



TAKE THE LEAD

## STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.15 Environmental Planning & Assessment Act 1979

### Subdivision of 1 lot into 22 Community title lots with construction of 21 dwellings

Lot 2 DP 1115877  
53A Warriewood Road, Warriewood

Prepared for PVD No. 21 Pty Ltd

July 2021

Our Ref: 434-20



## List of Contents

1.	Introduction .....	1
2.	Existing Environment.....	4
	2.1 Site Details .....	4
	2.2 Site Description.....	4
	2.3 Surrounding development.....	5
	2.4 Environmental Conditions .....	5
3.	Development Proposal .....	7
	3.1 Summary .....	7
	3.2 Access and parking .....	7
	3.3 Stormwater Management.....	8
	3.4 Proposed lot and dwelling details.....	10
	3.5 Development Pathway .....	11
4.	Statutory Planning Framework .....	12
	4.1 Environmental Planning and Assessment Act 1979 .....	12
	4.2 Environmental Planning and Assessment Regulation 2000 (Regulations 13	
	4.3 Environmental Planning Instruments.....	13
	4.3.1 State Environmental Planning Policy No.55 – Remediation of Land (SEPP No.55).....	13
	4.3.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.....	14
	4.3.3 Pittwater Local Environment Plan 2014 .....	14
	4.4 Pittwater 21 Development Control Plan (P21 DCP) .....	20
5.	The Likely Impacts of the Development.....	29
	5.1 Context, Setting & Amenity .....	29
	5.2 Access, Parking & Traffic.....	29
	5.3 Stormwater Management & Flooding.....	30
	5.4 Flora & Fauna .....	30
	5.5 Contamination .....	30
	5.6 Social and Economic Impact.....	30
6.	Suitability of the Site for the Development .....	31
7.	Conclusion .....	32

Issue	Date	Author	Reviewed	Approved
A	27/07/2021	Nick Gunn	Andrew Morelli	Andrew Morelli



## 1. Introduction

Craig & Rhodes Pty Ltd has been engaged by PVD No. 21 to prepare a Statement of Environmental Effects (SEE) for a 22-lot Community title residential subdivision and construction of 21 associated dwellings. Proposed works include the civil works required to extend an existing public road (Lorikeet Grove) and creek rehabilitation works (Narrabeen Creek) within the site. The subject land is identified as Lot 2 DP 1115877, being 53A Warriewood Road, Warriewood. The site is within the Warriewood Valley Release Area in the Northern Beaches Local Government Area.

This SEE is submitted in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations). It finds that the proposal is generally consistent with the controls and objectives of the Pittwater Local Environmental Plan 2014 (PLEP 2014) and Pittwater 21 Development Control Plan (PDCP 21). This SEE outlines steps to be undertaken to protect the environment and to mitigate against any potential harmful impacts, where necessary.

Under Section 4.46 of the *Environmental Planning & Assessment Act 1979* (the Act) this DA is Integrated Development with the Natural Resources Access Regulator, pursuant to s91 of the Water Management Act 2000. Clause (3) of the Regulations defines development requiring approval under the Water Management Act 2000 as *Nominated Integrated Development*.

Based on this assessment the proposal is considered an acceptable form of development, satisfying the provisions of S.4.15 of the Environmental Planning and Assessment Act, 1979 on which basis it may be supported on its merits for approval.

Accompanying this SEE are the plans and supporting documentation listed in **Table 1** (overleaf).



Figure 1: Streetscape photomontage looking north-east from Lorikeet Grove



Table 1 - Supporting documents

Document	Prepared by	Date
<b>Plans</b>		
<b>Master Set:</b> Site Plan (Overall) Ground Floor Plan (Overall) Roof Plan (Overall) Elevations (Overall) Individual Dwelling Plans -Lower Ground Floor Plan -Ground Floor Plan -First Floor Plan -Roof Plan -Elevations Typical Materials Selection Area Calculations Shadow Plans	Saturday Studio	10/07/2021
Photomontage	Saturday Studio	02/08/2021
Landscape Plans	KRLA	15/07/2021
Subdivision Plan	Craig & Rhodes	17/06/2021
Survey Plan	Craig & Rhodes	02/01/2021
Civil Plans (Residential)	Craig & Rhodes	16/07/2021
Civil Plans (Creek)	Craig & Rhodes	16/07/2021
<b>Reports</b>		
Arboricultural Impact Assessment	RainTree Consulting	25/06/2021
Architect Design Statement	Saturday Studio	12/07/2021
Architect Response to Design & Sustainability Review Panel	Saturday Studio	12/07/2021
Phase 2 Contamination Assessment	GeoTechnique Pty Ltd	27/06/2016
Phase 2 Contamination Assessment Update Letter	GeoTechnique Pty Ltd	03/03/2021
Flora & Fauna Assessment	Biosis	18/06/2021
Geotechnical Investigation	Construction Sciences	15/06/2021
Traffic Impact Assessment	CTP Consult Pty Ltd	22/06/2021
Water Quality Monitoring Data	Marine Pollution Research Pty Ltd	29/06/2021
Overland Flow Impact Assessment	Craig & Rhodes	14/07/2021
Water Management Report	Craig & Rhodes	19/07/2021
Waste Management Plan	Craig & Rhodes	27/07/2021





Document	Prepared by	Date
Quantity Surveyors Report	Australian Building Construction Consulting Pty Ltd	23/07/2021
Draft Community Management Statement	Craig & Rhodes	26/07/2021
BASIX Certificate	Insight Energy	27/07/2021



## 2. Existing Environment

The site consists of one lot, the details of which are shown in **Table 2** and **Figure 2**.

### 2.1 Site Details

*Table 2 - Site details*

Legal Description	Address	Site Area	Owner(s)
Lot 2 DP 1115877	53A Warriewood Road, Warriewood	9,251m <sup>2</sup>	<ul style="list-style-type: none"> <li>○ Matilda Iera</li> <li>○ Francesco Iera</li> <li>○ Innis Falvo</li> </ul>



*Figure 2 – Aerial Photo of the Site (Nearmap 2021)*

### 2.2 Site Description

The site contains a single storey fibro dwelling house near to its northern boundary with Warriewood Road. Two small metal sheds are located behind the dwelling. The remainder of the site is vacant and largely cleared, with only scattered vegetation and shrubbery around the boundaries. The site borders Narrabeen Creek, a 2<sup>nd</sup> order stream, to the south-west.





A 5m wide sewer easement for Sydney Water access traverses the site east to west and is located immediately to the rear of the existing house. The easement contains a 1800mm trunk main that services parts of the Warriewood Valley Urban Release Area.

The topographic survey of the site illustrates that the site generally falls from north-eastern frontage (being Warriewood Road) to the southwest boundary (being Narrabeen Creek), with an average gradient of approximately 6%.

### 2.3 Surrounding development

The site and surrounding land are situated in the Warriewood Valley Release Area which is undergoing a transition from rural-residential land uses to medium density residential precinct, in accordance with the *Warriewood Valley Strategic Review Report*.

Surrounding land uses and development is described as follows:

- **North:** Established detached dwelling houses on large lots of around 700m<sup>2</sup>
- **East:** Immediately east is a large lot rural-residential property similar in nature to the subject Site. A DA (DA/2019/0263) was recently approved for a 17-lot community title subdivision. Works on the subdivision have not yet commenced.
- **South:** To the south / south-west is Narrabeen Creek and its associated riparian land, zoned RE1 Public Recreation. On the other side of the creek is a medium density Seniors Housing development, completed in 2016.
- **West:** Recently completed (2013 and 2014) detached housing on lots averaging approximately 400m<sup>2</sup>.


