Aboriginal Due Diligence Assessment	Biosis
2	Detailed Site Investigation and Remedial Action Plan	Geotechnique
3	Demolition Plan	Shawood
4	Waste Management Plan	Site Demolition
5	Survey Plan	Craig & Rhodes
6	Owner's Consent	S. Osawa & K. Sakamoto
7	Cost Summary Report	Napier & Blakeley
8	Pittwater 21 Development Control Plan Assessment Table	Willowtree Planning

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

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 (the Applicant) and is submitted to Northern Beaches (Council) in support of a Development Application (DA) at 53A & 53B Warriewood Road, Warriewood (Subject Site), which captures the following land parcels:

- Lot 2 DP1115877; and
- Lot 3 DP1115877.

This DA seeks development consent for site preparation works at the Subject Site, including other necessary works, as described in **PART C** of this SEE.

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

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

The proposal seeks to undertake site preparation works for future residential development which is permitted within the R3 zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 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 ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

1.2 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

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

TABLE 1. SITE IDENTIFICATION		
Site Address	Legal Description(s)	Land Area (approx.)
53A Warriewood Road	Lot 2 DP 1115877	9,251m ²
53B Warriewood Road	Lot 3 DP 1115877	6,839m ²
	Total	16,090m ²

The Subject Site is generally rectangular in shape and has an area of approximately 16,090m². The Subject Site is located on the southern side of Warriewood Road, between Bubalo Street and Brands Lane, Warriewood. Currently, access to the road network is from the north-east of the Subject Site however it is noted that access will be available from the south-west of the Subject Site upon the completion of Lorikeet Grove.

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

At present, the Subject Site is occupied by a single storey and two-storey dwelling house and associated small sheds.

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

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

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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



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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

