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**STATEMENT OF
ENVIRONMENTAL EFFECTS**

CONSTRUCTION OF A PRIVATE ROAD

**10 JUBILEE AVENUE & 4 BOUNDARY STREET,
WARRIEWOOD**

**On behalf of
Opera Developments P/L**

February 2011

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Prepared under instructions from

Opera Developments P/L

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Opera Developments P/L. The proposal seeks approval for the construction of a private road over parts of land known as 10 Jubilee Avenue & 4 Boundary Street, Warriewood.

The consent of both property owners is provided in support of the subject application.

The subject application is made in response to a resolution of the Council who on the 18th September 2006 formally resolved to include land known as 120 Mona Vale Road, Warriewood within the Warriewood Land Release for the purpose of residential development on the basis that *"the applicant, his advisors and Council staff consult as to the land capability, the potential yield and the securing of adequate access for the site."*

This application seeks to provide adequate access to the site known as 120 Mona Vale Road, Warriewood.

In assessing this application consideration has been given to the following documents:

- *Environmental Planning & Assessment Act 1979, as amended*
- *Pittwater Local Environmental Plan 1993*
- *Pittwater 21 Development Control Plan*

In addition to this Statement of Environmental Effects, the proposal is described in the following documentation:

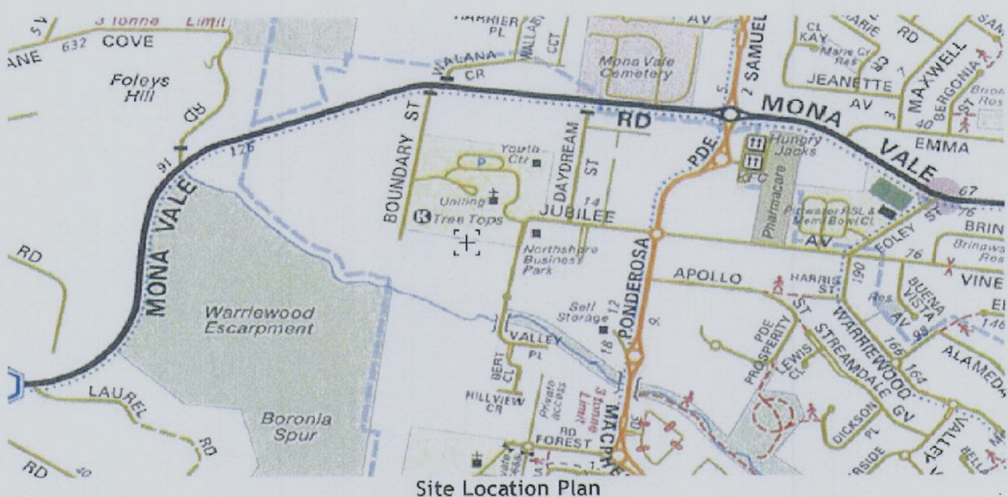
- Site Survey Plan prepared by Mepstead & Associates P/L, Reference No.4034 and dated 26/11/10;
- Proposed Road Design prepared by Mepstead & Associates P/L, Reference No.4034, Sheets 1 to 4 and dated 23/12/10;
- Arboricultural Impact Assessment Report prepared by Footprint Green P/L and dated 21/1/11;
- Flora & Fauna Assessment Report prepared by Footprint Green P/L and dated 29/2/11;
- Traffic Report prepared by TAR Technologies and dated February 2011.
- Report on Geotechnical Investigation prepared by Crozier Geotechnical Consultants, Project No. 2011-023 and dated February 2011.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979.