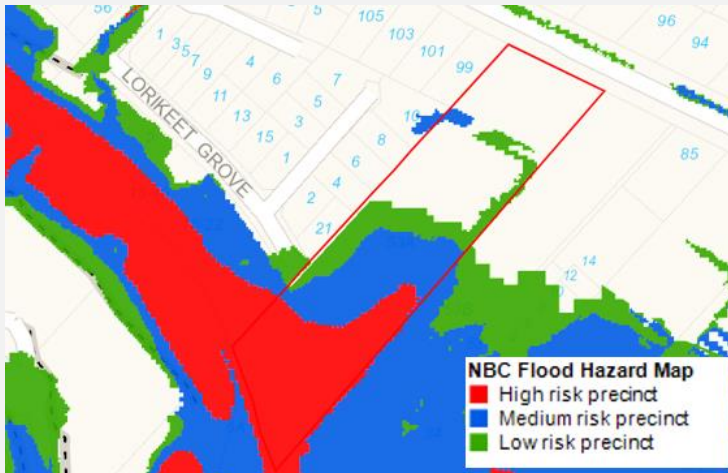
### 2.4 Environmental Conditions

**Table 3** provides an overview of the site's environmental conditions and related planning controls.

Table 3 - Environmental Conditions and Planning Controls

Item	Description
<b>Zoning</b>	R3 Medium Density Residential under the PLEP 2014.
<b>Minimum Lot Size</b>	No minimum lot size under the PLEP 2014.
<b>Release Area</b>	The site is situated in Buffer Area 1b within the Warriewood Valley Release Area under the PLEP 2014.
<b>Heritage</b>	The site is not identified as containing any European heritage item nor is it nearby to a heritage item. It is not located within a Heritage Conservation Area.
<b>Aboriginal heritage</b>	The site is not identified as containing an Aboriginal object or declared Aboriginal Place.
<b>Contamination</b>	Some areas of environmental concern have been identified during a Phase 2 Detailed Contamination assessment. Refer to <b>Section 4.3.1</b>



Item	Description
<b>Geotechnical</b>	The site is not identified as an area of geotechnical hazard under the PLEP 2014.
<b>Salinity</b>	A previous assessment has determined the soils likely to be disturbed are non-saline.
<b>Acid Sulphate Soils</b>	Most of the site is mapped as Class 5 Acid Sulphate Soils under the PLEP 2014. The rear of the site towards the south is partly mapped Class 4 Acid Sulphate Soils. Refer to <b>Section 4.3.3</b>
<b>Biodiversity</b>	<p>A portion of the site is identified as Biodiversity land under the PLEP 2014. Refer to <b>Section 4.3.3</b></p>  <p><i>Figure 3 – Extract from PLEP 2014 Biodiversity Map</i></p>
<b>Bushfire</b>	The site is not bushfire prone.
<b>Flooding</b>	<p>The site is identified as a part high, part medium and part low flood risk under Council's Flood Hazard Map. Refer to <b>Section 4.3.3</b></p>  <p><i>Figure 4 - Extract from Northern Beaches Council Flood Hazard Map</i></p>



### 3. Development Proposal

#### 3.1 Summary

Development consent is sought for the following:

- Demolition of existing dwelling and ancillary structures and the removal of trees and vegetation
- Construction of 21 double storey dwelling houses:
  - 17 x dwelling houses (detached), all with 3 bedrooms.
  - 4 x dwelling houses (abutting one side), all with 3 bedrooms.
- Subdivision of the Site into 23 lots, comprising:
  - 22 Community title lots:
    - Lot 1, being a Community lot, divided into two parts:
      - Part Lot – Private road to join Warriewood Road and Lorikeet Grove
      - Part Lot – a water quality and detention basin within the 25m-50m Narrabeen Creek offset
    - Lots 2 to 22 being residential lots
  - One residue lot (being Lot 23), which will be dedicated to Council as a Public Reserve.
- Civil works including the:
  - Construction of a public road (Lorikeet Grove) tying into the existing section of Lorikeet Grove to the north-east and planned section in the south-east;
  - Construction of a private road to become a link between Warriewood Road and Lorikeet Grove;
  - Upgrade works to the Warriewood Road frontage;
  - Installation of stormwater network including pit and pipe infrastructure as well as stormwater detention and water quality basin.
- Installation of essential services (e.g. potable water, waste water, electricity, gas and NBN);
- Landscaping of each proposed lot and verges, including street tree planting and public domain treatment.
- Narrabeen Creek rehabilitation works (solely contained within Residue Lot 23).

An excerpt of the proposed Plan of Subdivision is provided in **Figure 6**. Details of the proposed lots and associated dwellings are provided in **Section 3.4**.

#### 3.2 Access and parking

Access to all proposed lots / dwellings would be via the new private road, with the exception of Lot 21, which would be accessed from the newly constructed portion of Lorikeet Grove. Access to the Community road will be from either Warriewood Road or Lorikeet Grove.

The private road would have a threshold treatment of 5.5m wide at each entry point (at Warriewood Road and Lorikeet Grove) to control vehicle speeds and provide a more attractive street environment. The aim of the proposed street design has been to contribute positively in reducing vehicle speed and to increase the safety of people driving, crossing and people riding bicycles on the street.



The central section would be 7.0m wide to accommodate visitor car parking on the eastern side of the road and still allow for efficient traffic management and waste collection.

The road reserve of Lorikeet Grove shall be 13m wide in total with a 7.5m carriageway including verges of 1.25m and 4.25m, in accordance with Council Engineering specifications.

### 3.3 Stormwater Management

It is proposed to construct stormwater infrastructure to service the development site to appropriately manage stormwater drainage. A conventional stormwater pit and pipe drainage network will be located within the Community road as well as within the lots located along the south-east side boundary to collect runoff generated.

These flows will be conveyed to the proposed stormwater drainage pit and pipe networks located within the community and public road reserve, which will also capture surface runoff generated. Note these flows are directed to the proposed bio-detention basin via the gross pollutant trap located within the Community lot.

Post basin treatment of the stormwater flow will be directed and discharged into the existing Narrabeen Creek water course south-west of the development site. The Narrabeen Creek corridor within the site is to be regraded and rehabilitated as part of the development works required by Council.

The Water Management Report, prepared by Craig & Rhodes Pty Ltd confirms that the proposal will not create any additional flood prone residential lots, with minimal off-site flood impacts and increased flow conveyance along Narrabeen Creek. All flows discharging from the site are no greater than the pre-development flow rates. Also, all stormwater quality treatment performance targets comply with Council requirements.



Figure 5: Streetscape photomontage looking south-west from the proposed Community road.

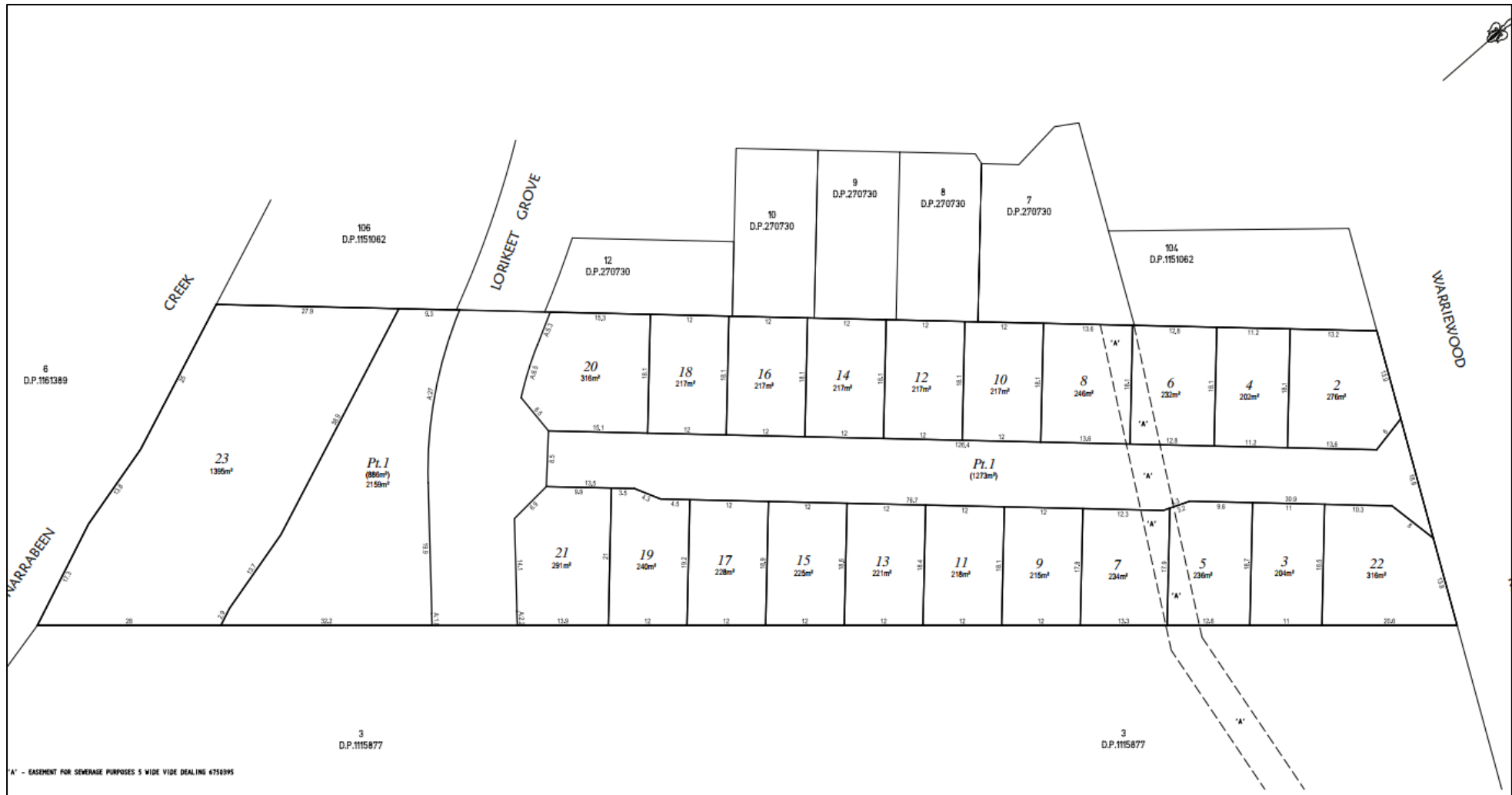


Figure 6 – Excerpt of Proposed Plan of Subdivision





### 3.4 Proposed lot and dwelling details

The proposed lot and dwelling details are provided in **Table 4**.