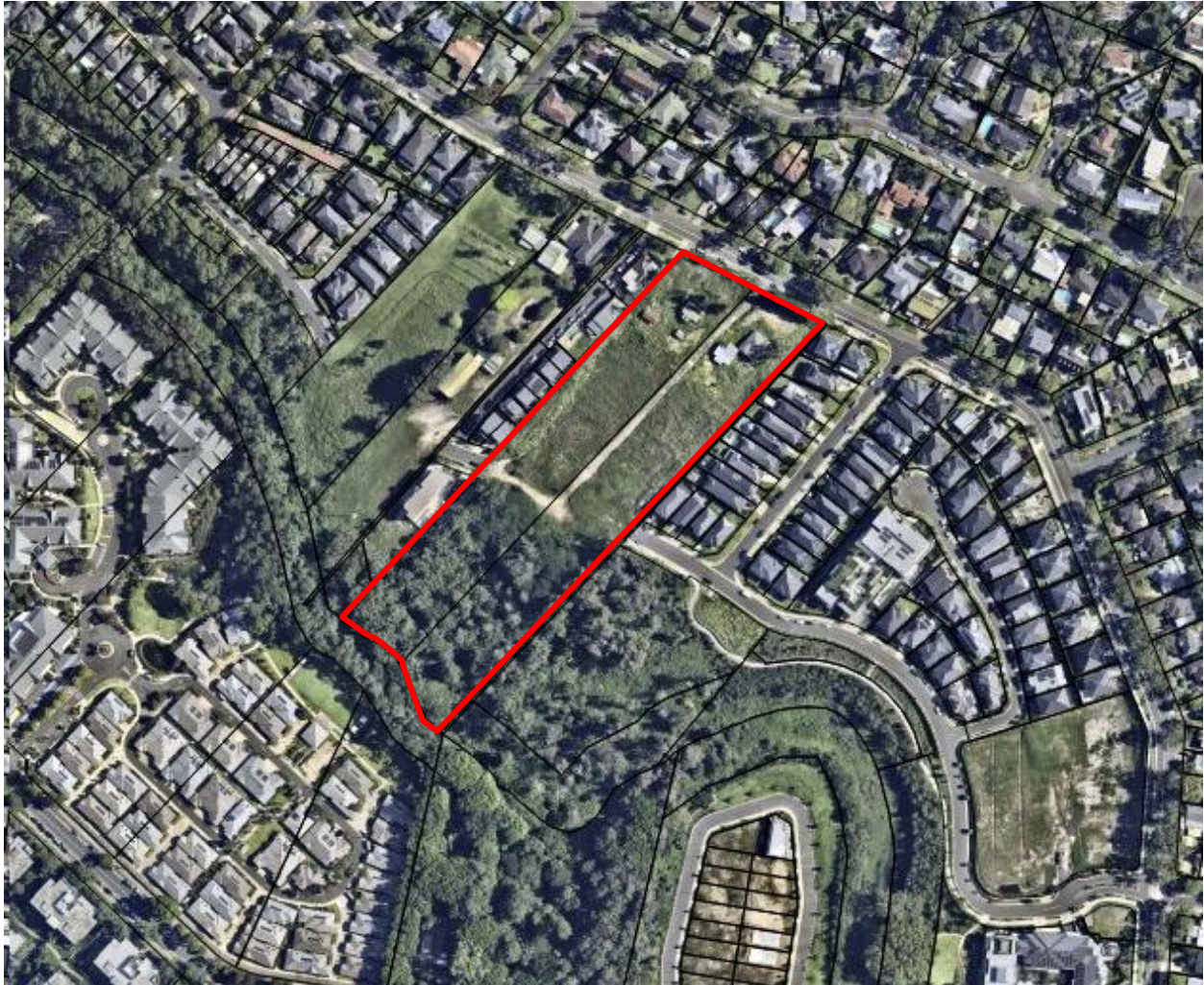


Figure 2. Aerial Map (Source: Near Map, 2024)

2.2 SITE CONTEXT

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 close proximity to commercial centres at Warriewood and Mona Vale, with bus stops located along Warriewood Road which provide access to the surrounding Northern Beaches suburbs.

2.3 DEVELOPMENT HISTORY

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

TABLE 2. EXISTING CONSENTS		
DA Reference	Summary	Approval Date
DA2021/1478	Subdivision of one lot into 22 Community Title Lots including the construction of 21 dwellings, civil works and landscaping	Withdrawn



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The proposed development seeks consent for site preparation works at the Subject Site including the following:

- Demolition of the existing structures (as shown in **Figure 3** below and detailed in **Appendix 3**) including the following:
 - Two (2) dwelling houses;
 - Various outbuildings/sheds;
 - Two (2) driveways;
 - Fencing;
 - Carport;
 - Inground Pool;
 - Septic Tank; and
- Remediation of the Subject Site (as described in **Section 4.3.7** below).

The intent of the proposed development is to clear and prepare the Subject to facilitate the future residential development within a timely and orderly manner.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