As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

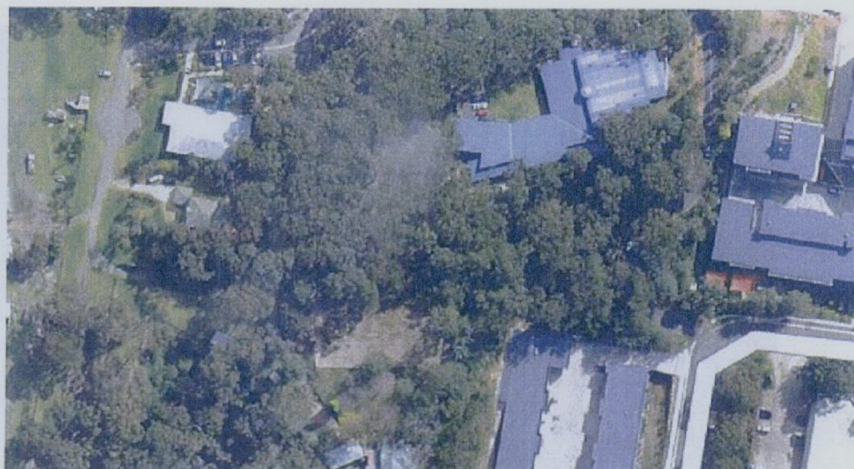
2. THE SITE

The lands the subject of this application are identified as Lot 10 in DP 5055 and which is known as 10 Jubilee Avenue, Warriewood and Lot 2 in DP 816070 and which is known as 4 Boundary Street, Warriewood. Access to Jubilee Avenue is provided via Ponderosa Parade to the east. Boundary Street is currently not provided with any direct access to a public road with access to Mona Vale Road having previously been closed. Access to Boundary Street is currently provided via a right of carriageway over the existing access driveway to 10 Jubilee Avenue, although noting that this right of carriageway is limited by the terms of an existing 88B Instrument.



The land at 10 Jubilee Avenue is currently occupied by the Uniting Church and contains a number of buildings comprising a church, child care centre and recreation centre and carparks and which are set within a generally bushland setting. The portion of that site to be occupied by the proposed road is undeveloped and contains indigenous vegetation. This portion of the site is generally moderate to steeply sloping and falls towards Jubilee Avenue. The site then becomes gently undulating towards its centre at which point the proposed road transfers across onto the land known as 4 Boundary Street.

The land at 4 Boundary Street upon which the proposed road is to be erected is also gently undulating and comprises an altered landscape comprising of a horse exercise yard, mown lawns and individual tree specimens. A dwelling house and ancillary structures are also located upon this property towards its south eastern corner.



An aerial view of the subject sites

An assessment of the subject sites in relation to existing vegetation and potential flora and fauna issues has been undertaken by Footprint Green P/L. Their reports form part of the information accompanying this application.

In relation to the issue of tree removal their report found that the proposed road construction would result in the removal of a total of 88 trees of which 52 were identified as having a landscape significance of Moderate or Less with the remaining 36 trees comprising of 19 High landscape significant trees and 17 Significant landscape significant trees. In addition to the above their report notes that the subject sites both support a considerable number of trees many of which are beyond the influence of the development proposal.

As detailed an assessment of the sites has also been undertaken by Footprint Green to determine whether the proposed road construction will result in any significant impacts upon flora and fauna. In this regard that report found that subject to the adoption of a number of recommendations that the proposal would not result in any unreasonable flora or fauna impacts.



The location of the proposed road as viewed from Jubilee Avenue

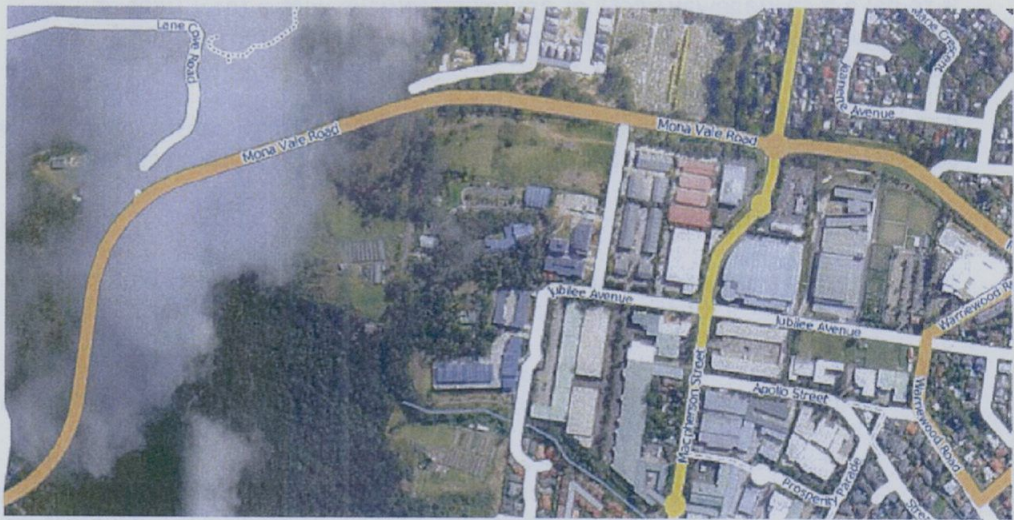


The location of the proposed road as viewed from Boundary Street

3. THE SURROUNDING ENVIRONMENT

The area surrounding the subject sites as evidenced in the aerial photograph below and the extract from Council's Zoning Map contained at Section 5 of this report comprises a range of land uses. Those land uses are generally as follows:

North	3(e) Office Business E - Currently Vacant
West	1(a) Non Urban - 120 Mona Vale Road
South	1(b) Non Urban & 4(b) Light Industrial
East	4(b) Light Industrial



Of additional note is that further to the south east of the site exists a number of existing light industrial/warehouse developments with a number of existing and proposed small lot housing estates located beyond these.

4. THE PROPOSAL

The proposal seeks approval for the construction of a new private road. The proposed roadway is to be located within a right of carriageway to be created over each of the subject allotments. The right of carriageway once created will be in favour of 120 Mona Vale Road and will provide access for vehicles with unrestricted access from Jubilee Avenue to Boundary Street and then in turn to 120 Mona Vale Road.

The road as detailed on the accompanying plans prepared by Mepstead & Associates is to have a carriageway width of approximately 9m with a total right of carriageway width of 17m comprising of a 4m landscape/buffer zone located on either side.

Retaining walls required to accommodate the proposed road construction will be generally located adjacent to the extremities of the right of carriageway.

It is advised that the proposed road is required:

1. So as to provide appropriate access to 120 Mona Vale Road, Warriewood noting that additional/increased access to that site from Mona Vale Road is not permitted.
2. So as to provide appropriate access to 120 Mona Vale Road, Warriewood noting that Boundary Street has been closed at its intersection with Mona Vale Road.
3. So as to provide appropriate access to 120 Mona Vale Road, Warriewood noting that 120 Mona Vale Road can currently only be accessed via a right of carriageway over the existing Uniting Church driveway. Such access is limited by the terms of the existing Section 88B Instrument and existing physical limitations such as speed humps and other traffic calming devices.

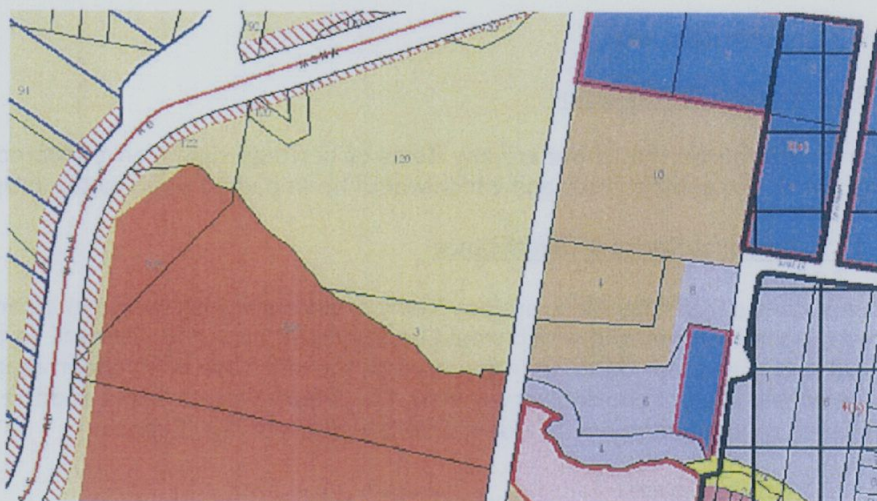
It is also advised that the proposed road is required so as to allow for the orderly and economic development of the adjoining property at 120 Mona Vale Road as reflected by the resolution of the Council who on the 18th September 2006 formally resolved to include land known as 120 Mona Vale Road, Warriewood within the Warriewood Land Release for the purpose of residential development on the basis that *"the applicant, his advisors and Council staff consult as to the land capability, the potential yield and the securing of adequate access for the site."*

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as local development under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Pittwater Council.

5.1 Pittwater Local Environmental Plan 1993

The subject lands are both zoned 1(b) Non-Urban B under the provisions of the Pittwater Local Environmental Plan 1993.