**Note:** all proposed dwellings are defined in the NSW Standard Instrument as “dwelling houses”. Whilst four of the dwellings will abut another dwelling on one side, they will be structurally independent buildings. This will allow for subdivision to occur prior to the issue of the construction certificates for dwelling construction in accordance with subdivision approval pathway 2a as per Part C.6.9 of the P21 DCP.

Table 4 - Proposed lot and dwelling details

Prop. Lot	Lot details		Dwelling details	
	Width (m)	Area (m <sup>2</sup> )	Bedrooms	Dwelling type
1	N/A – Community Lot consisting of two parts: the private road (1,273m <sup>2</sup> ) and the stormwater detention and quality basin (886m <sup>2</sup> ). Total area: <b>2,159m<sup>2</sup></b>			
2	18	276.29	3	Detached
3	11	204.81	3	Detached
4	11.2	202.86	3	Abutting
5	12.6	236.10	3	Abutting
6	12.8	232.15	3	Abutting
7	13.26	234.35	3	Abutting
8	13.62	246.99	3	Detached
9	12.00	214.45	3	Detached
10	12.00	217.35	3	Detached
11	12.00	218.72	3	Detached
12	12.00	217.35	3	Detached
13	12.00	221.99	3	Detached
14	12.00	217.35	3	Detached
15	12.00	225.26	3	Detached
16	12.00	217.35	3	Detached
17	12.00	228.53	3	Detached
18	12.00	217.35	3	Detached
19	12.00	240.11	3	Detached
20	17.21	316.18	3	Detached
21	14.64	291.80	3	Detached
22	15.24	316.07	3	Detached
23	N/A – Residue lot for dedication to Council. Total area: <b>1,395m<sup>2</sup></b>			



### 3.5 Development Pathway

The proposed development will be carried out through Pathway 2a, in accordance with the land subdivision approval process set out in Part C.6.9 of the P21 DCP (Refer to **Figure 7**):

*Pathway 2a: Subdivision and dwelling construction involving detached or abutting dwellings on lots less than 225 square metres or on lots with a lot width less than 9 metres.*

Approval Pathway	Pathway 1: DA for subdivision	Pathway 2a: DA for subdivision and detached or abutting dwellings (Integrated Housing)	Pathway 2b: DA for subdivision and attached dwellings (Integrated Housing)
Application	Proposed lots equal to or greater than 225 square metres in area, and with a lot width equal to or greater than 9 metres.	Subdivision and dwelling construction involving detached or abutting dwellings on lots less than 225 square metres or on lots with a lot width less than 9 metres.	Subdivision and dwelling construction involving attached dwellings on lots less than 225 square metres or on lots with a lot width less than 9 metres
Plans required	Plan of Subdivision showing the building envelope for each lot is required. Plans of each dwelling are not required, as these will be included as part of any future Development Application or Complying Development Certificate.	Dwelling plans (floor plans, sections and elevations etc.) are required as part of an Integrated Housing proposal.	Dwelling plans (floor plans, sections and elevations etc.) are required as part of an Integrated Housing proposal.
Section 88B restriction on dwelling design	No	Yes – only approved dwelling can be built.	Yes – only approved dwelling can be built.
Timing of subdivision (registration of the subdivision with Land and Property Information)	Prior to approval of any land use including residential development.	Prior to the issue of a Construction Certificate for dwellings.	Prior to the issue of any Occupation Certificate (Interim or Final) for dwellings.

Figure 7 – Extract of Part C.6.9 of the P21 DCP



## 4. Statutory Planning Framework

### 4.1 Environmental Planning and Assessment Act 1979

The following assessment of the proposed development is undertaken in accordance with the heads of consideration in Section 4.15 of the Environmental Planning & Assessment Act 1979 ("the Act") which states;

*Table 5 - Matters for consideration (Section 4.15 requirements)*

EP&A Section and Requirement	Comment
<p>(1) <i>Matters for consideration – General.</i></p> <p><i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application -</i></p>	
(a) <i>The provisions of:</i>	
(i) <i>Any Environmental Planning instrument.</i>	An assessment against the relevant Environmental Planning Instruments (EPIs), including relevant State Environmental Planning Policies, is contained in this section.
(ii) <i>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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).</i>	There are no draft EPIs at the time of preparing this SEE.
(iii) <i>Any development control plan, and</i>	The provisions of the Pittwater 21 DCP have been considered in <b>Section 4.4</b>
(iiia) <i>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.</i>	There are no Voluntary Planning Agreements that have been proposed or entered into by the Applicant.
(iv) <i>The regulations (to the extent that they prescribe matters for the purposes of this paragraph).</i>	The relevant matters under the EP&A Reg 2000 that relate to the proposal have been considered.
(b) <i>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	An assessment of the likely impacts of the proposal has been undertaken in <b>Section 5</b> .
(c) <i>The suitability of the site for development</i>	The suitability of the site has been considered in <b>Section 6</b> .
(d) <i>Any submissions made in accordance with this Act or the regulations.</i>	The DA will be notified and placed on exhibition in accordance with Council requirements and the Regulations.
(e) <i>The public interest.</i>	The proposal is considered compatible with the desired future character of the locality and represents an appropriate form and density of housing given its medium density residential zoning. No unacceptable adverse impacts are anticipated, which is reflected in its consistency with the controls and objectives of the relevant planning controls. The proposal is therefore considered within the public interest.



## 4.2 Environmental Planning and Assessment Regulation 2000 (Regulations)

The development application has been submitted in accordance with Schedule 1 of the Regulations. The applicant understands Council will undertake its assessment of the proposal in accordance with Part 6 of the Regulation.

## 4.3 Environmental Planning Instruments

The proposal is compliant with the provisions of the following State Environmental Planning Policies (SEPPs):

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- Pittwater Local Environmental Plan 2014

### 4.3.1 State Environmental Planning Policy No.55 – Remediation of Land (SEPP No.55)

Under Clause 7 of SEPP No. 55 Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, Council must not consent to the development unless it is satisfied the land will be suitable for the proposed use in its contaminated state or will be suitable after remediation.

A Phase 2 Detailed Contamination Assessment by Geotechnique (Ref: 13757/2-AA) accompanies this DA. The assessment was first prepared in 2016 for a previous DA which encompassed the subject Site as well as the neighbouring site of 53B Warriewood Road.

The objective of the Phase 2 Assessment was to supplement an earlier Phase 1 Assessment with appropriate soil sampling and testing. The Phase 2 Assessment found:

- The entire site is underlain by imported and site-originated fill overlying natural clayey silt, sandy silt and clayey soil.
- No visual evidence of asbestos or other contaminants, with the exception of:
  - Fibro cement pieces in Test Pit (TP) 25 (not within the current subject Site).
  - One fibro-cement piece at the ground surface of judgemental sampling locations FCP1 and FCP2
- All laboratory test results identified that many contaminants are either not present or are not concentrated enough to cause harm to human health or the environment under a “residential with access to soil” form of development, with the exception of:
  - Elevated cadmium
  - PAH concentrations
  - Friable asbestos and bonded asbestos containing material fragments.

The Phase 2 Assessment was updated in February 2021 by Geotechnique. The letter of update notes that a recent site inspection and aerial imagery confirm:

- The site condition remains largely unchanged from the previous inspection in 2016 except for the removal of some ancillary structures (glass house, and two sheds).
- No additional environmental concerns exist in addition to those identified in the 2016 Assessment.



On the basis of the above findings, the letter of update determines that the conclusions of the 2016 Assessment remain valid. Specifically, it finds that the site remains suitable for the proposed residential development subject to the following:

- Detailed sampling and testing of location of concern FCP2, to delineate the extent of asbestos contamination, noting the other locations of concern (TP14, TP20, TP25) are outside of the Site boundary for this DA.
- Sampling and testing of soils in the footprints of site features such as the house, sheds and recycled asphalt covered area, after complete demolition and removal or clearing and in the footprint of former glass house and two former GI sheds.
- Development of a remedial action plan (RAP) – to remediate natural sandy silt plus any other contamination identified through the above-recommended sampling – and appropriate validation.

In accordance with the 2016 Phase 2 Assessment and the 2021 Letter of Update, Council can be satisfied that the site can be made suitable, subject to appropriate remediation, for the proposed use.

#### **4.3.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

Pursuant to the provisions of the Regulations, the proposal is defined as BASIX affected development. A BASIX Certificate for each proposed dwelling accompanies the application indicating full compliance with the BASIX requirements by achieving or surpassing the minimum water, energy, and thermal comfort scores. These commitments have been indicated on the accompanying plans.