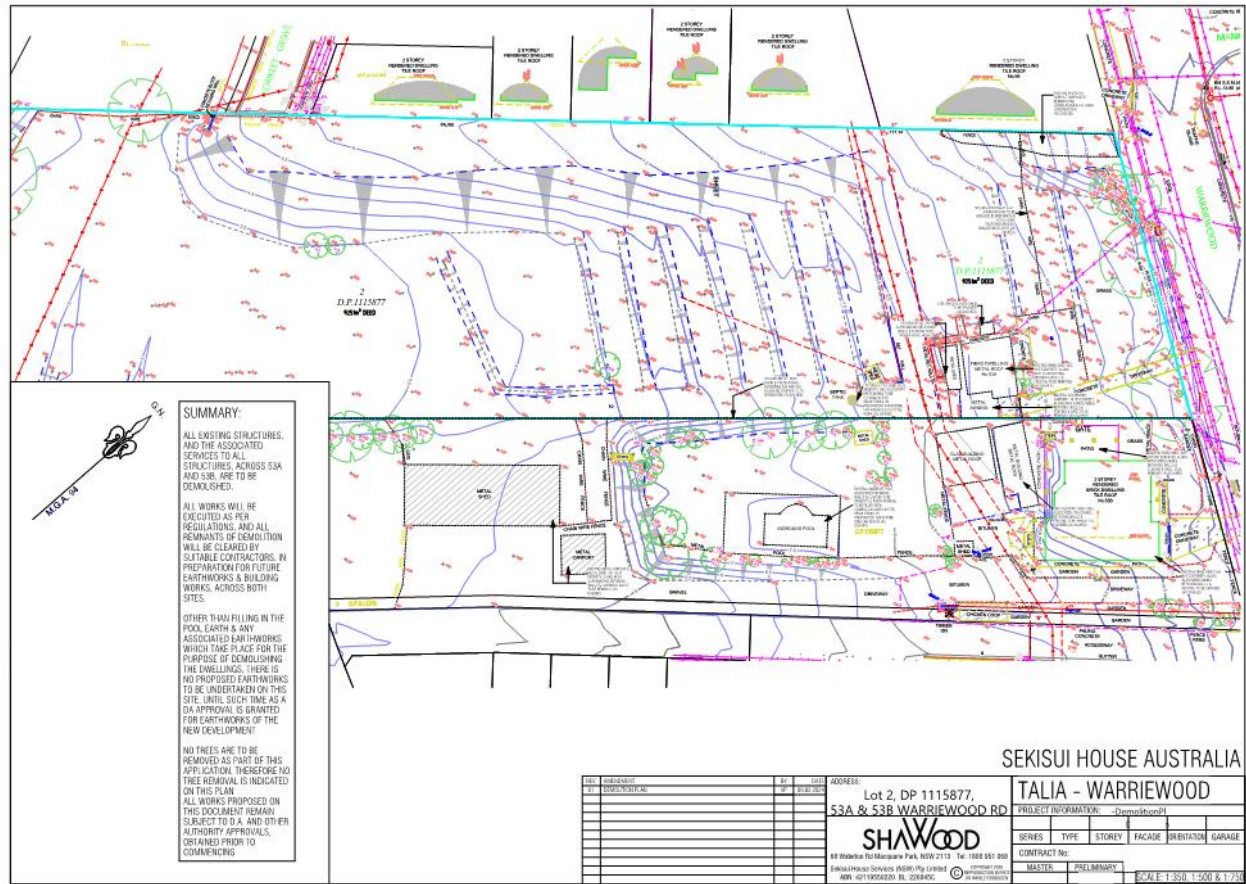


Figure 3. Demolition Plan (Source: Shawood, 2024)

The proposed development will result in a total Capital Investment Value (CIV) of \$403,942.

It is noted that the proposed development is limited to those works listed above and all other works pertaining to the future residential development including civil works, servicing, landscaping and built form works will form part of subsequent application/s.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

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

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

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *National Parks and Wildlife Act 1974*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Local Planning Context

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

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

A search has been carried out under the Protected Matters Search Tool which confirms that the Subject Site is not identified as containing any MNES. The proposal does not warrant 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 4.15(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 3** below.

TABLE 3. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The PLEP2014 is the relevant Environmental Planning Instrument (EPI) applying to the Subject Site, which is assessed in Section 4.4.1 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 Pittwater 21 Development Control Plan (PDCP) applies to the Subject Site and is addressed in Section 4.4.2 and Appendix 8 of this SEE.
Section 4.15(1)(a)(iia) 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	No planning agreement is proposed to be entered into as part of this proposed development.
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.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

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

4.3.1.2 Section 4.46 of EP&A Act - Integrated Development

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

The proposed development is considered Integrated Development under Section 4.46 of the EP&A Act as it is a Controlled Activity Approval under Section 91 of the WM Act and requires a Controlled Activity Approval from the NRAR.

4.3.2 Environmental Planning and Assessment Regulation 2021

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

TABLE 4. HOW THE DA IS MADE	
Considerations	Response
Division 1 - Making Development Applications	
<i>Section 23 - Persons who may make development applications</i>	
<i>(1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land.</i>	This DA is made by Sekisui House 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 (Appendix 6).
<i>Section 24 - Content of development applications</i>	
<i>(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.</i>	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.
<i>Section 25 - Information about concurrence or approvals</i>	
<i>A development application must contain the following information—</i>	Refer to Section 4.3.1.2 of this SEE.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

<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>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

4.3.3 National Parks and Wildlife Act 1974

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

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

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

As such, the following is recommended:

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



STATEMENT OF ENVIRONMENTAL EFFECTS

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4.3.4 Water Management Act 2000

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

The proposed development is considered Integrated Development under Section 4.46 of the EP&A Act as it is a Controlled Activity Approval under Section 91 of the WM Act and requires a Controlled Activity Approval from the NRAR.

4.3.5 Biodiversity Conservation Act 2016

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

The proposed development would not require the removal of any significant vegetation and as such, is not likely to significantly affect any threatened species.

4.3.6 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposed development is not defined as an 'activity' for the purposes of the POEO 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.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

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

Chapter 2 – Coastal management

Chapter 2 of the Resilience and Hazards SEPP provides that the coastal zone means the area of land comprised of the following coastal management areas—

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

The Subject Site is identified as being within a “proximity area for coastal wetlands”.

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

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

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

Given the nature of the proposed development, being for demolition and remediation only, it is considered that the works would not cause any increased risk of coastal hazards on that land or other land. Further assessment of such impacts of the future residential development of the Subject Site will be undertaken as part of the subsequent applications.

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*



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) have been prepared by Geotechnique and is provided at **Appendix 2** with the following objectives:

- Determine the extent of contaminants at the Subject Site;
- Provide methods of remediation that can be implemented and validated so that a statement can be made declaring that the Subject Site is suitable for the proposed development;
- Ensure all remediation works are carried out with due regard to the protection of the environment;
- Ensure all remediation works comply with current regulations and guidelines; and
- Provide details of the validation process to be adopted during and at completion of remediation.

