



Northern Beaches Council  
725 Pattwater Road  
Dee Why NSW 2099

Attn: Paula Moretti

29 July 2022

Re: 10-12 Boondah Road, Warriewood - PEX2022/0001

Dear Ms Moretti,

We refer to the Planning Proposal report submitted in support of the application and write to correct an error in the final paragraph of the Executive Summary that was compounded by the attachment of an earlier set of meeting feedback notes from Council.

The Executive Summary refers to correspondence from Council of 22 July 2021. This should refer to notes from Council of 27 August 2021 arising from a Pre Lodgement meeting held on the 22 July 2022. For completeness the correct minutes have been attached and uploaded to the Portal. It is confirmed that the preparation of the Planning Proposal request has had regard to the matters raised in the minutes arising from the meeting held 22 July 2021 and dated 27 August 2021 a copy of which are attached.

We would also seek to correct Council's exhibition notice which has incorrectly nominated SJB Planning as the applicant for the Planning Proposal request. The applicant nominated in the Planning portal lodgement is Henroth Pty Ltd with the postal address being care of SJB Planning.

It would be appreciated if this could be corrected in Council's application system and the notice updated accordingly.

Should you require any further information, please do not hesitate to contact me on (02) 9380 9911 or by email at sbarwick@sjb.com.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Barwick'.

Scott Barwick  
Director

# Attachment 1

# Notes of Pre-lodgement Meeting

## Planning Proposal – 10-12 Boondah Road, Warriewood

<b>Application:</b>	PLM2021/0166
<b>Report reference:</b>	2021/544217
<b>Meeting Date:</b>	Thursday 22 July 2021
<b>Address:</b>	10-12 Boondah Road and 6 Jacksons Road, Warriewood
<b>Property:</b>	Lot 3 and 4 DP 26902, and Lot 9 DP 806132
<b>Attendees for Council:</b>	Paula Moretti - Strategic & Place Planning Andrew Pigott – Strategic & Place Planning Phil Jemison - Strategic & Place Planning Duncan Howley - Stormwater & Floodplain Engineering Robert Blackall - Bushland & Biodiversity Phil Devon - Transport Network
<b>Attendees for applicant:</b>	Dan Maurici - Henroth Scott Barwick - SJB Troy Eyles - Calibre
<b>Owner</b>	Cassius Investments Pty Ltd Henry Fraser Pty Ltd Henlen Pty Ltd

### 1. INTRODUCTION

These notes are based on submitted documentation, responses from Council's internal units, and discussions at the pre-lodgement meeting that was held on Thursday 22 July 2021. The notes are intended as a guide should the applicant decide to proceed with lodgement of a planning proposal request.

### 2. PROPOSAL

- (a) The meeting was requested by Henroth Investments P/L to discuss the preparation of a planning proposal to facilitate residential development of the site. Preliminary discussions with Council took place in April 2021. No details were provided as to the proposed amendments to Pittwater Local Environmental Plan 2014.
- (b) Documentation submitted consisted of the following:
  - Correspondence from Henroth outlining the proposal;
  - Conceptual Masterplan dated June 2021 (Buchan);
  - Flood Storage correspondence dated 9 June 2021 (Calibre);
  - Bushfire Review dated 8 June 2021 (Travers).

- (c) The proposal involves 40 terrace-style dwellings arranged in six rows along linked internal roads accessed at three (3) locations along the site's frontage to Boondah Rd. Open space areas are in the southern and western parts of the site, associated with bushfire asset protection zones, a children's playground, and vegetation and riparian corridors (Figure 1 - Extract of Concept Masterplan).



Figure 1: Extract of Concept Masterplan for 10-12 Boondah Road

### 3. SITE

- (a) The site proposed for development comprises two adjoining lots (10-12 Boondah Road) with a total area of 2.04ha and a frontage to Boondah Road of approximately 160m. The third lot (6 Jacksons Road 1.52ha) will be the subject of separate planning agreement discussions.
- (b) The site is generally flat, low-lying land, and is subject to flooding. The land is partly cleared and used for dwellings and rural/storage purposes. Vegetation that remains includes species having biodiversity and wildlife habitat values.
- (c) Adjoining land uses include an apartment building to the north, a semi-rural property to the south, the Warriewood wetlands to the west, and a sewerage treatment plant to the east setback on the opposite side of Boondah Rd.
- (d) 6 Jacksons Rd is a narrow linear-shaped allotment located between Warriewood Square shopping centre and community sportsfields. It is largely covered in vegetation and includes part of the creekline corridor of Narrabeen Creek.