#### **4.3.3 Pittwater Local Environment Plan 2014**

The Pittwater Local Environment Plan 2014 is the principal environmental planning instrument applicable to the site.

##### Clause 2.3 Zone – objectives and land use table

Note: abutting dwellings are structurally independent and are therefore a form of 'dwelling house' which is permissible with consent in the R3 Medium Density Residential Zone.

- 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 achieves the objectives of providing housing within a medium density environment and will contribute to the diversification of housing product in the area, increasing supply and addressing the growing demands and dwelling targets for medium density housing in the Warriewood Valley Urban Release Area.





Clause 2.6 Subdivision – consent requirements

This clause allows the subdivision of land to which Pittwater LEP 2014 applies. This Development Application is seeking consent for subdivision.

Clause 2.7 – Demolition requires development

Consent is sought to demolish the existing structures on the Site as part of this proposal.

Clause 4.1 Minimum subdivision lot size

The site is not mapped with a minimum lot size.

Clause 4.1AA Minimum subdivision lot size for community title schemes

Not applicable. This section does not apply to land zoned R3 Medium Density Residential.

Clause 4.3 Height of buildings

This clause requires that:

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The site is subject to a height limit of 10.5m.

Additionally, the site is mapped as 'Area 6' within the Height of Building Map. Therefore, Clause 4.3 (2F) applies and states that:

*Despite subclause (2), development on land identified as "Area 6" on the Height of Buildings Map must not exceed 8.5 metres within the area that is 12.5 metres measured from the boundary of any property fronting Orchard Street, Macpherson Street, Warriewood Road or Garden Street.*

All proposed dwellings do not exceed 10.5m in height. Those part of buildings within 12.5m of Warriewood Road do not exceed 8.5m.

Clause 4.4 Floor Space Ratio

Not applicable – the site is not mapped with a maximum floor space ratio control.

Clause 4.5A Density controls for certain residential accommodation

Sets maximum density requirements for land within the Warriewood Valley Release Area. It applies only to certain dwelling types including but not limited to attached dwellings, semi-detached dwellings and residential flat buildings. The clause does not apply to *dwelling houses* meaning it does not apply to this proposal.



### Clause 6.1 Warriewood Valley Release Area

The objective of this clause is to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and Addendum Report.

Subclause (3) specifies that the number of dwellings permissible on the Site – which makes up the entirety of Buffer Zone 1b (Refer **Figure 8**) – is “*Not more than 24 dwellings or less than 17 dwellings*”

The proposal includes 21 residential lots which is compliant with this control.

Subclause (4) requires the consent authority, prior to granting development consent, be satisfied the proposal will not negatively impact:

- *opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors,*
- *the water quality and flows within creek line corridors,*
- *the stability of the bed, shore, and banks of any watercourse within creek line corridors*

The proposal includes

- a 25m offset from the Creek to be dedicated to Council for rehabilitation and public recreation.
- a further 25m offset (in addition to the above) to contain a stormwater quality and detention basin.

The above offsets and proposed works will positively impact the aquatic and riparian vegetation, water quality and creek stability, as set out in the Water Management Report and Flora & Fauna Assessment which accompany this DA.

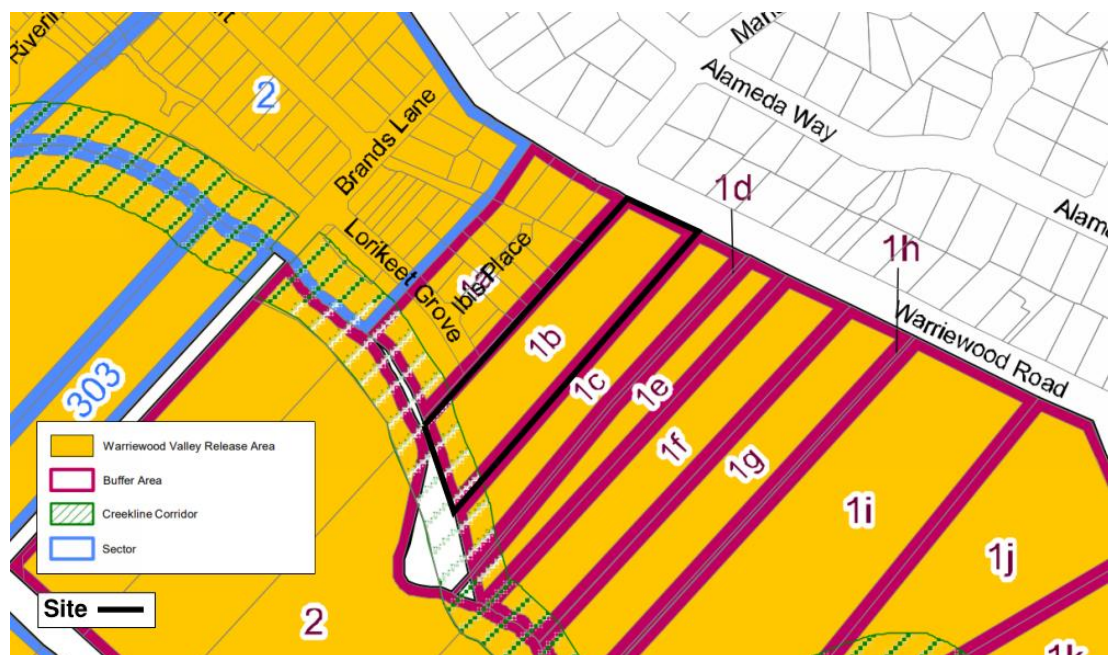


Figure 8 - Warriewood Valley Release Area Map



### Clause 7.1 Acid Sulphate Soils

The site is mapped as part Class 4 and part Class 5 on the Acid Sulfate Soils Map. As such, a Geotechnical Investigation has been prepared by Construction Sciences (ref: 10791E/P/453-A, dated 15 June 2021) and accompanies this DA. The investigation included an assessment of the pH levels of twelve samples from eight boreholes, in accordance with NSW Acid Sulphate Soil Management Manual. The investigation concluded:

- All samples were neither Actual Acid Sulphate nor Potential Acid Sulphate.
- The soils are 'fine grained soils'. The Acid Sulfate Soils Management Manual states that if less than 1000t of fine-grained soils is to be disturbed, a management plan is not required.
- Based on the proposed development, where excavation is largely limited to the OSD basin, it is unlikely that more than 1000t of sulphate soils would be excavated. Therefore, an Acid Sulphate Soils Management Plan is not required.

Council can therefore be satisfied that no Acid Sulphate Soils Management Plan is required, in accordance with subclause (4)(a).

### Clause 7.2 Earthworks

In accordance with the provisions of Cl. 7.2(3), Council must consider the following matters in respect to proposed earthworks:

*Table 6 - Consideration of PLEP Clause 7.2*

Clause 7.2 (3):	Comment
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	The proposal includes a WSUD basin designed to treat and regulate stormwater flows into Narrabeen Creek, thereby minimising impacts to soil stability in the locale.
(b) the effect of the development on the likely future use or redevelopment of the land,	The earthworks are to facilitate the subdivision and construction of dwellings, in accordance with the zoning and strategic vision of the locale.
(c) the quality of the fill or the soil to be excavated, or both,	Fill is proposed to be imported to the site.  Excavated soil from the proposed WSUD basin will be redistributed on-site or taken off-site for disposal pending testing of material. Fill material cut from within the site will be required to be certified VENM, which Council may also apply as a condition of consent
(d) the effect of the development on the existing and likely amenity of adjoining properties,	The proposed earthworks are to enable dwelling construction, in accordance with recent residential development of neighbouring land and the strategic vision of the locale.
(e) the source of any fill material and the destination of any excavated material	It is estimated that a balance of 7,700m <sup>3</sup> of imported soil will be required to facilitate the proposed subdivision. Fill will be required to be certified VENM, which Council may also apply as a condition of consent.
(f) the likelihood of disturbing relics	The site has not been mapped as a heritage or archaeologically sensitive site.



	In accordance with the requirements of the National Parks and Wildlife Act 1974, if unforeseen Aboriginal objects are uncovered during construction, work should cease, and an archaeologist, OEH, and Metropolitan Local Aboriginal Land Council (LALC) should be informed. If human remains are found, work should cease, the site should be secured and the NSW Police and OEH should be notified.
--	---

### Clause 7.3 Flood Planning

In accordance with the provisions of Cl. 7.3, before granting consent to the proposal, Council must be satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The Water Management Report, prepared by Craig & Rhodes Pty Ltd confirms that the proposal will not create any additional flood prone residential lots, with minimal off-site flood impacts and increased flow conveyance along Narrabeen Creek. All flows discharging from the site are no greater than the pre-development flow rates. Also, all stormwater quality treatment performance targets comply with Council requirements.

