



22 May 2023

Grace Facer  
Northern Beaches Council  
725 Pittwater Road  
DEE WHY NSW 2095

Dear Grace,

**Re: Development Application DA2023/0152 for the construction of a new dwelling on Lot 2 at 6 Orchard Street, Warriewood.**

We have received your letter (dated 9 May 2023) and thank you for the opportunity to address the concerns raised.

In response to concern regarding landscaped area, we proffer the following response:

**1. Landscaped Area**

As detailed in the SEE provided to support the application, we acknowledge the proposed non-compliance with respect to the dimensional requirements of clause D16.5 (Landscaped Area for Newly Created Individual Allotments) of P21 DCP. However, we emphasise that if not for the 4m dimensional requirement, the proposed development exceeds the 35% minimum requirement, with a total landscaped area of 38.8%. Further, as confirmed in the referral response from Council's Landscape Officer, despite non-compliance with the dimensional requirements of the control, the development is consistent with the landscaped outcome anticipated on the site under the provisions of this control.

In accordance with clause 4.15(3A)(b) of the EP&A Act, Council is to be flexible in applying the provisions of a DCP control and is to allow reasonable alternative solutions that achieve the outcomes of the control. As detailed in the SEE and as confirmed by Council's Landscape Officer, the proposed development meets the outcomes of the landscaped area control, and the variation is reasonably supportable on merit.

It is relevant to highlight that Council has varied this control on the adjoining site at 10 Fern Creek Road, specifically in relation to:

- DA2021/2505 at Lot 9, 10 Fern Creek Road, Warriewood, and
- DA2021/2404 at Lot 10, 10 Fern Creek Road, Warriewood.

Council has also consistently varied the minimum dimensional requirements of the landscaped area control in relation to properties along Baz Retreat, Lorikeet Grove and Bubalo Street, including recent approvals at:

- 16 Baz Retreat, Warriewood
- 73 Lorikeet Grove, Warriewood
- 1 Bubalo Street, Warriewood
- 5 Bubalo Street, Warriewood
- 7 Bubalo Street, Warriewood
- 11 Bubalo Street, Warriewood
- 12 Bubalo Street, Warriewood
- 14 Bubalo Street, Warriewood
- 55 Lorikeet Grove, Warriewood

If you would like to discuss any aspect of this response in further detail, please do not hesitate to contact me on 0472 65 74 74 or email.

Yours sincerely,



Rebecca Englund  
**Director | Northern Beaches Planning**