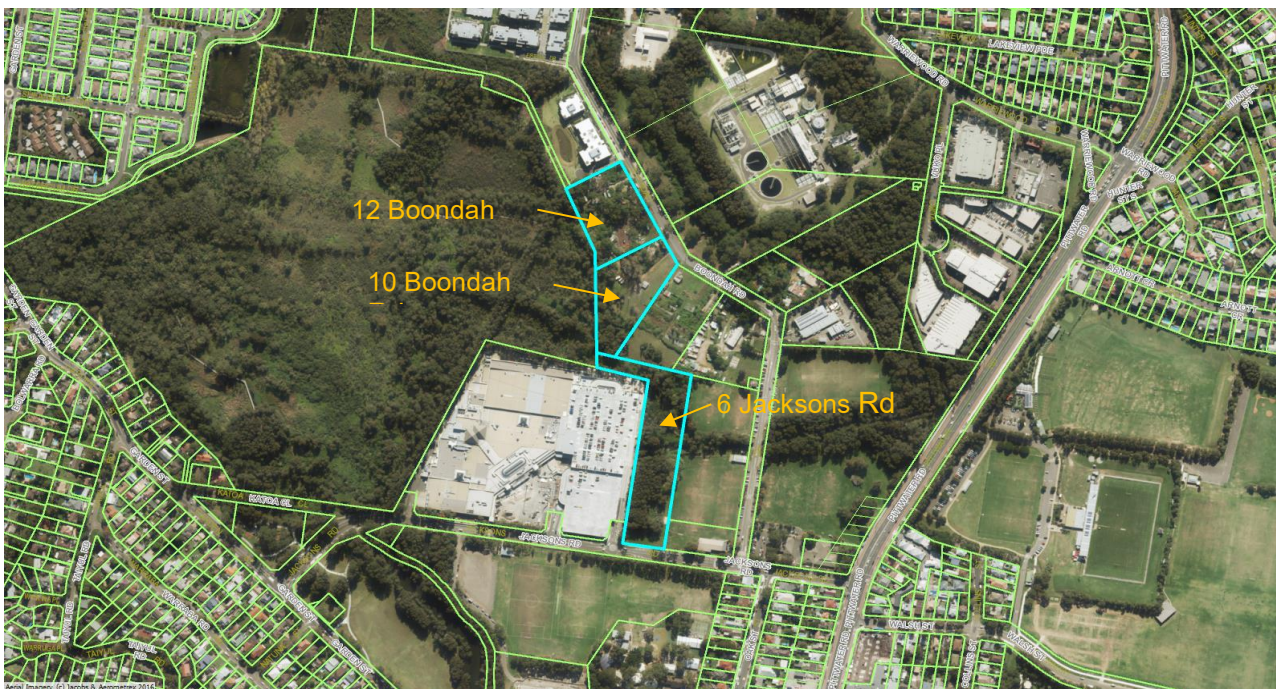
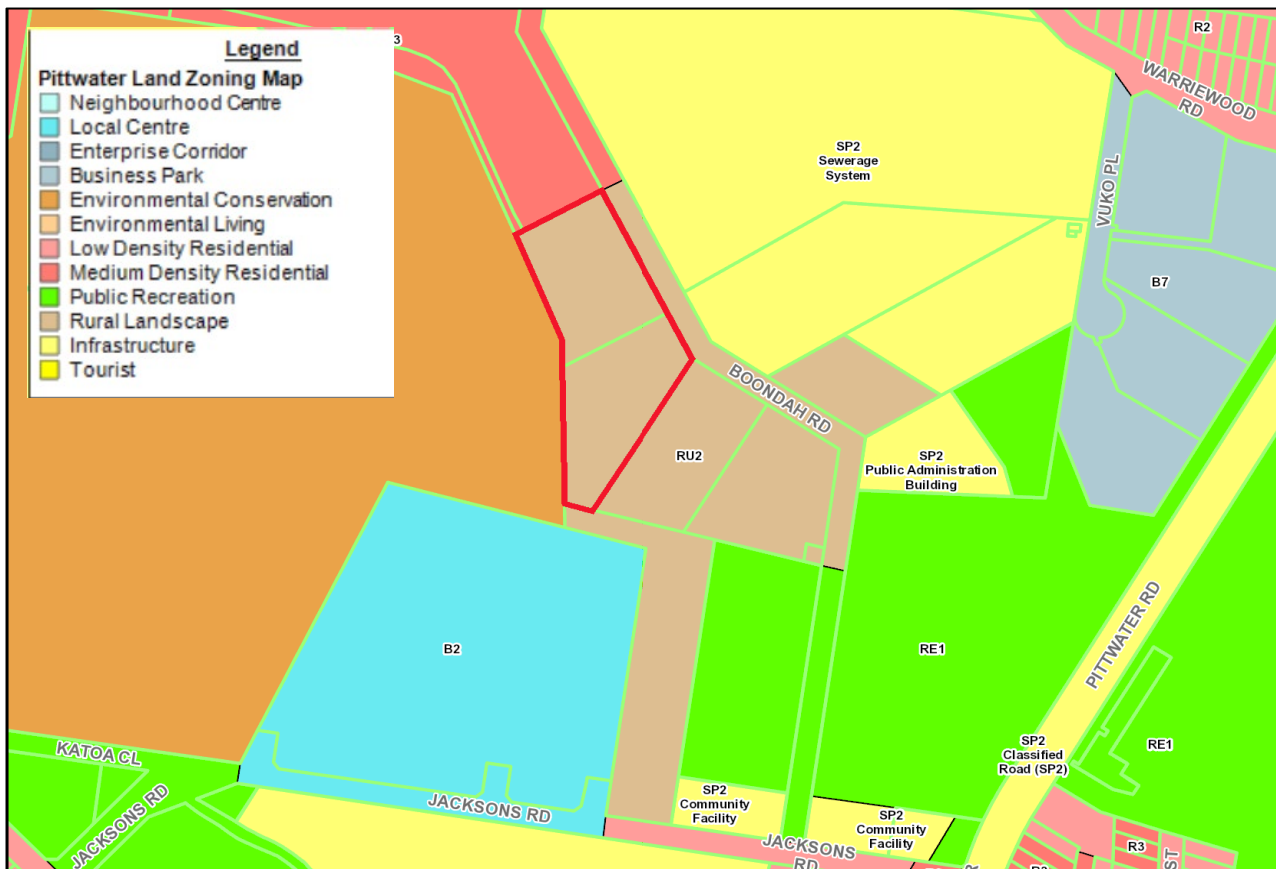


Figure 2: Subject Site

## 4. PLANNING CONTEXT

### 4.1 Pittwater Local Environmental Plan 2014 (PLEP)

(a) The site proposed for development is zoned RU2 Rural Landscape (Figure 3).



**Figure 3 – Zoning (10-12 Boondah Rd outlined in red)**

(b) The objectives for the RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

- (c) The site is within the Warriewood Valley Release Area and is part of the Southern Buffer Area on the Urban Release Area Map (Figure 4).