To achieve the above, the following scope of works was undertaken:

- Review of existing contamination assessment reports for the Subject Site;
- Detailed sampling and testing of soil in the vicinity of the previously identified asbestos contaminated soil samples;
- Systematic sampling; and
- Development of suitable remediation and validation strategies.

The general soil profile within the majority of the Subject Site comprised imported and site originated fill overlying natural clayey silt, sandy silt and clayey soil overlying natural sandy silt and/or clay or sandy clay at majority of the sample locations. Natural clayey silt or natural silty sandy clay or natural sandy silt with or without inclusions of root fibres was encountered in the remaining locations.

There were no obvious ash materials, fibro-cement pieces and odour in the test pits locations, with the exception of fibro-cement pieces within the fill profile in some test pits and the presence of one (1) fibro-cement piece at the ground surface of each of two (2) judgmental sampling locations. Both fibro-cement pieces were sent to laboratory for asbestos analysis. No other fibro-cement pieces were found on the ground surface. Laboratory testing confirmed that the fibro-cement pieces observed on the ground surface and in the fill profile don't contain asbestos.

Eight (8) locations contain asbestos contaminated fill materials, and one (1) location contains Benzo(a)Pyrene TEQ contaminated fill with elevated Benzo(a)Pyrene (BaP) (isomers of Polycyclic Aromatic Hydrocarbons (PAH)) were found within the Subject Site. Therefore, remediation is deemed necessary.

Based on the contaminant concentrations and locations identified from the contamination assessments, seven (7) indicative remediation areas (Area 1 to Area 8) have been developed and are shown in **Figure 4** below.



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Figure 4. Areas to be Remediated (Source: Geotechnique, 2024)

Table 5 below provides a summary of the proposed remediation, followed by further discussion of the proposed remediation strategy.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site Preparation Works

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

TABLE 5. REMEDIATION WORKS						
Area	Material	Estimated Area (m ²)	Estimated Depth	Estimated Volume (m ³)	Contaminant	Remediation Method
1	Fill (Sandy Silt, low plasticity, brown, inclusion of gravel, root fibres and ACM fragments)	23	Full Depth of Fill (300mm)	7	Asbestos (<7mm AF & FA and ACM fragments)	Disposal as "Asbestos Waste" at an EPA licensed Landfill
2	Fill (Silty Sand, fine grained, brown, inclusion of cobble, brick, root fibres and ACM fragments)	25	Full Depth of Fill (1m)	25	Asbestos (ACM fragments)	Disposal as "Asbestos Waste" at an EPA licensed Landfill
3	Fill (Sandy Silt, low plasticity, brown, inclusion of cobbles/gravel and Clay, medium plasticity brown, inclusions of gravel, cobbles and silt)	9	Full Depth of Fill (500mm)	5	Asbestos (<7mm AF & FA)	Disposal as "Asbestos Waste" at an EPA licensed Landfill
4	Fill (Clay, medium plasticity, inclusion of gravel, cobble, silt and brick fragments)	25	Full Depth of Fill (1m)	25	Asbestos (>7mm ACM)	Disposal as "Asbestos Waste" at an EPA licensed Landfill
4	Fill (Clay, medium plasticity, inclusion of gravel, cobble, silt, bricks and ACM fragments)	25	Full Depth of Fill (1m)	25	Asbestos (ACM fragments)	Disposal as "Asbestos Waste" at an EPA licensed Landfill
5	Fill (Clay, medium plasticity, inclusion of gravel, cobble, silt, bricks, concrete and ACM fragments)	25	Full Depth of Fill (1m)	25	Asbestos (ACM fragments)	Disposal as "Asbestos Waste" at an EPA licensed Landfill



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6	Fill (Sandy Silt, low plasticity, brown, inclusion of gravel and ACM fragments, Clay, medium plasticity brown, inclusions of gravel, cobbles and silt, building material, bricks, and Silty Sand, fine grained, brown, with cobble and bricks)	9	Full Depth of Fill (Average 1.3m)	12	Asbestos (<7mm AF & FA and ACM fragments)	Disposal as "Asbestos Waste" at an EPA licensed Landfill
7	Fill (Clay, medium plasticity, inclusion of gravel, cobble and silt and Silty Sand, fine grained, brown, with cobble)	9	Full Depth of Fill (1.5m)	14	PAH	Disposal as "General Solid Waste" at an EPA licensed Landfill

Notes:

ACM: Asbestos Containing Material

AF: Asbestos Fine

FA: Fibrous Asbestos

PAH: Polycyclic Aromatic Hydrocarbons

Based on the advantages, disadvantages, and risks of each of the remediation options, it is considered that remediation by disposal of the asbestos (AF, FA and ACM fragments) contaminated fill materials in Areas 1 to 7 and PAH contaminated fill materials in Area 8 at an appropriately licensed landfill facility, is appropriate for the Subject Site.