### Clause 7.6 Biodiversity

A small portion of the site along the creek front is identified as “biodiversity” under this clause. The consent authority is therefore required to consider:

- (a) whether the development is likely to have—*
  - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
  - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
  - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
  - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

A Flora and Fauna Assessment has been prepared in support of the proposal by Biosis, dated 18 June 2021, and accompanies the DA. The objective of the Assessment was to determine the presence of any threatened flora, fauna, populations or ecological communities within the study area and, where applicable, assess the impacts of the proposal on any such species or their habitats, listed under the; Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), NSW Biodiversity Conservation Act 2016 (BC Act), Fisheries Management Act 1994 (FM Act).



The site investigation determined:

- The vegetation at the site was found to comprise two communities, Urban Native/Exotic (0.05 hectares), and Exotic grasslands and weeds (0.84 hectares).
- there is a low likelihood threatened flora species to occur at the site
- No hollow-bearing trees were recorded within the study area. As such, hollow-dependent fauna species, including the Squirrel Glider, Glossy Black-Cockatoo, Powerful Owl and threatened microbat species, are unlikely to utilise the study area as anything more than marginal foraging habitat. Given this, the proposed works are unlikely to significantly impact any of the above threatened fauna species, and a NSW Test of Significance (ToS) is not required.
- The proposed works will not remove any significant foraging or roosting habitat for threatened birds and will not require further assessment.
- Eight priority weeds at the site which are recommended for eradication from the site during or prior to vegetation removal.
- The proposed works do not trigger the Biodiversity Offset Scheme (BOS) under the BC Act. Therefore, consideration of the BOS is not warranted, and a Biodiversity development Assessment report (BDAR) is not required

Based on the above findings, the assessment found that the proposed works should proceed, subject to the following recommendations:

- controlled activity approval must be obtained from the Office of Water before commencing the proposed works, which will require the rehabilitation of 0.07 hectares of the vegetated riparian zone.
- A Vegetation Management Plan (VMP) will therefore need to be prepared.
- The implementation of design and construction methods to protect the water quality of Narrabeen Creek and its associated vegetation regeneration zone.

#### Clause 7.10 Essential Services

This clause requires a proposal to demonstrate that the site can be adequately serviced by reticulated sewage, water, electricity, stormwater drainage and vehicular access.

- *Sewer* – Prior to the issue of a Constriction Certificate, an appropriately qualified Water Services Coordinator will be engaged to submit a design package to Sydney Water for approval.
- *Water* – Prior to the issue of a Constriction Certificate, an appropriately qualified Water Services Coordinator will be engaged to submit a design package to Sydney Water for approval.
- *Electricity* – Prior to the issue of a Constriction Certificate, an appropriately qualified Level 3 ASP Services designer will be engaged to submit a design package to Ausgrid for certification.
- *Stormwater* – Please refer to Civil Engineering Plans prepared by Craig & Rhodes
- *Vehicular Access* – Please refer to **Section 5.2** of this SEE for more information





#### 4.4 Pittwater 21 Development Control Plan (P21 DCP)

**Table 6** provides an assessment of the development against the relevant development controls in the P21 DCP.

*Table 6: Part C6.8 Design*

Control	Comment	Compliance
<b>Section B General Controls</b>		
<b>B1.4</b> Aboriginal Heritage Significance	If any Aboriginal objects are unearthed all work will cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) will be notified.	Y
<b>B3.6</b> Contaminated land and potentially contaminated land	The Site has undergone a Phase 2 Contamination Assessment and is recommended for remediation. Refer to <b>Section 4.3.1</b>	Y
<b>B3.11</b> Flood Prone Land	Part of the Site is Flood Prone. Flood modelling has informed the accompanying Water Management Report and demonstrates no negative impacts from the proposal. Refer to <b>Section 4.3.3</b>	Y
<b>B3.12</b> Climate Change (Sea Level Rise and Increased Rainfall Volume)	Climate change and its impacts on rainfall have been taken into account in the Water Management Report. Refer to <b>Section 4.3.3</b>	Y
<b>Section C General Controls</b>		
<b>C1.12</b> Waste and Recycling Facilities	Dwellings have been designed to accommodate up to four bins in the waste storage area.	Y
<b>C6. 8 Residential Development Subdivision Principles</b>		
Sites less than 60m in width should ideally pursue site amalgamations to facilitate orderly development outcomes	The lot has a width of approximately 45m. Despite being narrower than 60m, the proposed lot and street layout would result in an orderly and efficient use of land and be reflective of the recently developed neighbouring sites and approved (but not yet commenced) layout at the adjacent 53B Warriewood Road.	Y
The subdivision layout including the lot size must respond to the physical characteristics particular to each sector, such as slope and existing significant vegetation, and site constraints including bushfire risk.	The proposed layout responds adequately to the topography and environmental constraints of the site. Very little vegetation is proposed for removal. Creek rehabilitation and proposed landscaping would ultimately result in an increase in vegetation and tree cover at the site. No bushfire risk exists at the site.	Y
Incorporate adequate pedestrian, cycle and vehicle links to the road network, public transport nodes, pedestrian/cyclist network and public open space areas.	The layout will be well integrated into the proposed road network providing access to both Warriewood Road and Lorikeet Grove (through proposed extension). It is also proposed to extend the verge and shared cycle path along Lorikeet Grove and construct a new footpath along Warriewood Road. The development also provides access to proposed open space in the creek offset setback area.	Y



Control	Comment	Compliance
Roads should adjoin creek line corridors and open space areas to facilitate surveillance and access.	The proposed extension of Lorikeet Grove is consistent with this principle.	Y
A single access point to each sector, buffer area or development site serviced by a roundabout, if necessary, or other on-street traffic management facilities is to be provided, with vehicular access to individual lots within the subdivision being from internal roads within that subdivision.	No driveways have direct access to Warriewood Road. Driveway access to lots is achieved through the proposed internal road and only one lot via the proposed Lorikeet Grove.	Y
The number of driveway entrances onto major roads in Warriewood Valley is to be minimised.	No driveways have direct access to Warriewood Road.	Y
Lots must have the appropriate area, dimensions and shape to accommodate the housing product proposed as well as canopy trees and other vegetation, a private outdoor open space, rainwater tanks, vehicular access and onsite parking.	Lots are compliant with lot size controls and are sufficient to accommodate dwelling as demonstrated by dwelling plans accompanying this DA, which include private open space, rainwater tanks and parking. Street tree planting and landscaping is also proposed along verges of internal road.	Y
Lots are to be orientated to optimise solar access for dwellings and areas of private open space.	The orientation of the proposed lots is a result of the sites northeast to southwest orientation between the existing Warriewood Road and Lorikeet Grove. Principal private open space has been positioned in each lot to achieve optimal solar access.	Y
Larger lots should be located on corners.	Lots 20 & 21 and 2 & 22 are corner lots and are significantly larger than non-corner lots.	Y
Battle-axe shaped lots should be minimised.	N/A – No battle-axe lots are proposed.	N/A
A 'break' is to be provided between every three (3) attached/abutting dwelling of the same lot width.	N/A – Only 4 dwellings (2 pairs of 2) are proposed to be abutting. The pairs are located on opposite sides of the proposed road.	N/A
Continuous runs of garages fronting laneways are to be avoided	N/A – No laneways are proposed.	N/A
Lots should be rectangular.	Most lots are rectangular, except for three of the four corner lots. These three lots are suitable for DCP compliant dwellings as demonstrated in the accompanying dwelling plans.	Y
A range of residential lot types (varying in area, frontage, depth and	Lot sizes, widths are varied. All proposed lots of widths are greater than 9m, with wider lots on the corners and	Y



Control	Comment	Compliance
access) should be provided to ensure a mix of housing types and dwelling sizes.  Not more than 20% of any block length is to be of front-loaded lots less than 9 metres.	narrower lots (between 11m and 13.6m wide) in the centre of the site.	
Allotments for attached and abutting dwellings are to be rear loaded, except where it can be demonstrated that rear access is not practical.	The narrow width of the Site makes it impractical to propose rear loaded lots. Further, only four of the 21 dwellings are to be abutting, while the rest are detached.	Y
Corner lots to allow the dwelling to address both street frontages.	Dwellings on proposed corner lots are configured to address both street frontages.	Y
<b>Part C6.9 Residential Land Subdivision Approval Requirements (Pathway 2a)</b>		
Pathway 2a (DA for subdivision and detached or abutting dwellings [integrated housing])	Proposal is for subdivision and detached and abutting dwellings	Y
Lots less than 225m <sup>2</sup> or less than 9m width	10 of the 21 proposed lots are less than 225m <sup>2</sup>	Y
Dwelling plans required as part of an Integrated Housing proposal.	Dwelling plans are provided	Y
A Section 88B restriction will be attached to the lot restricting the built form to the approved dwelling plans.	Noted.	N/A
Subdivision certificate timing: Prior to the issue of a Construction Certificate for dwellings	Noted. Subdivision certificate will be sought prior to dwelling construction.	Y
<b>C6.10 Additional Specifications for development of Buffer Area 1a to 1m</b>		
Lorikeet Grove extension is to traverse Buffer Areas 1a to 1l, and be: <ul style="list-style-type: none"> <li>Local Road under the Warriewood Valley Roads Masterplan</li> <li>In accordance the Indicative Layout Plan</li> </ul>	An extension of Lorikeet Grove is proposed as part of the development and complies with the specifications, cross sections and the indicative layout plan.	Y
A maximum of two new public roads are to directly	No public road is proposed to connect to Warriewood Rd. However, the proposed private road would connect to Warriewood Road. This is the option that best represents	Y