**Figure 4 - Designations on Urban Release Area Map (10-12 Boondah Rd outlined in light blue)**

- (d) The objectives for the Warriewood Valley Release Area are:
- to permit development in accordance with the *Warriewood Valley Strategic Review Report* and the *Warriewood Valley Strategic Review Addendum Report*,
  - to ensure that development in that area does not adversely impact on waterways and creek line corridors, protects existing native riparian vegetation and rehabilitates creek line corridors.
- (e) The Warriewood Valley Strategic Review Addendum Report identifies 10 and 12 Boondah Rd as land for 'Active Recreation', and 6 Jacksons Rd as land having 'No development potential'. Clause 6.1(3) of PLEP makes no provision for an urban land release dwelling yield on the site beyond what is permissible under the RU2 zone.
- (f) Other local planning/development controls of note that apply to the site include:
- i. Bushfire Prone Land Map 2020 – Vegetation Category 1 and Vegetation Buffer
  - ii. Flood Hazard Map – Low, Medium and High Risk categories
  - iii. PLEP – Subdivision lot size - minimum 1ha
  - iv. PLEP – Building height - maximum 8.5m
  - v. PLEP – Acid Sulphate Soils – Class 2 & 3
  - vi. PLEP – land within the vicinity of Heritage Item (SHI 2270516 – Warriewood Wetland)
  - vii. PLEP – Biodiversity Map
- (g) A range of State Government planning policies, directions and guidelines are also applicable. These have not been listed in this pre-lodgement advice but would need to be considered as part of any future planning proposal.

## **4.2 Proposed Amendments to Pittwater Local Environmental Plan**

- (a) No details have been provided with respect to the proposed amendments to the PLEP.
- (b) The proponent in preparing a Planning Proposal will need to detail such amendments which may include:
  - rezoning all or part of the site to another zone or zones
  - amendments to the Height of Buildings Map
  - amendments to the Lot Size Map
  - amendments to the Urban Release Area Map and Clause 6.1(3) to enable dwelling yield
- (c) The explanation of the proposed amendments must reflect the stated objectives or intended outcomes of the Planning Proposal.

## **4.3 Strategic Planning Context**

### **4.3.1 Local Strategic Planning Statement**

- (a) The Towards 2040 Local Strategic Planning Statement for the Northern Beaches (LSPS) sets out a number of principles, priorities and actions including in relation to biodiversity, open space, infrastructure, housing, centres and transport, which will need to be addressed by any Planning Proposal.
- (b) In relation to managing growth and change, the LSPS requires that planning proposals seeking changes to the planning controls for additional development capacity through spot rezoning must have strategic merit and site-specific merit. Planning proposals that simply seek additional residential density above that identified in the local housing strategy will have challenges in demonstrating their strategic merit as they are not necessary to achieve the housing targets and the strategic direction set out in the LSPS. Broader public benefit and high quality planning and urban design outcomes can assist in demonstrating strategic merit. Consideration should be given to the strategic principles set out on pages 32-33 of the LSPS.
- (c) Under Planning Priority 15 - Housing supply, choice and affordability in the right locations, the LSPS highlights that the Northern Beaches is on track to achieving the North District Plan target for an additional 3,400 dwellings by 2021 and that 6-10 year and 20 year targets will be developed in the local housing strategy. While recognising that most housing demand to 2036 can be met through existing capacity and developing Frenchs Forest strategic centre, the LSPS identifies important ongoing considerations including affordable housing, housing that caters for different demographic groups, and constraints posed by natural environment, character and amenity. Map 18 identifies housing opportunities with a focus on new housing around strategic centres. Warriewood local centre is marked for investigation of opportunities for housing diversity. The LSPS looks to the housing strategy to investigate opportunities and options for addressing the housing needs of the community into the future.
- (d) Under Planning Priority 16 – Access to quality social housing and affordable housing, the LSPS references Council’s Affordable Housing Policy in which Council commits to a 10% affordable rental housing target, with higher rates where financially feasible. The LSPS sets out the intention to seek a minimum of 10% affordable rental housing for all planning proposals for up-zoning, urban renewal or greenfield development.

### **4.3.2 Local Housing Strategy**

- (a) The Draft Northern Beaches Local Housing Strategy (LHS) was adopted by Council on 27 April 2021 and has been forwarded to the State Government for approval.
- (b) The LHS involved a comprehensive analysis of housing demand and supply to 2036 which identifies a deficit of around 275 dwellings.



- (c) The key strategy adopted in the LHS is new housing being focused in and near centres in two formats:

Centre Investigation Areas where detailed planning will look at opportunities for all housing types within 800m of select centres along current and future B-line routes, namely: Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen

Low-rise Housing Diversity Areas where opportunities to support housing diversity in the form of dual occupancies, seniors housing and boarding houses will be investigated within 400m of select centres, namely: Avalon, Newport, Warriewood, Belrose, Freshwater, Balgowlah and Manly.

- (d) The LHS sees medium density housing development concentrated in strategic centres and selected town centres (current and future B-line routes), while these and other smaller centres on transport corridors would be a focus for greater housing diversity (p65 LHS).
- (e) Warriewood was only identified for low-rise housing diversity opportunities due to local environmental and other constraints. The LSPS highlights that in Warriewood, the location of the B-line stop and the layout of the wider centre does not lend itself to renewal (p65 LHS).

#### **4.3.3 LEP/DCP Review**

- (a) Council is undertaking a comprehensive review of its planning framework to create a single LEP and DCP for the Northern Beaches which aligns with State Government regional and district plans and policies, and which implements priorities and actions from Council's Local Housing Strategy and LSPS.
- (b) Commencing 25 June 2021, Council placed on public exhibition an LEP/DCP Discussion Paper seeking public feedback on identified issues, opportunities and potential approaches. Of particular relevance to the subject site, the paper highlights the following:

##### Sustainability – Landscape theme

Priority 1 Healthy and valued coast and waterways

Riparian lands - need to consider stronger protections

Water cycle management - need for more consistent approach requiring proponents of development to apply the principles of Water Sensitive Urban Design

Priority 2 Protected and enhanced bushland and biodiversity

Development pressure remains one of the greatest threats to local biodiversity, including clearing required for bush fire asset protection zones.

Application of biodiversity offsetting (where rezoning and development may result in impacts which trigger offset requirements) is intended as a last resort after all avenues to avoid and minimise impacts have been exhausted.

##### Liveability theme

Priority 15 - Housing supply, choice and affordability in the right locations

As per the LHS, although most housing demand is able to be met by existing capacity under current controls, along with planned growth in other areas such as Frenchs Forest, there is a need to address affordability and diversity issues.