The contaminated soils to be excavated and removed from the Subject Site for off-site disposal are classified as:

- Asbestos waste for asbestos contaminated fill materials in Areas 1 to 7; and
- General Solid Waste for PAH contaminated fill materials in Area 8.

The above-mentioned waste classification will be adopted to dispose contaminated fill into landfill facility from Areas 1 to 8. Excavated soil will not be retested to confirm the adopted waste classification. Anthropogenic inclusions of building debris including brick fragments, bitumen and concrete in the fill will be removed together with the asbestos contaminated soils from Area 1 to Area 7 and disposed of at a licensed landfill facility.

Due to the presence of asbestos within the Subject Site, the fill materials in Area 8 which is classified as "General Solid Waste" must be inspected by the appointed environmental consultant during excavation of fill materials from that area. If any asbestos-cement piece(s) is observed in Area 8, the relevant soil in that



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area will be reassessed for waste classification. The new waste classification will be utilised for remediation of that area followed by appropriate validation where asbestos testing will be added with the already identified other contaminant(s).

As a precaution, it is recommended to excavate fill materials (about 1m x 1m x full depth of fill) at each sample locations where asbestos (ACM or AF or FA) was detected but below the acceptable limits and dispose the fill materials at a landfill facility as asbestos waste, during remediation of Areas 1 to 7.

The final waste classification will be adopted to dispose contaminated soil into landfill facility from Areas 1 to 8. Anthropogenic inclusions of building debris including brick fragments, bitumen and concrete in the fill will be removed together with the contaminated soils and disposed of at a licensed landfill facility.

The waste must be disposed of at an appropriate licensed landfill facility which will meet their licence requirement to receive a particular type of waste. All landfill delivery dockets shall be provided to the appointed Asbestos Assessor and Environmental Consultant for inclusion in a final validation report, with cross referencing so that each landfill delivery dockets can be correlated with a particular remediation area. The records of the disposal (tonnage) will be correlated with the extent of remediation (volume of soil/material removed).

Removal and/or disposal of the waste must be carried out in accordance with the requirements of the regulators, such as NSW EPA and SafeWork NSW.

The proposed remediation works are considered to be Category 2 (subject to agreement by Northern Beaches Council). A minimum of 30 days notice of the intention to proceed with remedial works must be given to Northern Beaches Council.

The Site Management Plan, Occupational Health & Safety Plan and Contingency Plan, outlined in Sections 15.0, 16.0 and 18.0 of the **Appendix 2** are required to be implemented during remediation works. After completion of the remediation works, validation must be carried out in accordance with Section 17.0 of **Appendix 2**.

A validation report will be then prepared on the suitability of the Subject Site for the future residential development.

Based on this assessment, it is considered that the Subject site is suitable for the future residential development subject to implementation of the following recommendations, prior to the commencement of earthworks:

- Sampling and testing of soils in the footprints of site features such as the houses, building, sheds, carport, concrete, swimming pool, recycled asphalt, gravel, and bitumen covered areas, after complete demolition and removal or clearing and in the footprints of former glass house and two (2) former galvanised iron (GI) sheds;
- Revise this RAP, if required, to remediate any other contamination that might be identified through the recommended additional sampling and testing, followed by appropriate validation. If no other contamination is detected beneath the site features after removal, carry out appropriate remediation and validation of only Areas 1 to 8; and



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- A validation report will be produced at completion of successful remediation by the appointed environmental consultant. The format of the report will follow that recommended in the NSW Environment Protection Authority (EPA), “*Consultants Reporting on Contaminated Land*” – 2020.

4.3.8 State Environmental Planning Policy (Transport and Infrastructure) 2021

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

- Infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery;
- Child-care centres, schools, TAFEs and Universities;
- Planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line); and
- Land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.

Of these, the proposed development must have regard to the following chapters:

Chapter 2 – Infrastructure

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

4.4 LOCAL PLANNING CONTEXT

4.4.1 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.

4.4.1.1 Zoning and Permissibility

The Subject Site is located within the R3 zone under the PLEP2014 as shown in **Figure 5**.