Extract from Council Zoning Map

Under the development control table contained at Clause 9 of the LEP the construction of a private road is considered to be permissible with the consent of Council as an innominate use.

There are no other provisions of the Pittwater LEP 1993 which are considered to be specifically applicable to the proposal.

5.2 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP applies to the subject site and the proposed development. An assessment of the DCP has been undertaken and it is considered that Part B (General Controls), Part C (Design Criteria) and Part D14 Warriewood Locality Statement apply to the construction of a proposed private road upon the site. These controls form the primary criteria and controls for development within the subject locality.

The following is an assessment of the proposal against the relevant provisions of the DCP.

Part B General Controls

B1.3 Heritage Conservation

It is not considered that there are any items of heritage significance located on or adjacent to the subject sites and which would be impacted upon by the proposal.

B1.4 Aboriginal Heritage Significance

It is not considered that there are any items of aboriginal heritage significance located upon the sites and which would be impacted upon the proposal. In this regard it is noted that detailed inspections of the site have been undertaken as part of the preparation of the site survey plan, the arboricultural report and the flora and fauna report none of which identified any items of significance.

B3 Hazard Controls

The subject site is identified as being affected by the following hazards:

B3.1 - Landslip

The subject site is identified as partly containing Geotechnical Hazard Zone - H1.

An assessment of this constraint has been undertaken by Crozier Geotechnical Consultants. That report within its conclusion found that:

The existing site has been assessed as per the AGS 2007 and Pittwater Council interim Geotechnical Risk Management Policy 2009 and achieves the "Acceptable" risk criteria in its current state. It is therefore suitable for the proposed development and can continue to achieve the "Acceptable" risk criteria required by Council's Policy during and following the proposed new

road development provided that any recommendations outlined in this report are followed.

B4.18 Heathland/Woodland Vegetation

The subject lands are identified as containing heathland/woodland vegetation.

An assessment of the sites in relation to proposed tree removal and flora and fauna issues has been undertaken by Footprint Green P/L.

In relation to the issue of impact upon threatened species and the like their report within its conclusion states that:

Based upon the assessment criteria outlined in Part 1, section 5A of the Environmental Planning and Assessment Act 1979 (NSW) it is considered that the proposed development will not have a significant impact on threatened species listed in the schedules of the Threatened Species Conservation Act 1995 (NSW) provided that the following recommendations are implemented.

To minimise the impact on the local ecology and threatened species, populations & communities it is recommended that:

- (a) All trees not identified as being removed in the arboricultural report (Footprint Green, 2011) are to be retained and protected prior to and during construction.*
- (b) All vegetation with the exception of noxious and environmental weeds within 2m of the proposed development footprint is to be protected and retained prior to and during construction.*
- (c) All noxious and environmental weeds within 10m of the proposed works and within the works areas are to be removed using standard bush regeneration techniques.*
- (d) The nest / roosting boxes currently on the site are to be relocated to trees that are to be retained within the allotment known as 10 Jubilee Avenue.*
- (e) An additional 3 microchiropteran bat roosting boxes are to be installed in trees to be retained within allotment known as 10 Jubilee Avenue*
- (f) Subject to engineering designs where earthen road batters are constructed they shall be revegetated using species currently recorded on the site.*

On this basis it is my opinion that the proposal will not result in any unreasonable impacts upon existing vegetation communities or the like.

B6.2 Access Driveways & Works on the Public Road Reserve

All works are to be carried out in accordance with the requirements of the Council.

B6.4 Internal Driveways

The proposed private road has been designed so as to comply with the requirements of the Council together with the requirements of the applicable Australian Standards.

B8.1 Construction & Demolition - Excavation and Landfill

This clause aims to ensure that site disturbance is minimised. In this regard the development is located with appropriate setbacks to all boundaries so as to ensure that the excavation has no impact on adjoining properties. It is also considered that tree removal proposed as part of this application is acceptable having regard to the significance of the trees proposed for removal and the significant numbers of trees to be retained elsewhere on the property.

B8.2 Construction & Demolition - Erosion and Sediment Management

This clause aims to protect waterways, coastal areas, watercourses, drainage systems and the public domain from the transportation of sedimentation.

Erosion and sedimentation controls will be installed prior to commencement of works on site in accordance Council requirements.