The discussion paper proposes changes to permissibility in the existing R2 Low Density Residential zone to implement Housing Diversity Areas within 400m of identified centres, including Warriewood. It leaves the form and scale of development in Centre Investigation Areas to be determined through detailed place planning for individual centres.

- (c) The Paper's discussion of Rural Zones makes no reference to any intention to change the RU2 zoning in Warriewood Valley, which includes the subject site.

#### **4.4 Justification for Planning Proposal**

- (a) Any planning proposal to rezone the subject land will require sufficient justification, including the need for the planning proposal, whether the proposal will give effect to North District Plan and Council's Local Strategic Planning Statement and Housing Strategy, and the likely environmental, social and economic impact of the proposal. In accordance with the NSW Government's Guide to Preparing Planning Proposals, whether or not the planning proposal demonstrates strategic and site-specific merit will be a critical component of the justification. The proponent should provide Council with enough information upfront to support a request for Gateway determination. Some key considerations with regards to environmental, social and economic impact are identified in the referral advice contained in Part 5 of this report.
- (b) Demonstrable public benefit and positive planning outcomes for the broader community will be an important component of justification for any planning proposal which seeks to rezone the site to allow residential development at the densities indicated on the concept plan. The proposal would need to demonstrate sufficient overall public benefit so as to justify the uplift in the development potential of the site that is being sought, and to outweigh any adverse environmental or other impacts associated with the proposal. Contribution towards community facilities or other public purpose negotiated under a Voluntary Planning Agreement (VPA) could potentially assist in this regard. If a VPA forms part of the justification, an offer should be submitted with the planning proposal, and the proponent should consult with Council prior to the preparation of a VPA offer, and comply with Council's VPA Policy and Guideline.

#### **4.5 Dwelling Density**

- (a) The Warriewood Valley Strategic Review report (WVSR) endorsed by Council in June 2013 re-evaluated dwelling densities and recommended a maximum density of 32 dwellings per developable hectare for the majority of undeveloped release land in Warriewood Valley. The same maximum density was adopted in the Warriewood Valley Strategic Review Addendum report (WVSR-A) endorsed by Council in November 2014 and amended in December 2017 which recommended a forward path for sectors that remained unresolved or having outstanding issues after the WVSR.
- (b) Notwithstanding that the WVSR-A did not recommend a residential land use designation for the Southern Buffer land, including the site, if residential development is to be contemplated for the site, an important part of any assessment will be consideration of compliance with the 32 dwellings per developable hectare density limit as planned and applied generally across the area since the WVSR.
- (c) A planning proposal will need to delineate the 'developable' portion of the site on which to base calculation of dwelling density, and provide an explanation of how that land is reasonably deemed to be 'developable', including all relevant criteria and technical data.

#### **4.6 Affordable Housing Contribution**

- (a) In its Affordable Housing Policy, originally adopted in June 2017, Council commits to an affordable rental housing target of 10% for all planning proposals for urban renewal/greenfield development, with higher rates sought where feasible. This target is reflected in the LSPS.
- (b) At its meeting of 28 May 2019, Council adopted the Northern Beaches Council Affordable Housing Contributions Scheme (the Scheme), consistent with guidelines developed by the Department of Planning, Industry and Environment.

- (c) The Scheme is the primary mechanism for Council to levy for affordable housing, enabled by State Environmental Planning Policy 70 Affordable Housing and s.7.32 of the Environmental Planning and Assessment Act (EP&A). The Scheme sets out objectives and principles, areas to which it applies, contribution rates, how contributions are to be calculated and made, and various administrative requirements.
- (d) The Scheme as adopted applied to the Frenchs Forest Planned Precinct, but is designed to be extended to other areas that are to be rezoned for uplift and/or increased in residential density in the future, with each area afforded a separate feasibility analysis to determine the required contribution rate. A recent [Planning Proposal](#) currently before DPIE for Gateway Determination, includes extension of the Scheme to a site in Narrabeen. The [documents](#) for Item 12.2 before Council on 15 June 2021 included a revised Scheme (p234) and feasibility analysis review (p335) which illustrate how Council is implementing its affordable housing policy.
- (e) A Planning Proposal to allow residential development on the subject site will need to address Council's Affordable Housing Policy and Guideline, including submission of feasibility analysis to support determination of the appropriate contribution rate and suitable amendments to the Scheme and LEP to effect the contribution requirement as a condition of consent. Council will commission a peer review of the feasibility analysis. The feasibility analysis/review will form part of the statutory public exhibition material should the proposal proceed through Gateway.
- (f) Affordable housing contributions will apply in addition to development contributions required under section 7.11 of the EP&A Act.

#### **4.7 Warriewood Valley Development Contributions Plan**

- (a) The future additional resident population associated with the Planning Proposal will generate additional demands for public services and facilities in Warriewood Valley. Contributions towards the provision of public services and facilities will be required in accordance with the applicable development contributions plan pursuant to s.7.11 of the EP&A Act (formerly s94).
- (b) The Warriewood Valley Development Contributions Plan Amendment 16, Revision 3 2018 (Contributions Plan) includes the site as land to which it applies, and requires contributions for all residential development that results in the creation of additional private lots/dwellings.
- (c) The Contributions Plan addresses, inter alia, provision of open space and recreation areas to meet the needs of the residential population. It calculates a quantum of 18.29ha of open space will be needed, with 5.43ha still to be delivered, comprising 1.69ha of linear open space along the creek corridor, and 3.74ha of land for active open space.
- (d) Section 6.2.3 of the Contributions Plan identifies the strategy for providing active open space facilities to address the demand generated by the anticipated population in the release area. The Contributions Plan is currently under review. It is anticipated a draft will be placed on public exhibition in late 2021.
- (e) At this stage, no decisions have been made as to the likely changes. Nevertheless, provision of open space, particularly active open space (such as sports fields) remains a key area in which community needs are not adequately met and Council is considering alternatives. Any additional resident population beyond that currently planned in Warriewood Valley will further exacerbate this issue.
- (f) Information submitted with a Planning Proposal should include details of the additional demands for public services and facilities likely to be generated and how they could be met, having regard to relevant Council policies and plans applicable at the time.