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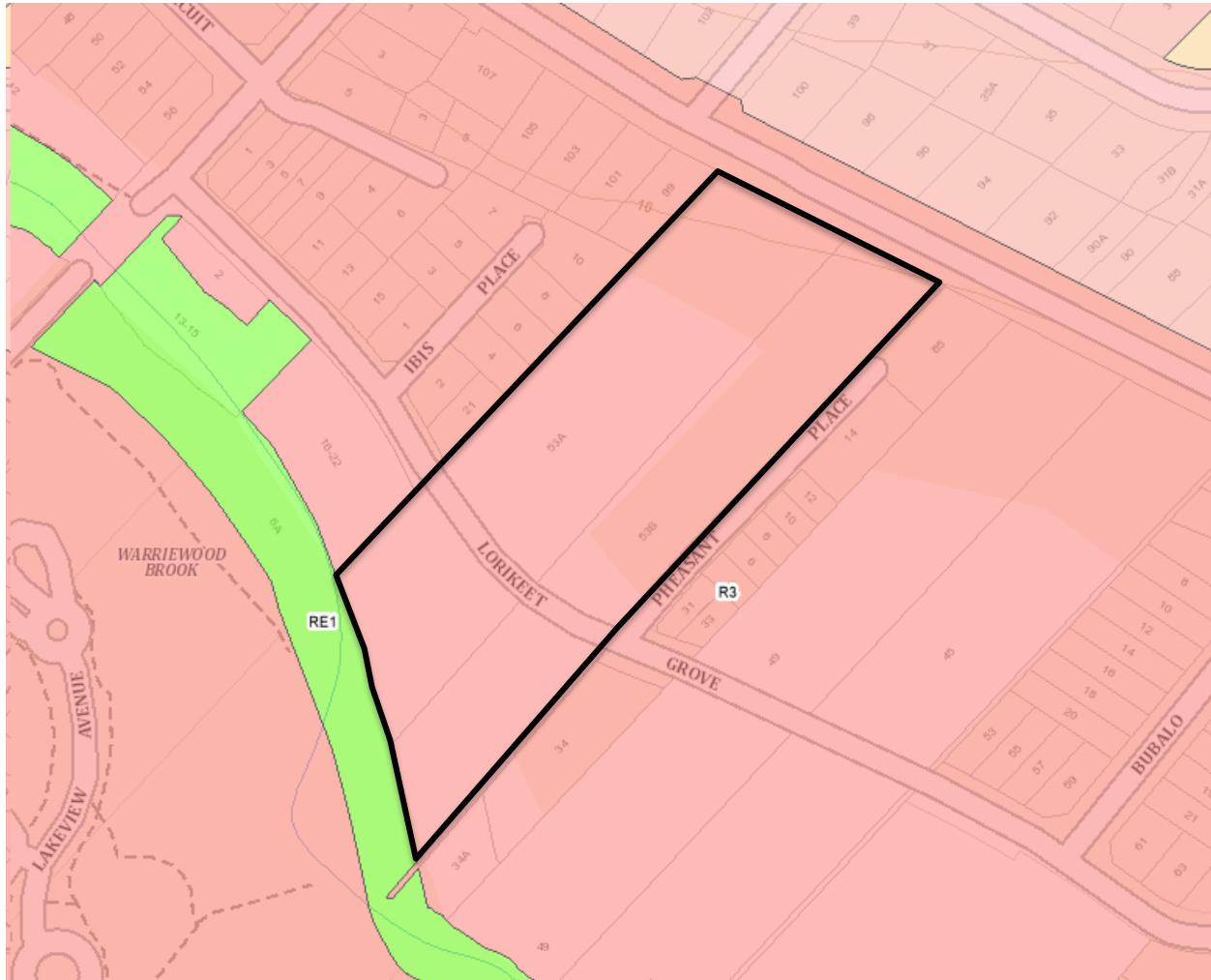


Figure 5. PLEP2014 Zoning Map (Source: ePlanning Spatial Viewer, 2024)

The objectives of the R3 zone include:

- 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.

Within the R3 zone, the following development is permitted without consent:

Home businesses; Home occupations



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Within the R3 zone, the following development is 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

Within the R3 zone, the following development is prohibited:

Any other development not specified in item 2 or 3

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

4.4.1.2 Development Standards

Table 6 outlines the developments consistency and compliance with the relevant development standards and controls under PLEP2014.

TABLE 6. DEVELOPMENT STANDARDS	
Clause	Comment
Clause 4.3 Height of Buildings	The maximum prescribed building height within the PLEP2014 is 10.5m. It is noted that the built form of the future residential development does not form part of the proposed development.
Clause 5.10 Heritage	The Subject Site is not identified as a Heritage Item or within a Heritage Conservation Area. An Aboriginal Due Diligence Assessment has been prepared in support of the proposed development and is provided at Appendix 1 .
Clause 6.1 Warriewood Valley Release Area	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 not more than 24 dwellings or less than 17 dwellings. It is noted that the built form of the future residential development does not form part of the proposed development.