Control	Comment	Compliance
connect to Warriewood Road and Lorikeet Grove.	orderly development, in consideration of the site's width. An alternative turning circle would either not achieve engineering standards or be too large to allow for dwellings on all sides and not represent orderly development.	
The number of driveways along Warriewood Road is to be minimised.	By proposing a road which connects Warriewood Road and Lorikeet Grove, the need for driveway access directly onto Warriewood Road has been removed.	Y
Pedestrian and cycleway network is to be generally in accordance with the Indicative Layout Plan.	The proposed extension of the pedestrian and shared cycle path is in alignment with the Indicative Layout Plan.	Y
<b>D16 Locality Specific Development controls – Warriewood Valley Locality</b>		
<b>D16.1</b> Character as viewed from a public place	Proposed dwellings have been designed to provide visual interest, have a street presence and incorporate design elements (such as roof forms, textures, materials, arrangement of windows, modulation, spatial separation, landscaping etc.). No blank facades will be visible from the public realm.  Refer to Architects Design Statement	Y
<b>D16.4</b> Each dwelling to have a 3000L rainwater tank which: <ul style="list-style-type: none"> <li>collects runoff for toilet flushing and irrigation.</li> <li>Is connected the stormwater system for overflows.</li> </ul>	A 3,000L tank is proposed for each dwelling. It will service toilets, laundry and garden. Refer to Water Management Report.	Y
<b>D16.5</b> Landscaped area for newly created individual allotments: <u>9m to 14m wide:</u> <ul style="list-style-type: none"> <li>35% of site area</li> </ul> <u>&gt;14m wide:</u> <ul style="list-style-type: none"> <li>45% of site area</li> </ul>	17 of the proposed lots are 9-14m wide. Of these, 8 lots fall short of the 35% threshold by 1-2%.  4 of the lots are >14m in width. 3 of these fall short by 1-5%. A variation is requested to this control on the basis that: <ul style="list-style-type: none"> <li>The non-compliance is very minor in nature. On all except for 1 lot, it is 1-2% only.</li> <li>All 21 proposed residential lots are constrained in their depth, given the narrow shape of the parent lot. Generous and deep back gardens are not an option in consideration of this site constraint.</li> <li>The average soft landscape coverage across all 21 lots 37.2%. When considered holistically, this is sufficient to achieve the intended outcomes of this control, in particular, to ensure a reasonable level of privacy and amenity to the proposed and neighbouring properties. It is also consistent with similar developments nearby.</li> </ul>	Minor variation requested.



Control	Comment	Compliance																																																																																
	<table><tr><th>Lot</th><th>Site Area (%)</th><th>Lot</th><th>Site Area (%)</th></tr><tr><td colspan="4">Lots 9-14m wide</td></tr><tr><td>3</td><td>34</td><td>12</td><td>34</td></tr><tr><td>4</td><td>35</td><td>13</td><td>35</td></tr><tr><td>5</td><td>41</td><td>14</td><td>33</td></tr><tr><td>6</td><td>43</td><td>15</td><td>36</td></tr><tr><td>7</td><td>36</td><td>16</td><td>34</td></tr><tr><td>8</td><td>41</td><td>17</td><td>37</td></tr><tr><td>9</td><td>33</td><td>18</td><td>33</td></tr><tr><td>10</td><td>33</td><td>19</td><td>38</td></tr><tr><td>11</td><td>34</td><td></td><td></td></tr><tr><td colspan="4">Lots &gt;14m wide</td></tr><tr><td>2</td><td>45</td><td>21</td><td>40</td></tr><tr><td>20</td><td>44</td><td>22</td><td>43</td></tr><tr><td colspan="4">Average of all lots: 37.2%</td></tr></table>	Lot	Site Area (%)	Lot	Site Area (%)	Lots 9-14m wide				3	34	12	34	4	35	13	35	5	41	14	33	6	43	15	36	7	36	16	34	8	41	17	37	9	33	18	33	10	33	19	38	11	34			Lots >14m wide				2	45	21	40	20	44	22	43	Average of all lots: 37.2%																								
Lot	Site Area (%)	Lot	Site Area (%)																																																																															
Lots 9-14m wide																																																																																		
3	34	12	34																																																																															
4	35	13	35																																																																															
5	41	14	33																																																																															
6	43	15	36																																																																															
7	36	16	34																																																																															
8	41	17	37																																																																															
9	33	18	33																																																																															
10	33	19	38																																																																															
11	34																																																																																	
Lots >14m wide																																																																																		
2	45	21	40																																																																															
20	44	22	43																																																																															
Average of all lots: 37.2%																																																																																		
<b>D16.6</b>  All development fronting Warriewood Road  <ul style="list-style-type: none"><li>Min. front setback to articulation zone – 5m</li><li>Min. front setback to garage/carport from – 6.5m</li><li>Minimum front setback to dwelling – 6.5m</li></ul>	<table><tr><th>Lot</th><th>Articulation Zone</th><th>Garage/carport</th><th>Dwelling</th></tr><tr><td>2</td><td>&gt;5m</td><td>N/A</td><td>6.2m</td></tr><tr><td>22</td><td>&gt;5m</td><td>N/A</td><td>6.5m</td></tr></table> <p>The majority of the dwelling on Lot 2 is setback well in excess of 6.5m. However, a small portion in the north-west corner of the dwelling encroaches approx.. 43cm into the articulation zone. A variation is sought on the basis that this encroachment is very minor in nature and is part of a well-articulated wall and bay window, which provides character and visual interest to the dwelling. Further, it does not hinder the achievement of the intended outcomes. Specifically, a generous soft landscaped setback to Warriewood Road is still provided, which achieves the desired character and minimises bulk and scale of the built form.</p>	Lot	Articulation Zone	Garage/carport	Dwelling	2	>5m	N/A	6.2m	22	>5m	N/A	6.5m	Minor variation requested.																																																																				
Lot	Articulation Zone	Garage/carport	Dwelling																																																																															
2	>5m	N/A	6.2m																																																																															
22	>5m	N/A	6.5m																																																																															
<b>D16.6 (Cont.)</b>  All other dwellings:  <ul style="list-style-type: none"><li>Min. front setback to articulation zone – 1.5m</li><li>Min. front setback to garage/carport – 4m</li><li>Min. front setback to dwelling – 3m</li></ul>	A <table><tr><th>Lot</th><th>Articulation zone (m)</th><th>Garage/port (m)</th><th>Dwelling (m)</th></tr><tr><td>3</td><td>&gt;1.5</td><td>6</td><td>3.5</td></tr><tr><td>4</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>5</td><td>&gt;1.5</td><td>6</td><td>3.5</td></tr><tr><td>6</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>7</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>8</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>9</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>10</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>11</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>12</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>13</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>14</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>15</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>16</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>17</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>18</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>19</td><td>&gt;1.5</td><td>5.5</td><td>3</td></tr><tr><td>20</td><td>&gt;1.5</td><td>N/A</td><td>3.1</td></tr><tr><td>21</td><td>&gt;1.5</td><td>N/A</td><td>5</td></tr></table>	Lot	Articulation zone (m)	Garage/port (m)	Dwelling (m)	3	>1.5	6	3.5	4	>1.5	5.5	3	5	>1.5	6	3.5	6	>1.5	5.5	3	7	>1.5	5.5	3	8	>1.5	5.5	3	9	>1.5	5.5	3	10	>1.5	5.5	3	11	>1.5	5.5	3	12	>1.5	5.5	3	13	>1.5	5.5	3	14	>1.5	5.5	3	15	>1.5	5.5	3	16	>1.5	5.5	3	17	>1.5	5.5	3	18	>1.5	5.5	3	19	>1.5	5.5	3	20	>1.5	N/A	3.1	21	>1.5	N/A	5	Y
Lot	Articulation zone (m)	Garage/port (m)	Dwelling (m)																																																																															
3	>1.5	6	3.5																																																																															
4	>1.5	5.5	3																																																																															
5	>1.5	6	3.5																																																																															
6	>1.5	5.5	3																																																																															
7	>1.5	5.5	3																																																																															
8	>1.5	5.5	3																																																																															
9	>1.5	5.5	3																																																																															
10	>1.5	5.5	3																																																																															
11	>1.5	5.5	3																																																																															
12	>1.5	5.5	3																																																																															
13	>1.5	5.5	3																																																																															
14	>1.5	5.5	3																																																																															
15	>1.5	5.5	3																																																																															
16	>1.5	5.5	3																																																																															
17	>1.5	5.5	3																																																																															
18	>1.5	5.5	3																																																																															
19	>1.5	5.5	3																																																																															
20	>1.5	N/A	3.1																																																																															
21	>1.5	N/A	5																																																																															