## 5. KEY MATTERS RAISED IN REFERRALS

The proposal was referred internally to Council's specialists and a summary of the matters raised in their responses is provided below.

	Referral area	Key matters raised
5.1	Flooding	<p>The Warriewood Valley Water Management Specification, 2001 (WMS) has been the benchmark and guiding requirement for Council and applicants for the management of water during and after the development of lands on a sector by sector basis within the Warriewood Valley for the past 20 years. It aims to ensure that best practice water management principles are used the development of the Warriewood Valley</p> <p>The WMS is supported by comprehensive DCP locality specific controls with relevant design criteria for the Warriewood Valley. These have been consistently applied in the development of the land release area.</p> <p>The first and primary outcome outlined in Clause 6.1 - Design Criteria for Warriewood Valley Release Area - Integrated Water Cycle Management is:</p> <p><i>Development is designed with an integrated approach to water management and conservation, addressing water quality and quantity, watercourse and creekline corridors, stormwater and groundwater, and minimises the risk posed by flooding and adapts to climate change impacts.</i></p> <p>Specifically as C6.1 pertains to flooding, the following requirements are listed:</p> <p><b>Flooding</b></p> <p><i>The flood levels are to be determined as part of the Water Management Report. The information to be obtained includes:</i></p> <ul style="list-style-type: none"> <li>• <i>the 50% Annual Exceedance Probability (AEP) flood levels with climate change impacts including sea level rise combined with increase rainfall volume;</i></li> <li>• <i>the 20% AEP flood levels with climate change impacts including sea level rise combined with increase rainfall volume;</i></li> <li>• <i>the 1% AEP flood levels with climate change impacts including sea level rise combined with increase rainfall volume;</i></li> <li>• <i>the Flood Planning Level (FPL) - equal to the 1% AEP flood level plus freeboard (as defined within clause A1.9 of this DCP) with climate change impacts including sea level rise combined with increase rainfall volume;</i></li> <li>• <i>the Probable Maximum Flood (PMF) level with climate change impacts including sea level rise combined with increase rainfall volume;</i></li> <li>• <i>the flow velocities for the 1% AEP flood and Probable Maximum Flood with climate change impacts including sea level rise combined with increase rainfall volume; and</i></li> <li>• <i>the Flood Category and Flood Hazard Classification as defined in clause A1.9 of this DCP with climate change impacts including sea level rise combined with increase rainfall volume.</i></li> </ul> <p><i>Likely flood impacts from the development must also be assessed and where required, mitigated.</i></p> <p><i>The filling of land will only be permitted where it can be demonstrated within the Water Management Report that:</i></p>

	Referral area	Key matters raised
		<ul style="list-style-type: none"> <li>• <i>there is no net decrease in the floodplain volume of the floodway or flood storage area within the property, for any flood event up to the 1% AEP flood event and the PMF event including climate change considerations for both design events; and/or</i></li> <li>• <i>there is no additional adverse flood impact on the subject and surrounding properties and flooding processes for any flood event up to the PMF event including climate change impacts.</i></li> </ul> <p><i>The Water Management Report must identify the minimum floor level requirements for development in accordance with the Flood Hazard and Flood Category applicable to the proposed land use specified in Flood Risk Management Policy.</i></p> <p><i>The subdivision of land requires the building platforms for each additional allotment to be created at or above the Flood Planning Level (plus climate change). The Plan of Subdivision is to include the Flood Planning Level (plus climate change) for each new allotment created.</i></p> <p>Whilst the applicant has obtained the contemporary <b>existing</b> 1% flood level from Council, all previous development in the Warriewood Valley Land Release Area and as required in the DCP for Warriewood Valley, development must be based upon the 1% AEP flood level plus climate change. As outlined above, this is to be determined by the applicant based upon the results of their proposal and the current status of development in the Land Release Area.</p> <p>With any Planning Proposal the applicant must prepare a Water Management Report that is consistent with the WMS and Pittwater 21 DCP requirements for the Warriewood Valley Land Release Area. This includes undertaking site specific flood modelling to determine the existing and proposed conditions and subsequently using the 1% plus climate change as the design event for setting building platform levels, calculating potential adverse impacts to neighbouring properties and undertaking flood storage calculations.</p> <p>The Water Management Report must also include a comprehensive flood emergency response analysis to determine the flood risk to life in all events up to and including the Probable Maximum Flood level. This must investigate the site's evacuation potential, potential warning times and mechanisms, periods of isolation and hazard categorisation for the Probable Maximum Flood event.</p>
5.3	Biodiversity	<p><u>General comments</u></p> <p>The subject lots contain significant biodiversity value, including Threatened Ecological Communities (TEC), records of threatened species, wildlife connectivity and threatened species habitats, as detailed in publicly available vegetation mapping and Bionet records, previous studies, and as documented in the 2019 Travers report. In particular, the site contains two Endangered Ecological Communities (EEC): Bangalay Sand Forest and Swamp Oak Floodplain Forest.</p> <p>The NSW <i>Biodiversity Conservation Act</i> 2016 (BC Act) provides a framework and tools to avoid, minimise and offset impacts on biodiversity through the planning and development assessment process. As per the accepted impact mitigation hierarchy, any proposal must first avoid, then minimise impacts to biodiversity, prior to assessing the offset requirements for the residual biodiversity impacts.</p>