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	<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>Given the scope of works proposed, it is considered that the proposal development will not impede opportunities for rehabilitation nor impact the water quality and flows within the creek line corridor or stability of the watercourse.</p>
Clause 7.1 Acid Sulfate Soils	<p>The Subject Site is identified as containing Class 4 and 5 acid sulfate soils under PLEP2014. Given the nature of the proposed development, it is considered that the proposed development will not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>
Clause 7.2 Earthworks	<p>Given the nature of the proposed development, it is considered that the proposed development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>
Clause 7.4 Floodplain Risk Management	<p>Clause 7.4 prescribes controls relating to floodplain management. Given the nature of the proposed development, it is considered that the proposed development will not have a detrimental impact on the flood plain.</p>
Clause 7.6 Biodiversity	<p>The Subject Site is identified as “Biodiversity” on the PLEP2014 Biodiversity Map.</p> <p>The proposed development would not require the removal of any significant vegetation and as such, will not have any adverse impacts on the existing native fauna and flora or ecological processes.</p>

4.4.2 Pittwater 21 Development Control Plan

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

An assessment of the proposal against the relevant sections of the PDCP is provided at **Appendix 8**.



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4.4.3 Warriewood Valley Contributions Plan Amendment 16

Warriewood Valley Contributions Plan Amendment 16 Revision 4 relates to the Subject Site.



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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 work to enable the future residential development of the Subject Site. The proposed development is appropriate to the context and setting of the Subject Site and will facilitate development that is consistent with the desired future character of the Warriewood Valley Release Area.

5.2 CONTAMINATION

A DSI and RAP have been prepared by Geotechnique and is provided at **Appendix 2** with the following objectives:

- Determine the extent of contaminants at the Subject Site;
- Provide methods of remediation that can be implemented and validated so that a statement can be made declaring that the Subject Site is suitable for the proposed development;
- Ensure all remediation works are carried out with due regard to the protection of the environment;
- Ensure all remediation works comply with current regulations and guidelines; and
- Provide details of the validation process to be adopted during and at completion of remediation.

To achieve the above, the following scope of works was undertaken:

- Review of existing contamination assessment reports for the Subject Site;
- Detailed sampling and testing of soil in the vicinity of the previously identified asbestos contaminated soil samples;
- Systematic sampling; and
- Development of suitable remediation and validation strategies.

The general soil profile within the majority of the Subject Site comprised imported and site originated fill overlying natural clayey silt, sandy silt and clayey soil overlying natural sandy silt and/or clay or sandy clay at majority of the sample locations. Natural clayey silt or natural silty sandy clay or natural sandy silt with or without inclusions of root fibres was encountered in the remaining locations.

There were no obvious ash materials, fibro-cement pieces and odour in the test pits locations, with the exception of fibro-cement pieces within the fill profile in some test pits and the presence of one (1) fibro-cement piece at the ground surface of each of two (2) judgmental sampling locations. Both fibro-cement pieces were sent to laboratory for asbestos analysis. No other fibro-cement pieces were found on the ground surface. Laboratory testing confirmed that the fibro-cement pieces observed on the ground surface and in the fill profile don't contain asbestos.



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Eight (8) locations contain asbestos contaminated fill materials, and one (1) location contains Benzo(a)Pyrene TEQ contaminated fill with elevated Benzo(a)Pyrene (BaP) (isomers of Polycyclic Aromatic Hydrocarbons (PAH)) were found within the Subject Site. Therefore, remediation is deemed necessary.

Based on the contaminant concentrations and locations identified from the contamination assessments, seven (7) indicative remediation areas (Area 1 to Area 8) have been developed and are shown in **Figure 4** above.

Table 5 provides a summary of the proposed remediation, followed by further discussion of the proposed remediation strategy.

Based on the advantages, disadvantages, and risks of each of the remediation options, it is considered that remediation by disposal of the asbestos (AF, FA and ACM fragments) contaminated fill materials in Areas 1 to 7 and PAH contaminated fill materials in Area 8 at an appropriately licensed landfill facility, is appropriate for the Subject Site.

The contaminated soils to be excavated and removed from the Subject Site for off-site disposal are classified as:

- Asbestos waste for asbestos contaminated fill materials in Areas 1 to 7; and
- General Solid Waste for PAH contaminated fill materials in Area 8.

The above-mentioned waste classification will be adopted to dispose contaminated fill into landfill facility from Areas 1 to 8. Excavated soil will not be retested to confirm the adopted waste classification. Anthropogenic inclusions of building debris including brick fragments, bitumen and concrete in the fill will be removed together with the asbestos contaminated soils from Area 1 to Area 7 and disposed of at a licensed landfill facility.