Part C5 - Design Controls for Other Development

The proposal is considered to be capable of compliance with the applicable design controls of Council.

It is not considered that there are any specific controls applicable to this development.

Part D - Locality Specific Controls

D14 Warriewood Locality

The proposed construction of a private road upon the subject allotments in the manner proposed will in my opinion result in development which it is considered to be consistent with surrounding development and the outcomes envisaged for this locality.

D14.1 Character as Viewed from a Public Space

It is considered that the proposed development which will result in the construction of a private road upon the sites will be visible from each of the respective street frontages. It is considered that such an outcome will be consistent with the appearance and form of the existing roads which they will adjoin and in this regard will not unreasonably impact upon the character of the locality when viewed from a public space.

It is noted that the proposal will result in a the removal of a number of trees from the properties however it is not considered that the proposed tree removal will result in any unreasonable impacts upon either the environment or upon the character of the locality.

6. SECTION 79C(1) ASSESSMENT

Environmental Planning Instruments - Section 79C(1)(a)(i)

The subject site is zoned Rural 1(b) under the provisions of the Pittwater Local Environmental Plan. The construction of a private road upon the lots is permissible with the consent of Council as an innominate use. The proposal has been assessed against the objectives and provisions of both the Pittwater Local Environmental Plan and Pittwater DCP 21 as detailed within this report. In this regard it is considered that the proposal generally satisfies the requirements of both documents.

Any Draft Environmental Planning Instrument - Section 79C(1)(a)(ii)

There are no draft Environmental Planning instruments applicable to the subject site.

Impacts of the Development - Section 79C(1)(b)

It is my opinion that the proposed construction of a private road will not result in any unreasonable impacts.

In forming this opinion the following specific comments are made.

Tree Removal

A detailed assessment of the proposal in relation to its impact upon existing trees has been undertaken by Footprint Green P/L.

Based upon their report it is not considered that the proposed removal of trees from the site associated with the proposed road construction will result in any unreasonable impacts. In forming this opinion it is noted that of the total of 88 trees proposed to be removed that 52 are identified as having a landscape significance of Moderate or Less with the remaining 36 trees comprising of 19 High landscape significant trees and 17 Significant landscape significant trees. In addition to the above it is noted that the subject sites both support a considerable number of trees many of which are beyond the influence of the development proposal.

Flora & Fauna Impacts

It is also noted via the Flora and Fauna Report prepared by Footprint Green P/L that the proposal will not result in any unreasonable flora or fauna impacts.

Traffic

A detailed assessment of the traffic impacts associated with the proposed road and in particular its relationship to the surrounding land uses and road network has been undertaken by TAR Technologies. Importantly in terms of assessing the impact of the road and its future use it is noted that TAR have based their findings on the adjoining land at 120 Mona Vale Road supporting a dwelling yield of 104 dwellings.

Based upon their findings it is my understanding that:

1. The proposed road will not unreasonably interfere with the surrounding road network or land uses, and
2. The proposed road and surrounding road network are capable of supporting a minimum dwelling yield upon the adjoining 120 Mona Vale Road of 104 dwellings.

Suitability of the Site - Section 79C(1)(c)

The subject sites are considered to be suitable for the proposed road construction given that both owners have consented to the proposed development and given that the construction of a private road is permissible with the consent of the Council.

It is also noted that the proposed road construction will not result in any unreasonable impacts and will allow for the potential future redevelopment of the adjoining land at 120 Mona Vale Road consistent with the objectives of the Council.

Public Interest - Section 79C(1)(e)

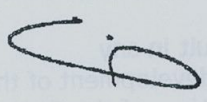
It is considered that the proposed construction of a private road upon the subject sites is in the public interest as it will provide an opportunity for the potential future redevelopment of the adjoining land at 120 Mona Vale Road for residential purposes consistent with the objectives of the State Government and Council in a manner which will not result in any unreasonable impacts.

7. CONCLUSION

The proposed development is Local Development under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 79C(1) of the Act, the Pittwater Local Environmental Plan and Council's policies including DCP 21. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives as well as the prescriptive requirements of the above controls.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is my opinion that this proposal for the construction of a new private road upon property at 10 Jubilee Avenue and 4 Boundary Street, Warriewood is worthy of the support of Council.



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GLENDINNING MINTO & ASSOCIATES PTY LTD
February 2011