	Referral area	Key matters raised
		<p><u>Biodiversity planning controls</u></p> <p>The following biodiversity planning controls, legislation and guidelines apply to the subject lots, and information submitted as part of any future rezoning / development application must address:</p> <ul style="list-style-type: none"> <li>• Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act 1999)</li> <li>• NSW <i>Biodiversity Conservation Act 2016</i> (BC Act 2016) and associated regulations including the <i>Biodiversity Conservation Regulation 2017</i></li> <li>• State Environmental Planning Policy (Coastal Management) 2018 – land within and proximity to Coastal Wetlands</li> <li>• State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>• Planning for Bushfire Protection 2019</li> <li>• Pittwater LEP cl. 7.6 Biodiversity</li> <li>• Pittwater DCP 21 cl. B4.1 Category 1 Flora and Fauna and B4.3 Category 2 Flora and Fauna</li> <li>• Pittwater DCP 21 cl. B4.8 Freshwater Wetland Endangered Ecological Communities</li> </ul> <p>(NB. The Federal Environment Department is currently considering the listing of Coastal Swamp Sclerophyll Forests of South-eastern Australia as a threatened ecological community).</p> <p><u>Biodiversity Assessment Requirements</u></p> <p>Areas of the western boundary and the south-western corner of the site are mapped within the Department of Planning, Industry and Environment’s (DPIE) Biodiversity Values (BV) Map. The BV Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The map forms part of the Biodiversity Offsets Scheme (BOS) threshold, which is one of the triggers for determining whether the BOS applies to a clearing or development proposal. Any vegetation clearing within the BV mapped area as part of future development will trigger entry into the BOS. This includes any Asset Protection Zones (APZ) that intersect the BV mapped area.</p> <p>The applicant is required to engage an Accredited Assessor (<a href="https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor">https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor</a>) to apply Stage 1 of the Biodiversity Assessment Method (BAM 2020) to assess the biodiversity values of the site. The Accredited Assessor should work closely with the architects, bushfire practitioner and flood engineers to ensure that areas of high biodiversity value identified as part of the Stage 1 assessment are retained as part of any proposed design.</p> <p>The Stage 1 BAM assessment should also consider:</p> <ul style="list-style-type: none"> <li>• Retention and enhancement of an ecological buffer to the Warriewood Wetlands;</li> <li>• Retention and enhancement of remnant native vegetation;</li> </ul>

	Referral area	Key matters raised
		<ul style="list-style-type: none"> <li>• As Grey-headed Flying-fox roost approximately 130m west of the proposal within Warriewood Wetlands, a known and established camp, impacts to this nearby GHFF camp must be further investigated and additional mitigation measures (other than replanting) must be explored. This may include activities that reduce impacts during all stages of development, including during clearing of vegetation and during periods of construction where high noise impacts may be likely.</li> <li>• Altered flow regimes, and potential impacts to Groundwater Dependent Ecosystems (GDE) in the locality.</li> </ul> <p>It is recommended that no changes occur to natural ground levels in the south-west corner where the EEC is located due to risk of altered flow regimes and potential impacts to GDEs in the locality, which may result in direct and indirect impacts to the Warriewood Wetlands adjoining the site.</p> <p><u>Concept Plans</u></p> <p>It is acknowledged that revisions to the current concept masterplan (Buchan, June 2021) from the previous concept masterplan (Buchan, February 2021) include a reduced development footprint owing to removal of the proposed car park and netball courts. Regardless of the reduced development footprint, it appears that the development and APZ still intersect the BV map and as such, the current proposal would potentially involve significant impact to threatened biodiversity and trigger entry into the BOS.</p> <p>This suggests the proposed development is not sited and designed to avoid and minimise impacts to biodiversity and will result in a direct net loss of biodiversity. Potential impacts that will result from the proposed development including townhouses and associated infrastructure and bushfire APZs, are clearing of native vegetation and endangered ecological communities, impacts to threatened species habitats, reduction in local wildlife connectivity, indirect impacts associated with increased light and noise pollution, and impacts to ground water dependent ecosystems within the site and adjoining Warriewood wetlands.</p> <p>The issues described above, as well as loss of native tree canopy, result in a development that fails to satisfy the applicable planning controls, and is unlikely to be supported by Council's Biodiversity Planning unit.</p> <p>Furthermore, predicted offset obligations required by the BOS (TECs and threatened species) may not be available on the Northern Beaches, and entry into the BOS should be avoided as this will result in net loss of biodiversity within the Northern Beaches LGA.</p> <p>As flooding, flood storage and water flows are a major requirement/concern, it is also recommended that the full extent of the EEC, riparian corridor and interface with the wetlands are accurately surveyed, and areas of significant vegetation, fauna habitats and wetland buffers that should be retained are not subject to any excavation or filling.</p> <p>The existing ground levels within areas of retained vegetation should be inputs into detailed flood modelling. It is recommended that the applicant's flood consultant (e.g. Calibre) work in consultation with the ecologist and bushfire specialist (e.g. Travers) and architects to ensure that areas of high biodiversity value that should be retained and the associated natural ground levels are accurately and fully considered as part of the flood study and development</p>

	Referral area	Key matters raised
		<p>design. This should include potential indirect impacts to the Grey-headed Flying-fox camp within Warriewood Wetlands, such as noise and failure of riparian vegetation that might occur due to changes in hydrology.</p> <p>Section 3.25 of the Environmental Planning and Assessment Act (prev s34A) requires Council to consult with the Office of Environment and Heritage (OEH) if critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by the planning proposal. While this consultation occurs after Gateway Determination, it may be useful for the proponent to liaise with the OEH prior to submitting a planning proposal.</p>
5.4	Bush Fire	<p>The reference to PBP 2006 on p2 of the Travers Bushfire Review is assumed to be in error and that the proposal is assessed for compliance against PBP 2019.</p> <p>A performance solution appears to be proposed for the APZ to the east of the site. Should this be the case it will trigger the performance based solution requirements of PBP.</p> <p>The report fails to assess compliance with the PBP performance criteria “firefighting vehicles can access the dwelling and exit the property safely” and the acceptable solution “There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles”.</p> <p>[Note: the indicative design of the proposed development will likely comply.]</p> <p>The report fails to assess compliance with the PBP performance criteria “location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings” and the acceptable solution “where practicable, electrical transmission lines are underground”.</p> <p>[Note: it could be a condition of consent to meet this requirement.]</p> <p>The ongoing maintenance requirements of the APZs associated with the proposal may burden Council. Whilst the APZs are largely contained within the proposal itself, should any part of the site be vested to Council, Council would be burdened with the ongoing management of these areas, and likewise for any Council land (for example road verges) adjacent to the site should they be relied upon in the proposed performance solution. APZs should wherever possible be wholly within the site and remain in private ownership such that the owners and occupants will be able to maintain the area in perpetuity.</p> <p>The report does not address the requirements of Chapter 4 of the PBP, in particular a Strategic Bush Fire Study and the minimum requirements for such a study as identified in Table 4.2.1.</p> <p>Should a Strategic Bush Fire Study find the proposal to be appropriate, a more detailed bush fire assessment report and other planning requirements will need to be prepared in accordance with PBP, including a Bush Fire Safety Authority from the NSW Rural Fire Service at the appropriate stage in the approval process.</p> <p>Discussions with the NSW Rural Fire Service (RFS) may be useful at an early stage of design to ensure that any necessary requirements to reduce bush fire risk are incorporated in the development layout.</p>