Due to the presence of asbestos within the Subject Site, the fill materials in Area 8 which is classified as "General Solid Waste" must be inspected by the appointed environmental consultant during excavation of fill materials from that area. If any asbestos-cement piece(s) is observed in Area 8, the relevant soil in that area will be reassessed for waste classification. The new waste classification will be utilised for remediation of that area followed by appropriate validation where asbestos testing will be added with the already identified other contaminant(s).

As a precaution, it is recommended to excavate fill materials (about 1m x 1m x full depth of fill) at each sample locations where asbestos (ACM or AF or FA) was detected but below the acceptable limits and dispose the fill materials at a landfill facility as asbestos waste, during remediation of Areas 1 to 7.

The final waste classification will be adopted to dispose contaminated soil into landfill facility from Areas 1 to 8. Anthropogenic inclusions of building debris including brick fragments, bitumen and concrete in the fill will be removed together with the contaminated soils and disposed of at a licensed landfill facility.

The waste must be disposed of at an appropriate licensed landfill facility which will meet their licence requirement to receive a particular type of waste. All landfill delivery dockets shall be provided to the appointed Asbestos Assessor and Environmental Consultant for inclusion in a final validation report, with



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cross referencing so that each landfill delivery dockets can be correlated with a particular remediation area. The records of the disposal (tonnage) will be correlated with the extent of remediation (volume of soil/material removed).

Removal and/or disposal of the waste must be carried out in accordance with the requirements of the regulators, such as NSW EPA and SafeWork NSW.

The proposed remediation works are considered to be Category 2 (subject to agreement by Northern Beaches Council). A minimum of 30 days notice of the intention to proceed with remedial works must be given to Northern Beaches Council.

The Site Management Plan, Occupational Health & Safety Plan and Contingency Plan, outlined in Sections 15.0, 16.0 and 18.0 of the **Appendix 2** are required to be implemented during remediation works. After completion of the remediation works, validation must be carried out in accordance with Section 17.0 of **Appendix 2**.

A validation report will be then prepared on the suitability of the Subject Site for the future residential development.

Based on this assessment, it is considered that the Subject site is suitable for the future residential development subject to implementation of the following recommendations, prior to the commencement of earthworks:

- Sampling and testing of soils in the footprints of site features such as the houses, building, sheds, carport, concrete, swimming pool, recycled asphalt, gravel, and bitumen covered areas, after complete demolition and removal or clearing and in the footprints of former glass house and two (2) former galvanised iron (GI) sheds;
- Revise this RAP, if required, to remediate any other contamination that might be identified through the recommended additional sampling and testing, followed by appropriate validation. If no other contamination is detected beneath the site features after removal, carry out appropriate remediation and validation of only Areas 1 to 8; and
- A validation report will be produced at completion of successful remediation by the appointed environmental consultant. The format of the report will follow that recommended in the NSW Environment Protection Authority (EPA), *"Consultants Reporting on Contaminated Land" - 2020*.

5.3 WASTE

Waste Management Plans have been provided in **Appendix 4** which detail the volume of all waste to be generated and confirms the on-site reuse and off-site disposal of such waste accordingly.

5.4 HERITAGE

The Subject Site is not identified as a Heritage Item or within a Heritage Conservation Area.

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



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sites are the most common in the surrounding area. Background research identified that extensive disturbance has occurred throughout the Subject Site.

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

As such, the following is recommended:

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

5.5 FLORA AND FAUNA

The proposed development would not require the removal of any significant vegetation and as such, is not likely to significantly affect any threatened species.

5.6 CONSTRUCTION

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

5.7 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 is located amongst other approved housing. The proposal will facilitate residential development which will contribute immensely to meeting the housing targets within the Warriewood Valley Release Area and the wider Northern Beaches LGA.

5.8 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 proposal will facilitate the future use of the Subject Site for additional housing which is consistent with the zoning of the Subject Site and the



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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 residential development.

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 facilitate additional housing that responds to the characteristics of the land and is compatible with surrounding land uses.

5.9 SUBMISSIONS

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

5.10 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 facilitating additional housing that shall result in a positive impact for the Warriewood Valley Release Area and broader Northern Beaches LGA.



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PART F CONCLUSION

The purpose of this SEE has been to present the proposed site preparation works for 53A & 53B Warriewood Road, Warriewood and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

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

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

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

- The proposed development generally complies with all relevant provisions of all relevant State Environmental Planning Policies, PLEP2014 and PDPC;
- The proposed development 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 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.