Control	Comment	Compliance																														
<b>D16.6 (Cont.)</b>  For corner lots, the setback to the secondary street frontage for all dwellings. <ul style="list-style-type: none"><li>• articulation zone – 1m</li><li>• garage/carport – 2m</li><li>• dwelling – 2m</li></ul>	<table><tr><th>Lot</th><th>Articulation zone</th><th>Garage/port</th><th>Dwelling</th></tr><tr><td>22</td><td>3.6m</td><td>6m</td><td>3.6m</td></tr><tr><td>2</td><td>3.1m</td><td>5.5m</td><td>3.1m</td></tr><tr><td>20</td><td>2.5m</td><td>4.8m</td><td>2.5m</td></tr><tr><td>21</td><td>1.5m</td><td>6m</td><td>1.5m</td></tr></table> <p>All lots comply with the exception of Lot 21, which has a reduced minimum front setback of 1.5m for a span of 4m on its secondary boundary. A variation is sought for Lot 21 on the basis that:</p> <ul style="list-style-type: none"><li>• It is a minor encroachment by a small portion of the building.</li><li>• The encroachment of the building line into the articulation zone is justified as it serves to better articulate the front façade and reduce the building’s bulk from Lorikeet Grove.</li></ul>	Lot	Articulation zone	Garage/port	Dwelling	22	3.6m	6m	3.6m	2	3.1m	5.5m	3.1m	20	2.5m	4.8m	2.5m	21	1.5m	6m	1.5m	Minor variation requested.										
Lot	Articulation zone	Garage/port	Dwelling																													
22	3.6m	6m	3.6m																													
2	3.1m	5.5m	3.1m																													
20	2.5m	4.8m	2.5m																													
21	1.5m	6m	1.5m																													
<b>D16.7 Side building lines</b>																																
<b>D16.7 Side building lines</b>  Attached or abutting dwelling 9m to 14m wide. <ul style="list-style-type: none"><li>• One side: 0m (GF) and 1.5m (FF) on zero lot line</li><li>• Zero lot line length max. 13m. Then 0.9m setback applies</li><li>• Other side: 0.9m</li></ul>	<table><tr><th>Lot</th><th>One side</th><th>Upper level</th><th>Length of zero lot line</th><th>Other side</th></tr><tr><td>3</td><td>0m</td><td>1.5m</td><td>8.8m</td><td>2.2m</td></tr><tr><td>5</td><td>0m</td><td>1.5m</td><td>8.8m</td><td>3.8m</td></tr><tr><td colspan="5"></td></tr><tr><td>4</td><td>0m</td><td>1.5m</td><td>8.8m</td><td>2.4m</td></tr><tr><td>6</td><td>0m</td><td>1.5m</td><td>8.8m</td><td>3.7m</td></tr></table>	Lot	One side	Upper level	Length of zero lot line	Other side	3	0m	1.5m	8.8m	2.2m	5	0m	1.5m	8.8m	3.8m						4	0m	1.5m	8.8m	2.4m	6	0m	1.5m	8.8m	3.7m	Y
Lot	One side	Upper level	Length of zero lot line	Other side																												
3	0m	1.5m	8.8m	2.2m																												
5	0m	1.5m	8.8m	3.8m																												
4	0m	1.5m	8.8m	2.4m																												
6	0m	1.5m	8.8m	3.7m																												



Control	Comment	Compliance																																																																																										
<p>Zero lot line dwelling 9m to 14m wide</p> <ul style="list-style-type: none"><li>One side: 0m at ground floor for a maximum wall length of 13m.</li><li>The remaining portion of the ground floor dwelling is to setback 0.9m</li><li>The upper level is to be setback 1.5m</li><li>Other side: 0.9m</li></ul>	<table><tr><th rowspan="2">Lot</th><th colspan="2">Side A (Zero lot line)</th><th rowspan="2">Side B (m)</th></tr><tr><th>GF (m)</th><th>Upper floor(s) (m)</th></tr><tr><td>2</td><td>12.1</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>3</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>4</td><td>12</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>5</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>6</td><td>12</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>7</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>8</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>9</td><td>12.4</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>10</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>11</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>12</td><td>12.4</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>13</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>14</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>15</td><td>12.4</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>16</td><td>12.4</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>17</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>18</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>19</td><td>12.6</td><td>1.5</td><td>&gt;0.9</td></tr><tr><td>20</td><td colspan="3">N/A – not zero lot. See below.</td></tr><tr><td>21</td><td colspan="3">N/A – not zero lot. See below.</td></tr><tr><td>22</td><td>10.6</td><td>1.5</td><td>&gt;0.9</td></tr></table>	Lot	Side A (Zero lot line)		Side B (m)	GF (m)	Upper floor(s) (m)	2	12.1	1.5	>0.9	3	12.6	1.5	>0.9	4	12	1.5	>0.9	5	12.6	1.5	>0.9	6	12	1.5	>0.9	7	12.6	1.5	>0.9	8	12.6	1.5	>0.9	9	12.4	1.5	>0.9	10	12.6	1.5	>0.9	11	12.6	1.5	>0.9	12	12.4	1.5	>0.9	13	12.6	1.5	>0.9	14	12.6	1.5	>0.9	15	12.4	1.5	>0.9	16	12.4	1.5	>0.9	17	12.6	1.5	>0.9	18	12.6	1.5	>0.9	19	12.6	1.5	>0.9	20	N/A – not zero lot. See below.			21	N/A – not zero lot. See below.			22	10.6	1.5	>0.9	Y
Lot	Side A (Zero lot line)		Side B (m)																																																																																									
	GF (m)	Upper floor(s) (m)																																																																																										
2	12.1	1.5	>0.9																																																																																									
3	12.6	1.5	>0.9																																																																																									
4	12	1.5	>0.9																																																																																									
5	12.6	1.5	>0.9																																																																																									
6	12	1.5	>0.9																																																																																									
7	12.6	1.5	>0.9																																																																																									
8	12.6	1.5	>0.9																																																																																									
9	12.4	1.5	>0.9																																																																																									
10	12.6	1.5	>0.9																																																																																									
11	12.6	1.5	>0.9																																																																																									
12	12.4	1.5	>0.9																																																																																									
13	12.6	1.5	>0.9																																																																																									
14	12.6	1.5	>0.9																																																																																									
15	12.4	1.5	>0.9																																																																																									
16	12.4	1.5	>0.9																																																																																									
17	12.6	1.5	>0.9																																																																																									
18	12.6	1.5	>0.9																																																																																									
19	12.6	1.5	>0.9																																																																																									
20	N/A – not zero lot. See below.																																																																																											
21	N/A – not zero lot. See below.																																																																																											
22	10.6	1.5	>0.9																																																																																									
<p>Detached dwelling on lot 14-16m wide</p> <ul style="list-style-type: none"><li>both sides: 0.9m and 1.5m for upper level</li></ul>	Lot 21 is 14.6m wide at the building line. Setbacks at both side boundaries are 0.9 (GF) and 1.5 (FF).	Y																																																																																										
<p>Detached dwelling greater than 16m wide</p> <ul style="list-style-type: none"><li>One side: 0.9m</li><li>Other side: 2.5m</li></ul>	<p>Lot 20 is 17.2m at the building line. Setbacks are:</p> <ul style="list-style-type: none"><li>One side: 0.9m (GF) and 1.5m (FF)</li><li>Other side: 3.8m (GF &amp; FF)</li></ul>	Y																																																																																										