	Referral area	Key matters raised
5.5	Coast & Catchments	<p><u>Waterway / Riparian and Stormwater Quality Management</u></p> <p>Under the Coastal Management SEPP, the site is mapped as Wetlands and Wetlands Proximity Area.</p> <p>The conceptual layout shown on the masterplan submitted appears to meet the requirements of 15m setback to the Warriewood Wetland.</p> <p>The current proposal for townhouses is an improvement on previous proposals for the site with regards to the opportunity for infiltration which is essential for the Warriewood Wetlands, especially to reduce the impact to the fringe vegetation. The layout of any residential development on the site, including building footprint and roads or hardstand should maximise infiltration to support the wetland environment.</p> <p>Detailed design of stormwater water quality management can be undertaken at development application stage, however, it must be planned for at an early stage to ensure adequate space can be set aside for treatment infrastructure.</p> <p>While the conceptual layout does not show an area specifically set aside for water management facilities, there should be sufficient space in the buffer setback and landscaped areas to incorporate vegetated stormwater treatment. Individual lot scale treatment would not be acceptable at this site. A community title development would accommodate water management facilities located on common land.</p>
5.6	Traffic	<p><u>Road Design – Boondah Road</u></p> <p>The applicant is to demonstrate that the proposed road design meets the requirements of the Warriewood Valley Roads Masterplan, including but not limited to, flood evacuation along Boondah Road towards Macpherson Street, active transport requirements, and circulation for vehicles up to and including an HRV design vehicle on the internal road network.</p> <p>Left in and out only at the southern and northern access points to the site and all movements through a central roundabout controlled access road.</p> <p>The internal road network is likely to be a community title asset similar to other road networks of this nature in the Warriewood Valley area and future design work should consider a shared road style environment.</p> <p><u>Traffic Impact assessment</u></p> <p>The applicant is to demonstrate the impact of the proposed rezoning on the local road network, including current state and future state modelling of key intersections that will have increased traffic flow as part of the rezoning.</p> <p>Confirmation that the modelling requirements of the RMS letter dated 12 October 2012 have been considered and that approval from RMS (now TfNSW Land Use) has been achieved will need to be submitted to support a Planning Proposal.</p> <p>The impact on the Mona Vale Rd/Pittwater Rd and Pittwater Rd/Warriewood Rd intersections are specifically called out in the abovementioned correspondence, however given the proximity to the Pittwater Rd/Jacksons Rd intersection, that intersection should also be included in any modelling to support the application.</p>

	Referral area	Key matters raised
5.7	Parks and Landscape	<p><u>Park Assets</u></p> <p>The proposed open space areas within the site, including children’s playground, passive recreation areas, endangered ecological community, and riparian corridor are regarded as unable to benefit the public (the broader community) in the current configuration. Physical and visual access is limited for these areas to be safely regarded as a public area. The presence of the proposed southern row of 9 townhouses between the open space areas and Boondah Road in essence establishes the open space areas as private space. These open space areas would be primarily used by residents of and visitors to the proposed townhouses, and not appear as freely accessible to the public. Furthermore, the utility of these open space areas for recreation is likely to be diminished by any necessary stormwater bioretention or detention basin.</p> <p>The open space areas indicated on the concept masterplan are not suitable for transfer to Council and would be expected to become part of the common area of a community title development, maintained in perpetuity by the owners and occupiers of the land.</p> <p>Should the proposal seek to establish dedicated public parkland that connects to the Warriewood Wetlands area, the current layout would require removal or alteration of the 9 townhouses at the southern end to establish a suitable area for public use that is physically and visually connected between the street public domain and the parkland to encourage the safe use of the area.</p> <p>Additionally, irrespective of any other matters regarding the use of the open space area, the open space area is required to satisfy the requirements of the Warriewood Valley Landscape Masterplan and Design Guidelines for the provision of a sharepath network connecting the existing and proposed share paths within Warriewood Valley.</p> <p>Under section 2.0, page 6, of the Warriewood Valley Landscape Masterplan and Design Guidelines, a sharepath is proposed to be provided to the Warriewood Wetlands connecting the existing sharepath and walking trail in the Wetlands to Boondah Road. This proposed sharepath is aligned between 12 Boondah Road and the adjoining property known as 79-91 Macpherson Street (Meriton site), and includes a Landscaped Entry. It is not unreasonable to alternatively provide the sharepath at the southern end of 10 Boondah Road and this would allow for sharepath connection from the future Boondah Road sharepath within the road verge, through the proposed open space area of the site, and connecting to the Warriewood Wetlands. This sharepath could be provided within common area of a community title development similar to other developments in the locality.</p> <p><u>Landscape</u></p> <p>Any future residential development will need to comply with the relevant controls that are applicable at the time. Detailed landscape design can be undertaken at development application stage, however, consideration should be given at an early stage in the preparation of a conceptual layout to ensure adequate space can be set aside for landscape treatment.</p> <p>The following comments relate to the concept masterplan submitted and the potential to satisfy the controls currently applicable under the Pittwater 21 DCP, including those specific to D16 Warriewood Valley Locality.</p>

	Referral area	Key matters raised
		<p>The front setback provides insufficient dimension to support large canopy trees within deep soil to integrate with the building design and reduce the visual impact of built form, and this setback will be limited to small to medium size trees only. Any additional built elements within the front setback such as entry paths and ramps, and bin stores, will further diminish the capability of landscape treatment to reduce the perceived bulk and scale of built form.</p> <p>The front setback landscape treatment is crucial to reduce the built form appearance of the proposed townhouses on the Boondah Rd streetscape.</p> <p>The internal front setback and rear setbacks to the townhouses will have limited capacity to support landscape treatment capable of softening building bulk and scale and enhancing amenity. The front setback to each townhouse is minimal and substantially occupied by driveways and the rear setback is likely to support additional residential comfort features such as pergolas, structures, paved areas, clothes lines etc. and not tree planting which would realistically require increased deep soil area.</p> <p>The proposed open space area containing a children’s playground and passive recreation areas potentially impacts upon existing native vegetation.</p> <p>Development should not adversely impact on endangered ecological community vegetation and existing trees should be retained within proposed open space areas wherever possible, to satisfy B4.14 Development in the Vicinity of Wetlands and C6.6 Interface to Warriewood Wetlands.</p> <p>An important criteria for locating the internal access road within the open space area adjacent to the wetland should be to preserve existing endangered ecological community trees where feasible.</p> <p>Additionally, the landscape treatment of the site shall provide the following landscape outcomes: Landscaped Area in accordance with C6.2 and D16; Street tree planting within the road verge to reduce the built form in accordance with C6.2 and the Warriewood Valley Landscape Masterplan and Design Guidelines; and Landscape buffer zones to the perimeter through landscape treatments in accordance with C6.2.</p>

## 6. INTEGRATION OF TECHNICAL AND DESIGN INPUTS

- (a) The requirements associated with achieving satisfactory resolution of flooding, stormwater management, biodiversity, bush fire, traffic, open space and landscape matters discussed in this report will necessarily require collaboration amongst the various technical specialists involved in preparing a planning proposal to ensure that technical solutions are compatible and a holistic, integrated approach to the layout and design of the development is able to demonstrate site-specific merit across the range of issues identified and support a competent justification for the proposal.

## 7. CONCLUSION

- (a) The proposed residential development is not currently contemplated by the site's zoning or Council's strategic planning documents including the LSPS and Housing Strategy. The recently exhibited LEP/DCP Discussion Paper does not suggest any change to the site's RU2 zoning.
- (b) Any planning proposal to rezone the subject land will rely on sufficient justification, and an important component of this will be demonstrable overall public benefit and positive planning outcomes for the broader community.
- (c) A planning proposal will need to delineate and explain the basis of the 'developable' portion of the site in calculating dwelling density, in order to support consideration of compliance with the 32 dwellings per developable hectare density limit that has been planned and applied generally across the residential land in Warriewood Valley.
- (d) A planning proposal to allow residential development on the subject land will need to address Council's Affordable Housing Policy and Guideline, and any affordable housing contributions will apply in addition to development contributions required under s7.11 of the EP&A Act.
- (e) If a draft planning agreement is considered, the applicant should refer to Council's Voluntary Planning Agreement Policy, adopted in 2019.
- (f) Issues and information requirements have been identified by Council's technical specialists regarding flooding, biodiversity, bush fire, riparian values, stormwater quality management, traffic, open space and landscaping, and the proponents' technical specialists should collaborate to prepare a concept layout and design which addresses the identified issues.
- (g) A planning proposal must be accompanied by sufficient information to support an assessment, including the technical studies and supporting documents outlined in Attachment 1.
- (h) It is strongly recommended that the proponent consult with neighbours regarding this proposal before finalising a planning proposal submission to Council.



Phil Jemison  
Manager, Strategic & Place Planning  
27/08/2021

## **ATTACHMENT 1**

Should you choose to pursue preparing a planning proposal, the following outlines the information that would be required to support the application:

### **Technical Studies and Supporting Documents**

- (a) Studies and supporting documents to accompany a planning proposal at lodgement include:
- i. Planning Proposal prepared in accordance with the Department of Planning, Industry and Environment's Guide to Preparing Planning Proposals
  - ii. Water Management Report including site-specific modelling and flood risk assessment
  - iii. Biodiversity Assessment Report, including Stage 1 BAM
  - iv. Strategic Bush Fire Study
  - v. Traffic Impact Assessment Report and Road Design Concept
  - vi. Details of consultation undertaken with TfNSW (RMS) and the NSW Rural Fire Service and any requirements notified by those or any other agencies consulted
  - vii. Affordable Housing Contribution Feasibility Study
  - viii. Preliminary Site Investigation for Contamination
  - ix. Concept plans and/or drawings
  - x. A response to all matters outlined in these PLM notes
- (b) Failure to provide the required supporting documentation may delay assessment of any planning proposal or result in its refusal without further notice.

### **Additional Justification of the Planning Proposal**

The planning proposal shall include:

- (a) Justification of the proposal against the Section 117 Ministerial Directions, including:
- i. 1.2 Rural Zones
  - ii. 2.6 Remediation of Contaminated Land
  - iii. 4.3 Flooding
  - iv. 4.4 Planning for Bushfire Protection
  - v. 6.1 Approval and Referral Requirements
- (b) A statement indicating the relationship with Council's Community Strategic Plan.
- (c) An assessment justifying any non-compliance with the Pittwater Local Environmental Plan, Pittwater Development Control Plan and all relevant State Environmental Planning Policies.
- (d) An assessment of the likely impacts as a result of the planning proposal and how they are proposed to be managed including the drafting of site specific provisions as necessary.

### **Planning Proposal Fees 1 July 2021 - 30 Jun 2022**

The fees currently applicable to lodgement and processing of Planning Proposals are set out in the Strategic & Place Planning section of Council's [Fees and Charges 2021/22 booklet](#).

### **Pre-Gateway Notification**

Following formal lodgement of a Planning Proposal, Council will undertake pre-Gateway public notification (non-statutory) for approximately two weeks and any submissions will be considered.

If the application is supported by Council, the Planning Proposal will be forwarded to the NSW Department of Planning and Environment for assessment and Gateway Determination. Consultation with public authorities and the community (statutory notification) will occur following a successful Gateway determination and in accordance with any conditions set out therein.

### **Privacy and Personal Information**

Council is obliged to make Planning Proposal applications and supporting documents available for public inspection. We do this via the Customer Service Centre and/or Council's website.