Control	Comment	Compliance																																																
<b>D16.7 Rear building line</b>  Front loaded lots less than 20m deep. <ul style="list-style-type: none"><li>4m</li></ul>	<p>All lots comply, with the exception of lots 7, 9 and 11. Minor variations are sought for these 3 lots on the basis that:</p> <ul style="list-style-type: none"><li>The variations are minor in nature with only one of them in excess of 10%</li><li>The narrow and varying shape of the parent lot creates difficulties meeting both front and rear setbacks for all lots.</li><li>The average rear setback across the development is 4.1m, ensuring the intended outcomes of the control are achieved, in particular, the desired character of the locale and a reasonable level of privacy and amenity for occupants and neighbours.</li></ul>	Minor variation requested																																																
	<table><tr><th>Lot</th><th>Rear setback (m)</th><th>Lot</th><th>Rear setback (m)</th></tr><tr><td>2</td><td>N/A – corner lot</td><td>13</td><td>4.3</td></tr><tr><td>3</td><td>4</td><td>14</td><td>4</td></tr><tr><td>4</td><td>4.1</td><td>15</td><td>4.5</td></tr><tr><td>5</td><td>4</td><td>16</td><td>4</td></tr><tr><td>6</td><td>4</td><td>17</td><td>4.8</td></tr><tr><td>7</td><td>3.5</td><td>18</td><td>4</td></tr><tr><td>8</td><td>4</td><td>19</td><td>5.1</td></tr><tr><td>9</td><td>3.7</td><td>20</td><td>N/A – corner lot</td></tr><tr><td>10</td><td>4</td><td>21</td><td>N/A – corner lot</td></tr><tr><td>11</td><td>3.9</td><td>22</td><td>N/A – corner lot</td></tr><tr><td>12</td><td>4</td><td></td><td></td></tr></table>		Lot	Rear setback (m)	Lot	Rear setback (m)	2	N/A – corner lot	13	4.3	3	4	14	4	4	4.1	15	4.5	5	4	16	4	6	4	17	4.8	7	3.5	18	4	8	4	19	5.1	9	3.7	20	N/A – corner lot	10	4	21	N/A – corner lot	11	3.9	22	N/A – corner lot	12	4		
Lot	Rear setback (m)	Lot	Rear setback (m)																																															
2	N/A – corner lot	13	4.3																																															
3	4	14	4																																															
4	4.1	15	4.5																																															
5	4	16	4																																															
6	4	17	4.8																																															
7	3.5	18	4																																															
8	4	19	5.1																																															
9	3.7	20	N/A – corner lot																																															
10	4	21	N/A – corner lot																																															
11	3.9	22	N/A – corner lot																																															
12	4																																																	
<b>D16.9 Solar access</b>  Living room windows and POS - 70% of the proposed dwellings- 2 hours	<table><tr><th>Lot</th><th>Living areas and POS (hrs of sunlight)</th><th>Lot</th><th>Living areas and POS (hrs of sunlight)</th></tr><tr><td>2</td><td>7</td><td>13</td><td>4</td></tr><tr><td>3</td><td>5</td><td>14</td><td>6</td></tr><tr><td>4</td><td>5</td><td>15</td><td>4</td></tr><tr><td>5</td><td>5</td><td>16</td><td>6</td></tr><tr><td>6</td><td>6</td><td>17</td><td>4</td></tr><tr><td>7</td><td>4</td><td>18</td><td>6</td></tr><tr><td>8</td><td>6</td><td>19</td><td>4</td></tr><tr><td>9</td><td>4</td><td>20</td><td>6</td></tr><tr><td>10</td><td>6</td><td>21</td><td>6</td></tr><tr><td>11</td><td>4</td><td>22</td><td>7</td></tr><tr><td>12</td><td>6</td><td></td><td></td></tr></table>	Lot	Living areas and POS (hrs of sunlight)	Lot	Living areas and POS (hrs of sunlight)	2	7	13	4	3	5	14	6	4	5	15	4	5	5	16	6	6	6	17	4	7	4	18	6	8	6	19	4	9	4	20	6	10	6	21	6	11	4	22	7	12	6			Y
Lot	Living areas and POS (hrs of sunlight)	Lot	Living areas and POS (hrs of sunlight)																																															
2	7	13	4																																															
3	5	14	6																																															
4	5	15	4																																															
5	5	16	6																																															
6	6	17	4																																															
7	4	18	6																																															
8	6	19	4																																															
9	4	20	6																																															
10	6	21	6																																															
11	4	22	7																																															
12	6																																																	



Control	Comment	Compliance
<b>D16.10 Private Open Space</b>  Private and communal open space areas (for Integrated Housing Application) <ul style="list-style-type: none"><li>• Minimum area 16m<sup>2</sup></li><li>• Minimum dimension of 3m</li></ul>	All proposed dwellings significantly exceed the 16m <sup>2</sup> minimum. Dimensions exceed 3m.	Y
Building Colours and materials	Natural tones such as light and dark greys and stone for fencing is proposed.	Y



## 5. The Likely Impacts of the Development

### 5.1 Context, Setting & Amenity

The site is located in the Warriewood Valley Release Area, which is transitioning from rural residential to medium density residential, in accordance with the Warriewood Valley Planning Framework 2010. The current pattern of development in the Release Area comprises a mix of detached, semi-detached and attached dwellings on smaller residential lots between 150m<sup>2</sup> and 400m<sup>2</sup>

The proposed subdivision and associated dwellings will provide high quality family homes in a medium density environment. Together with the proposed landscaping scheme, the new dwellings will be compatible in form, character and density with the surrounding developments and provide a high level of amenity to future occupants and the wider community.

### 5.2 Access, Parking & Traffic

A Transport Impact Assessment has been completed by CRP Consult Pty Ltd (Ref 21-003, dated 22 June 2021) in support of the proposal and accompanies the DA. The findings of the assessment are set out below:

#### Visitor Parking

The Pittwater DCP B6.3 Table 1 identifies a visitor car parking rate of 1 space per 3 dwellings. Based on 21 dwellings this equates to a minimum of 7 car parking spaces. There is sufficient room to provide a minimum 7 visitor car parking spaces on the eastern side of the central accessway. An indented car parking space is also provided adjacent to the site on Warriewood Road.

#### Traffic generation

The completed development could generate 21 vehicle movements in a peak hour with 225 vehicle movements over the entire day. Adequate capacity exists in the surrounding road network to cater to this additional traffic.

#### Safety and amenity

The proposed central accessway includes 5.5m thresholds at the entrance from both Warriewood Road and Lorikeet Grove which would reduce vehicle speeds and increase safety and amenity.

Satisfactory sight distances can be achieved on Warriewood Road and appear to be achieved on Lorikeet Grove to the north-west. While there appears to be sufficient sight distance to the south-east from Lorikeet Grove, this would need to be checked in more detail by others as part of the detailed design of Lorikeet Grove.

#### Swept paths and waste collection

Two B99 vehicles can undertake simultaneous movements and a heavy rigid vehicle can turn into the central access road at each end from either direction. There are adequate passing and u-turn opportunities along the central accessway created by the driveways along the central accessway. Refuse collection is proposed to occur on-street by Council vehicles and there is satisfactory width for this to occur.





In accordance with the above findings, Council can be satisfied that no unacceptable impacts to parking or traffic generation are likely to occur as a result of the proposal.

### **5.3 Stormwater Management & Flooding**

The Water Management Report, prepared by Craig & Rhodes Pty Ltd confirms that the proposal will not create any additional flood prone residential lots, with minimal off-site flood impacts and increased flow conveyance along Narrabeen Creek. All flows discharging from the site are no greater than the pre-development flow rates. Also, all stormwater quality treatment performance targets comply with Council requirements.

### **5.4 Flora & Fauna**

As discussed in **Section 4.3.3** A Flora and Fauna Assessment prepared in support of the proposal found that the predominant vegetation of the site is exotic grasslands and weeds and, as such, there is a low likelihood of:

- threatened flora species at the site
- threatened fauna species using the site for anything other than marginal foraging habitat.

The assessment concluded that the proposal should proceed subject to recommendations to mitigate any negative impacts. In accordance with the above findings, Council can be satisfied that no unacceptable impacts to parking or traffic generation are likely to occur as a result of the proposal.

### **5.5 Contamination**

As set out in the accompanying Phase 2 Contamination Assessment, the site will be remediated to remove identified asbestos contamination and made suitable for the proposed residential use. Council can be therefore be satisfied that the proposal will result in a positive impact on the site and surrounds through the removal of asbestos and any other contaminants which may be identified through as part of recommended additional testing.

### **5.6 Social and Economic Impact**

The social and economic impacts of the proposed development relate to the future occupation and development of residential land. In this regard the proposal is part of a strategic land release area under the Warriewood Valley Strategy, being associated with provision of community infrastructure. The site is also in close proximity to the growing Mona Vale business district where local employment opportunities may grow.

Employment is addressed during dwelling construction and the proposal will continue to contribute to the growth of housing which is in demand in the Northern Beaches.



## 6. Suitability of the Site for the Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent development or from within the site; there are adequate transport facilities in the area; utilities and services are available and adequate for the site.

There are no hazardous land uses or activities nearby, and noise levels from future residential occupancy will have minimal effect on the surrounds. Access arrangements will be onto upgraded existing roads and two proposed new roads. The proposed lots and their future development as dwelling houses will be complimentary to the locality.

There are no known zoning, planning or environmental matters that should hinder the development of the subdivision as proposed.



## 7. Conclusion

It is recommended that the proposal be supported on the following grounds:

- a.** The proposal is considered acceptable under Section 4.15 of the Environmental Planning and Assessment Act 1979;
- b.** The proposal is consistent with the relevant provisions of the Pittwater LEP 2014 and Pittwater 21 DCP.
- c.** The proposal is considered to not have any significant adverse impacts to the surrounding built or natural environment.
- d.** The proposal will provide additional housing for the community whilst complimenting the existing subdivision pattern, and enhancing the local economy.